



# Wauwatosa, WI

## Board of Zoning Appeals

### Meeting Minutes - Final

7725 W. North Avenue  
Wauwatosa, WI 53213

---

Thursday, April 24, 2025

6:00 PM

Zoom Only:  
<https://us02web.zoom.us/j/89325102239>,  
Meeting ID: 893 2510 2239

---

#### Regular Meeting

#### CALL TO ORDER

Chairperson Mr. Kern called the meeting to order at 6:05 PM.

#### ROLL CALL

**Present 4**      Member, Chair David Kern  
                     Member James Bittner  
                     Member Michael Mazmanian  
                     Member Patricia Stone  
**Excused 1**      Member Richard Brunner

#### NEW BUSINESS

1. Request by Mark Miller for a side and rear yard setback variance at 11717 Watertown Plank Road

[25-0640](#)

##### A. Issue

The applicant is requesting variances to the side and rear yard setbacks to expand an existing home located at 11717 W. Watertown Plank Road in the Two-unit Residential (R2) zone. With exception to the side and rear yard setbacks, the proposal is anticipated to meet development standards.

The subject property is a flag lot and is surrounded by a mix of duplexes and single family residential uses. The house is a nonconforming structure as it does not meet the required rear and west side setbacks. Per WMC 24.15.040, expansions to nonconforming structures are permitted if the proposed expansion complies with applicable lot and building standards. Attached to this report are a letter addressing the four variance findings in accordance with WMC 24.16.060.H, plat of survey, plat of survey with requested variances, site aerial, floor plan, plans with an elevation, and letters of support from the neighbors.

##### B. Recommendation

The standard four criteria should be applied to make the determination for the requested variances:

1. Exceptional circumstances do exist pertaining to this lot.
2. That a variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity.
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.
4. That the difficulty or hardship was not created by the property owner.

*Art Pinon, Principal Planner, introduced the item to the board. Mark Miller, 11717 Watertown Plank Road, provided reasons for the variance from his point of view. Topics consisted of no basement on*

current property, the lot is nonconforming and looking to expand another bedroom and bathroom. Considerable discussion was had with the board. Topics consisted of conforming to minimize the dimensions, the unbuildable green space to the adjacent property owner to the East, the dimensions for the purposed setback of the rear lot line, building code implications of 2 ft setbacks vs 3 ft setbacks, the uniqueness of the lot, and the existing cellar that's only accessible from the outside.

Shannel Briggs, 11723 and 11725 W. Watertown Plank Road, spoke in favor.

Mr. Bittner's motion will be an approval for the variance, that the applicants demonstrated to the board. The board considered all the following, making the findings of each of these factors in favor of granting the variance.

1. Exceptional circumstances do exist pertaining to this lot: The lot is an irregular flag lot. Also, a nonconforming structure is already being build on the lot which the one dimension (South side of property) would not significantly change other than a wider structure but the setback will remain.
2. That a variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity: It would improve property value of that particular property thus raising property values for the adjacent areas and improving tax base for the entirety of Wauwatosa.
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: Is already nonconforming on the South and West property lines and aside from the variance, it will meet the developments standards. Also, the most impacted adjacent properties stated they have no objections of the variance being granted.
4. That the difficulty or hardship was not created by the property owner: The applicant recently purchased the property in the last five years and it was already nonconforming. They had no input to the property lot development or anything else related to it.

It was moved and seconded (Bittner / Kern) to approve the variance with the amendments to the third criteria regarding the property to the East did not object to the request of the variance but is in a situation on where the property is not buildable, therefore would not be impacted significantly by the addition that the applicant is imposing.

**RESULT:** APPROVED

**MOVER:** James Bittner

**SECONDER:** David Kern

**Aye:** 4 Kern, Bittner, Mazmanian, and Stone

**Excused:** 1 Brunner

## **ADJOURNMENT**

Meeting adjourned at 6:36 PM.