

## RE: LANDSCAPE ZONING VARIANCE

January 4<sup>th</sup> 2024

Idyll Coffee Roasters  
6330 W. North Avenue  
Wauwatosa WI 53213

### ZONING VARIANCE BEING SOUGHT

**24.12.030.B.2 – Interior Vehicular Use Area Landscaping.** *“Minimum Interior Landscape Area. At least 10% of the interior of vehicular use areas must be landscaped.”*

### PROJECT DESCRIPTION

The project under consideration is the conversion of the long vacant building at 6330 W. North Avenue into a café and accessory coffee roasting facility.

The design utilizes the bones of the 1963 structure existing on the site to create a vibrant neighborhood hub and gathering place. Substantial improvements are being done to the property including a dramatic re-working of the most visible North Avenue façade.

Behind the existing building, the parking lot will remain largely unchanged from its footprint, traffic flow, and capacity. The parking lot has existed in relatively the same configuration for 60 years. We are introducing landscaping edges along the West and North boundaries of the lot to comply with some of the recently adopted landscape zoning.

### EXCEPTIONAL CIRCUMSTANCE

The building and associated site at 6330 W. North Avenue is a unique and exceptional circumstance within the City of Wauwatosa.

- The structure located on the site has been either city or county owned for an excess of 10 years. During this tenure, the structure has suffered from a lack of roof maintenance, illegal salvaging of metal building components, and the termination of electrical and gas service. The structure presents a significant blight on the neighborhood that Idyll Coffee Roasters is attempting to rectify.

- The site was developed during the 1920's streetcar suburb area. The urban texture of this area is significantly different than the Bluemound Rd. / Mayfair Rd. section of Wauwatosa where the landscape zoning is more appropriately calibrated. In a tight urban context like East Tosa or The Village, the landscaping zoning often requires variances to respond in a logical, designed manner to the circumstances of the site.
- In the pre 1950 sections of Wauwatosa the parking zoning and landscape zoning are almost impossible to satisfy mutually. Both sections of zoning are written in the mold of the Bluemound Rd. / Mayfair Rd. corridors in mind and are essentially unworkable in East Tosa or the Village.
- The site, prior to 1963, was a filling station which led to significant underground contamination on the site. An underground leaded gasoline storage tank was removed from under the existing asphalt parking lot and remediation was done to the soils surrounding that area.
- While DNR closure has been established for the site, pollutants do remain at elevated levels in the soil and any work on the property is subject to the DNR's requirements for continuing obligations. Any soils removed from the site must be tested and properly remediated when removed. This presents a significant financial challenge to creating landscape islands that other properties in the area do not have.
- Lastly, given the residual contamination on the site localized along the eastern edge of the site, we have concerns with rainwater infiltrating into that area and potentially spreading contaminants below the surface. The most prudent course of action in the areas on the east 2/3 of the site would be to maintain the status quo with an impervious asphalt paving over that section. Our goal in the parking area is to collect the water as quickly, and cleanly as possible and deliver it to the storm sewer to evacuate it from the site.

## **PRESERVATION AND ENJOYMENT**

The zoning variance being sought would preserve the use at 6330 W. North Avenue enjoyed by the surrounding properties.

- Most adjacent properties do not have the contamination issues present at 6330 W. North Avenue. Compliance with the zoning for interior landscape islands does not typically present the financial hardship or exposure to potential future environmental risk that is present on the site.
- This variance also preserves the enjoyment of rights that the existing 60-year-old parking lot had prior to the recent enactment of the revised landscaping zoning.

## **DETRIMENT AND IMPAIRMENT**

The zoning variances being sought would avoid detriments and impairments to the adjacent properties.

- By reducing the amount of water infiltrated at the back of the project site, the risk of residual contamination moving across property lines is subsequently reduced.
- The area in question is located internally to the site and does not have the same impact on the surrounding properties that perimeter screening has.
- The variance simply preserves the 60-year status quo at the site and does not impose any changes that would adversely affect any of the property owners in the neighborhood.
- The granting of this variance would retain the turning radius out of the parking lot into the alleyway. With small box truck deliveries utilizing this parking exit, the variance will help to prevent potential safety and property issues arising out of an inadequate turning radius at this location

## **INHERENT HARDSHIP**

Idyll Coffee Roasters did not create the hardships associated with these this variance. The need for the variance stems from the fortunate redevelopment of long blighted corner of East Tosa. The building and parking lot at 6330 W. North Avenue, was designed in a different time and brings with it a legacy of contamination that precedes even the circa 1963 building. If we were to have a clean site at this corner and been tasked with designing a new café for this location, we would have been able to comply with the requirements of the landscape zoning easily and willingly. In order to sensitively rehabilitate this building and site however there is a necessity for flexibility in the landscape zoning.