



**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, April 28, 2016**

Attendee Name	Title	Status	Arrived
Peter Subotich	Board Member	Excused	
James Bittner	Board Member	Present	
David Kern	Board Member	Present	
Brian Randall	Board Member	Present	
Pamela Stokke-Ceci	Board Member	Excused	
Ed Bremberger	Board Member	Present	
Jennifer Ferguson	Planner	Present	

**2520 N 93rd - Front Yard Setback Variance**

**Variance**

The applicant is requesting a variance to the required 30 foot front yard setback in order to construct an addition to the home. The current home, located 30.8 feet from the front line, conforms to the front yard set back; the proposed addition would measure 26.54 feet from the front lot line, necessitating a 3.46 foot variance.

The proposed addition would provide a new, more functional front entry into the home and replace the existing beezeway/garage with a new, attached garage.

Present in favor: Kristin Dodulik, 2520 N. 93rd Street, Wauwatosa, WI  
Louis Dodulik, 2520 N. 93rd Street, Wauwatosa, WI

Ms. Dodulik stated that the purpose of the variance was to create a vestibule to the home. Currently her front door opens directly into the living room and does not provide protection from the elements or temperature differences. The temperature difference is uncomfortable and is also an energy efficiency issue. She has tried to come up with a design that is as minimal as possible and will conform to the neighborhood design. The opening is for a 36" door which requires a 42" variance which they are requesting.

Ms. Dodulik provided copies of the view of the neighborhood. She indicated that 65% to 70% of the homes have attached garages. Driving up the street, you are unable to see the applicant's house because the neighbor's home blocks the view. There are several homes on the next street that have built vestibules in the front of their homes. The applicant has tried to stay within the design of the neighborhood.

Mr. Randall asked:

- If the garage was detached, would this have the same setback of 30 feet.  
Ms. Ferguson stated that a detached garage needs to be in the rear of the yard.
- Is the front door an enclosed area or an overhang.  
Ms. Dodulik commented that it is designed to create a buffer area between the exterior and interior.
- Is there a way for the design to be set back three feet or further for the garage.  
It would affect the upper bedroom, removing a window and the downstairs kitchen window as well as the venting window in the basement for the dryer.
- Would locating the garage in the back yard reduce the use of the back yard?  
The garage is connected to the house by a breezeway. The neighbor to the north have their garage very close to their lot line and if they were to place their garage in the back yard they would lose space and it would not be aesthetically pleasing. The design was to make the home look more uniform and not have three little pieces of different height and setback and the new design will keep the natural daylight.

Mr. Dodulik stated that they were looking for a more uniform appearance for the home. The garage will be staying within the setback and they would not be connecting on the same plane as the house.

Mr. Kern indicated that the overall variance that the applicants are seeking is for an overall aesthetic appearance of the home. The second story is not encroaching on the setback and if the first story of the garage would be cut off, it would need an architectural treatment of a small roof-line or an eyebrow, which may not work as well.

Mr. Bittner commented that much of what the applicants are stating references the benefit to them and not to the neighborhood. Ms. Dodulik responded that improvements to the home benefit the neighborhood as well as saving energy which benefits everyone. Mr. Dodulik commented that the investment in their property also re-invests in the neighborhood.

Mr. Bremberger asked if the loss of heat has been reflected in their energy bill as well as the constant air conditioning running during the summer months. Mr. Dodulik responded that they recently replaced the windows and with the improved windows, they definitely saw a difference in the energy bill. With the front addition of a vestibule, he felt that this would greatly help with energy efficiency.

Mr. Randall, as Chair, requested Mr. Bittner to assume the responsibilities of Chair.

Moved by Mr. Randall, seconded by Mr. Kern to approve the request by Kristin and Louis Dodulik for a variance to the front yard setback to construct an addition to the home located at 2520 N. 93rd Street in the R1-6 Residential District. The Board finds beyond a reasonable doubt that:

1. Exceptional circumstances do exist pertaining to this lot.
  - a. It appears from the aerial maps that the applicant's home is closer to the front property line than the properties to the north
  - b. It is apparent that the home to the south is the immediate next door house to the applicants and the side yard setback is 14' off the sidewalk and the applicants home is 26' off the sidewalk

- c. Based on the design of the home, the weather buffer is needed
- 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 design of the existing home is outdated with modern homes having a breezeway as a standard design. The applicants are investing in a property to minimally encroach on the setback. The global benefit of being a part of conserving energy. The aesthetic appearance to the home will add to the neighborhood as well as the increased property value with this addition
- 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 applicants are minimizing their encroachment on the setback and trying to maintain the spirit and intent of the setback. The home to the south is much closer to the lot line. To keep within the setback would compromise the visual of the property with the roof-line differences. The aesthetic appearance to the home will add to the neighborhood as well as the increased property value with this addition.
- 4. That the difficulty or hardship was not created by the property owner. The applicants did not site the home in this location in 1946 and it appears to be sited a little closer than other homes. The applicants have explored interior modifications and have not found suitable solutions.

Based upon these findings, I move that the application for a variance be granted. Ayes: 4

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Brian Randall, Board Member
<b>SECONDER:</b>	David Kern, Board Member
<b>AYES:</b>	Bittner, Kern, Randall, Bremberger
<b>EXCUSED:</b>	Subotich, Stokke-Ceci

Meeting Adjourned at 7:47 PM

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Jennifer Ferguson, Secretary