

Mary and Gene Sczesny
1314 / 1316 Saint Jame Ct
Wauwatosa, WI 53213

Background:

We live in the village of Wauwatosa at 1314/1316 Saint James Ct. This duplex property is zoned R2 with a required 25' front setback. Since purchasing it in July 2019, we have made significant improvements inside and outside both units. The rear of our property includes steep, unusable land part of the "bluff" that runs parallel to 68th street.

With consent from our adjacent neighbor, we removed significant overgrowth on the north side and relandscaped with sod, stones, and concrete tiles. We also removed 15 arborvitae hedges from the front yard and south side of the driveway, enhancing curb appeal and improving sunlight and fresh air access for the lower unit.

We have extensively relandscaped the front yard, removing stone rocks, terraced plantings, a large pine tree, and several other trees and shrubs that were not maintained by the previous owners. The entire front of the lot was smoothed and resculpted to provide a gentle slope from the building to the sidewalk, which was reseeded with grass.

In 2022, we replaced the asphalt driveway and the railroad tie retaining wall on the south side of the property. The new concrete drive and block retaining wall have also improved the curb appeal of the property. Our neighbors to the south have expressed satisfaction with the result since it is visible to them daily.

At the time when we replaced the driveway, a wheelchair-accessible sidewalk/ramp/porch that extended across the entire front of the building (9ft wide x 22ft long) was also removed. Originally, this ramp provided handicapped access to the lower level. The structure had significantly deteriorated over time, sinking and pulling away from the building. To prevent potential damage to the building foundation, it was removed in collaboration with our driveway contractor. Pictures of the ramp are included with this documentation.

In 2023, additional updates to the property include a new roof on both the main duplex and the detached garage, new gutters, downspouts, and matching fascia and soffit trim. The changes have been acknowledged by neighbors, who have given positive feedback. With pride in maintaining the property, we enjoy residing in the village. We often take advantage of all the amenities afforded to us by the village and frequently boast to friends and family about how lucky we are to be living in this community. The current project request for a building permit variance is to further improve the front of the property by adding a freestanding deck/porch for the lower unit, replacing the space previously occupied by the ramp, but on a smaller scale.

Variance Application Documentation:

A **zoning variance** is a special exemption from the city zoning code granted by the Board of Zoning Appeals on a case by case basis. In order to grant a variance, an applicant must show that a unique hardship exists on the property. Variance applications must include information addressing the four variance approval criteria as an attachment in step #5:

1. Exceptional Circumstances do exist pertaining to this lot.

We reside on a dead end cul-de-sac at the base of the Wauwatosa bluff, which severely limits opportunities to make improvements behind our property, behind the buildings. This property is a two-family residence, necessitating shared external facilities among the two families. There is no private space available for either resident; thus, all outdoor activity areas must be coordinated and shared. Our new deck/porch will provide the lower unit with the currently missing private space. The upstairs unit already has its own private porch/balcony.

In collaboration with our recent driveway contractor, we obtained a new property survey, which I have included in the documentation. Upon consulting the city early on, we found that the only survey they had on file did not accurately reflect the current buildings and their locations. Based on the new survey, we discovered that the southwest corner of the building is already within the 25-foot zoning setback, and the extension of the concrete ramp further encroached on this setback.

Considering this property line setback, it is evident that almost every building on both Saint James Court and Saint James Street also falls within the 25-foot setback requirement. Nearly every property in the neighborhood, comprising 11 properties, includes front porches and decks, some single-story and others two-story, with various structures either covered or open to the sky, all encroaching on their respective 25-foot property line setback.

Upon removing the failing concrete structure, we decided to replace it with a porch/deck for the lower unit. This would enhance the property's appearance and offer the lower unit a more private area. With improved landscaping, ramp removal, a new driveway, and a retaining wall, we have mitigated the challenging conditions faced upon purchasing the property and significantly enhanced the neighborhood's curb appeal. Due to setbacks, construction on either side of the building is not feasible on our narrow lot, making forward construction our only option.

2. A variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity.

As mentioned previously, nearly every property in our neighborhood features either a porch or deck at the front of their homes. Our property is an exception to this trend, primarily due to the removal of the sidewalk, ramp, and porch that were previously installed. The planned deck has a footprint significantly smaller than the ramp we removed and will provide a private space for the residents of the lower, owner-occupied unit to enjoy while also enhancing the property's curb appeal.

3. The variance will not create a 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.

We have already discussed our project with the residents to the north and south of our duplex and have obtained verbal permission to proceed. The building to the north, which is also a duplex, does not have a view of the front of our building, so there is no visual impact for them. Notably, this building is identical to ours but is oriented 90 degrees to fit on their lot at the base of the bluff. They also have a wheelchair ramp, although it is much smaller than ours was. It is significantly flatter, and the tenants in the lower unit frequently sit outside and utilize it.

The property to our south features a building that is set far back from the road, resulting in no visibility to the front of our duplex. They have a covered porch which they use regularly.

There is no structure directly across the street to the west, eliminating any concerns about visual impact. However, we did speak with the owners of that property, and they also have no objections to us constructing a deck or porch. Their duplex faces Saint James Street and includes both an upper and lower porch attached to their building. Both sets of tenants frequently use these porches during the spring, summer, and fall seasons.

4. The difficulty or hardship was not created by the property owner.

Over the past five years, we have made several, major improvements as the current property owners. These improvements have not contributed to the present issues that we are attempting to address. We request permission to complete our project and obtain a variance to construct a free-standing deck/porch at the front of our duplex.

Additionally, we are in discussions with a local remodeler to replace and install new windows for both units and replace the old vinyl siding. We may also consider staining the existing brickwork a different color to modernize the overall appearance and better match the new windows and siding. The new deck/porch will be a central feature of these upcoming changes. Therefore, we seek your assistance and support in granting this variance request at this time.