



CITY OF WAUWATOSA

MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
Telephone: (414) 479-8917
Fax: (414) 479-8989

MINUTES MEETING OF THE BOARD OF ZONING APPEALS Thursday, July 22, 2010

PRESENT: E. Bruderle-Baran, E. Meyer, P. Subotich – 3

EXCUSED: B. Pennoyer, B. Randall

ALSO PRESENT: T. Szudy, Planner

Ms. Bruderle-Baran as Chair called the meeting to order at 7:24 p.m.

1865 N. 73rd Street

Variance

Request by Ryan Rogge, Classic Builders and Larry Schlick for a Variance to the side yard setback to construct a detached garage at 1865 N. 73rd Street

Ms. Szudy said the applicant would like to construct a detached garage in the side yard of his property, next to his house. However, zoning require that garages located in the side yard comply with the principal building setbacks. The required setback from the south side is six feet whereas the applicant is proposing a setback of 18 inches. Due to a 20 foot easement that provides the neighboring property to the south access to Hillcrest Drive, the applicant is unable to construct a garage at the rear of his property. The proposed location is essentially the only place on the property where a garage can be constructed. The proposed garage meets all other zoning requirements.

Staff does not believe that the recent Wisconsin Supreme Court ruling regarding area variances gives us carte blanche to approve all variance applications. The applicants still must show a very high burden of proof of unnecessary hardship. As staff is to consistently enforce the code that is adopted by the Common Council, it is difficult for staff to give a recommendation regarding a variance without compromising the code we have to enforce. The Board of Zoning Appeals is granted the authority to overrule the regulations set forth by the Common Council if the Board feels that there is sufficient evidence to support such variance.

Present in favor: Ryan Rogge, 9401 W. Beloit Road, Milwaukee
Lawrence and Patricia Schlick, 1865 N. 73rd Street
Michael Jury, 1857 N. 73rd Street

No one present in opposition.

Mr. Jury commented that he supported the plans as long as the drainage is routed out to the front of the property.

Ms. Baran asked about the fence location. Mr. Rogge responded that the fence is behind the shared driveway. Ms. Baran observed that from N. 73rd Street only the top of the roof will be visible.

Mr. Schlick noted that the easement was already there when they bought the house.

Ms. Meyer observed that if the garage were attached it would dramatically alter the look of the house.

Moved by Ms. Meyer, seconded by Mr. Subotich to approve the Variance. The board finds beyond a reasonable doubt that: 1) exceptional circumstances do exist pertaining to this lot in that there is an existing driveway easement opening to south for an historic 1898 structure as well as a setback requirement; 2) a variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity in that the property owners have a need for enclosed parking; 3) the variance will not create a special detriment to adjacent properties and will not materially impair or be contrary to the purpose and spirit of this or to the public interest in that the design of the garage has no aesthetic detriment; and 4) the difficulty or hardship was not created by the property owner – 3

The meeting adjourned at 7:48 p.m.

Tamara Szudy, Secretary

svh