



CITY OF WAUWATOSA
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MINUTES
MEETING OF THE BOARD OF BUILDING & FIRE CODE APPEALS
Friday, August 12, 2011
Committee Room #1

PRESENT: S. Jung, P. Nook, R Ornst, J. Price – 4

EXCUSED: C. Millman, M. Lemke

ALSO PRESENT: F. Knapp, Building Inspector

Mr. Ornst as Chair called the meeting to order at 9:07 a.m.

6604 West Wells Street

Variance

Ms. Jessica Bevan, homeowner, is requesting a variance for the use of a nonconforming existing stairway to access the third floor. Reference WMC 15.04.040.C.1/UBC Ch.VII.D.4.

Present in favor: Jessica Bevan, 6604 West Wells Street
Todd Ovard, 1128 12th Avenue, Grafton, WI

No one present in opposition.

Mr. Ornst requested additional information regarding the request for the variance. Mr. Ovard explained that he is installing a dormer on the third floor of the residence to create additional head room for utility storage space and an exercise room. During the remodeling, he became aware that the existing stairwell did not meet code requirements. He has attempted to try to find a way to alter or replace the stairwell to meet specifications, however, found it to be impossible without having to do major remodeling of the house. To be code compliant, the stairwell is one-quarter inch off the riser height requirement and the requirement of a six foot head clearance, the stairwell is not compliant at the top of the stairs.

Mr. Price asked if there was a requirement to have a second exit on the third floor. Mr. Knapp commented that there is a dwelling code that allows for one exit. The uniform dwellers code indicates that the space cannot be more than 400 square feet, cannot be a bedroom, cannot be habitable, and must have at least one egress window.

Moved by Mr. Nook, seconded by Mr. Price.
The Board finds that 1) a manifest injustice exists and that granting the Variance will be in keeping with the spirit of the code; 2) the Variance will not create special detriment to the overall character of the neighborhood nor adversely affect property values; 3) the hardship or practical difficulty was not

created by the property owner; it exists due to the current way the stairs are laid out.

Based upon these findings I move that the variance for the use of a nonconforming existing stairway to access the third floor be granted with the understanding that the owner will install an escape ladder on the third floor, the window will be sized for exiting and smoke detectors will be installed on the second and third floors of the home.

Roll call vote taken. Ayes: 4

The meeting adjourned at 9:27 a.m.

Robert Ornst, Jr., Chairman

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