



CITY OF WAUWATOSA
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MINUTES
MEETING OF THE BOARD OF BUILDING & FIRE CODE APPEALS
Friday, April 8, 2011
Committee Room #1

PRESENT: D. Bachman, S. Jung, P. Nook, C. Millman, R. Ornst, R. Lex, J. Price – 7

ALSO PRESENT: F. Knapp, Building Inspector

Mr. Ornst as Chair called the meeting to order at 9:02 a.m.

6714 West Wells Street

Variance

Ms. Marilyn Dal Porto, homeowner, has requested a variance to allow a 28 inch opening to a bathroom whereas a 30 inch opening is required. (Section COMM 21.035(1)(C)).

Present in favor: Marilyn Dal Porto, 6714 West Well Street

No one present in opposition.

Ms. Dal Porto explained that the room was originally a small bedroom. There was a closet on the wall where they broke through the wall into the master bedroom. On one side of the door is a stairway and there are electrical outlets on the wall. She states that there is no room to make the doorway any larger. The other side of the door is the exterior wall. She has installed a sliding door so the door itself does not open and bang into the window. Ms. Dal Porto also indicated that she would have to readjust the molding.

Ms. Dal Porto commented that the house is up for sale and she is trying to have the least amount of cost involved in repairs.

Mr. Knapp stated that the work was done without permits.

Mr. Bachman asked if she moved the outlets, could the doorway be widened. It was argued that if the molding was adjusted and the door was removed, the doorway could be altered to meet code requirements. Mr. Knapp indicated that the concern is the lack of meeting code requirements. The problem is not a life saving issue, but the timing of construction without a permit.

Mr. Bachman asked if there were any comments from the new owner.

Ms. Dal Porto stated that she has sent them an amendment stating if the variance request is not approved, would they still proceed with the purchase of the home, however she has not received a response.

Mr. Knapp also stated that there are some other concerns regarding plumbing and electrical for this bathroom.

Ms. Dal Porto indicated that the electrical needs to be replaced in the home because of knob and tube wiring. The new owners cannot obtain insurance for the home with current wiring. She is also correcting the plumbing issues.

Mr. Lex indicated that there are options for correcting the doorway to meet code requirements.

Moved by Mr. Bachman, seconded by Mr. Lex to deny the variance.

This board recognizes that the applicant for the variance would like to develop or improve this building resulting in the best economic return. However, it is the finding of this board that:

There is nothing unusual or exceptional or extraordinary about the circumstances pertaining to this request.

That there are general hardships the Building, Electrical, Fire code imposes on all properties within the city and there are other alternatives available which would comply with the code.

That the variance request is not in keeping with the spirit of the ordinance.

That the hardship was not shown or self-imposed.

That the practical difficulty was not shown or self imposed.

Based on these findings, I move that the request for variance to allow a 28 inch opening to a bathroom whereas a 30 inch opening is required be denied. The board finds that the hardship was brought on by the property owner for not getting the proper permits prior to construction. The plumbing and electrical concerns must also be brought up to code.

Roll call vote taken. Ayes: 7 No: 0

The meeting adjourned at 9:20 a.m.

Robert Ornst, Jr., Chairman

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