



BOARD OF APPEALS
City of West Allis

WEST ALLIS BOARD OF APPEALS MINUTES
November 17, 2014

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

EXCUSED: Lawrence Burja – Alternate
Brian Keller – Alternate
Mark Maline – 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 Appeals for the subject case was published on November 6, 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. Mr. Atkinson stated no communications had been received regarding tonight's case.

Ms. Wagner made a motion to approve the minutes of the September 9, 2014 meeting. Her motion was seconded by Ms. Wolfgang and unanimously approved.

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

Mr. Atkinson read from denial letter #2014-10

October 27, 2014

Martin Konieczny
6520 W. Revere Place
West Allis, WI 53219

RE: Written Notice of Permit Refusal No. 2014-10
Address: 6520 W. Revere Place
Tax Key #: 475-0092-000
Zoning: RB-2; Residence District
Legal Description: Juneau Highlands Lot 5, Block 1

Dear Property Owner:

On October 23, 2014, application was made for a permit to construct a detached garage at the above referenced property. The proposal is to construct a six hundred sixteen (616) square foot garage that is located three (3) feet from the rear property line which abuts a street on a through lot on the north side of the property. The property is zoned RB-2 Residence District. The required setback from a detached accessory structure such as a garage to a rear property line which abuts a street on a through lot in the RB-2 District is fifteen percent (15%) of the depth of the lot but not less than ten (10) feet. For this property, the depth of the lot is one hundred thirty (130) feet. The rear setback is nineteen (19) feet, six (6) inches. The proposed garage will be sixteen (16) feet, six (6) inches too close to the north property line, and therefore not allowed by code.

Your permit is denied because the rear yard setback on a through lot on the north side property line of the proposed garage is in violation of 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.

* * *

(b) Accessory buildings may not encroach upon the side yard adjacent to the street of a corner lot, nor upon the rear yard of a through lot.

12.36 RB-2 Residence District

* * *

(9) **Rear Yard.** Every lot will have a rear yard with a depth not less than fifteen percent (15%) of the depth of the lot but not less than ten (10) feet.

The rear setback of a through lot for residential accessory buildings in the RB-2 Residence District is set at fifteen percent (15%) of the depth of the lot but not less than ten (10) feet. For this particular property, the rear setback is nineteen (19) feet, six (6) inches. The proposed garage would be sixteen (16) feet, six (6) inches closer to the north property line which abuts a street on a through lot 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. The next Board of Appeals meeting is on December 9, 2014. The date you will need to apply to go before the board for that meeting is November 14th, 2014. There is a \$150 fee to apply for a variance to this code section.

Mr. Atkinson displayed pictures of the property and stated that the homeowner will be constructing a detached garage that will be sixteen (16) feet, six (6) inches closer to the north property line which abuts a street on a through lot than the code allows. He explained that the rear yard abuts Becher Street which has a large right of way. He also noted that two (2) other similar variances regarding the through lot code and on Revere Place/Becher Street have been approved in the recent past. Further, he stated the abutting Becher Street frontage is a ±12 foot hill from the sidewalk on Becher Street.

Ms. Wolfgang made a motion to approve the variance conditioned upon the appellant obtaining the necessary permits within nine (9) months of the date this variance was granted (allowing time for cold weather to pass for spring construction), 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 Ms. Wagner 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