



CITY OF WAUWATOSA

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MEETING OF THE BOARD OF ZONING APPEALS Thursday, May 24, 2012

PRESENT: Mr. Randall, Mr. Bittner, Mr. McGuan, Mr. Subotich

EXCUSED: Mr. Pennoyer

ALSO PRESENT: T. Szudy, Planner II

Mr. Randall as acting Chair called the meeting to order at 7:00 p.m.

2376 N. 114th Street

Variance

Request by David and Kathy Hurd for a Variance to the maximum fence height in order to construct a six foot high fence in the rear and side yard of the property located at 2376 N. 114th Street

The applicant is requesting a variance to the maximum fence height in order to construct a six foot tall fence. The City's fence regulations require that a six foot tall fence adhere to the buildable setbacks of the lot, in this case, 25 feet from the rear lot line and six feet from the interior side lot line. The applicant is proposing to locate the fence at the lot lines; in order to meet the City's fence requirements in this location, the fence could not exceed four and half feet in height.

Present in favor: David and Kathy Hurd, 2376 N. 114th Street
Sarah Boothroyd, 11407 W. Meinecke

Mr. Hurd informed the board that the purpose of this fence is for privacy. Ms. Hurd stated that they live on a busy corner in which students occasionally cross through their yard. Ms. Hurd also commented that she would like to be able to sit outside in her yard without the neighbors looking at her. Mr. Hurd said that the fence is pvc, will need little to no maintenance and will be professionally installed.

Ms. Boothroyd commented that the Mr. and Mrs. Hurd have improved their yard and home and is in favor of the fence.

Mr. Randall asked for clarification where the fence is being installed, is there an existing fence along one side of the property? Mr. Hurd responded that there is currently a fence that was installed many years prior. Mr. Hurd commented that they were trying to match the height of the fence.

Mr. Randall stated that there are other options for privacy, such as bushes, trees, etc. Ms. Hurd responded that they did not want to put in bushes or trees because it would be a lot of maintenance. Mr. Hurd commented that the neighbor to the east has garbage stored in the yard and burns it.

Mr. McGuan asked if the fence was completely opaque. Mr. Hurd stated that the top has lattice of 18 inches. Mr. Randall asked if the 18 inches of lattice is considered part of the fence. Ms. Szudy responded yes.

Moved by Mr. Bittner to deny the variance:

It is recognized that the applicant for the variance would like to develop his land to the highest and best use and for the greatest 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 lot and the owner is able to make reasonable use of the property give the zoning requirements. They are general hardships that zoning imposes generally on all property. There are many uses permitted under the zoning code for which this land can be used without the need of a variance. The applicants have other options available to them such as foliage.

Based upon these findings I move that the application for the variance be denied.

Seconded by no one. Motion failed.

Mr. McGuan asked about the grade change of the property. Ms. Szudy stated that according to the topographical map there is four foot grade change.

Moved Mr. Subotich, seconded by Mr. McGuan to approve the variance request the maximum fence height in order to construct a six foot high fence in the rear and side yard, this board finds:

1. Exceptional circumstances do exist pertaining to this lot. There is a four foot grade change.
2. That the variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity. High school children gather here and do not respect the homeowner's privacy.
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. There are persons present supporting this fence.
4. That the difficulty of hardship was not created by the property owner. The applicant's did not create the grade change.

Mr. McGuan would like to place a condition on this motion. This condition has been agreed to by Mr. Subotich.

Based upon these findings, I move that the variance be granted with the following conditions: That the fence be installed with the four and half foot and the lattice be installed on top with one and half foot as the present plans submitted indicates.

Roll call vote taken: Ayes: 2 Nos: 2
Motion fails.

Mr. Randall informed the applicants that they can appeal this decision with to Circuit Court.

2025 Forest Street

Appeal of Design Review Board Decision

Request by Carol Wilson appealing the decision of the Design Review board that approved the proposed construction plans for new home in the AA Single Family District at 2025 Forest Street

Carol Wilson (homeowner at 2015 Forest Street) is appealing the Design Review Board’s decision to approve the architectural plans for a new home, as submitted by Mike and Maureen Kasdorf, property owners at 2025 Forest Street. The plans were reviewed by the Design Review Board on four separate occasions (meeting voting records included). The Board’s initial concerns with the design included the massing of certain elevations and how the scale of the home fit into the neighborhood. Plan revisions were made by the property owner after each of the first three meetings and final approval was granted by the Design Review Board at the fourth meeting on April 19th, 2012.

The applicant is appealing the approval based on the compatibility of the new home with the existing neighborhood. The home does meet the requirements of the zoning district for setbacks, height and lot coverage. Materials submitted as part of the Design Review Board’s file have been included by the applicant and property owner of the new home. Additional materials from the file that are too large to include in this packet will be available at the meeting.

Mr. Randall stated that this is a new hearing in front of the Board of Zoning and Appeals and we have a new set of criteria. Mr. Bittner informed the board that he knows the home owners and will be voting present regarding this item and recuses himself. He will ask questions but will not vote in favor or against the application.

Present in favor:

- Carol Wilson, 2015 Forest Street
- Kevin and Lauren Rea, 2034 Forest Street
- Sheryl Van Haren, 7905 Rogers Avenue
- Lori Hassett, 2014 Forest Street
- Tom and Judy Persin, 2000 Forest Street
- Maureen Lausten, 2035 Forest Street
- Joanne Doehler, 2041 Forest Street
- Gary Gerhardt, 2012 Forest Street

Ms. Wilson provided handouts summarizing her reasons for this appeal and objection to the building of the home at 2025 Forest Street along with summary comments from the Design Review Board’s meetings. Ms. Wilson also provided pictures of neighboring homes, a chart of homes in the area indicating lot size by square footage, house style, home square footage and percentages. All documents are available in the City Clerk’s Office. Ms. Wilson provided a power point presentation to the board detailing each of these documents. Ms. Wilson’s main objection to this home being built is the large structure and mass. She feels that Mr. Kasdorf’s home will stand out in the neighborhood due to its large mass. She is concerned about crowding issues and water runoff onto her property. Ms. Wilson explained that the architectural appeal and compatibility of the home in the neighborhood is in question. The home next to this proposed house is the smallest in the neighborhood. All of the larger homes are on Warren Street. She has concerns regarding the property values of the homes on the street.

Mr. McGuan asked about the changes requested by the Design Review Board for the reduction in the height of the structure and the corrugated metal. They changed the material, but kept the height. Ms. Wilson responded that her main concern is with the mass of the home. Mr. Randall asked Ms. Wilson if she was agreeable with the materials for the home and Ms. Wilson responded yes.

Ms. Hasset is the previous owner of this home. She commented on the history of the home and received one of the Beautification/Yard of Distinction awards. Ms. Hasset is concerned about the precedence that razing and replacement of this home would be setting for the city of Wauwatosa.

Mr. Persin commented that this house will be out of proportion in this neighborhood. He is also concerned that if this house is approved, razing and rebuilding will occur in other neighborhoods in Wauwatosa. Mr. Persin also stated that the proposed home is going to be built right up to the driveway and there will be no place to put snow and there will be little to no green space.

Mr. Zaffiro stated that there are 14 homes on Forest Street and ten of the 14 families support this appeal.

Mr. Rea stated that based on the size and mass of this home, it is uncommon to the area which makes it seem out of place.

Mr. Gerhardt is a real estate broker and has lived in Wauwatosa for 29 years. He commented that there was a similar property that was on the market for a long period of time. The mass of this similar property incorporated the garage. Mr. Randall asked Mr. Gerhardt how the new home proposal affects the property values in the neighborhood. Mr. Gerhardt responded that it would be difficult to determine because there are many factors that affect the value of homes. People are drawn to Wauwatosa and homes in this area go fast.

Present in opposition: Mike and Maureen Kasdorf, 2025 Forest Street
 Angela Westmore, architectural designer, 2014 E. Windsor Place
 Bill Brown, 1949 Forest Street
 Dan Lofy, 2028 Forest Street
 Aaron Tripps, 2556 N. 70th Street
 Leah Lane, 2339 N. 68th Street

Mr. Kasdorf informed the board that during the process of the Design Review Board, he was requested to reduce the height from 6 to 8 feet at the April meeting. Mr. Kasdorf had asked the Design Review Board exactly what they can do. They were requested to change the material. Mr. Kasdorf explained that there was a difference of opinion regarding the request to reduce the height of the home six to eight feet, however, the person requesting this walked the street and changed his mind. Mr. Kasdorf stated that the size of the lot is 60 feet wide, which is the largest in the neighborhood, the house will be 40 feet, they are 19 feet off the lot line and the drive way is 21 feet from Ms. Wilson's home. Mr. Kasdorf indicated that there are problems with the house and they initially intended on remodeling, however, after investigating this possibility, felt it was easier and more cost effective to rebuild. Mr. Kasdorf said that his house will be 30% total lot coverage. All of Mr. and Mrs. Kasdorf's plans are within the city's guidelines, zoning requirements and height restrictions. Mr. Kasdorf commented that one of the attractions of Wauwatosa was the diversity in the styles of homes within the neighborhoods. He has gone through all of the required meetings, has made the requested alterations and his plans were approved by the Design Review Board. Mr. Kasdorf is asking for approval to build as approved by the Design Review Board.

Mr. McGuan asked if there were reviews of the rainwater and drainage for the proposed home. Ms. Szudy responded that the storm water engineer may review this.

Ms. Westmore, the architectural designer for the proposed home, stated that the house to the north of this property is the smallest. Ms. Westmore commented that the homeowner has made many concessions including reducing the height of the home. Mr. Randall commented that the façade of the proposed house does not look bigger than the house to the north. There are other homes in the area that are comparable in height.

Mr. Brown is present in opposition of the appeal. Mr. Brown commented that there are other homes on this street with comparable size and mass.

Mr. Randall asked what the third floor space is for. Mr. Kasdorf responded that it is a walk up attic.

Mr. Lofy initially thought that the home was a bit large, however, he has heard Mr. and Mrs. Kasdorf agree to changes to their original design and feels that they have tried to work with the neighborhood.

A break was granted at 9:20p.m. by Mr. Randall.

Resume meeting at 9:30 p.m..

Mr. Randall informed the board that one of the members of the board, Mr. Subotich, had to leave the meeting early, however, there was still a quorum present. The Board discussed the possibility of recessing until the next meeting but decided to finish the meeting by having Mr. Bittner assume the chair for motion and vote.

Mr. Randall asked Ms. Wilson if her concern was the massing as these plans indicate or is it along the view of the streetscape. Ms. Wilson responded that she is not concerned with the front view but the south side. It is an extensive structure compared to what is presently there.

Mr. Randall asked how close the front of the house is to the lot line. Ms. Westmore responded that it is 19 feet 3 inches to the south side of the structure to the lot line. Ms. Westmore also commented that the length of the proposed home is the same, the width in the back of the home is narrow. Mr. Randall asked about the porch on the side of the home facing Ms. Wilson's house. Mr. Kasdorf stated that this is a small platform.

Mr. Randall asked Mr. Kasdorf if he plans to expand the third floor since the plans have a walk up to the attic. Mr. Kasdorf stated that he wants to have a walk up to the third floor and the design allows for this. The third floor will be used for storage.

The board reviewed the available chart with the measurements of the square footage of homes in the area. Mr. Randall commented that this proposed home is comparable to other homes in the area. Mr. Randall did note that Mr. Kasdorf does have a larger lot than most of the properties in the neighborhood.

Mr. Randall quoted the Design Review Board Ordinance regarding approval required for the structure from the Design Review Board Manual, page 3, Ordinance 24.54.010(B) "The design review board shall consider the exterior architectural appeal, the site location and the proposed location of the structure on the building site, the landscaping, topography and whether the structure to be altered or constructed shall be so similar to, or so at variance from, other structures already constructed or under construction in the immediate neighborhood of the applicable district as to cause a substantial depreciation in the property value of the neighborhood within the applicable district."

Mr. Randall commented that the owner has made modifications and the plans for the new structure are within code requirements. Mr. Randall informed the board that it is their job to weigh the evidence presented at this meeting to create a new motion to approve the appeal or deny the appeal. The appeal is the objection of the Design Review Board's decision to grant Mr. and Mrs. Kasdorf permission to build the new home.

Mr. Randall stated that this is a unique neighborhood given the lot sizes and house sizes. In one area, the lots begin at 40 feet and continue up to 60 feet. Mr. and Mrs. Kasdorf's home is on a larger lot, thus a larger home is allowed. To the east, 2022 is larger and 2028 is smaller. The city code provides general application for a

height of 35 feet and 37% lot coverage for this area. Mr. and Mrs. Kasdorf's house is below this standard with 30% total lot coverage. According to the chart provided to this board, Mr. Randall noted that there are homes with 31%, 37%, 38%, 33% and 32% lot coverage. These homes are comparable to Mr. and Mrs. Kasdorf's.

Mr. Bittner stated that this is a larger home that is next to a smaller home. The property owner is within his rights to build a larger home on a larger lot as long as he does so within the city guidelines and code requirements.

Mr. Randall compared the heights of the homes in the neighborhood.

2000 N. Forest Street – 32 feet	2005 N. Forest Street – 33 feet
2012 N. Forest Street – 26 feet	2015 N. Forest Street – 25 feet
2022 N. Forest Street – 32 feet	2025 N. Forest Street – 33 feet
2028 N. Forest Street – 29.5 feet	2027 N. Forest Street – 29.5 feet
2034 N. Forest Street – 18 feet	2035 N. Forest Street – 20 feet

Mr. Randall viewed pictures of two farmhouses with a third floor design and another has a third floor storage space. They are located at 1948 Pleasant Street and 7804 Rogers Street. Mr. Bittner commented that the area of the neighborhood being considered would be the area that was presented with the boxed in areas; N. Rogers to Underwood, Hillcrest to Pleasant. This area includes these farmhouses. Mr. McGuan stated that there is also a three story apartment building within this area.

Mr. Randall turned the gavel over to Mr. Bittner.

Moved Mr. McGuan, seconded by Mr. Randall to deny the appeal and approve the house as designed and approved by the Design Review Board.

1. The owner meets all criteria for zoning and building code requirements.
2. The exterior architectural appeal and design is in keeping with buildings already on site and the overall character of the neighborhood. There are three-story farmhouses in the neighborhood.
3. The proposal is properly sited in conjunction with the topography and landscaping provided.
4. That the proposal will not create special detriment to nor adversely affect property values. The neighborhood is diversified with the size and heights of homes

Based upon these findings, I move that the decision of the Design Review Board be upheld and the appeal be denied.

Roll call vote taken: Ayes: 2 Present: 1 (Bittner)

Mr. Randall informed the applicants that they can appeal this decision to Circuit Court.

Meeting adjourned 11:15 p.m.

Tammy Szudy

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