



## CITY OF WAUWATOSA

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### MEETING OF THE BOARD OF ZONING APPEALS Thursday, June 26, 2014

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

EXCUSED: Mr. McGuan, Mr. Bittner, Mr. Subotich

ALSO PRESENT: J. Ferguson, Planner

Mr. Randall as Chair called the meeting to order at 7:03 p.m.

#### 1215 N. 62<sup>nd</sup> Street

#### Variance

**Request by Wayne Wiertzema and Stewart Wangard, Tosa Reef, LLC, for a variance to the zoning code requirement that a parcel of land have frontage on a public street at 1215 N. 62<sup>nd</sup> Street in the Planned Unit Development (PUD) District**

Tosa Reef, LLC will be filing an application for City approval of a Certified Survey Map (CSM) to complete a land division that creates two new parcels to accommodate a multi-building apartment development. In order to obtain approval of the CSM, the applicant is requesting a variance to the City's zoning code requirement that a parcel of land have frontage on a public street. The proposed parcels meet all other requirements of the PUD zoning district.

The 180-unit residential development received City approval in November, 2013. Due to the size of the project, the financing structure that Tosa Reef, LLC has secured involves two different banks. As a result, the lenders are requiring two separate tax parcels for the project. The applicant proposes providing street access for the parcel without frontage via a Perpetual Access Agreement between the two lots. The lots will have related ownership and the development will still be viewed as a whole.

The applicant has stated that the bank preferred to carve out the western L-shaped building as the separate parcel because it was the smaller of the two corner buildings. It would be possible to create a separate parcel around the eastern L-shaped building with frontage along 62<sup>nd</sup> Street and eliminate the need for a variance as both parcels would then have frontage.

Present in favor: Wayne Wiertzema, Tosa Reef, LLC  
Stewart Wangard, Tosa Reef, LLC

Mr. Wiertzema stated that he is requesting this because of the separate financing for the project. Each of the two lenders requires their own parcel. One parcel is covering the majority of the project and the other is on the western area of property. To accommodate this requirement, there also needs to be a Certified Survey Map. There are other parcels in the city of Wauwatosa with this type of lending agreement. The access is one of the amenities and will be used by both parcels.

Present in opposition: No one

Ms. Stokke-Ceci asked for clarification as to why the west end of the property was being used as the larger parcel and not the east end. Mr. Wiertzema stated that due to the specific lending requirements, the east parcel would be too large of a size of a loan combined with the west parcel. On the site plan, the west end narrows and on the south end there will be access to the shopping centers. The north end is a reef which is a historical landmark. The applicants would like to protect this reef area and create joint access to this area. The larger building would not fit on this end. The applicants attempted to look for an efficient layout and took into account the views of Grede Foundry and access from N. 62<sup>nd</sup> Street. There is an access agreement that will allow cross access from one parcel to another for vehicles.

Ms. Ferguson stated that if this is approved at this meeting, the applicant will proceed to the Plan Commission to request a Certified Survey Map and to Council for approval.

Mr. Wiertzema clarified that the lenders each need a separate parcel with a Certified Survey Map for collateral.

Moved by Mr. Kern, seconded by Ms. Stokke-Ceci to approve the request for a variance to the zoning code requirement that a parcel of land have frontage on a public street at 1215 N. 62nd Street.

1. Exceptional circumstances do exist pertaining to this lot. The lot has a unique layout and the applicant. The lending restraints require two separate parcels for collateral. The parcels will be operated as a unified project. Street access will be provided through a Perpetual Access Agreement between both lots. Appropriate buffers will be put in place. The property is landlocked.
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 development will enhance the neighborhood.
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 project will enhance the adjacent property.
4. That the difficulty or hardship was not created by the property owner. The unique financing requirements and layout of the property was imposed by the lenders.

Ayes: 4

Meeting adjourned at 7:22 p.m.

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Jennifer Ferguson

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