



CITY OF WAUWATOSA
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MEETING OF THE BOARD OF ZONING APPEALS
Thursday, March 22, 2012

PRESENT: Mr. Randall, Ms. Harris, Mr. McGuan, Mr. Pennoyer, Mr. Subotich

EXCUSED: Mr. Bittner, Ms. Meyer

ALSO PRESENT: J. Ferguson, Planner

Mr. Randall as acting Chair called the meeting to order at 7:01 p.m.

1502 Saint Charles Street **Variance**
Request by Dennis Patton for a Variance to the front yard setback in the AA Single Family District at 1502 Saint Charles Street to allow for construction of a front porch.

The applicant is requesting a variance to the front yard setback in order to construct an 8 foot by 16 foot front porch. Currently, the property does not meet the front yard setback of 30 feet specified in the AA Single Family District. In the situation where houses along a block are located closer to property lines than the setback stated in the code, staff can take the average of these front yard setback along the block and use that as the required setback. However, in this particular case, it appears that the houses on the block, with the exception of a couple, are setback a very similar distance. An approximate average calculation indicates a setback of around 24 feet (as measured from the City's GIS map), so this would not allow for closer placement of the porch than the location of the existing front building line. As such, the proposed porch, which in order to use the front yard the applicant indicates is necessary due to the steep slope, requires a variance to the front yard setback.

Present in favor: Dennis Patton, 1502 Saint Charles Street

Mr. Patton stated that his front yard is on a steep hill. The current staircase is quite steep going downward and he would like to build a porch in the front of his property so as to have interaction with the neighborhood, view the fireworks, visit with friends, etc.

Mr. Pennoyer asked if this has been sent to the Design Review Board. Ms. Ferguson responded, no.

Mr. Randall asked if we needed to make any recommendations or special conditions to the Design Review Board. Ms. Ferguson replied, no.

Mr. Randall asked why the porch needed a variance. Ms. Ferguson responded that the porch would be attached to the house and since the home setback is already only 24 feet, Mr. Patton would need a variance.

Mr. Randall commented that he noticed there was a deck in the rear of the property. Mr. Randall asked Mr. Patton if he had view of the front of his home from this deck. Mr. Patton indicated that the deck was around a pool in the rear of the house and there was a fence at ground level so they do not have a view.

Mr. Randall stated that he noticed in the front of the house there are four railroad ties and then the hill does go down so Mr. Patton's property then has fourteen railroad ties. Mr. Patton said that his front yard is very steep. Mr. Patton indicated that when he visits with the neighbors, he must go down his staircase and talk on the sidewalk area. He commented that it would be nice to be able to visit on a porch and have a longer conversation. Mr. Patton stated that there are other properties in the neighborhood with porches. He would like to have his porch match his home so it does not look out of place.

Mr. Pennoyer asked Mr. Patton if he has discussed this matter with his neighbors. Mr. Patton commented that he has and has not heard any negative comments from them. Ms. Ferguson has not received any objections.

Mr. Pennoyer commented that if the porch was built, it would make the setback 17 feet. Mr. Pennoyer asked if there were other properties in the neighborhood similar to this home. Ms. Ferguson stated that there is a property to the north of Mr. Patton's that has a setback of 19 feet. She further stated that there are a couple of other homes that are close to this setback.

Moved Mr. Pennoyer, seconded by Mr. Subotich to approve the variance request to the front yard setback to allow a porch to be built, this board finds:

1. Exceptional circumstances do exist pertaining to this lot. The home was built in 1890 and does not currently meet the front yard setback of 30 feet and there is an extreme slope to the front yard. The setback of the porch would not be inconsistent with the property to the north.
2. That the variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity. The other homes in the area have porches and it would make the home more consistent with the neighborhood home values. It is encouraged that the Design Review Board approve the design of the porch in the spirit of the ordinance and this board is approving the location of the porch.
3. That the variance will not create 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. The porch would not be blocking any views from neighbors to the north or south.
4. That the difficulty of hardship was not created by the property owner as this property has a steep sloping front yard from the house to the retaining walls by the sidewalk.

Based upon these findings, I move that the variance be granted.

Roll call vote taken: Ayes: 5

Meeting adjourned 7:45 p.m.

Jennifer Ferguson

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BZA
March 22, 2012