



CITY OF WAUWATOSA
7725 W. North Avenue
Wauwatosa, Wisconsin 53213
Telephone: (414) 479-8957
Fax: (414) 471-8414
www.wauwatosa.net

MINUTES
MEETING OF THE BOARD OF ZONING APPEALS
Thursday, August 27, 2015

Attendee Name	Title	Status	Arrived
Peter Subotich	Member	Excused	
James Bittner	Board Member	Present	
David Kern	Board Member	Present	
Jamie Kristof	Board Member	Present	
Brian Randall	Board Member	Present	
Pamela Stokke-Ceci	Board Member	Excused	
Jennifer Ferguson	Planner	Present	
Paulette Enders	Development Director	Present	

1285 North 64th Street - lot coverage variance

Variance

The applicant is proposing to construct a new, detached garage in approximately the same location as the existing detached garage. The proposed garage will be slightly larger in area and exceeds the 37% maximum lot coverage requirement for the zoning district. The calculation of lot coverage includes the area of the footprint of structures on the property, in this case that of the home and the detached garage. The maximum lot coverage for this property equates to 1,643 square feet. The existing footprint of the home and that of the proposed detached garage results in 1,804 square feet of coverage (approximately 179 square feet more than allowed). It should be noted that the existing structures also exceed the lot coverage requirement by approximately 32 feet.

Constructed in 1929, the existing structures predate recent versions of the zoning code that have the current lot coverage requirements. The home is a duplex, so maintaining a garage that parks two cars is especially desired. The size of the proposed garage would replace the current dilapidated structure with a new, updated building. The applicant has received Design Review Board approval for the aesthetics.

Present in favor: Kathryn Duppler, 1285 N. 64th Street

Ms. Duppler is requesting this variance in order to be able to tear down the existing garage and construct a new one that will allow two vehicles. The existing garage is twisted and falling down. The current garage is larger than what is allowed by the current zoning code. The total lot size is smaller than others in the neighborhood and current zoning requirements does not allow for an adequate garage to be built on the property. The property is a two family home and she would like to be able to allow a vehicle for each unit to be able to park along with storage space for yard

equipment.

Present in opposition: No one

Mr. Randall asked if the applicant were to construct a shed for the yard equipment, would the shed need a variance as well? Ms. Ferguson responded that construction of a shed would also need a variance because it would exceed the lot coverage percentage.

Mr. Randall asked if this garage was a standard two car garage as opposed to an oversized garage. Board members confirmed that this was a standard two car garage.

Mr. Kern asked if the garage collapsed, could the applicant rebuild without a variance? Ms. Ferguson responded that in cases of unintentional collapse, the applicant could rebuild the same size garage without a variance but with intentional destruction, a variance is needed.

Moved by Mr. Kern, seconded by Ms. Kristof, to approve the request by Kathryn Duppler or a variance to the maximum lot coverage requirement at 1285 N. 64th Street in the R2 Residential District to construct a detached garage. This Board finds beyond a reasonable doubt that:

1. Exceptional circumstances do exist pertaining to this lot as it is an unusually small parcel, the home is a duplex and necessitates the storage of two vehicles plus yard equipment.
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 larger garage will allow for safe parking of more modern vehicles and storage of equipment as opposed to street parking that would be a detriment to the neighborhood and might enhance crime.
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 larger garage will allow for safe parking of more modern vehicles and storage of equipment as opposed to street parking that would be a detriment to the neighborhood and might enhance crime; there are no other neighbors present in opposition.
4. That the difficulty or hardship was not created by the property owner. The applicant had nothing to do with the configuration of the property's maximum lot coverage situation nor the deterioration of the current garage

And based upon these findings I move that the application for a variance be granted.

Mr. Randall would like to make an amendment to item #3 to reference the current garage is legal, non-conforming, exceeds the lot coverage zoning requirement and if it was to collapse, it could be rebuilt in its original condition. The area subject to the variance is a condition to have a garage not exceed the lot coverage.

Amendment accepted. Ayes: 4

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Kern, Board Member
SECONDER:	Jamie Kristof, Board Member
AYES:	Bittner, Kern, Kristof, Randall
EXCUSED:	Subotich, Stokke-Ceci

10100 Innovation - rear and side setback variances

Variance

The applicant is requesting two setback variances in order to construct a parking deck that serves a proposed office building. Property setbacks requiring a variance include the 100 foot setback from the property line along Highway 45 and 25 foot setback from a shared property line; the variances are highlighted on the site plan and constitute a 67.4 foot variance to the Highway 45 lot line and 11.7 foot variance to the shared lot line on the property's east side.

The City's parking requirement for the proposed use is three spaces per 1,000 square feet of building; however, the applicant is applying a greater standard based on the lease with the building's anchor tenant and results in the size/amount of parking being proposed.

The unique shape of the property and proximity to Highway 45 presents challenges to development of the property. The particular size and layout for the building and parking also results from the City's desired site density and connectivity of the property within the Research Park and various site planning decisions made between the parties.

Present in favor: Jaclynn Walsh, Irgens, 648 N. Plankinton, Milwaukee, WI

Ms. Walsh commented that some prior planning decisions over time have created a unique configuration for this site. One of these decisions was when the GE Healthcare office building was constructed, the building was expanded and moved to the north which means that the property to the north of GE Healthcare then moved their property line to the northwest. This resulted in a compromise to the applicant's site. Immediately to the north of the applicant's site is what used to be the park-and-ride, which was a 16 acre site. After the movement of the lot lines for the previous parcels and the Department of Transportation completion of their work in this area, the remaining site is now about 8 acres.

The variances needed for this property are from the property line at Highway 45 and from the shared property line within the Research Park. The structure will be approximately 32 feet from Highway 45 and approximately 13 feet from the shared property line.

There is a TIF investment in this project and the design, with the collaboration with the City, is a design with greenspace in the front of the building. The view from the building to the southeast will

be the greenspace. The greenspace is intended to be a public space and it will serve the tenants of the building but also be available for other occupants in the Research Park and the community. It is developed as a space for a renewal plaza which is incorporating the ideas for wellness within the building and occupants of the Research Park that do not have wellness facilities. There is a fitness center in the building, they plan to have group wellness classes in the yard, and the greenspace will connect with the Research Park walk-ways that are used by many individuals.

There is a desire for density in this area and without the parking structure, the site itself would not be able to accommodate the building of this size. The anchor tenant for this building requires a higher parking ratio to square feet for parking than is required by the City. The site itself is designed at 4.4 cars per 1,000 square feet. The lease is 5 per 1,000 square feet. There is a connector to the far north of the property that has a cross easement to the adjacent property. The cross easement further utilizes the expanse of parking. The adjacent property has underutilized parking which will provide them with additional parking for their tenants. Future development could be to use this easement and develop an access road to ease the traffic patterns in the Research Park.

The proposed parking structure will be difficult to see from the road. A portion of the structure will be below grade due to the elevation of the parcel. The maximum height will be 14.4 feet from grade. The structure will have a three foot wall on each level to shield views of headlights, but will not completely shield views of vehicles. The structure will not have any internal ramps which will maximize the number of parking spaces.

In addition, while working with the City, it was noted that there was an abundance of surface parking in the area which resulted in discussion of increasing the density. Phase 2 of the development has a commitment in the applicant's term sheet with the City to develop the site on the adjacent property.

Ms. Enders, Development Director, stated that staff supports this plan. The applicant initially submitted a design that was presented to Council and was receptive to suggested changes. As a result of multiple discussions with Committee members and Council members, the current plan was developed and designed. There is desire by Council to increase density in the Research Park and fully maximize the use of this irregular shaped parcel. The only way that this was able to be accomplished was to move the parking structure toward the rear of the building and in doing this, the structure comes close to the lot lines. In order to fully park a 155,000 square foot building, a parking structure was required. The Common Council did approve a term sheet with the applicant which was based on this specific design.

Mr. Randall asked Ms. Enders to explain why the setbacks at the Research Park were set up the way they are, if they are designed for sites further to the west, and if there are any other zoning areas similar to this anywhere else in Wauwatosa. Ms. Enders explained that the Research Park has a set of guidelines that they use when a project is identified and goes through the Research Park's design review process. The Research Park's design review process identified the setbacks for this project. Ms. Enders stated that in most commercial districts within Wauwatosa, there are much smaller setbacks and in some cases, zero setbacks. There is a desire from City staff to address setbacks in the future and bring suggested changes to Council in order to accomplish density in the Research Park. Ms. Ferguson indicated that Hwy 45 setbacks are 100 feet which is unique; Mayfair Road, Watertown Plank Road and Wisconsin Avenue setbacks are all 50 feet; shared properties are 25 feet.

Mr. Randall asked if the applicant lost property with the DOT work that was completed in the area. Ms. Walsh responded that there were two parcels totaling 16 acres which included the park-and-ride, however, due to the work of the DOT in the area, it has been modified to eight acres.

Mr. Randall asked if the proposed road to the north to access Watertown Plank Road is a possibility. Ms. Enders stated that if the County ever redevelops the area in which Children's Court Center is located, the Council has a desire to keep the connection going west on this site open to create the possibility of the access road. The applicant clarified that this would not be a connection out to Watertown Plank Road. The road would be an internal connection to provide traffic relief to the buildings on Innovation Drive.

Mr. Randall stated that given the Council direction and the desire to have density in this area, why can't the applicant build a larger parking structure. The applicant responded that the anchor tenant requires expansion space and they have designed the largest building that the applicant could fit onto this parcel without placing the applicant into a greater expense due to code requirements. The parking structure plan is the most cost effective parking structure solution. They have maximized the amount of parking stalls. This area is not well served by public transportation. The parking ratio is three spaces per 1,000 feet. The tenant that will be occupying this parcel is moving from Mayfair Woods. Their parking is four per 1,000 feet and there is no available parking at all. There is a requirement in the Research Park to have technology companies as tenants and they tend to have dense environments. The anchor tenant of the applicant's building will be a technology company but will also have other mixed businesses. With the cross easements to the connecting properties, the applicant will be able to take advantage of the existing parking that is underutilized on neighboring properties.

Mr. Bittner asked if the parking structure could be shifted northwest to eliminate the 45 foot setback variance. Ms. Enders responded that if the parking structure is shifted, they will lose parking stalls and this plan already has the minimum amount of stalls and it will also affect the future flexibility of the road access.

Moved by Mr. Kern, seconded by Mr. Bittner, to approve the request by Jaclynn Walsh, Irgens, and Meadowland Research LLC, for the 67.4 foot variance to the Hwy 45 100 foot setback variance to the north and 11.7 foot variance to the shared lot line on the property's east side located at 10100 Innovation Drive in the Special Purpose District - Research Park for construction of a parking deck. This Board finds beyond a reasonable doubt that:

1. Exceptional circumstances do exist pertaining to this lot as the parcel is it is a unique configuration; there is need to competitively market to technology companies with respect to their density and parking requirements; the property lines were moved which creates a more unusual need with respect to the position of the parking ramp on this site;
2. That a variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity. In furtherance of the Research Park's preference to maintain a 60% technology company and the associated parking requirements that come with

the nature of that business; in addition the natural topography and stormwater treatment necessitate the design of this parking structure with the on grade ramp and the cost considerations that affect going to a third level parking structure; and views for passersby.

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 overall purpose of the Research Park allows the fullest use of this property given the unique circumstances and the unique nature of the Research Park.
4. That the difficulty or hardship was not created by the property owner. The demands of the technology tenant, the City of Wauwatosa Common Council's role in approving and encouraging the development and configuration of this development, the movement of the property lines from 10000 Innovation, and the activities of the DOT in the area all impacted this.

And based upon these findings I move that the application for a both variances be granted. Ayes: 4

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Kern, Board Member
SECONDER:	James Bittner, Board Member
AYES:	Bittner, Kern, Kristof, Randall
EXCUSED:	Subotich, Stokke-Ceci

Meeting Adjourned at 8:22 PM

Jennifer Ferguson, Secretary