



CITY OF WAUWATOSA

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MEETING OF THE BOARD OF ZONING APPEALS Thursday, March 26, 2015

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

EXCUSED: Mr. Bittner, Ms. Kristof, Mr. Subotich

ALSO PRESENT: J. Ferguson, Planner

Mr. Randall as Chair called the meeting to order at 7:05 p.m.

1742 N. 72nd Street

Variance

Request by Darren Mize for variances to the rear yard principal building setback to construct a deck in the R1-6 District at 1742 N. 72nd Street

The applicant was approved for a rear yard variance for a deck at February's Board of Zoning Appeals meeting, but the Board held the request for the front yard variance so the applicant could provide additional information. The required front setback for the property is 30 feet from the front (west) lot line and the request is for approximately a 1.6 foot variance.

The applicant has provided further narrative following a discussion with the Zoning Administrator, in addition to photos of houses in the neighborhood. The narrative references Section 24.18.030 of the zoning code that lists features that can encroach the setback. While stoops and patios are permitted in setbacks, decks are not. The code does not specifically define these features, but as general practice staff has defined stoops and patios as concrete features, porches as covered areas and part of the principal structure, and decks as wood or similar material. So while a similar stoop would be permitted in this location, the proposed deck must meet setbacks.

The deck is proposed over simple replacement of the required egress landing to enhance the aesthetics and provide space for enjoyment. The Design Review Board has approved the current design and materials of the deck. The odd shape of the lot in the rear creates a unique situation for use of the yard.

Present in favor: Tony Enea, Ruvn Brothers, 1025 W. Glen Oaks Lane, Mequon, WI
Julie Voeller, Ruvn Brothers, 1025 W. Glen Oaks Lane, Mequon, WI
Michelle Mize, 1742 N. 72nd Street, Wauwatosa, WI

Mr. Enea stated that the applicants use the front yard for their children to play in and would like to have the larger deck in order to accommodate chairs to supervise their children. The Design Review Board has approved the deck as it is drawn.

Ms. Voeller stated that this is a unique lot due to the backyard having a roadway ending at the property. The code states that the applicants can install a stoop the requested size without a variance but they need a

variance for a deck. The front deck will have two stairways, one leading off the front of the deck and the other to the side.

Ms. Mize stated that the front porch is deteriorating and wants to replace it but felt that the deck would be more aesthetically pleasing.

Present in opposition: No one

Ms. Stokke-Ceci commented that in order to get from the driveway up into the home, a three foot deck would make it difficult. Ms. Mize responded that the difficulty would be in making the turn and the larger porch would definitely make it easier.

Mr. Randall stated that in looking at the plans, it appears that the applicant's home is closer to the street than most other homes in the area. The neighboring properties may not need a variance if they were to place the proposed deck on their homes.

Moved by Mr. Kern, seconded by Ms. Stokke-Ceci to approve the request for a variance to the front yard principal building setback to construct a deck at 1742 N. 72nd Street.

1. Exceptional circumstances do exist pertaining to this lot. The rear yard is narrow and is an uncommon lot leaving little room to enjoy the yard. The deck will provide a safer entrance into the home.
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 deck is an enhancement to the entire property and other properties in the area. An addition of a deck will provide additional safety to children in the area. The adjacent property owners do not object to this request
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 deck will be more aesthetically pleasing than a cement stoop and will keep with other homes in the neighborhood.
4. That the difficulty or hardship was not created by the property owner. The applicant has a unique configuration of the lot with Yale Place ending in the applicant's back yard.

Ayes: 2 Nos: 1 (Randall)

Meeting adjourned at 7:35 p.m.

Jennifer Ferguson

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