



CITY OF WAUWATOSA
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**MINUTES
MEETING OF THE BOARD OF ZONING APPEALS
Thursday, January 27, 2011**

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

ALSO PRESENT: T. Szudy, Planner

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

1737 Underwood Avenue

Variance

Ms. Szudy reported that Ronny Zastrow wants to construct an addition at the rear of the house that will have a proposed setback of 2.87 feet from the north side property line in order to align it with the existing nonconforming house with the same setback. The required setback established by the BB Two Family Residence District is 3 feet from this property line. The house was constructed in 1925 prior to current, or possibly any, zoning regulations.

Present in favor: Ronny Zastrow, 1737 Underwood Avenue
Gerald Giesfeldt, 1736 Church Street

No one present in opposition.

Mr. Zastrow clarified that he is requesting a 3” variance for the home addition. He said he is aesthetically trying to keep the lines of the home together by replacing the old horrible looking addition. He would like to extend the house and make it appear that there wasn’t an addition. Mr. Zastrow said that the parcel is only forty feet wide. Mr. Zastrow said he would be using the clap board siding and windows to match the existing home.

Ms. Bruderle-Baran asked if the addition could be shifted to the south. Mr. Zastrow confirmed that if he moved it south he would impede the driveway which is already quite narrow due to the lot size. He said the concern is making the swing in the drive without hitting the house. He reiterated that the aesthetics of the roof lines matching is important.

Mr. Randall suggested making the addition be 4” less in width. Mr. Zastrow said it would look horrible and the roof line would not match up. He noted that this is an aesthetically pleasing neighborhood with Church Street right behind which has historical homes on it. Mr. Zastrow said the hardship was not caused by him. The house was built in the 1900’s.

Mr. Giesfeldt lives behind this home on Church Street and thinks the plan is very nice. He said that he and the neighbors have lived with the mess of this home for the past three or four years. He felt that the variance request for a few inches to the north is terribly insignificant. This would improve the looks of this home and the neighborhood. The neighbors to the north have not filed any opposition.

Mr. Pennoyer didn't think the driveway and garage should be part of the variance discussion. He didn't feel that to keep the aesthetics and roofline the same would meet the criteria necessary to approve the variance.

Mr. Zastrow explained that there would also be an encroachment to the stairs if he moved the addition south and the rise and rung height of the stairs would be affected. Mr. Zastrow said he is trying to make the house look like it has been there since the 1900's without any additions. He advised that he has redone three or four historical homes and historically to shorten the addition by 4" would not be acceptable. He noted that he is not overbuilding the lot, proportionately the addition fits.

Moved by Ms. Bruderle-Baran, seconded by Mr. Pennoyer to approve the variance request by Ronny Zastrow.

This Board finds that 1). Exceptional circumstances do exist pertaining to this due to the narrowness of the lot, which is probably one of the most narrow lots in the city and is an existing non-conforming structure. The applicant is only asking for several inches on the north side of the lot which is exceptional. 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 owner is improving a home in disrepair; 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 the house has been in disrepair for years and no adjacent property owners are objecting; 4). The difficulty or hardship was not created by the property owner as the house was built prior to the city zoning regulations on an unusually narrow lot.

Based upon these finding, it is found that the Variance request be granted.

Roll call vote taken: Ayes: 3 Noes: 1 (Randall)

2354 N. 120th Street

Variance

Ms. Szudy reported that the applicants want to construct a new attached two-car garage with living space above at the front of the house. The proposed addition has a setback of 6.5 feet from the south property line whereas the AAA Single Family Residence requires a 10 foot setback on the south side. The existing house, which was built in the Town of Wauwatosa in 1950, is nonconforming as it does not meet the required setback and the proposed addition is designed to align with the existing house.

Present in favor: Trent and Caroline Eichmann, 2354 N. 120th Street

No one present in opposition.

Mr. Eichmann reported that they bought the home when it was in foreclosure. They are requesting a variance on the south side of the property. Mr. Eichmann advised that he would like to keep the roofline aesthetically pleasing. Ms. Eichmann said if they had to offset the garage it would be a safety concern as this would hide the front door. The current footprint of the existing structure is 6.5 feet off of the south lot line. The offset would

also create an alcove by the front door which would not accommodate a stretcher in the front door should an emergency arise in the home.

Mrs. Eichmann presented a list of signatures from the neighbors in support of this variance request.

Mr. Randall asked if would be possible to put a garage on the north side of the house. Mr. Eichmann said no because of the bedroom there. He said it is a masonry wall and the footings are all tied in together. They want to put the new garage in front of the existing garage.

The committee discussed if the detached garage could be placed in the back of the home. Mr. Eichmann said that there is a WE Energies tower back there which they cannot build too close to. The committee looked at an aerial view of the area and it was noted that the neighborhood has mostly attached garages. Mr. Eichmann said they want to remain consistent and not be detrimental to the neighborhood. He said a three and one-half foot jog would look pretty strange.

Mr. Pennoyer noted that the houses on the street have a pretty deep setback. It was noted that the adjacent homes in the neighborhood are ranches with the similar plan. Mr. Eichmann said that their home is one of the smallest homes on the block. They want to make it livable and not be an eyesore to the neighborhood.

Mr. Eichmann responded to a question that the plan calls for one bedroom on the first floor and four bedrooms up. He said as a fireman he would prefer to have the garage at the front of the home instead of the rear for safety reasons.

Mr. Randall asked why this is the house plan they chose and why not build a two-story addition and there wouldn't be the need for the variance. Mr. Eichmann said because with their plan the concrete wall in the middle of the home would provide more support for the entire addition. The current garage is not large enough to fit a modern day car. Mr. Eichmann said there are a lot of split ranches in the neighborhood and they want to remain consistent with that.

Moved by Mr. Pennoyer, seconded by Mr. Subotich to approve the variance request by Trent and Caroline Eichmann This Board finds that 1). Exceptional circumstances do exist pertaining to this lot in that the existing WE Energies structure poses limitations on the rear property and is already a legal non-conforming property; 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 existing home has been left in disrepair and an eyesore which brings down the property values and the proposed variance will upgrade the disrepair; 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 in that this would be consistent with the other split level properties in the neighborhood; in fact adding a "code compliant two-story" addition would be inconsistent which may cause a detriment; 4). The difficulty or hardship was not created by the property owner and is not imposing; the property was annexed into the city in about 1956 and is a legal non-conforming structure currently.

Based upon these finding, it is found that the Variance request be granted.

Roll call vote taken: Ayes: 3 Noes: 1 (Randall)

Meeting adjourned at 8:03 p.m.

Tamara Szudy, Secretary

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