



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, March 27, 2014**

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

EXCUSED: Mr. Kern, Ms. Kristoff, Mr. McGuan

ALSO PRESENT: J. Ferguson, Planner

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

**2186 N. 73<sup>rd</sup> Street**

**Variance**

**Request by Kent and Beth Iding for a front and interior side yard setback variance for a detached garage at 2186 N. 73<sup>rd</sup> Street in the R1-6 District**

The applicant is proposing complete demolition of the existing, deteriorated detached garage and construction of a new detached garage essentially in the same location. Per the zoning code, detached garages cannot be located in front yards and must be at minimum 18 inches off rear and side lot lines.

This property has a unique triangular shape, frontage along two streets, and a small lot area, all factors that make locating structures in compliance with the code difficult. To meet the code and not need a variance, the proposed detached garage would need to be located 30 feet from the front lot line along Garfield Avenue, 18 inches from the interior side and rear lot lines, and four feet from the street side lot line along North 73<sup>rd</sup> Street.

The home on the property is non-conforming with respect to the setbacks and neighboring properties have detached garages in similar locations as this proposal.

Present in favor: Kent Iding, 2186 N. 73<sup>rd</sup> Street, Wauwatosa, WI  
Beth Iding, 2186 N. 73<sup>rd</sup> Street, Wauwatosa, WI  
Bob Smith, 2176 N. 73<sup>rd</sup> Street, Wauwatosa, WI  
Mary Smith, 2176 N. 73<sup>rd</sup> Street, Wauwatosa, WI  
Steve Skyler, JD Griffith's, 8401 W. Calumet Road

Mr. Iding stated that they moved to this residence in the early 1990's. The house was originally built in the 1860's and relocated to the current site. The garage was built after the house was moved to the current site and he believes that was 80 to 90 years ago. Recently, due to its age, the garage needed repairs and Mr. Iding attempted to have a remodeler straighten the sides, install wires and boards to hold the alterations, but the garage is now needing to be replaced. He hired a contractor to build a new garage that would be architecturally conforming to the existing house and designed in an aesthetically pleasing manner. The garage

will be built in essentially the same location, but the new garage will eliminate the five foot overhang that the current garage has.

Mr. Iding has notified his neighbors and offered to pay for their fence to be uninstalled, replace any sod and reinstall the fence once the work has completed.

Mr. Smith stated that his home was built in 1875 and he has also been renovating his home and garage over the past two years. He believes that the renovation of Mr. Iding's garage will enhance the neighborhood.

Ms. Smith stated that she only has one concern and that is when Mr. Iding's garage is built, it is not located so far back that it will impact their house from a fire standpoint. She was unsure if the location of the garage was 10 feet from the Smith's home. Mr. Iding responded that he believes the location will be more than 10 feet, however, they also plan to install fire walls.

Mr. Skyler stated that the new garage is the same size and will be located in the same area.

Present in opposition:                      No one

Responding to Mr. Randall's question regarding the condition of the garage, Mr. Iding stated that they are taking the garage down for safety reasons. The current condition of the garage is hazardous and Mr. Iding is concerned that it will fall and cause damage and/or injury. The Iding's are taking safety measures to take the garage down.

Mr. Randall asked if the garage could be located in another area to comply with zoning requirements. Mr. Skyler responded that relocating to another area would require taking down a tree, installing a new driveway, and would also block the neighbor's living and dining room windows. Mr. Iding also commented that there are other garages in the neighborhood that are in the same location as the proposed garage. Mr. Iding stated that locating the garage in another area would contribute to potential traffic issues as visibility is limited on this street.

Moved by Mr. Bittner, seconded by Mr. Subotich to approve the request for a variance to the front and interior side yard setback to construct a detached garage at 2186 N. 73<sup>rd</sup> Street.

1. Exceptional circumstances do exist pertaining to this lot. The property is a triangle-shape which is unique. The location of the proposed garage is the only practical place to construct. The property is a small lot and placing the garage further south would add to potential traffic issues.
2. That a variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity. The applicant is replacing an aging and collapsing structure that presents a safety hazard to people in the neighborhood should it fall. The garage is being built in the same location and placing it further south would interfere with the view of the neighbors from their living room and dining room and further create a fire code situation.

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 applicants are replacing an existing structure which will be set back to enable a vehicle to park in the driveway. Removing the existing garage with the overhang will improve the parking situation. The zoning code defines the front yard as the street frontage along Garfield Avenue, the front of the house is orientated along 73<sup>rd</sup> Street and as such the location of the garage in the original and current location is the most appropriate for the property and is consistent to adjacent properties.
4. That the difficulty or hardship was not created by the property owner. The zoning code definition for the front yard and the existing location of the structures on the lot was not created by the applicants.

Ayes: 3

Meeting adjourned at 7:30 p.m.

---

Jennifer Ferguson

bg