

Dear Commissioners,

The City of Wauwatosa is planning a restroom building to serve the western side of Hart Park. The proposed building is a single-story prefabricated structure consisting of two single occupancy restrooms and a small utility chase. The City is requesting a variance to the requirement that park structures be set-back a minimum of 100 feet from the nearest property line. It is my understanding that the board considers four specific criteria when determining whether or not to grant a variance; this letter is intended to provide the board with the specifics of this project as it relates to that criteria.

1. Exceptional circumstances exist pertaining to the subject lot:

To comply with federal and local regulations the new building must be sited entirely out of the floodway and have a finished floor elevation of at least two feet above flood elevation. There are only two areas in Hart Park, West of 72nd Street, which satisfy these criteria. The first, which is the proposed site of the building, is located just south of Hart Park Lane between the upper tennis/pickleball courts and the softball field. This area was selected because it is relatively central to the amenities being served. The second area is also just South of Hart Park Lane at the Western boundary of Hart Park. This area is considered less desirable as it is farthest away from the areas of service. Both of the possible building sites are within 100 feet of the nearest property line, which is shared with the Canadian Pacific Railway Company.

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

Amenities in this area of the park include the softball field, volleyball courts, and tennis/pickleball courts. The Oak Leaf trail also passes through the West end of Hart Park. Historically, there has been a restroom to serve this area of the park but it was removed in 2020 due to its location in the floodway of the Menomonee River. Since its removal portable toilets have served the area and the parks department receives regular inquiries as to when the permanent restroom building will be replaced.

3. 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 proposed building site is approximately 62' from the property line shared with Canadian Pacific Railway Company. The next nearest private property is located on the North side of State Street approximately 200' from the proposed building site. In addition to the floodplain regulations, Hart Park West of 72nd Street is designated as a locally historic district. Other structures within the historic district include the Muellner Building and the Parks Administration Building. The exterior finishes of the proposed restroom building have been selected to match the two existing buildings. This includes aannon stone cladding, dark brown exterior trim and doors, and a dark brown steel roof similar to the one recently installed on the Muellner.

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

The main difficulty with siting the restroom stems from the majority of Hart Park being located within the floodplain of the Menominee river. There is no location within the park, west of 72nd street, that is out of the floodplain and 100 feet from the nearest property line. This is a circumstance beyond the control of the City.

I hope the board finds this letter informative and useful in its consideration of the City's variance application.

Sincerely,
Alex Krutsch
Parks and Forestry Superintendent