



CITY OF WAUWATOSA

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MEETING OF THE BOARD OF ZONING APPEALS Thursday, May 22, 2014

PRESENT: Mr. Randall, Mr. Bittner, Ms. Kristof

EXCUSED: Mr. Kern, Mr. Subotich, Mr. McGuan, Ms. Stokke-Ceci

ALSO PRESENT: T. Szudy, Planner

Mr. Randall as Chair called the meeting to order at 7:02 p.m.

10190 Watertown Plank Road

Variance

Request by Jeff Bohan, Wisconsin Department of Transportation (WisDOT), and Brian Dranzik, Milwaukee County Department of Transportation (DOT), for a height variance for four accessory structures at 10190 Watertown Plank Road in the SP-PUB District

The applicant requested a height variance for four accessory structures at the Milwaukee County Department of Public Works (DPW) property. Property lines have recently been reconfigured as a result of the Zoo Interchange Project and reconstruction of Swan Boulevard that now bisects the former DPW site. As a result, some of the previously existing DPW buildings were demolished and will be reconstructed within the new property boundaries.

The Special Purpose – Public Facilities District (SP-PUB) allows for a maximum 20 foot height for accessory structures. The four buildings in this variance request include a salt brine building (22' height), storage building 1 (24'10" height), storage building 2 (24' height), and salt dome (85' height). The proposed building heights are necessary to accommodate the equipment and materials that are stored in the buildings and to maintain the level of public service provided to the community. The proposed buildings would be located north of the existing building that fronts Watertown Plank Road, to the east of the new Swan Boulevard, and west of Highway 45.

Ms. Szudy noted that Staff has proposed a modification to the building height standards in the SP-PUB District which will be presented in the next round of zoning code changes. The previous zoning code had an accessory building height of 35 feet and this will be the height change recommended by Staff.

The Board of Zoning Appeals is granted the authority to overrule the regulations set forth by the Common Council if the Board feels that there is sufficient evidence to support such a variance.

Present in favor:

Amanda Johanson, WisDOT, 141 NW Barstow Street, Waukesha

John Grosskreutz, Kapur & Associates, Inc., 7711 N. Port Washington Road, Milwaukee

Mr. Grosskreutz explained that the land acquisition and reconfiguration of Swan Boulevard resulted in the removal of several structures on the County's DPW site. The remaining, existing utility buildings have similar heights to the proposed structures and the equipment already owned by the County requires an

18' door height. To allow the 18' door height, the buildings require a roof height beyond the 20' height permitted by the City's zoning code. Additionally, to hold 20,000 tons of salt, the salt dome requires a height of 85' feet.

Ms. Johanson expressed support of the item.

Present in opposition:

There was no one present in opposition.

Responding to the Board's questions, Mr. Grosskreutz confirmed that an existing utility structure on the property is of a similar height to the proposed structures and that all four structures were approved by the Design Review Board.

Mr. Randall remarked that aesthetics are not the main concern of the Board of Zoning Appeals, but the inclusion of design elements positively impacts the surrounding community.

Responding to Mr. Randall's question, Ms. Szudy explained that there are two SP-PUB zones in Wauwatosa, including the County and the City DPW sites. In the next zoning code modification, Staff will suggest that the primary building height allowance be increased to 50 feet and the accessory height allowance be increased to 35 feet. The primary building is generally defined as the building with the main use on the property.

Responding to Mr. Randall's question, Mr. Grosskreutz confirmed that the previous salt dome was a similar size to the proposed 85' salt dome.

Ms. Szudy confirmed that the previous salt dome structure was nonconforming under the old zoning code.

Mr. Randall remarked that the existence of these previous structures indicates that but-for the DOT constructions, the other buildings would still be present on the property.

Responding to Ms. Szudy's question, Mr. Grosskreutz remarked that they would not require an extension beyond the one year approval of variance.

Mr. Randall remarked that the salt dome is an unusual structure and therefore would not have been considered by the Council in the creation of the zoning code, so it is appropriate to request a variance for this structure.

Moved by Mr. Bittner, seconded by Ms. Kristof to approve the request for a height variance for four accessory structures at 10190 Watertown Plank Road.

1. That exceptional circumstances do exist because the existing DPW buildings are over the maximum height and this is required for equipment operations in the new buildings. The previous structures were utilized for the same purposes and the proposed structures are only being proposed due to the DOT construction project. The previous structures were

already nonconforming and the requested heights are necessary for the intended purpose of the structures.

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 buildings are being used for the same use as the structures located on the property prior to the DOT construction. The variance is required to maintain the level of service provided for the community by this new DPW campus.
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 salt storage and support buildings will be equivalent in height to the previous buildings. Additionally, City Staff have indicated that an upcoming proposed modification to the zoning code would include three of the four proposed structures as conforming and compliant structures.
4. That the difficulty or hardship was not created by the property owner. The old buildings resided on land that was needed to improve transportation in this area and was not created by the property owned. The WisDOT reconstruction of Swan Boulevard as part of the Zoo Interchange Project bisected the County facilities at this location. As part of the real estate agreement between WisDOT and Milwaukee County, WisDOT is reconstructing the Milwaukee County DPW site, including new storage buildings. If not for the DOT construction project, the previous, nonconforming buildings would still exist.

Ayes: 3

The meeting adjourned at 7:20 p.m.

Tamara Szudy

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