



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

AGENDA
BOARD OF ZONING APPEALS
THURSDAY, MAY 26TH, 2016 – 7:00 PM
COMMITTEE ROOM #1

- *1. Request by L-S Properties LLC and Ray's Growler Gallery at 8920 West North Avenue for a variance to install retractable awnings in the front yard in the C2 General Commercial District.

*Under Wisconsin Statutes 19.85(1)(a) or (g) the Board may adjourn into closed session for purposes of deliberating after a quasi-judicial hearing or to confer with their legal counsel. Subsequent to the closed session, the Board may reconvene in open session for further consideration of other matters on the agenda.

Any person who has a qualifying disability as defined by the American With Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format must contact the City Clerk at voice telephone 479-8917 or TTY 471-8484 (City Hall, 7725 West North Avenue, Wauwatosa, Wisconsin 53213) for accommodations. Requests for accommodations for meetings should be made at least three (3) business days prior to the meeting. Every effort will be made to arrange accommodations for all meetings, so please give the City Clerk as much advance notice as possible.

Please note: A 5 minute break after each hour of meeting time is scheduled to allow a rest period for the recording clerk.

CITY OF WAUWATOSA
MEMO

To: **Board of Zoning Appeals**

From: **Jennifer Ferguson**

Date: **May 18, 2016**

Subject: **Request by L-S Properties LLC and Ray's Growler Gallery at 8920 West North Avenue for a variance to install retractable awnings in the front yard in the C2 General Commercial District.**

The applicant is requesting a variance to the required 10 foot front yard setback in order to install retractable awnings on a portion of the building. In the C2 - General Commercial Zoning District, the front of a corner lot is defined as the side along the major street, making North Avenue the front of the lot for this property. The building, standing 10' 8 7/8" off the lot line, conforms to the setback requirement but the desired awning at 10 feet in length (20 feet wide) projects into the front, necessitating a variance. The awning would not cross the lot line and therefore does not need an encroachment agreement with the City. Design Review Board approval is required.

Currently zoning only permits awnings in rear yards in nonresidential districts. As part of a larger zoning code update, staff will likely revise these regulations in the future to allow for this architectural feature in some capacity. While variations in the zoning result in different requirements along the street, awnings are a relatively common feature on buildings in the North Avenue Commercial Corridor.

Recommendation: Staff does not believe that the recent Wisconsin Supreme Court ruling regarding area variances gives us carte blanche to approve all variance applications. The applicants still must show a very high burden of proof of unnecessary hardship. As staff is to consistently enforce the code that is adopted by the Common Council, it is difficult for staff to give a recommendation regarding a variance without compromising the code we have to enforce. The Board of Zoning Appeals is granted the authority to overrule the regulations set forth by the Common Council if the Board feels that there is sufficient evidence to support such a variance. Please refer to the memo from the City Attorney and the language to approve or deny a variance application.



Board of Zoning Appeals Application

City of Wauwatosa
 Planning Division
 7725 West North Avenue
 Wauwatosa, WI 53213
 414-479-8957
www.wauwatosa.net

Section 24 of the City Code establishes a Zoning Appeals Board for the purpose of hearing appeals and granting variances and exceptions to provisions in the zoning code. Meetings of the Board of Zoning Appeals are usually conducted at Wauwatosa City Hall at 7:00 p.m. on the fourth Thursday of the month. It is suggested that you discuss your proposal with Planning staff and READ THE CRITERIA FOR GRANTING A VARIANCE prior to submitting an application (see reverse side).

PROPERTY INFORMATION

Project Address: 8920 West North Avenue Tax Key #: 3330533001
 Current Zoning: C-2 General Commercial Aldermanic District: Sixth
 Description of Proposal Retractable Awnings for Patio extending into 10-foot Building Setback

ATTACH DETAILED DESCRIPTION OF PROPOSAL including what is being requested, the rational, the hardships involved, etc

In order to be placed on the Board of Zoning Appeals agenda, the Planning Division must receive the completed application, fee, project description, 3 sets of plans (max. size 11" by 17") of the plans by the applicable deadline. SEE REVERSE FOR DEADLINES AND ADDITIONAL INFORMATION.

Applicant or Agent Information

Property Owner Information

Name Sara Laev
 Company Ray's Growler Gallery
 Address 8920 West North Avenue
 City Wauwatosa State WI Zip 53226
 Phone (414) 258-9821
 Email rayswine@rayswine.com

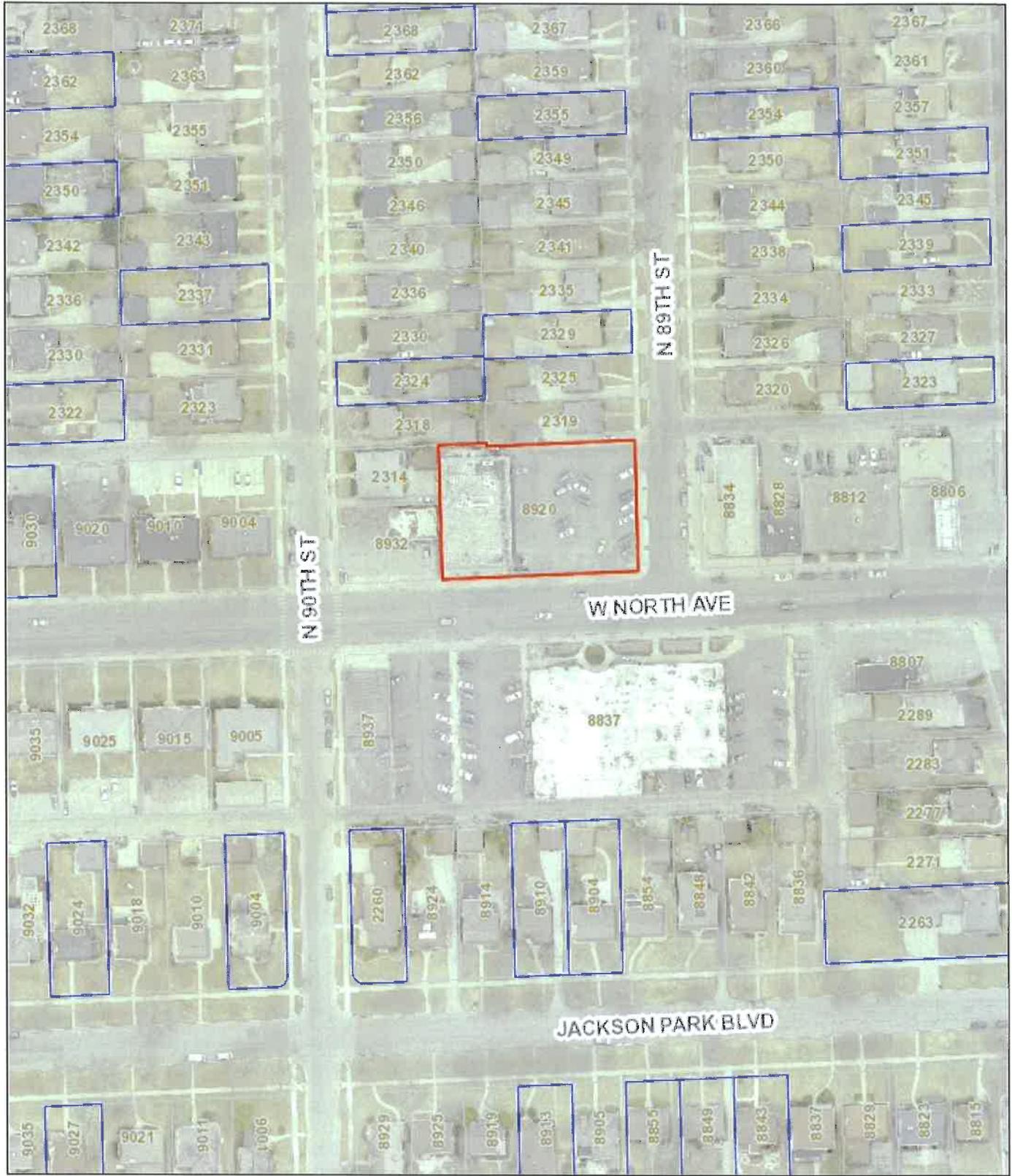
Name L-S Properties LLC
 Company _____
 Address 8920 West North Avenue
 City Wauwatosa State WI Zip 53226
 Phone (414) 258-9821
 Email rayswine@rayswine.com

Applicant or Agent Signature: *Sara Laev* Date: 5/3/16
 Property Owner Signature: *M B Jahn* Date: 5/3/16

APPLICATION FEE \$250
 TYPE: Variance Appeal
Make checks payable to City of Wauwatosa

<p>FOR CITY USE ONLY: Accepted by <u>[Signature]</u> Date <u>5/3/16</u> <input type="checkbox"/> MT ID _____ Acct# 01-521-4410-040</p>	<p>Fees Amount Paid <u>250</u> Receipt # _____ Date paid <u>5/3/16</u></p>	<p>Meeting Dates BZA <u>May 26th</u> Other _____ Updated Nov 2015</p>
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Attachment: rays (4112 : Ray's Growler Gallery-awnings)



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City of Wauwatosa GIS

City of Wauwatosa

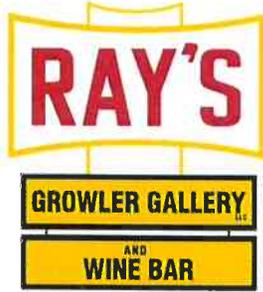
7725 W. North Avenue
Wauwatosa, WI 53213
(414) 479 - 8900

DISCLAIMER: The City of Wauwatosa does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1" = 123'

Print Date: 5/10/2016



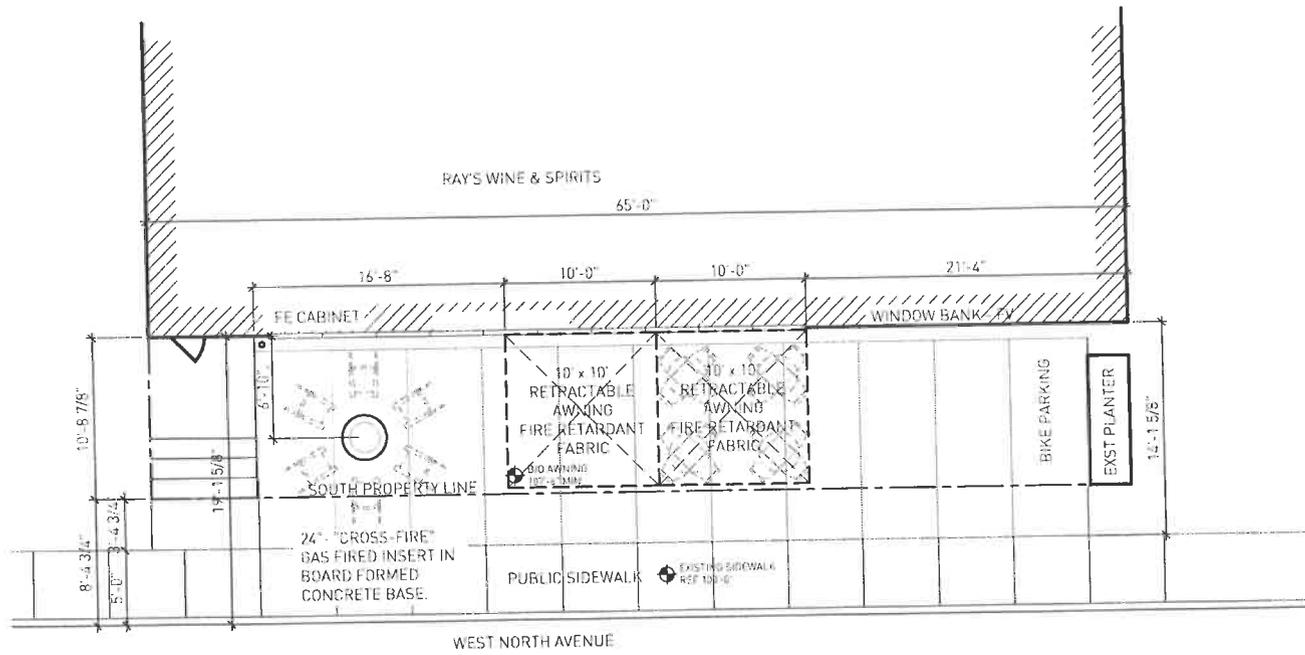
8930 W. North Ave., Suite G
 Wauwatosa, WI 53226
 414-258-9821

May 3, 2016

Request for Building Setback Variance for the Installation of Retractable Awnings.

1. Exceptional Circumstances do exist pertaining to this lot:
 - a. The awning will be retracted to within the setback boundaries (10-feet from the property line) when not in use.
 - b. Edge of the extended awning will be approximately 8'-4" from the North Avenue curb and will not encumber the public way or sidewalk access across the 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:
 - a. Ray's Growler Gallery exterior seating has been approved by Plan Commission as a Conditional Use in 2015.
 - b. A variance approval for retractable awnings will provide a flexible option to control sun and rain during the outdoor patio season, and enhance street side activity and the nature of the building during the use of the patio.
3. That the variance will not create a special detriment to the adjacent property and will not materially impair or be contrary to the purpose and spirit of this (*sic*) or to the public interests:
 - a. The retractable awning is a seasonal amenity that will enhance the south façade of the property and will not encumber the adjacent property to the east. The property to the west is across the parking lot and 89th Street.
 - b. Having an active North Avenue benefits the MidTown and the public interest district by providing street side activity that generates a positive economic impact to surrounding business and property owners.
4. That the difficulty or hardship was not created by the property owner:
 - a. The difficulty or hardship was not created by the property owner.

ARC-INT ARCHITECTURE



Attachment: rays (4112 : Ray's Growler Gallery-awnings)

RAY'S WINE & SPIRITS; WAUWATOSA, WI
PATIO & FIREPLACE CONCEPT
2016-04-12





Attachment: rays (4112 : Ray's Growler Gallery-awnings)

RAY'S AWNING PATIO CONCEPT
05-17-2016

ARC-INT ARCHITECTURE