



6/10/14 Approve by Bel
w/o Amendment 7A



BOARD OF APPEALS
City of West Allis

WEST ALLIS BOARD OF APPEALS MINUTES
May 13, 2014

MEMBERS PRESENT: Paul Budiac – Vice Chair
Mark Maline – Board Member
David Princeton – Chair
Jean Wolfgang – Board Member

EXCUSED: Lawrence Burja – Alternate
Brian Keller – Alternate
Rachel Wagner – 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.

Mr. Princeton stated that the Notice of Appeal for the subject case was published on May 1, 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.

Ms. Wolfgang made a motion to approve the minutes of the April 8, 2014 meeting. His motion was seconded by Mr. Maline and unanimously approved.

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

Mr. Atkinson read from denial letter #2014-03.

April 18, 2014

Landi Freto
1000 W. Finch Ln
Oak Creek, WI 53154

RE: Written Notice of Permit Refusal No. 2014-03
Address: 2162 S. 57th Street
Tax Key #: 474-0537-002
Zoning: RB-2; Residence District
Legal Description: McGeoch’s Lincoln Avenue Subdivision, Lot 7, Block 12

Dear Property Owner:

On April 16, 2013, an application was made for a permit to construct a second floor addition to the above referenced single family dwelling. The proposal is for a new second floor to be constructed over the entire footprint of the first floor. The proposal also included converting the property into a two-family dwelling. The existing dwelling is currently one and eight tenths (1.8) feet from the north side property line. The property is zoned RB-2 Residence District. The required setback to a north side property line is three (3) feet in the RB-2 District. The proposed addition will be one and eight tenths (1.8) feet from the north side property line, which is one and two tenths (1.2) feet too close, and therefore not allowed by code. The addition will not extend into the setback any more than the existing first floor of the dwelling already does.

Your permit is denied because the setback on the north side property line of the proposed addition is in violation of the following sections of the West Allis Revised Municipal Code.

12.36 RB-2 RESIDENCE DISTRICT.

* * *

(8) Side Yard.

(a) Every lot shall have two (2) side yards, the east and south of which will be not less than seven (7) feet in width and the north and west of which will be not less than three (3) feet in width; provided, however, that any lot having a width of forty (40) feet or less, which was platted and recorded prior to the passage of this subchapter, shall have no side yard less than three (3) feet in width.

The setback along a north side property line in the RB-2 Residence District is set at three (3) feet. The proposed addition would be one and two tenths (1.2) feet closer to the north side property line than the code allows.

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.

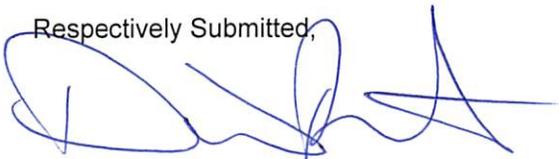
Mr. Atkinson displayed pictures of the property and explained that the property owner wants to construct a second floor addition that is one and two tenths (1.2) feet too close to the north side property line than the zoning code allows. The zoning code is based on density, light and ventilation. He informed the Board that the home would change from a one family to a two family with six bedrooms, which would require 5 off-street parking stalls. He also indicated that the addition is not any closer to the north side property line than the original house.

Mr. David Koscielniak, Architect for the project, appeared on behalf of the property owner. Mr. Koscielniak explained that the addition will be on top of what is already there with a new rebuilt front porch. Also the rear existing one story will be removed and enlarged to be even with the north and south front walls. The foundation would stay in the same place. He also stated that the roof would be constructed the same as it is now with gutters along the south and north eaves, discharging to the front or rear yard. He will also be removing the existing concrete and installing a 30' x 32' concrete slab that will accommodate 6 parking stalls.

Mr. Maline made a motion to approve the variance, as it is not contrary to public interest and public safety and welfare would not be affected. The motion was seconded by Mr. Budiak and unanimously approved.

Ms. Wolfgang then motioned to adjourn, seconded by Mr. Maline and unanimously approved. The meeting was adjourned at 6:30 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