



BOARD OF APPEALS
City of West Allis

WEST ALLIS BOARD OF APPEALS MINUTES
April 8, 2014

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

Minutes Approved 5/13/14 JA JLC

EXCUSED: Lawrence Burja – Alternate

ALSO PRESENT: Ed Lisinski, Assistant Director of Building Inspections & Neighborhood Services
Sally Bukowski, Clerical Support

David Princeton called the meeting to order at 6:00 PM.

Mr. Princeton stated that the Notice of Appeal for the subject case was published on March 27, 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. He also noted that no written or other communications regarding today's petition were received.

Mr. Maline made a motion to approve the minutes of the February 11, 2014 meeting. His motion was seconded by Ms. Wagner and unanimously approved.

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

Mr. Lisinski read from denial letter #2014-02.

March 13, 2014

60th Street Rental, LLC
Attn: Ruth Nelson
1005 South 60th St
West Allis, WI 53214

RE: Written Notice of Permit Refusal No. 2014-02
Address: 1003-05 South 60th Street
Tax Key #: 439-0015-000
Zoning: C-3 Commercial District
Legal Description: Second Continuation of Soldiers Home Heights, Lot 11, Block 2

Dear Property Owner:

On March 12, 2014, a building permit application was submitted to this department for the above referenced property to construct a new addition on the south side of the property. This property is in the C-3 Commercial Zoning District. The proposed addition is forty-five (45) feet by nine (9) feet, eight (8) inches in size and will be located on the south property line.

The proposed addition would be located zero (0) feet away from the south side property line. The required setback for a commercial property in this zoning district is ten (10) feet from any property line which is adjacent to a lot being used as a residence. The proposed garage would be located ten (10) feet too close to the south side property line. The existing building is currently located on the south

property line in the south east corner. The addition will be located the same distance to the neighboring property as another portion of the same building.

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

12.42 C-3 COMMUNITY COMMERCIAL DISTRICT.

The C-3 Community Commercial District is intended to accommodate the needs of a much larger consumer population than is served by the Neighborhood Commercial District. This District serves a much wider range of uses for accommodating both daily and occasional shopping requirements.

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(5) Yard Requirements. Same as those required under the C-2 District.

12.41 C-2 NEIGHBORHOOD COMMERCIAL DISTRICT.

The C-2 Neighborhood Commercial District is intended to provide convenience shopping in close proximity for persons residing in nearby residential areas, by allowing only such uses as are necessary to satisfy basic shopping needs which occur daily or frequently. Normally these uses attract little vehicular traffic and are compatible with residential areas.

* * *

(5) Yard Requirements.

(a) Front. No required setback.

(b) Side and Rear. There shall be a ten-foot setback from any side or rear lot line that abuts a lot located in a residential zoning district or a lot in a commercial zoning district used for a single- or two-family dwelling and such use is not a nonconforming use.

The proposed addition would be located ten (10) feet too close to the south side property line than the Zoning Code allows. The building permit for a commercial addition as submitted is therefore denied.

The addition will be located in the area that could currently be used for off-street parking. The building with the addition will have 4,115 sf of business use and 3,641 sf of warehouse use. This would require sixteen (16) off-street parking stalls. The proposed site plan allows for zero (0) off-street parking stalls.

The commercial addition permit application is also denied because the proposed site plan does not meet the required off-street parking stalls as set forth in the following sections of the West Allis Revised Municipal Code:

12.19 OFF-STREET PARKING, LOADING AND OTHER SITE IMPROVEMENT REGULATIONS.

* * *

(7) Required Off-street Parking Spaces.

(a) Number. The minimum number of parking spaces required shall be in accordance with the following schedule:

* * *

(7)	Business, Professional and Governmental Offices	Professional and Governmental Offices 1 space for every three hundred (300) square feet of gross floor area.
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(44)	Warehouses	1 space for every one thousand five hundred (1,500) square feet of gross floor area.
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The proposed addition would have sixteen (16) off-street parking stalls less than the Zoning Code allows. The building permit for a commercial addition 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. Lisinski displayed pictures of the property and explained that the property owner wants to construct an addition that is ten (10) feet closer to the south side property line and would have sixteen (16) fewer off-street parking stalls than allowed per code.

Mr. Tim Lange, Contractor for the project, and Mr. Nathan Remitz, Architect for the project, appeared on behalf of the property owner. Mr. Lange explained that the building was purchased by Shannon Specialty Flooring in 1992. They have since expanded and need more warehouse space. Since the addition is to be used for warehouse only, additional parking stalls are not needed. He also stated that the new addition will include a dumpster corral which would clean up the alley. They will also be placing climbing plants and bushes between the warehouse addition and the neighboring residential property.

Mr. Carl Anderson, 1000 S. 61st St., West Allis, WI, appeared in favor of the variance. He feels this project would improve the appearance of this area.

Ms. Wolfgang made a motion to approve the variance as outlined in the letter, 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.

Ms. Wolfgang then motioned to adjourn, seconded by Mr. Maline and unanimously approved. The meeting was adjourned at 6:20 p.m.

Respectively Submitted,

A handwritten signature in blue ink, appearing to read 'D. Princeton', written over a horizontal line.

David Princeton, Board Chairperson
West Allis Board of Appeals

A handwritten signature in blue ink, appearing to read 'Ted Atkinson', followed by the date '5/13/14', written over a horizontal line.

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