



CITY OF WAUWATOSA

7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989
www.wauwatosa.net

MEETING OF THE BOARD OF ZONING APPEALS Thursday, November 21, 2013

PRESENT: Mr. Randal, Mr. Bittner, Mr. Kern, Mr. McGuan, Ms. Stokke-Ceci (alt)

EXCUSED: Mr. Subotich

ALSO PRESENT: J. Ferguson, Planner

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

605 N. 79th Street

Variance

Request by Owen and Kim Sullivan for a side yard setback variance to construct a detached garage at 605 N. 79th Street in the R1-6 District

The applicant is requesting a 6.2-foot variance to the street side yard setback in order to construct a detached garage. Detached garages must be located in rear/side yards and cannot be located in front yards. As a corner lot in the R1-6 District, the setbacks for a detached garage on this property are 18 inches from the rear (west) lot line and 14.7 feet from the side lot line along Mary Ellen Place. However, there is a nine-foot public utility easement on the west side of the property that cannot be built upon.

As part of this project, the applicant is converting the existing attached garage to living space and adding a small addition to the southwest side of the house. While it is not the ideal location for the applicants, it would be possible to construct the same size garage in a similar location that meets all applicable setbacks. A garage wall that is closer than ten feet to the principal structure would require additional fire proofing per building code.

Present in favor: Matt Retzak, Contractor for the applicants

Mr. Retzak commented that the idea for this request involves a full renovation of the property. He is proposing to add approximately seven feet to the home. The current garage will be converted to part of the home. The request for variance to build the new garage is so that the property does not have a problem with crowding.

Present in opposition: No one

Mr. McGuan stated that the plat survey indicates there is a nine-foot easement and he would like to know if this is a utility easement. Mr. Retzak responded that he assumed it was for water, but does not know if it is for overhead electricity. It is a no-build easement.

Mr. Randall asked if the contractor could locate the garage six feet to the north and stay outside of the nine-foot easement. Mr. Retzak responded yes, however, they would like to allow for personal yard space and doing this would place the garage very close to the living room.

Responding to Mr. Randall's question regarding the new addition being the same foot print, Mr. Retzak indicated that the new addition covers the porch plus an additional twelve inches. Mr. Retzak also stated that there are no sidewalks in this neighborhood and the existing house and garage will be set back from the curb.

Mr. Retzak is requesting the same benefits of the other homes in the neighborhood. Five of the six homes to the north have detached garages that are built on the easement which do afford them yard space, open views from inside the house and light. This variance would give the same benefits to the applicant and be consistent with the other homes in the neighborhood.

Mr. Randall indicated that there is written support from the neighbors that would be immediately affected by this.

Mr. Retzak stated that the location of the garage would allow the neighbors to enjoy the openness of the yard, light and space from where the garage is now. If the garage is moved to the north, the lot would look crowded and unappealing.

Mr. McGuan stated that the Board would benefit knowing exactly what the easement is for to decide if they can move it to the north or to the west. Mr. Kern agreed that the Board does not know about the nine-foot easement and whether there is a no-build over the easement.

Moved by Mr. Kern, seconded by Ms. Stokke-Ceci to hold the request for a variance to the side yard setback to construct a detached garage at 605 N. 79th Street. The applicant is requested to provide:

1. Additional information describing and establishing that the nine-foot easement is a no-build easement and is unable to move to the west or to the north.
2. Clarification that the easement is for utility or sewer.
3. Clarification whether the overhang can be in the easement and if not, the site plan needs to be revised so it is not.

Ayes: 5

7313 Blanchard Avenue

Variance

Request Jim Geracie for a lot coverage variance to construct a detached garage at 7313 Blanchard Avenue in the R1-6 District.

The applicant is proposing the construction of a two-car detached garage, the result of which would exceed the maximum building lot coverage allowed in the R1-6 District. A summary of what is allowed and what is being proposed is in the table below:

Lot Size: 4,036 Square Feet

Allowed Lot Coverage:	1,493.3 sq ft	37%
Current Lot Coverage:	1,238.1 sq ft	30.70%
Proposed Lot Coverage:	1,638.1 sq ft	40.60%
Amount Exceeding:	144.8 sq ft	3.60%

The proposed 400-square foot garage results in the total allowed lot coverage for the property being exceeded by approximately 145 feet. This lot is smaller than the typical average lot size, presenting a greater challenge for meeting the requirements of the zoning code than the average lot would face.

Present in favor: Jim Geracie, 13005 W. Bluemound Avenue, Brookfield, WI

Mr. Geracie explained that this is a small lot and much of the exterior of the home is covered by porch. He has made modifications to the renovation plan as requested by the Design Review Board. Mr. Geracie wanted to point out that there are other homes on Blanchard with larger garages than the one proposed. This lot has been a challenge to work with.

Mr. McGuan asked for clarification that the proposed lot coverage is the zoning issue and this has nothing to do with storm water runoff. Ms. Ferguson responded that it is a lot coverage issue and the porch square footage is included in the lot coverage measurement because it is covered.

Present in opposition: No one

Mr. Kern asked how this would be necessary for the preservation and enjoyment of the neighboring properties. Mr. Geracie clarified that most of the properties have interlocking fences. This garage will close the gap and also look as the other properties do in the neighborhood.

Mr. McGuan questioned the turning radius space and feels that there is not sufficient room to get a second vehicle into the garage. Mr. Geracie assured Mr. McGuan that he has measured this and is sure that it can be done.

Mr. Randall stated that a one-car garage could fit on the property without the need for a variance. Mr. Geracie commented that the renovation of the home does not alter the footprint of the house. He would like to have a two-car garage for this property to make it more attractive to future buyers.

Moved by Mr. Kern, seconded by Ms. Stokke-Ceci to approve the request for a variance to construct a detached garage

1. Exceptional circumstances do exist pertaining to this lot given the lot is an unusual size.
2. That a variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity. A two car garage is consistent with the neighboring properties and will increase the sell-ability of the property.

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 no objections on record and it will enhance the value of the property and neighborhood.
4. That the difficulty or hardship was not created by the property owner. The applicants did not alter the footprint of the house or reduce the size of the lot.

Roll call vote taken: Ayes: 3 (Kern, Stokke-Ceci, Randall)
 Nos: 2 (Bittner, McGuan)

Meeting adjourned at 8:25 p.m.

Jennifer Ferguson

bg