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**WEST ALLIS BOARD OF APPEALS MINUTES**  
**September 13, 2016**

**MEMBERS PRESENT:** Paul Budiak – Vice Chair  
Jean Wolfgang – Board Member  
Brian Keller – Board Member  
Rachel Wagner – Board Member

**EXCUSED:** David Princeton – Chair  
Bill Catlin, Jr. – Alternate Member

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

Paul Budiak called the meeting to order at 5:30 p.m.

Mr. Budiak stated that the Notice of Appeals for the subject case was published on September 1, 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 one written communication opposing today's petition was received.

**Ms. Wolfgang made a motion to approve the minutes of the August 9, 2016 meeting. Her motion was seconded by Mr. Keller and unanimously approved.**

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

Mr. Lisinski read from denial letter #2016-04

June 13, 2016

Kris Snead  
8412 W. Walker Street  
West Allis, WI 53214

RE: Written Notice of Permit Refusal No. 2016-04  
Address: 8412 W. Walker Street  
Tax Key #: 442-0372-000  
Zoning: C-2 Commercial District  
Legal Description: Assessment Subdivision No. 71, West 113 feet of East 178.25 feet of Lot 1, Block 16.

Dear Property Owner:

On May 19, 2016, a request was made to grant a variance for accessory structures in existence on your property. The request was for variances to the Revised Municipal Code for the number and location of accessory structures and a fence in the front yard. This is a very oddly shaped and oriented lot. All of the requested structures and fencing are existing.

The request is to allow two (2) sheds and three (3) gazebos on this property. All five (5) proposed structures will be located within the sixty foot (60') front yard setback, three (3) structures will be within the ten foot (10') setback from a main building wall, and one (1) structure will be within the three foot (3') rear setback. The request is also to allow a fence up to the front property line.

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

**Chapter 12 Zoning Code**  
**Section 12.10 General Provisions.**

\* \* \*

(7) 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.

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(10) Permitted Obstructions in Required Yards.

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Fences and walls (permitted only in rear and side yards in chart)

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**Section 13.36 RB-2 Residence District.**

\* \* \*

(8) Accessory Buildings.

(a) One (1) attached private garage per dwelling unit or one (1) detached private garage per lot is permitted per lot.

(b) One (1) storage shed is permitted per lot.

(c) One (1) residential accessory structure is permitted per lot.

The property is zoned C-2, which follows the requirements of RB-2 for one- and two-family residential use properties. The code allows one (1) shed and one (1) additional accessory structure per lot. The code requires all accessory structures to be at least sixty feet (60') away from the front lot line, ten feet (10') away from the main building and three feet (3') away from the rear lot line. Because of the odd shape of the lot, the front lot line is actually along Walker Street. The lot is only sixty-three feet (63') deep, meaning that due to the size of the lot, no accessory structure can meet the setback requirements. Therefore, all accessory structures on this property, including the existing detached garage, are not allowed by the code.

The RB-2 Zoning District also requires a twenty foot (20') front yard setback. A fence is not allowed to be located within that setback. The requested fence would be located within the front and returning down the side lot lines within that setback, and therefore, not allowed by the code.

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 has exceeded the number of accessory structures on her property, which are located within the required front and rear setback, and are located within the required setback from the house. The property owner is also requesting to keep a fence in the required front yard.

Ms. Snead appeared on her own behalf. She stated that the fence has been there since 1991 and the gazebos have been up for about 10 years. Mr. Randy Torgrud who owns the property directly next to Ms. Snead appeared on her behalf in favor of the variance.

The Board discussed the Code relating to temporary/permanent structures. Due to the irregularity of the lot, no accessory structures would be conforming. It was also noted that the Board has allowed additional accessory structures and fences in the front yard in the past.

**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. Budiak motioned to adjourn, seconded by Ms. Wolfgang and unanimously approved. The meeting was adjourned at 6:00 p.m.**

Respectively Submitted,

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Paul Budiak, Vice Chairperson  
West Allis Board of Appeals

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