



CITY OF WUWATOSA

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MEETING OF THE BOARD OF ZONING APPEALS Thursday, April 23, 2015

PRESENT: Mr. Randall, Mr. Kern, Ms. Kristof, Mr. Subotich

EXCUSED: Mr. Bittner, Ms. Stokke-Ceci

ALSO PRESENT: J. Ferguson, Planner

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

8341 Portland Avenue

Variance

Request by Glen and Carolyn Potter for a variance to the allowed encroachment into the front yard setback at 8341 Portland Avenue in the R1-6 Residential District for a roof overhang.

The applicant is requesting a variance to the allowed encroachment into the front yard setback in order to construct a roof overhang above the front entrance to the home. The front yard setback for this property is 19.1 feet as determined by averaging with the two adjacent neighbors on each side of the property (per section 24.18.030 E(1)(e)). The current home is nonconforming with respect to that setback as it stands at 18.79 feet

Per section 24.18.030 of the zoning code, roof overhangs are allowed to encroach two feet into the front yard setback in residential zoning districts. The applicant wants to construct a 2.5 foot (42 inch) roof overhang above the front entrance. As such, an approximately 1.8 foot variance to the allowed encroachment is needed.

The code defines awnings as a roof-like cover that projects from the wall of a building; roof overhangs are not expressly defined but have been interpreted to be a permanent structure attached to the building versus the more easily removed temporary nature of awnings. Roof overhangs have the potential to be enclosed by walls in a manner that awnings cannot.

The current roof overhang proposal has been approved by the Design Review Board and is desired to improve the aesthetics of the home while keeping it consistent with other homes in the neighborhood.

Present in favor: David Pekel, Pekel Construction & Remodeling, 2132 N. 70th Street, Wauwatosa, WI
Jim O'Brien, 8331 Portland Avenue, Wauwatosa, WI

Mr. Pekel stated that the applicant would like to construct an overhang above the existing stoop to replace an aluminum appendage that is in disrepair.

Mr. O'Brien is the block watch person and stated that this property is the most dangerous in the neighborhood with the worst stoop. He felt that it needed to be improved and/or replaced.

Present in opposition: No one

Mr. Subotich asked how far the current awning extends. Mr. Pekel responded that it is 44 inches and they are proposing to reduce this with the new overhang. The applicant is trying to protect the landing and it will not be wider or larger.

Ms. Kristoff asked if this would protect the stoop from deterioration. Mr. Pekel responded yes.

Moved by Mr. Kern, seconded by Mr. Subotich to approve the request for a variance to the allowed encroachment into the Front yard setback at 8341 Portland Avenue in the R1-6 residential district for a roof overhang.

1. Exceptional circumstances do exist pertaining to this lot. Similar properties in this neighborhood with similar setbacks have existing enclosed entryways, however, this property does not therefore any covered entryway would require a variance for this property.
2. That a variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity. Replacement of the overhang will contribute toward the safety of the structure and aesthetics of the property.
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 overhang will be more aesthetically pleasing and enhance the property value.
4. That the difficulty or hardship was not created by the property owner. The property lays within the setback and the position of the property caused the setback situation.

Ayes: 4

1055 Honey Creek Parkway

Variance

Request by Eva Soeka for a variance to the side yard and rear yard setbacks at 1055 Honey Creek Parkway in the R1-6 Residential District for the construction of an attached garage.

The applicant is requesting two setback variances to construct a new, attached garage that would place an existing dilapidated detached garage. For this property, the principal building side yard setback (west lot line) is three feet and the rear yard setback (north lot line) is 25 feet. By attaching the garage that needs to meet those setbacks, the applicant is requesting an eight inch variance to the side yard setback and 22'8" variance to the rear setback.

While the current garage complies with the 18 inch setback requirements from side and rear yards that apply to detached garages, the proposed attached garage would actually be located slightly further off of the lot lines than the existing structure. The current location of the home on the existing odd shaped lot make it impossible to construct an attached garage that would not require a variance.

Attaching a garage is a medical necessity for the homeowner and additionally will improve current property maintenance conditions pertaining to the existing structure.

Present in favor: Eva Soeka, 1055 Honey Creek Parkway, Wauwatosa, WI
 Rick Becerra, Buena Vista Design, 234 Walter Street, Madison, WI

Ms. Soeka stated that she purchased this property in May and realized that it needed maintenance to bring it up to the standards of the other homes in the area. The current garage is 6 feet away from the house. She has medical issues that makes it necessary to stay out of the elements. The boards in the garage are water damaged and unsteady and the paint is cracked and peeling. She looked at repairing the garage, but with the many repairs the garage needs, it would be cheaper to take it down and replace it. With the medical conditions that she has, it would be difficult for her to keep the home without an attached garage to make it safe for her. Attaching the garage would also make it closer to the house. On the north side of the garage there is a narrow piece of ground and by moving the garage six inches would result in an area that she would be able to access to put grass and improve the aesthetics. She is unable to access this area with the garage in its current location. There is no other place on this lot to build this garage.

Present in opposition: No one

Mr. Kern asked if the current garage was repaired, would there be a need for a variance. Ms. Ferguson responded that the detached garage meets the setbacks of 18" and would not need a variance. The detached garage in its current location, if attached to the home, would need a 23 foot variance.

Mr. Randall noted that the other homes in this area have attached garages. He inquired if it would be possible to move the garage forward 8 inches or reduce the size 8 inches in order to negate the need for a side yard variance.

Mr. Becerra stated and the applicant agreed that this was possible and were willing to reduce to the garage size in order to keep rooflines consistent.

Moved by Mr. Kern, seconded by Mr. Subotich to approve the request for variance for a 23 foot rear yard setback at 1055 Honey Creek Parkway for the construction of an attached garage.

1. Exceptional circumstances do exist pertaining to this lot. Any attached garage would require a variance, given the shape and layout of the property, there is no other location for this garage.
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 adjacent properties have attached garages and this would provide conformity to the property.
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 attached garage will enhance property values in this area.

4. That the difficulty or hardship was not created by the property owner. The property has a unique lay out necessitating a variance for any attached garage. The property has an unusual shape. The property owner did not willfully create this situation. The attached garage will also help with medical conditions of the applicant. Ayes: 4

Meeting adjourned at 7:55 p.m.

Jennifer Ferguson

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