



## CITY OF WAUWATOSA

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### MEETING OF THE BOARD OF ZONING APPEALS Thursday, July 25, 2013

PRESENT: Mr. Kern, Ms. Kristoff, Ms. Stokke-Ceci, Mr. Subotich,

EXCUSED: Mr. Bittner, Mr. McGuan, Mr. Randall

ALSO PRESENT: J. Ferguson, Planner

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

#### 2500 N. Mayfair Road

#### Variance

**Request by Joseph Peltz (Friebert, Finerty & St. John, S.C.) and Stephan Smith (Mayfair Mall, LLC) for a Variance to the zoning code definition of a lot requiring a parcel of land to have frontage on a public street, at 2500 North Mayfair Road in the C2 – General Commercial District.**

Mayfair Mall, LLC recently filed an application for City approval of Certified Survey Map (CSM) to complete a land division that creates a new parcel to be conveyed to Nordstrom, Inc. for the construction of a new department store. In order to obtain approval of the CSM, the applicant is requesting a variance to the zoning code's definition of a lot requiring a parcel of land to have frontage on a public street. The proposed parcel meets all other requirements of the C2 zoning district

The enclosed material from the applicant addresses the four criteria the Board must find are adequately addressed to grant a variance. In summary: exceptional circumstances exist due to the current unique layout and configuration of the Mayfair Mall parcel; the location of the proposed parcel preserves the property rights by being the best location for traffic management of the overall site; the existing parcel's internal road system with its connection to the public streets will serve the proposed parcel in a way that does not create a special detriment to other properties or the public interest; the current configuration of Mayfair's parcels occurred prior to the current owner purchasing the property and therefore do not constitute a hardship created by the owner.

The zoning and layout of the Mayfair Mall parcel present unique challenges to the development of the site. City staff is currently considering a revision to the recently adopted zoning code that would better accommodate the conditions of the Mayfair Mall site for future (re)development. However, in the meantime, this request for variance is necessary for the new parcel to be created and the Nordstrom development to proceed..

Present in favor: Joseph Peitz, Friebert, Finnerty & St. John, S.C.,  
330 E. Kilbourn Avenue, Suite 1250, Milwaukee  
Stephen Smith, Mayfair Mall, LLC, 2500 N. Mayfair Road

Ms. Ferguson stated that she received a communication from Ald. Roznowski in support of this variance request.

Mr. Peitz commented that in November, 2012 Nordstrom, Inc. announced its plans to open a department store at Mayfair. Since this announcement, Mayfair has taken steps toward achieving this goal including preparing a land division by Certified Survey Map in order for Nordstrom to construct the new department store. Mayfair was aware that a variance would be needed in order to accomplish approval for the CSM to be issued.

The proposed Nordstrom property meets the definition of lot with the exception of the code reference “having frontage on a public street”. Nordstrom will not have frontage on a public street, but will have direct access to North Avenue at the intersection of 104<sup>th</sup> Street which is signaled. Property owned by Boston Store to the south blocks Nordstrom’s ability to abut North Avenue and the Mayfair building itself prevents it from abutting Mayfair Road, thus creating a unique layout and configuration for Nordstrom.

The location of Nordstrom on the east side of the Mayfair site is the best location in terms of traffic management. With this location, traffic can be dispersed throughout the entire site rather than causing congestion at one of the west entrances to Mayfair.

Mr. Smith commented that Boston Store owns the parcel from the east property line to Hwy 100. Nordstrom will own their site as well. Mayfair is a 60 year old shopping center and has seen significant changes throughout these years. He believes that Nordstrom will be an asset to Mayfair and benefit its customers.

Moved by Mr. Kern, seconded by Ms. Stokke-Ceci to approve the request for a Variance to the zoning code definition of a lot requiring a parcel of land to have frontage on a public street

1. Exceptional circumstances do exist pertaining to this lot. The location on the back side of Mayfair is the most accommodating. The applicant’s unique configuration is a result of Mayfair mall’s layout.
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 traffic flow will be better disbursed throughout the parcel with the applicant’s location.
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. Nordstrom will be an improvement for Mayfair which will enhance the value to Mayfair stores and consumers.
4. That the difficulty of hardship was not created by the property owner. Mayfair has existed since 1958, thus this location was not created by the applicant.

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

Roll call vote taken: Ayes: 4

Meeting adjourned at 7:22 p.m..

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Jennifer Ferguson