



BOARD OF APPEALS
City of West Allis

WEST ALLIS BOARD OF APPEALS MINUTES
February 11, 2014

MEMBERS PRESENT: Paul Budiac – Vice Chair
Lawrence Burja – Alternate
Brian Keller – Alternate
Mark Maline – Board Member
David Princeton – Chair
Rachel Wagner – Board Member

EXCUSED: Jean Wolfgang – Board Member

ALSO PRESENT: Ted Atkinson, Director of Building Inspections & Neighborhood Services
Sally Bukowski, Clerical Support

David Princeton called the meeting to order at 6:00 PM. It was noted the meeting was moved from Room 220 as noted in the Notice to Room 128.

Mr. Princeton stated that the Notice of Appeal for the subject case was published on January 30, 2014 in the "My Community Now" newspaper. He stated that all property owners within a radius of 100 feet of the subject property had been notified by mail of the appeal request. Mr. Atkinson stated that no written or other communications regarding today's petition were received.

Mr. Atkinson asked for volunteers for the Chair and Vice Chair positions. David Princeton volunteered for the Chair position and Paul Budiac volunteered for the Vice Chair position. Board members voted unanimously to approve the position appointments.

Mr. Atkinson discussed the role of alternate members. Upon Board discussion the two newest members were delegated to be Alternate Board Members to be voting members when a regular Board member is absent or unable to vote, (i.e.: conflict of interest). Chairperson Princeton then proceeded with the agenda. He noted that Alternate Member Brian Keller will be a voting member with Ms. Wolfgang excused.

Mr. Maline made a motion to approve the minutes of the October 8, 2013 meeting. His motion was seconded by Ms. Wagner and unanimously approved.

Mr. Princeton called for the first case to be heard.

Mr. Atkinson read from denial letter #2014-01.

January 13, 2014

Thomas J Giesfeldt
932 South 74th St
West Allis, WI 53214

RE: Written Notice of Permit Refusal No. 2014-01
Address: 932-934 South 74th Street
Tax Key #: 440-0128-000
Zoning: RB-2 Residence District

Legal Description: West Allis Land Co.'s Subdivision, Lot Thirty-four (34), Block Two (2)

Dear Property Owner:

On December 30, 2013, a building permit application was submitted to this department for the above referenced property to demolish an existing detached garage and construct a new detached garage on the east side of the property. This property is in the RB-2 Residence Zoning District. The proposed garage is twenty (20) feet by twenty-two (22) feet in area.

The proposed garage would be located one and nine tenths (1.9) feet away from the north side property line. The required setback for a detached garage in this residential district is three (3) feet from any side yard property line. The proposed garage would be located one and one tenth (1.1) feet too close to the north side property line. The existing garage to be demolished is currently located one and seventy-five hundredths (1.75) feet from that same property line.

Your garage permit application is denied because the proposed detached garage does not meet the required side yard setbacks as set forth in the following sections of the West Allis Revised Municipal Code:

12.10 General Provisions.

(2) Accessory Buildings. Accessory buildings are permitted as a matter of right in all of the Zoning Districts established under this Subchapter. Such buildings are, however, subject to all applicable general and specific regulations set forth in this Subchapter. The following shall apply to residential uses.

(a) No accessory building, unless an integral part of the main building, shall be erected, altered or moved within ten (10) feet of the nearest wall of the main building, or within sixty (60) feet of the front lot line, or within three (3) feet of a side or rear lot line, or within five (5) feet of any alley line.

The proposed garage would be located one and one tenth (1.1) feet too close to the north side property line than the Zoning Code allows. The building permit for a detached garage as submitted is therefore denied.

You may appeal this decision to the West Allis Board of Appeals. Information on filing an appeal can be obtained by contacting the Department of Building Inspections & Neighborhood Services at 414-302-8400.

Mr. Atkinson distributed pictures of the property and explained that the homeowner wants to raze the existing garage and construct a new detached garage that will be one and one tenth (1.1) feet too close to the north side property line than the Zoning Code allows. He noted that the code allows three (3) feet or more from the side and rear property lines and five (5) from an alley. The proposed garage will meet all other requirements. Mr. Atkinson further explained the reason for a setback of three (3) feet is to allow some room for maintenance and fire protection separation.

Mr. and Mrs. Giesfeldt appeared on their own behalf. They stated that the existing garage was built in 1924 and is deteriorated. They stated that the neighbors to the north have no objections to the new garage being 1.9 feet from the north side property line. They also stated that if they moved the garage to meet the minimum setback they would have no room to park a vehicle on the south side of the garage. Gutters and downspouts would be placed on the garage at both eave ends directed toward the alley.

Mr. Maline made a motion to approve the variance, contingent upon gutters being placed on the garage to drain to the alley, as it is not contrary to public interest and public safety and welfare would not be affected. The motion was seconded by Ms. Wagner and unanimously approved.

The Board discussed amending the accessory structure height code requirement. The Board initiated this discussion because of variances granted over the past 15 years, about one variance per year with only 2 variances being denied.

The following handouts were submitted and discussed:

1. Fifteen year review of Board of Appeal variances for heights.
2. Community review of height requirements.

The Board further discussed staff recommendation. The Board concluded with recommendation to change the zoning code for accessory structures to one or two or multi-family properties to:

"Maximum height 18 feet; maximum side wall of 10 feet; and minimum roof pitch to be 3/12."

These requirements will reasonably control accessory building heights. The minimum 3/12 pitch and 10 ft. side walls will insure accessory buildings will remain residential in looks.

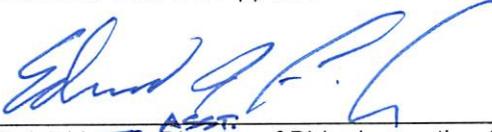
The Board also discussed allowing building inspector consideration of higher than 18 ft. like the City of Wauwatosa, for architectural style. Mr. Atkinson did not like allowing circumstantial approval, but preferred sending this type of appeal to the Board as we do now. Mr. Atkinson will pass the recommendation to staff and the Plan Commission.

Mr. Budiak then motioned to adjourn, seconded by Mr. Maline and unanimously approved. The meeting was adjourned at 6:50 p.m.

Respectively Submitted,



David Princeton, Board Chairperson
West Allis Board of Appeals



Ted Atkinson, Director of Bldg. Inspection & Neighborhood Services
Board of Appeals Secretary

ED LISINSKI

2/2014 Board of Appeals 15 Year Review
Accessory Structure Height Variance

Year	Denial No.	Mtg Date	Address	Code Section	Name	Description	Outcome	Garage Ht
1998	1998	11-Aug-98	2461 S. 78th St.	12.10(2)(c)	Michael Rushmer	To build a garage proposed to be 1'4" higher than allowed.	GRANTED	16' 4"
1998	1998	28-May-98	1939 S. 97th St.	12.10(2)(c)	Byron D. Percell	Var. fr. Sec. 12.10(2)(c) for a 16' high garage (15' is max. allowable)	GRANTED	16'
1999	1999	9-Mar-99	8614 W. Lapham St.	12.10(2)(a)(c)	Michael Bailey	To build a garage two feet higher ...	APPROVED	17'
2001	2001-05	12-Jun-01	1431 S. 60th St.	12.10(2)(c)	Robert Kuehl	Construct a 15'10-1/2" tall garage...	APPROVED	15' 10-1/2"
2004	2004-06	11-May-04	2115 S. 94th St.	12.10(2)(c)	Ryan Rescheske	Erect a 32'x34' detached garage that is 18' high	GRANTED	18'
2004	2004-10	25-May-04	1111 S. 113th St.	12.10(2)(C)	Richard Kieliszewski	Erect a garage that will be 1.6' higher than code allows	DENIED height	16.6'
2006	2006-22 (C)		2125 S. 67th Pl.	12.10(2)(c)	Mark Stier	Build a 15'6" high garage, where 15' is the maximum allowable.	RESCINDED - built garage at allowable height per Ted Atkinson.	Built to allowable ht
2006	2006-14	13-Sep-06	3247 S. 106th St.	12.10(2)(c)	Terrence G. West	Building a 16' high garage, where 15' is the maximum.	GRANTED	16'
2006	2006-17	10-Oct-06	5204 W. Rita Drive	12.10(2)(c)	Brian W. Delfield	Build a 16' high garage, where 15' is the maximum.	GRANTED	16'
2007	2007-07	10-Jul-07	1226 S. 104th St.	12.10(2)(c)	Chad Myers	To exceed maximum allowable height for an accessory structure.	GRANTED	16' 10"
2009	2009-05	12-May-09	5822-24 W. Pierce St.	12.10(2)(a)(b)(c)	Patrick J. Rohr	Erect a detached garage that would be located one foot too close to each of the side lot lines, exceed the max allowable size by 80 SF and exceed the allowable height by two feet, six inches	GRANTED AS AMENDED (approve height variance, all other to be done to code.)	17' 6"
2011	2011-05	14-Jun-11	2880 S. Root River Pkwy	12.10(2)(b)(c)	Jeff Waystedt	Erect a second garage that will exceed the allowable height	DENIED	18' 7"
2012	2012-02	10-Apr-12	1112-14 S. 58th St.	12.10(2)(c)	Tosa Investment Corp	Erect a garage that is taller than allowed by code	APPROVED	17' 6"
2012	2012-04	10-Apr-12	8604-06 W. Lapham St.	12.10(2)(c)	Jim Studer	Erect a garage that is larger and taller than allowed by code.	APPROVED	16'
2013	2013-02	11-Jun-13	2418 S. 84th St.	12.10(2)(c)	Robert Neelis	Variance to construct a detached garage that is eight (8) square feet larger than the total area allowed and two (2) feet, five (5) inches taller than the max. height allowed by code	GRANTED AS AMENDED (approve eight addition square feet but deny height variance)	Height not approved

Summary: West Allis Code allows 15 ft. max. height

1. 1998 to present/15 years: 14 variances (+/- 1 per year); 1 denial
2. Variances: 15 ft. to 16 ft. - 4; 16 ft. to 18 ft. - 8; plus 18 ft. - 2

2013 Community Review
Residential Accessory Structure Height Requirements
(February 10, 2014)

City	Max Height	Specifications
Greenfield	15'	
Kenosha	16'	
Milwaukee	24'	24' or the height of the principal building, whichever is less with a side wall height of 10'.
South Milwaukee	15'	
New Berlin	15'	May only exceed 15' when determined by the Community Development Staff that a higher pitch is required to match the exterior of the principal residence.
Muskego	15'	
Wauwatosa	16'	Heights of up to 20' may be approved by the Zoning Administrator if determined that the additional height is necessary to accommodate a roof pitch consistent with the architectural style of the principal building and that the additional height will not be used to create habitable floor area.
Cudahy	15'	
Franklin	15'	Not more than 1 story.
Oak Creek	17'	
Greendale	25'	Not more than 1 story.
Hales Corners	15'	
Green Bay	16'	20' if you have 10 acres or more Side wall height 10'
La Crosse	17'	Side wall height of 10'.

Summary:

14 Communities:
 7 @ 15 feet
 3 @ 16 feet
 2 @ 17 feet
 2 @ 24 feet or more

Staff Recommendation:

1. Maximum height – 18 feet.
2. Maximum side wall not to exceed 10 feet.
3. Minimum roof pitch – 3/12 pitch min.