



CITY OF WAUWATOSA
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MINUTES
MEETING OF THE BOARD OF ZONING APPEALS
Thursday, September 24, 2009

PRESENT: Mr. O'Connell, Ms. Bruderle-Baran, Mr. Subotich, Mr. Randall – 4

EXCUSED: Ms. Meyer, Mr. Pennoyer

ALSO PRESENT: T. Szudy, Planner

Mr. O'Connell as Chair called the meeting to order at 7:01 p.m.

1940 Wauwatosa Avenue

Variance

Ms. Szudy said the applicants want to construct a small addition (approximately 30 square feet) to their existing non-conforming house in order to accommodate a kitchen remodel. The house was constructed in 1922, prior to the adoption of the current zoning code in 1972. The house has a street side setback of 1.7 feet whereas 11.85 feet is now the required. The applicants would like the addition to retain the 1.7 foot setback so the addition is in line with the existing structure. Considering the existing floor plan of the house and the location of the garage, the applicants indicated this was the most logical location to expand the kitchen.

Present in favor: Pierre and Frieda Payne, 1940 Wauwatosa Avenue
John F. Winter & Associates, 2857 N. 83rd Street

Mr. Payne explained the need for the variance in that the kitchen is currently divided by three walls, one of which is the mudroom addition. He said this arrangement is not easy to maneuver. The alteration to the addition would give the house a more current layout in that the kitchen would be one large room. He said they are asking to move the mudroom wall out approximately three feet to be flush with their existing home.

Ms. Payne reported that the alteration will incorporate the aesthetics from the home. She said that the Design Review Board has already approved their drawings.

The committee discussed the fact that this home was built on a corner lot in 1922 on Wauwatosa Avenue before Melrose Avenue was even plotted. Mr. Payne said this was the first house built on the street.

Mr. Randall asked why the alteration could not be pushed to the south wall. Ms. Payne explained that it would ruin the dining room, garden area and window well. She explained that the best use of the space would be to bring the north wall out three feet to be flush with their home. Mr. Winters said that if the south wall were to be pushed back they would have the same problem of broken up areas that currently exist.

Mr. O'Connell noted that there are very strict Wisconsin guidelines which have to be met to grant a variance. In response to being questioned, Mr. Winters reported that the alteration will keep the design integrity of the home. The gutters and overhangs will have the same elements as the existing home. The alteration will be framed to look like the existing structure.

Ms. Bruderle-Baran asked how close the next home is. Ms. Payne reported that they have a really long lot and the house closest to them is on Melrose Avenue.

Mr. Winters said the alteration would enhance the appearance of the home. The garbage and recycle carts would disappear and a retaining wall would be built with a larger garden. He said there would be no detriment to other homes as the home is already non-conforming. Mr. Payne said when the alteration is completed no one will notice any difference. The exterior will be a solid concrete stucco wall that matches the home creating a nicer looking home.

Mr. Payne felt that they are improving the neighborhood by upgrading their home. They are keeping the historical home current to today's standard. He felt the house could become a detriment if they don't fix it up as the value would decrease which would devalue the price of the neighboring homes.

Ms. Payne remarked that there is a cistern underneath the current mudroom so not much else could be done with that area. Ms. Bruderle-Baran thought the information regarding the cistern added something unusual and unique regarding having to prove a hardship.

Mr. Randall asked about the garage setback. Mr. Winters said it is similar to the house such that a vehicle couldn't be parked between the sidewalk and the garage door. Mr. Randall commented that the design review board has reviewed these plans and approved them dependent upon keeping the façade and aesthetic character of the home. He felt this might carry some weight in the variance approval.

Mr. Randall read the variance language and noted that strict guidelines have to be followed, most mindful of the fact that decisions made could set precedents.

Moved by Ms. Bruderle-Baran, 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 due to the property being exceptional in the way it is situated on the property which is an existing non-conforming parcel. The addition will not expand beyond the home, it will be flush with the home; 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 it will be a significant improvement to the property and would improve the sight lines with the unified appearance. It will eliminate the unusual architectural addition on the east side of the property; 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 there is nothing in the plan for this three foot addition that would be a detriment or be contrary to the public interest. The alteration to the addition will not encroach any more than the home already does; and 4) the difficulty or hardship was not created by the property owner in that it existed when the property was built – Ayes: 4

Meeting adjourned at 7:50 p.m.

Tamara Szudy, Secretary

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