

May 18, 2026

Mr. Art Piñon
Principal Planner
Planning Division
7725 W. North Avenue
Wauwatosa, WI 53213

RE: Request for variance from the setbacks along both Milwaukee Avenue and Harwood Avenue in the City of Wauwatosa

Project No.: L23-025

Dear Mr. Pinon:

The following is a brief project description and a written statement addressing the variance criteria for presentation to the City of Wauwatosa Board of Zoning Appeals.

The purpose is to create a Veterans Memorial Plaza that will honor all Veterans regardless of when they served (war or peace), what branch of the military service or what component (active, Reserves, or National Guard) to serve as a physical reminder of the service to our country by everyday citizens.

The memorial would consist of the following:

1) A black granite monument, about 7 feet in height with the following inscription on the front of the monument:

*In Honor and Memory of all the
Men and Women
Who Served in the Armed Forces of the
United States of America to preserve
Our Freedom*

2) Encircling the monument will be 7 flagpoles: with the National Colors with POW Flag below on a 35-foot flagpole and (6) 25-foot flagpoles with the flags of the service branches (Army, Marines, Navy, Air Force, Space Force and Coast Guard)

3) The plaza is 56'-0" in diameter and is a series of concentric circles and arcs with memorial walkway. The walkways are made up of personalized, engraved bricks to honor Veterans, family members, or friends who have served our country. The plaza has been modified/reduced from its original design to better fit on the site.

4) Adjacent to the ring of service branch flags are two semi-circular single sloped pergolas that pay tribute to and honor the flags and pavers, giving the plaza a bit more sense of space and this takes some queues from the national memorial in Arlington.

Application

1) Exceptional circumstances exist pertaining to the subject lot;

- The subject property is uniquely constrained due to its rather small triangular shape and the presence of both front- yard and street-side setback requirements (25 feet and 15 feet) along two intersecting lot lines at the corner. These overlapping setback requirements significantly reduce the permitted buildable area and leave only a limited development footprint on the site. The overall square footage of the existing parcel is 8, 723 square feet. The amount of buildable square footage inside the two street yard setbacks is 3,456 square feet. That is 39.6% of the lot square footage. These circumstances are unique to the property and are not generally applicable to neighboring parcels which are much larger and primarily rectangular or trapezoidal in shape.
- Additional site constraints exist on the western portion of the property, where an existing 4'-6" wide pedestrian walking path and 18'-6" wide swath of existing mature trees are required by City Engineering to be preserved. This reduces the buildable area by another 1,469 square feet. The remaining buildable area is 1,987 square feet, which is 22.8% of the lot square footage. As a result, the proposed pergola structures cannot reasonably be relocated further west without negatively impacting these protected site features.
- The property is designated for single-family residential development; however, due to the small size & buildable area, unusual shape and configuration of the lot, it is likely that any meaningful improvement or structure constructed on the property would require some form of variance relief. These circumstances are unique to the property and are not generally applicable to neighboring parcels.
- The applicant explored several alternative pergola configurations in an effort to minimize setback encroachment, including an east-west orientation. The applicant has reduced the original size, configuration and layout to better fit the small site. However, during the design review process, the City's Design Review Board directed the applicant to orient the pergola in a north-south configuration, along the site major axis centerline to improve access to the public plaza and achieve a superior site design that better serves the surrounding neighborhood and community and siding the pergola north. The proposed configuration therefore reflects both the practical limitations of the site and compliance with the City's design objectives.

2) That the requested variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity;

- Most properties within the surrounding neighborhood are generally trapezoidal or rectangular in shape, containing a front yard, rear yard, and two side-yard setback areas. These lots typically have two side setbacks of only three (3) feet, along with a front-yard setback of twenty-five (25) feet and a rear-yard setback equal to twenty percent (20%) of the lot depth. This configuration results in a centralized and comparatively larger buildable area, allowing neighboring property owners to reasonably develop, maintain, and enjoy residential structures on their properties.
- In contrast, the subject property is uniquely constrained by its triangular shape, the presence of two intersecting lot lines at the corner, both of which are subject to substantial setback requirements (25 feet and 15 feet) and an existing public walking path at the west **end** of the site that is required to be preserved. These conditions reduce the available buildable footprint on the site as compared to surrounding properties in the district. As a result, the subject property does not afford the same reasonable development opportunities or enjoyment of property rights that neighboring properties possess.

- The requested variance is therefore necessary to allow the subject property to achieve a level of functional use and development consistent with other properties in the 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 ordinance or to the public interests;

- The granting of the requested variance will not create a special detriment to surrounding properties or be contrary to the purpose and spirit of this ordinance or to the public interests. The proposed pergola structures have been thoughtfully designed and arranged to provide as much separation as reasonably possible from the nearest adjacent residential structures, while still accommodating the constraints of the site and the project's intended public memorial.
- The property is intended to serve a public and community-oriented use. Existing site features at the western portion of the property, including the pedestrian walking path and mature shade trees, will be preserved and incorporated into the overall design. The pergolas are intended to create an attractive and functional public gathering space that will enhance the usability of the Veterans Plaza and provide a benefit to the surrounding neighborhood and Wauwatosa community.
- In addition, the pergolas and the Veterans Plaza project as a whole have undergone rigorous review process and the approval by the City's Design Review Board. The Board evaluated the project for quality of design, compatibility with surrounding development, and overall continuity with the character of the area. A great deal of thought and care was implemented in the design to be harmonious with the surrounding environment and cause no harm to adjacent property owners. The approved design is intended to contribute positively to the appearance of the neighborhood and support long- term community value and enjoyment.

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

- The hardship associated with the subject property was not created by the applicant or current property owner. Rather, the hardship results from the unique physical characteristics and configuration of the property, including its triangular shape, intersecting front and street-side setback requirements, and limited buildable area. Additional constraints include the required preservation of the existing pedestrian path and mature trees located on the western portion of the property.
- These site conditions are inherent to the property and existed prior to the applicant's proposed improvements. Furthermore, the applicant explored several alternative pergola configurations in an effort to reduce setback impacts; however, the final orientation was directed through the City's Design Review process to improve public access and overall site design. As such, the need for the variance is driven by unique property constraints and City design considerations, rather than any action or hardship created by the property owner.

Respectfully,

Michael C. Davis