



Wauwatosa, WI

Board of Zoning Appeals

Meeting Agenda - 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

VIRTUAL MEETING INFORMATION

Members of the public may observe and participate in the meeting via Zoom only at the link above. To access the Zoom meeting via phone, call 1-312-626-6799 and enter the Meeting ID.

CALL TO ORDER

ROLL CALL

NEW BUSINESS

1. Request by Mark Miller for a side and rear yard setback variance at 11717 [25-0640](https://www.wauwatosa.net/25-0640)
Watertown Plank Road

ADJOURNMENT

NOTICE TO PERSONS WITH A DISABILITY

Persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (414) 479-8917 or send an email to tclerk@wauwatosa.net, with as much advance notice as possible.



Staff Report

File #: 25-0640

Agenda Date: 4/24/2025

Agenda #: 1.

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

Submitted by:

Art Piñon

Department:

Development

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 table below illustrates the proposed setbacks to the side and rear property lines and minimum setbacks required per WMC 24.02.030:

Variations Requested	Proposed Setback	Required Minimum Setback
Side Yard (East Property Line)	2 feet	6.45 feet
Rear Yard (South Property Line)	2 feet	25 feet

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.

Dear Wauwatosa Board of Zoning Appeals,

I am writing this letter because I am asking for a variance of the setback code for the east and south side of my property to add a 1 story addition to the east side of my existing house. I was told to answer these 4 questions because these are the perimeters the board uses to deny or grant a variance.

1. Exceptional Circumstances do exist pertaining to this lot.

- Currently the setback code for any new construction on this property is restricted to 6.5' on the east and 25' on the south from the property line. If I had to use these rules I couldn't build an addition and/or build an addition that gave us enough space to be worth it. The existing structure, I assume, from the odd lot lines and building location was the first house built on the block and all other houses were built around it so the existing house has very narrow setbacks of roughly 2' to the south and west.

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

- The existing property is currently a small 3 bedroom 1 bath 1 story ranch with a small cellar only accessible from the outside. We just had a baby 9 months ago and plan to have another in the next couple of years so we are running out of room and need more space. So we either plan to add an addition to the existing house or sell and move to a bigger house. Our addition would be 1 story with a low slope roof and would expand our kitchen, add another living area, add a bedroom, add a full bath and add a basement space accessible from the inside.

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.

- The property to the east is what I assume is part of what was or is a double lot and has no structure on it so the neighbor at 11705 Watertown Plank will not be affected. The neighbor to the south is a 2 family rental but my house already backs up to their driveway, the planned addition will just be an extension of that so no conflict is foreseen.

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

- I did not set these lot lines or build the existing structures

Thank you,

Mark Miller

2'

70.00

2.13

2.80

MEAS. 90° 10' AB"

METAL SHED

EXIST 1 STORY FR & STONE DW.

30.35

2.57

Requested variances

0.00

WOOD FENCE

0.02

24.23

FR. GAR

29.10

6.77

6.95

6.79

55.00

IVE

128.00

1.85

ENC 0.3

ENC 0.2

2'

19.14

38.45

0.85 8.25

Proposed Addition



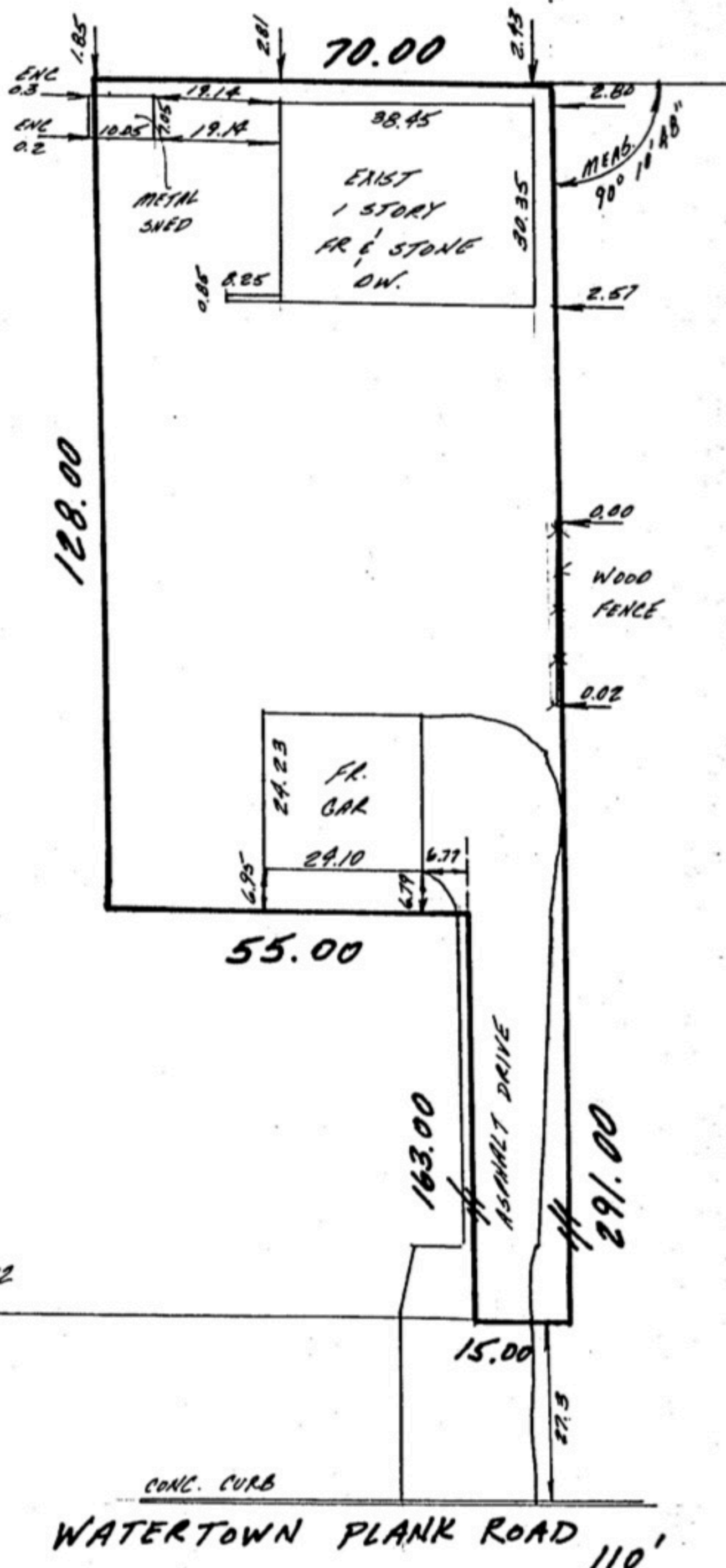
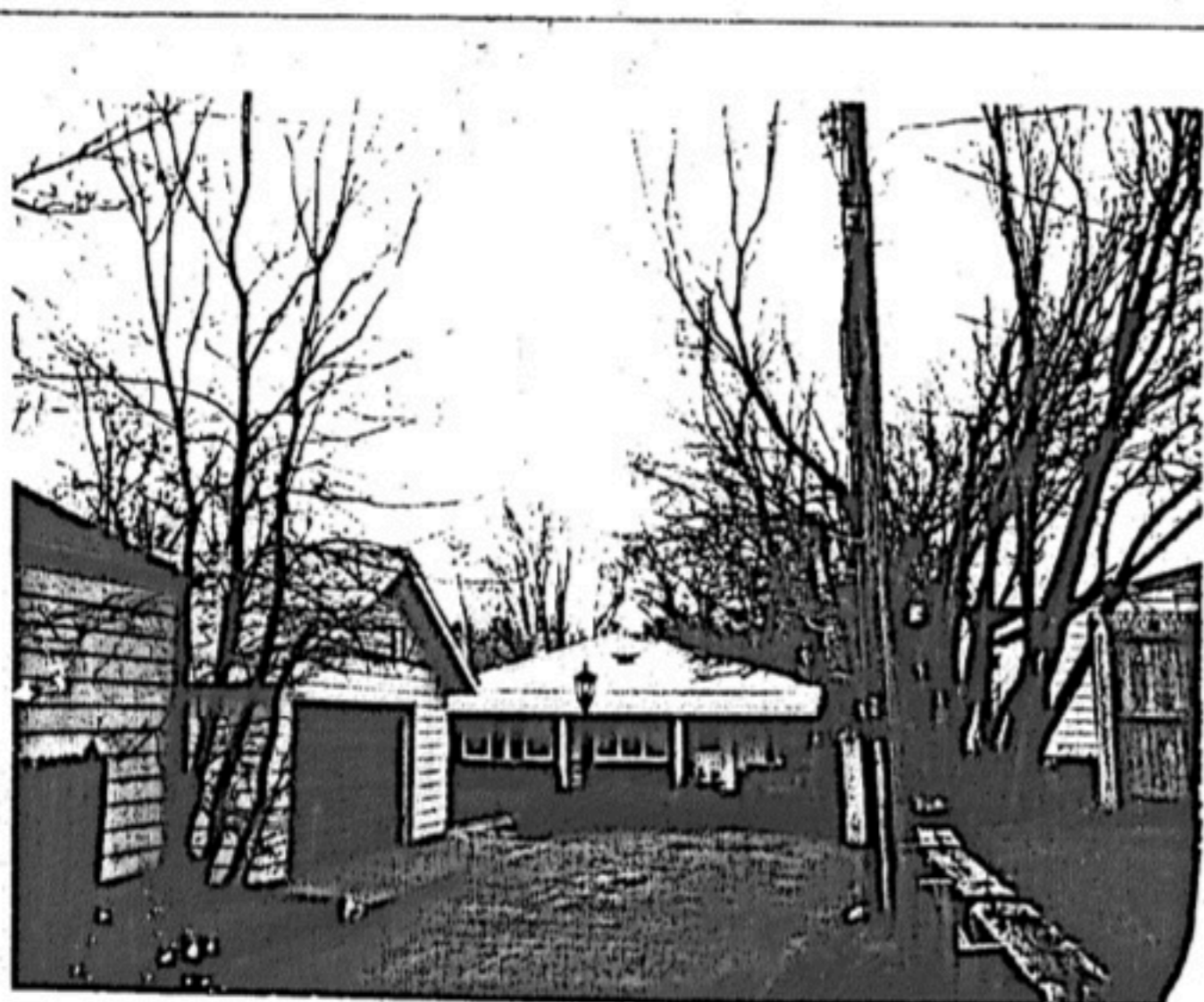
PLAT OF SURVEY

LOCATION: 11717 Watertown Plank Road, Wauwatosa, Wisconsin

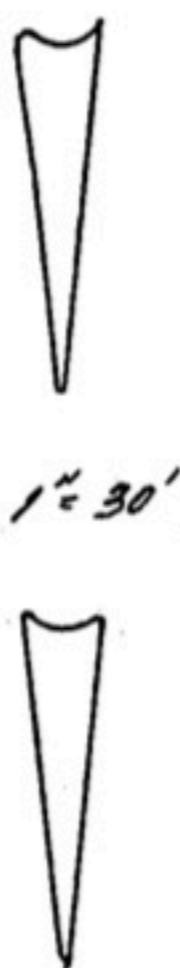
LEGAL DESCRIPTION: That part of the North West One-quarter (1/4) of Section Thirty (30), in Township Seven (7) North, Range Twenty-one (21) East, in the City of Wauwatosa, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at a point on the North line of said 1/4 Section, 503.72 feet West of the North East corner of said 1/4 Section; running thence South on a line parallel with the East line of said 1/4 Section 291 feet; thence East 70 feet; thence North and parallel with the East line of said 1/4 Section, 128 feet; thence West and parallel with the North line of said 1/4 Section, 55 feet; thence North and parallel with the East line of said 1/4 Section, 163 feet to the North line of said 1/4 Section; thence West on the North line of said 1/4 Section, 15 feet to the place of beginning, excepting therefrom the North 55 feet taken for road purposes.

April 17, 1986

Survey No. 66496



NE COR.
NW 1/4
SEC 30
T. 7. N
R. 21. E.



METROPOLITAN SURVEY SERVICE, INC.
REGISTERED LAND SURVEYORS
11000 W. JANESVILLE RD. HALES CORNERS, WI 53130
529-5380

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

Mortgage Inspection

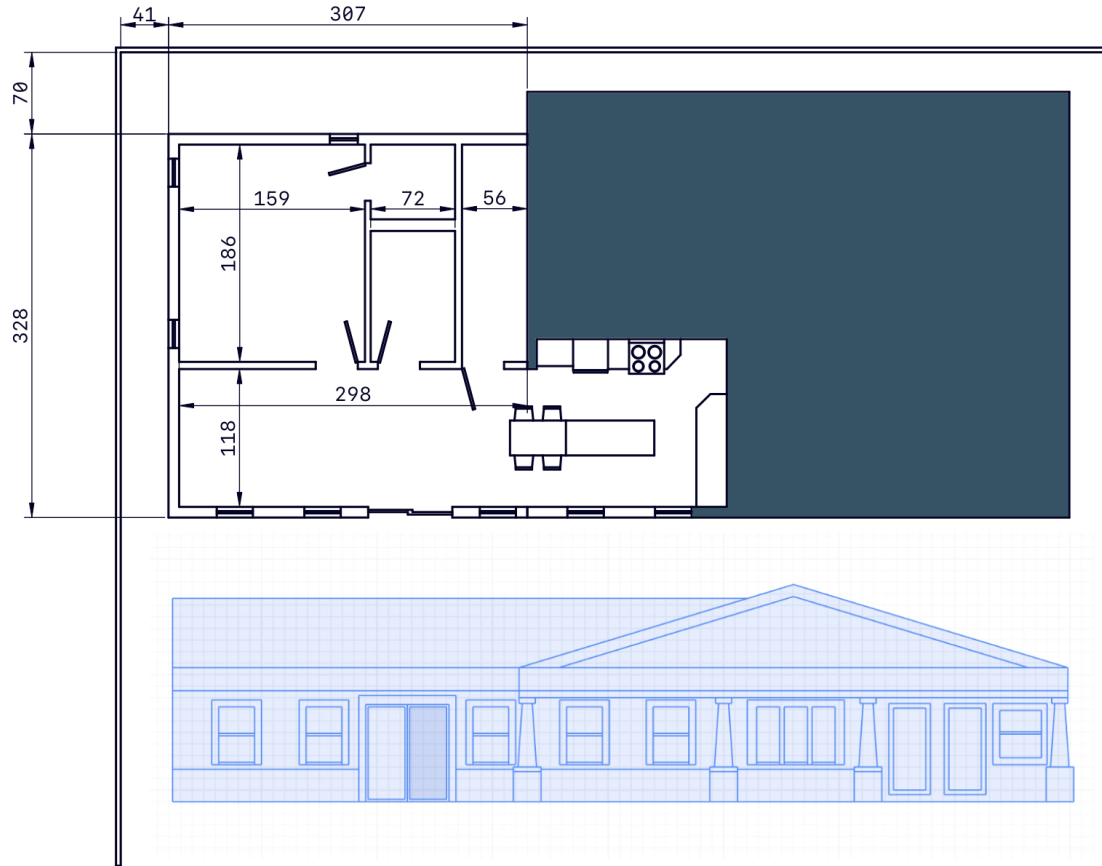
Monumentation has been waived in accordance with A-5 5.01 (b) of the Wisconsin Administrative Code.

SIGNED *Gerald E. Casey*

Gerald E. Casey
Registered Land Surveyor S-1329

7-21-30-2-0005

11717 Watertown Plank Road



To the Wauwatosa Board of Zoning Appeals:

I am Mary Ann Maynard, the neighbor of Mark Miller, located at 11705 W Watertown Plank Rd. I am on the east side of 11717 W Watertown Plank Rd. I understand that Mark wants a zoning variance for his setback to be 2' from the east property line and 2' from the south property line to add an addition to his existing property. I have no objections to this.

Thank you,

Mary Ann Maynard


Signature

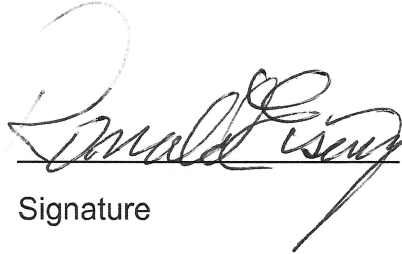

Date

To the Wauwatosa Board of Zoning Appeals:

I am Ronald Eisenberg, the neighbor of Mark Miller, located at 1119 N 117th St. I am on the south side of 11717 W Watertown Plank Rd. I understand that Mark wants a zoning variance for his setback to be 2' from the east property line and 2' from the south property line to add an addition to his existing property. I have no objections to this.

Thank you,

Ronald Eisenberg



Signature

4-13-25
Date