



CITY OF WAUWATOSA

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MINUTES MEETING OF THE BOARD OF ZONING APPEALS Thursday, June 24, 2010

PRESENT: Mr. Randall, Mr. Subotich, Ms. Meyer, Mr. Pennoyer, Ms. Bruderle-Baran – 5

ALSO PRESENT: T. Szudy, Planner

The committee elected Mr. Randall as acting chair for this meeting.

Mr. Randall as acting Chair called the meeting to order at 7:03p.m.

10457 Watertown Plank Road

Temporary Use

Ms. Szudy reported that the applicant is requesting a temporary use for a maintenance training facility in the existing We Energies building located in the Research Park. A new training facility is under construction in Oak Creek and the proposed location will be used until that facility is completed, most likely in early 2011. There is a small parking lot as well as a driveway that will be used for parking. In addition, there is an overflow parking lot for the Children's Court Center that can also be utilized for parking if necessary.

Present in favor: David Jergensen, We Energies, 9555 S. Howell Avenue, Oak Creek, WI

No one present in opposition.

Mr. Jergensen said they are requesting a temporary use for a maintenance training facility in the existing building located in the Research Park for the remainder of 2010.

Mr. Jergensen noted that the maximum class size is 12 but they are asking for 20. He advised that there is adequate parking on site. They are requesting the operation hours to be from 7:00 a.m. – 3:30 p.m., Monday through Friday. They would like to start on Wednesday, June 30th.

Ms. Meyer asked if there would be any weekend usage. Mr. Jergensen said it would be minimal if any for the instructors to get their room ready. He noted that personal computers would be set up with some hands on work to be done. Mr. Jergensen advised that most of the training is maintenance and the students would be learning to use different tools.

Moved by Ms. Meyer, seconded by Mr. Pennoyer to
approve the temporary use application by We Energies
for a maintenance training facility at 10457 Watertown Plank Road.

This Board finds that 1). the establishment, maintenance or operation of the Temporary Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare; 2) the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the Temporary Use; 3) the establishment of the Temporary Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; 4) adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided; 5) adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; 6) the Temporary Use shall meet all applicable building setbacks of the district in which it is located or as otherwise provided for. Based upon these finding, it is found that the Temporary Use be granted subject to the following conditions: The dates of operation will be June 29th, 2010 - June 28, 2011, seven days a week. The hours of operation will be from 7:00 a.m. – 6:00 p.m. -

Mr. Randall advised that his firm, Friebert, Finerty & St. John, S.C, does some legal work for WE Energies. He is currently not working on any files and believed he could be impartial regarding this temporary use request.

Vote on the motion – Ayes: 5

2229 North 70th Street

Variance

Ms. Szudy reported that the applicants want to construct a new detached garage at the rear of their lot. However it exceeds the 12% maximum lot coverage for accessory structures by 3.5%, as the proposed 22' by 34' garage would cover 15. 58% of the lot.

Ms. Szudy noted that the applicants received a special use approval by the Plan Commission for a roof height greater than 16 feet. In addition the applicants also received approval by the Board of Building and Fire Code Appeals as the structure is over the 720 square foot limit in the building code. The proposed garage meets the applicable setbacks.

Present in favor: Tom Nelson and Donna Taylor, 2229 N. 70th Street
Ryan Rogge, Classic Builders, 9401 W. Beloit Road, Milwaukee

No one present in opposition.

Mr. Nelson reported that their current garage was built in the 1970's. He said they would like to build a two car garage that would match their home. They would build the garage on the lot so it is situated similarly to the neighbors to the north. The garage would have a reverse gable pitched roof. They plan to add a dormer with the trim to match the home. The attic area would be used for storage.

Mr. Nelson advised they have received approval from the Board of Building and Fire Code Appeals on the condition that (2) – 10# ABC fire extinguishers are installed. Fire resistant drywall 5/8” Type X should be installed on the interior walls.

Mr. Nelson said they are requesting the additional square footage as there is a small portion of their rear yard that is currently unusable. They would like to build a brick exterior garage that would extend all the way across the back of the lot to make use of the dark, narrow space that currently exists. The neighboring garage height and trees prevent sunshine in this area.

The committee discussed at length the necessary criteria needed to allow the variance request.

Mr. Pennoyer commented that it was admirable to make the garage compatible to the house. He was concerned that the size of the extra structure would look like a primary structure and questioned whether it would be too much building on the site. Mr. Nelson responded that the gables would be along the back property line and didn't feel it would overpower the house.

Mr. Nelson responded to a question and said they are being prevented from using their land consistent with other homeowners, as their property is lower than the surrounding areas and the trees block any sunlight. There is no good use for this six foot area of land. The elevation around the existing structure is not the same as other properties in the area. They feel by adding a new garage it would improve the aesthetics of the neighborhood.

Mr. Nelson advised they could not move the garage to the northwest area of the property as the driveway is on the south side.

Moved by Ms. Bruderle-Baran, seconded by Mr. Subotich to approve the variance request by Tom Nelson and Ryan Rogge, Classic Builders. This Board finds that 1). Exceptional circumstances do exist pertaining to this lot in that the lot is unusually narrow, the lot to the north sits significantly higher blocking sunlight, and stormwater from the west lot drains down to this property; 2). A variance is necessary for the preservation and enjoyment of the property rights possessed by others in the district and vicinity in that it would improve the value of all properties and the neighborhood appearance; 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 this garage would meet the setback requirements and will not be any higher than the garage to the north, and this area is currently difficult to use because it is a very damp, shady environment; 4). The difficulty or hardship was not created by the property owner as this is how the lot was originally platted and constructed.

Mr. Randall noted for the record that the Board of Building and Fire Code Appeals and the Plan Commission have approved a special use variance and the Design Review Board has approved the

garage design prior to this meeting.

Vote on the motion: Ayes: 3 Noes: 2 (Meyer, Randall)

Meeting adjourned at 8:09 p.m.

Tamara Szudy, Secretary

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