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**MEETING OF THE BOARD OF ZONING APPEALS
Thursday, March 28, 2013**

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

EXCUSED: Mr. Randall

ALSO PRESENT: T. Szudy, Principal Planner

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

**6915 Harvey Avenue Variance
Request by Faith Siudzinski and Paulette Mardak for a Variance to allow for parking in the front yard setback in the R1-6 District at 6915 Harvey Avenue**

The applicant is requesting a variance to allow for a parking space in the front yard of the property. Zoning does not permit parking in the front yard setback unless on a paved surface that leads to a garage or parking slab in the rear yard. City Ordinance prohibits overnight parking on the street.

The home was built in 1920 and does not have a driveway or garage. The parcel is narrow at only 30 feet wide and the distance between the house and the side lot line does not allow enough room to install a driveway to the backyard. A variance would allow the applicant to install a paved parking space for one vehicle to park in the front yard. Two other properties on the block have been granted variances to allow for a front yard parking slab (6923 and 6927 Harvey; photos included). In addition, the same variance applies to a property on Auburn Avenue, one block south of Harvey.

Present in favor: Faith Siudzinski, 6915 Harvey Avenue, Wauwatosa, WI
Paulette Mardak, 6915 Harvey Avenue, Wauwatosa, WI

Present in opposition: None

Ms. Siudzinski stated that the lot is very narrow and does not allow for a driveway. Ms. Siudzinski and Ms. Mardak acquired the property from an inheritance. They are requesting approval to cement half of the front yard to allow parking for one vehicle.

Mr. McGuan asked what the city policy was regarding the curb cut. Ms. Szudy responded that the applicants would apply for a drive-way approach, which would be approved by engineering if the parking space request is approved by this Board.

Mr. Pennoyer asked if public parking is near the home. Ms. Siudzinski stated that it was not and the city does not allow for overnight parking. She also noted that there are two other properties on the same block that have this accommodation.

Moved by Mr. McGuan, seconded by Mr. Subotich to
Approve the request for a variance to the front yard
setback in order to allow for parking in the front yard.

1. Exceptional circumstances do exist pertaining to this lot. It is a narrow lot and the city does not allow for overnight parking on the street.
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 original owner may not have had a vehicle and there are two other homes in the area with a similar parking slab.
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 other properties in the neighborhood that have cement slabs in the front yard to accommodate parking. There is no one present in opposition.
4. That the difficulty of hardship was not created by the property owner. The property is very narrow

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

Roll call vote taken: Ayes: 3

Nays: 1 (Bittner)

1742 N. 72nd Street

Variance

Request by Darren Mize for a Variance to the side yard and rear yard principal building setback in order to construct an addition and for a Variance to the side yard setback in order to relocate a detached garage in R2 District at 1742 N. 72nd Street.

The applicant is requesting three variances related to constructing an addition and new attached garage and relocating the existing detached garage to the back of the property. Each variance is a separate act and therefore necessitates its own motion. The existing detached garage and house are nonconforming with respect to rear and side yard setbacks; the proposed modifications increase the nonconformity.

The applicant proposes moving the existing one car detached garage to the rear of the property for reuse, but due to the narrowness of the lot in that area, the location of the structure would necessitate a three and a half foot variance from the side lot line (the required set back is four feet from the south side lot line).

The applicant is also proposing an addition to the house that includes a dining room, mud room and attached garage. The required setbacks for the proposed addition are six feet from the south side lot line and 19.6 feet from the east rear lot line. The garage portion of the proposed addition is located in the same area as the existing detached garage, but extends further west along the side lot line and north along the rear lot line. The mud room portion of the addition also encroaches further into the required rear yard setback.

The odd shape of the lot and location along a street in the rear/side yards create a difficulty in providing enclosed parking for two cars.

Present in favor: Daniel Acevedo, Architect for the applicant
Wade Weissmann, Architect for the applicant

Present in opposition: None

Mr. Weissmann stated that the applicants are requesting to move the current garage, vacate the current driveway and complete an addition on the home. They are requesting to be able to enter the garage from Yale Street. The property has very limited space and no matter where they would attempt to relocate the garage they would need to have a variance. By vacating the current driveway, this would also create more green space on the property. The property is located at the end of Yale Street.

Mr. McGuan asked if the drawings were based on the footprint. Mr. Acevedo confirmed that the drawings were the footprint. Mr. McGuan stated that if this was the case, the building overhang would then be over the property line.

Mr. Pennoyer indicated that he is concerned regarding the lack of space between the buildings. Mr. Pennoyer also voiced concerned regarding the neighboring property because of the overhang being so close to the property line. He asked if the owners or architects have approached any of the neighboring property owners regarding their proposed plans. Mr. Weissmann stated that they did not.

Mr. McGuan is concerned regarding the placement of the garage and the location of the windows on the house with regards to the relation of the location of the garage and the amount of light.

Moved by Mr. Bittner, seconded by Mr. McGuan to
Table the request for a Variance to the side yard and
rear yard principal building and a side yard setback in
order to relocate a detached garage to return with the
following conditions at next month's meeting:

1. Notify neighbors of the nature of their request and explain the location of the garage with the request to relocate the entrance to Yale Street.
2. Confirmation from the neighbor to the south in writing.
3. Provide written description of the overlap and window locations, height, how close is the overhang, sufficient room for maintenance in between properties.
4. Reconfiguration of the garage and installed side door.
5. Any feedback from the neighbors.

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

Roll call vote taken: Ayes: 4

Tammy Szudy

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