



**Ed Lisinski**  
Director  
Department of Building Inspections & Neighborhood Services  
414.302.8400  
elisinski@westalliswi.gov

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**WEST ALLIS BOARD OF APPEALS MINUTES**  
**August 9, 2016**

**MEMBERS PRESENT:** David Princeton – Chair  
Jean Wolfgang – Board Member  
Brian Keller – Board Member  
Rachel Wagner – Board Member

**EXCUSED:** Bill Catlin, Jr. – Alternate Member  
Paul Budiac – Vice Chair

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

David Princeton called the meeting to order at 5:30 p.m.

Mr. Princeton stated that the Notice of Appeals for the subject cases was published on July 28, 2016 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 four written or other communications regarding today's petitions were received.

**Ms. Wolfgang made a motion to approve the minutes of the July 12, 2016 meeting. Her motion was seconded by Mr. Keller and unanimously approved.**

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

Mr. Lisinski read from denial letter #2016-02

July 18, 2016

Corrine Yakel  
916 S. 85<sup>th</sup> Street  
West Allis, WI 53214

**RE:** Written Notice of Permit Refusal No. 2016-02  
Address: 916 S. 85<sup>th</sup> Street  
Tax Key: #442-0389-000  
Zoning: RA-3 Residential District  
Legal: Assessment Subdivision No. 71, West 180' of Lot 13, Block 17, except West 30' for Street.

Dear Ms. Yakel

On July 12, 2016, a letter was submitted to request an installation of a four (4) foot high fence erected up to the front property line.

Your request is denied because it is in violation of the following sections of the West Allis Revised Municipal Code.

**12.32 RA-3 RESIDENCE DISTRICT**

The RA-3 Single-Family Residence District is primarily intended to accommodate single family neighborhoods which are characterized by smaller lots those required in the RA-1 and RA-2 District. The following provisions, regulations and restrictions will apply within this Zoning District:

\* \* \*

(7) Front Yards. Every lot will have a front yard not less than twenty (20) feet in depth. Overhanging roof eaves projecting not more than three (3) feet will not be considered as obstructions.

**13.31 FENCE REGULATIONS.**

\* \* \*

- (2) Fence Location and Height Requirements  
(a) One and two (2) family uses. Fences are permitted in yards as follows:  
1. Fences are not permitted in any required front yard, as established in Chapter 12, Zoning Code.

The proposed fence would be erected in the required front yard setback. It would be located twenty (20) feet too close to the front lot line.

You may appeal this decision to the West Allis Board of Appeals. Information on filing an appeal can be obtained by contacting the Director 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 a fence that will be located twenty (20) feet too close to the front property line. He noted that three (3) telephone communications were received opposing this variance stating "...a fence in the front yard would not look good".

Ms. Yakel appeared on her own behalf. She stated that she is having a problem with her neighbor parking and driving on her property, especially during the State Fair. She also stated that the fence would be constructed of wood and would be no more than four (4) feet tall. Her contractors stated that the fence will be at least one (1) foot front the property line.

**Ms. Wolfgang made a motion to approve the variance with the condition that the fence is constructed of wood and is no more than four (4) feet tall as it is not contrary to public interest and public safety and welfare would not be affected. The motion was seconded by Mr. Keller and unanimously approved.**

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

Mr. Lisinski read denial letter #2016-03.

July 18, 2016

Greg Smith and Sandra Eater  
5744 W. Rita Dr.  
West Allis, WI 53214

RE: Written Notice of Permit Refusal No. 2016-03  
Address: 5744 W. Rita Drive  
Tax Key: #491-0234-000  
Zoning: RA-4 Residential District  
Legal: Mitchell Manor Lot 16, Block 13

Dear Mr. and Ms. Eater

On July 14, 2016, a permit application was submitted to construct a new detached garage at this property. The garage would be located two (2) feet from the alley. This is the same location as the existing garage on the property.

Your request is denied because it is in violation of the following section 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 constructed in the required alley setback. It would be located three (3) feet too close to the alley.

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

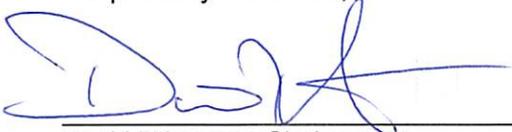
Mr. Lisinski displayed pictures of the property and explained that the owners want to erect a detached garage that will be located three (3) feet too close to the alley. He also stated that the current garage was built in 1938 and is two (2) feet from the alley. He noted that one (1) written communication was received opposing this variance stating "...the alley is relatively narrow and when the snow plows come through it would cause a back-up of snow".

Sandra Eater and Gregory Smith, the property owners, appeared on their own behalf. They stated that the garage is deteriorated and falling down. Their contractor, Bob Griffiths, appeared on their behalf. He stated that due to the grade differences he could not build the entire garage five (5) feet from the alley. He is positioning the garage so the back corner is five (5) feet from the alley and three (3) feet from the side lot line which is code compliant.

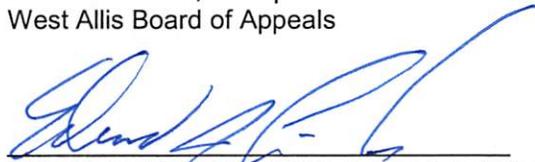
**Ms. Wolfgang made a motion to approve the variance as it is not contrary to public interest and public safety and welfare would not be affected. The motion was seconded by Mr. Keller and unanimously approved.**

**Ms. Wolfgang motioned to adjourn, seconded by Ms. Wagner and unanimously approved. The meeting was adjourned at 5:50 p.m.**

Respectively Submitted,



David Princeton, Chairperson  
West Allis Board of Appeals



Ed Lisinski, Director of Bldg. Inspection & Neighborhood Services  
Board of Appeals Secretary