



CITY OF WAUWATOSA

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MEETING OF THE BOARD OF ZONING APPEALS Thursday, December 18, 2014

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

ALSO PRESENT: T. Szudy, Planner

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

2019 N. 86th Street

Variance

Request by Ken and Suzanne Talatzko for a variance to the front setback at 2019 N. 86th Street in the R1-6 Residential District

The applicant is proposing to construct a new, attached covered porch on the front of the home that replaces a crumbling, uncovered concrete stoop. The applicant could construct the stoop to the same size/dimension and add a roof overhang above the entry that extends up to two feet into the setback without needing a variance. Because they propose adding a porch addition that is structurally attached to the house, a variance is necessary to build in the setback. The applicant desires to enhance the front of their home in a manner they believe is consistent with the surrounding homes in the neighborhood, keeping in line with other front setback measurements.

Most homes on this block, including the property making the request, do not meet the 30 foot front setback for the R1-6 District. In this case staff applies Section 24.18.030 E(1)(e) – Exceptions for Established Setbacks of the Zoning Code to determine an adjusted front setback. This section states, ‘when existing buildings on one or more abutting lots are closer to the street (front or street side) property line than then otherwise required setback, additions to existing buildings or construction of new buildings on the subject lot may comply with the average street yard depth that exists on the nearest 2 lots on either side of the subject lot instead of complying with the zoning district’s minimum street setback requirement’. When calculated for the subject property at 2019 N. 86th Street, the front setback is 24.6 feet. As a result, the property owner is requesting a 3.6 foot variance to the front setback.

Present in favor: Matt Jones, Hometown Builders, 130 W. Mineral Street, Milwaukee, WI
Ken Talatzko, 2019 N. 86th Street, Wauwatosa, WI

Mr. Jones provided pictures of the applicant’s home showing the stoop that needs replacement. The plan shows an open porch with columns and a room with a set of railings. Currently the applicant’s door is directly to the elements and there is no inside breezeway. The side door opens directly to stairs that go into the basement.

Mr. Talatzko provided a slide presentation of other homes in the neighborhood with porches similar to the one being requested. Many of the homes in the area do not meet the City’s setback requirements. He provided a list of residences and their front setback measurements.

At 1726 N. 71st Street there is a home that has an addition built into the setback. Another home on 70th Street has a deck on the side of the home. On 68th and Hillside, there is an addition built into the setback. At 2136 N. 91st Street, the residents added a porch to the length of the home. The applicants are requesting an open porch but would prefer to have an enclosed porch.

The applicants stated that this will architecturally enhance the front of the home.

Present in opposition: No one

Ms. Kristoff asked when the applicants last presented drawings and plans for their porch. Mr. Talatzko stated that they have not applied previously as they were discouraged from doing so by the Building Department.

Mr. Bittner asked where the measurements were taken from. Mr. Jones responded that they were taken from the lot line. The plans show the lot line is just inside the City's sidewalk and it was measured from there. Ms. Szudy responded that staff used a survey to come up with the 24.6 foot setback requirement.

Mr. Kern requested Ms. Szudy to explain what the applicants could do without the variance. Ms. Szudy responded that the applicants could replace the stoop and have a roof overhang that comes out over the stoop two feet. The applicants are requesting to place posts and this is why a variance is needed.

Mr. Randall asked if the applicant's plans go to the Design Review Board. Ms. Szudy responded that their plans have to be approved by the Design Review Board if they find them appropriate.

Mr. Kern commented that the six properties to the south of the applicants are closer to the lot line. The properties to the north are 32 feet, 21 feet, 21 feet, 23 feet and 21 feet. The applicants are sandwiched in-between.

Ms. Kristoff stated that this is a variance for the footprint of what is already existing. The applicants want to enclose the stoop that is already there.

Moved by Mr. Kern, seconded by Ms. Stokke-Ceci to approve the request for a variance to the front setback at 2019 N. 86th Street In the 1-6 Residential District

1. Exceptional circumstances do exist pertaining to this lot. The change in the average of the setback has worked to the detriment of the homeowners.
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 addition of a porch whether open or closed will enhance the home significantly.
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. A porch, regardless of the design, would enhance the property value. The

house directly to the south encroaches further into the setback than the applicant requesting the variance.

4. That the difficulty or hardship was not created by the property owner. The house was built before the setback was imposed.

Ayes: 3

Nos: 2

Meeting adjourned at 7:45 p.m.

Tammy Szudy

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