



9/9/14 Bd. of Ap. Approves
minutes without change
File 7A.



BOARD OF APPEALS
City of West Allis

WEST ALLIS BOARD OF APPEALS MINUTES
June 10, 2014

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

EXCUSED: Lawrence Burja – Alternate
Brian Keller – 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 cases were published on May 29, 2014 in the "My Community Now" newspaper. He stated that all property owners within a radius of 100 feet of the subject properties had been notified by mail of the appeal request. He also noted that six written communications in favor of Michael Klebar's appeal were received.

Mr. Maline made a motion to approve the minutes of the May 13, 2014 meeting. His motion was seconded by Ms. Wolfgang and unanimously approved.

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

Mr. Lisinski read from denial letter #2014-05.

May 8, 2014

Bryant Properties Angels, LLC
Attn: Troy Dahlke
12501 W. Needham Dr.
New Berlin, WI 53151

RE: Written Notice of Permit Refusal No. 2014-05
Address: 3161 S. 112th St.
Tax Key #: 523-0026-002
Zoning: RA-1 Residence District
Legal Description: CSM Map No. 2139 Parcel 1

Dear Property Owner:

On April 24, 2014, an application was made for a building permit to remove and rebuild an eight (8) feet by twenty-two and eight tenths (22.8) feet habitable one story with second floor open balcony area on the dwelling that is occupied as a Community Based Residential Facility (CBRF) of eight (8) or fewer residences. The construction area currently projects eight (8) feet into the required zoning code front yard thirty (30) foot setback for the RA-1 Zoning District. The code requires the reconstruction to conform to the code requirements.

The proposed work also includes a new roof to be installed over the adjacent enclosed porch to further cover an open ramp to the porch. The scope of work is allowed by code. The code allows up to 526 square feet of porch and the covered ramp is allowed as usual access to exit way/entrance way.

Your permit is denied because it would be a violation of the following sections of the City of West Allis Revised Municipal Code:

Chapter 12 Zoning Code
Section 12.12 Nonconforming Buildings, Structures, Lots and Uses

(1) Definitions.

- (a) Nonconforming Building or Structure. A building or structure, or any portion thereof, lawfully existing on the effective date of this Subchapter, or any amendments thereto, and which does not conform to applicable regulations governing the bulk, location, height or size of structures or buildings in the Zoning District in which it is located.

* * *

(2) Nonconforming Buildings and Structures.

- (a) Alteration and Enlargement. No nonconforming building or structure in which there is a conforming use may be enlarged or structurally altered, if the enlargement of alteration will extend the nonconformity.

* * *

Section 12.31 RA-1 Residence District

- (7) Front Yards. Every lot will have a front yard not less than thirty (30) feet in depth. Overhanging eaves may encroach into the front yard not to exceed a maximum of three (3) feet.

The property is zoned RA-1 Residence District. The required front yard setback is thirty (30) feet. The alteration proposed (remove and reconstruct habitable living area) of eight (8) feet by twenty-two and eight tenths (22.8) feet that projects eight (8) feet into the front yard is not allowed. This alteration project violates the Zoning Code by eight (8) feet by twenty-two and eight tenths (22.8) feet and is not allowed.

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 owners want to reconstruct what is already there and construct a roof over a new ramp.

Mr. Troy Dahlke and Ms. Candy Dahlke appeared on their own behalf. They stated that the house was built in 1940 and is in need of remodeling. The front windows are sagging and need to be replaced. They would like to reconstruct the habitable living area in the required front yard and put a shed roof over the ramp for safety reasons.

Ms. Wolfgang 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 Ms. Wagner and unanimously approved.

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

Mr. Lisinski read from denial letter 2014-06.

May 14, 2014

Michael Kleber
1029 South 111th Pl
West Allis, WI 53214

RE: Written Notice of Permit Refusal No. 2014-06
Address: 1029 South 111th Place
Tax Key #: 445-0237-000
Zoning: RA-3 Residence District
Legal Description: Greenfield Highlands Lot 11, Block "J"

Dear Property Owner:

On April 30, 2014, a building permit application was submitted to this department for the above referenced property to construct a new detached garage on the west side of the property. This property is in the RA-3 Residence Zoning District. The proposed garage is twenty (20) feet by twenty-two (22) feet in area. There is not an existing garage on the property.

The proposed garage would be located eight and one half (8.5) feet away from the existing main building. The required setback for a detached garage in this residential district is ten (10) feet from any main building. The proposed garage would be located one and one half (1.5) feet too close to the main building.

Your garage permit application is denied because the proposed detached garage does not meet the required 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 half (1.5) feet too close to the main building 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.

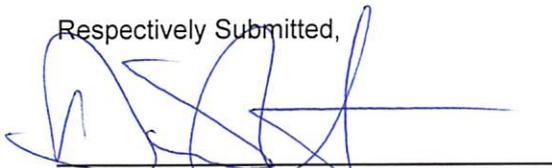
Mr. Lisinski displayed pictures of the property and explained that the new garage would be one and a half (1.5) feet too close to the main building. He also stated that this lot is only 100 feet deep which is 20' less than most other lots in that area.

Mr. Michael Klebar and Ms. Terrie Klebar appeared on their own behalf. They explained that they need the larger garage for storage.

Ms. Wolfgang 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. Budiac and unanimously approved.

Ms. Wolfgang then motioned to adjourn, seconded by Mr. Budiac and unanimously approved. The meeting was adjourned at 6:15 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