



CITY OF WAUWATOSA

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MINUTES MEETING OF THE BOARD OF ZONING APPEALS Thursday, October 22, 2009

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

EXCUSED: Ms. Meyer, Mr. Subotich

ALSO PRESENT: T. Szudy, Planner

Mr. O'Connell as Chair called the meeting to order at 7:00 p.m.

7206 West State Street

Temporary Use

Ms. Szudy said the applicants would like to sell Christmas trees in the outdoor patio area at Leff's Lucky Town. The proposed hours of operation during the holiday season are Monday through Friday 4:00 p.m. to 8:00 p.m.; Saturday 10:00 a.m. to 8:00 p.m.; and Sunday 12:00 p.m. to 6:00 p.m. The applicant plans to install some lighting for safety purposes. There is no off street parking at Leff's so customers will need to utilize street parking.

A temporary use approval is valid for one year. If the applicants want to continue this annually, staff will work with the applicant to find an alternative process to avoid recurrent temporary use approvals.

Present in favor: Chris Leffler, Leff's Lucky Town
Fred Botta, Locker's Florists

Mr. Leffler said they would like to start up the Locker Florists Christmas tree sale tradition again on the patio at Leff's Lucky Town. He said the patio should be closed by Thanksgiving. Mr. Leffler reported that 100 trees have been ordered and will be sold from the grassy area of the lot. They will have a stand on the patio with a couple of banners. Wreaths and garland will also be sold. Mr. Leffler said it will be very low key and casual. He said the profit margin will be going to an undetermined charity and they will provide the labor. Mr. Randall asked if there was a plan for tree loading. Mr. Leffler said they would reserve a spot on State Street. He said as part of the original tradition they would also have a delivery and set-up service.

Mr. O'Connell asked what the operating hours would be. Mr. Botta said November 27 through December 23. The hours of operation will be Monday through Friday from 4:00 – 8:00 p.m.; Saturday 10:00 a.m. – 8:00 p.m.; and Sunday 12:00 p.m. – 6:00 p.m. Mr. Botta said they may add a little lighting on property. He said no electric will be going across any sidewalks.

Mr. Tom Gill, 1325 N. 72nd St. expressed concern over parking issues. He said he owns the building to the north and holds classes three nights a week. Due to the layout of the parking apron there is no determination where his driveway starts which has been problematic. Leff's patron's park across his driveway and his clients cannot get into his parking area. He said he and Mr. Leffler have worked out other issues related to the business and he is not opposed to the sale of trees, he just wonders how this will affect his business. Mr. O'Connell suggested that the volunteers could help monitor that parking area so patrons could be asked to not park in the neighbors spot. Ms Szudy took the information from Mr. Gill and advised she would check with public works and get back to him. She advised it might be an issue for the Traffic and Safety Committee.

Moved by Mr. Pennoyer, seconded by Mr. Randall to approve the temporary use application by Chris Leffler and Fred Botta for outdoor Christmas tree sales at 7206 W. State Street. 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: A loading zone on State Street be designated and kept open during operating hours of Monday through Friday from 4:00 – 8:00 p.m.; Saturday 10:00 a.m. – 8:00 p.m.; and Sunday 12:00 p.m. – 6:00 p.m. - Ayes: 4

Meeting adjourned at 7:19 p.m.

Tamara Szudy, Secretary

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