



BOARD OF APPEALS
City of West Allis

WEST ALLIS BOARD OF APPEALS MINUTES
May 14, 2013

MEMBERS PRESENT: Helen Feuling (Chairperson)
David Princeton (Vice Chair)
Rachel Cincotta
Charles Wolf
Mark Maline (Alt)
Jean Wolfgang (Alt)

*OK to file. Approved by
Board on 6/11/13. File
ZA*

EXCUSED: Paul Budiac

ALSO PRESENT: Ted Atkinson, Director of Building Inspections & Neighborhood Services
Sally Bukowski, Clerical Support

Chairperson Feuling called the meeting to order at 6:00 PM.

Chairperson Feuling stated that the Notice of Appeal for the subject case was published on May 2, 2013 in the "My Community Now" newspaper. She stated that all property owners within a radius of 100 feet of the subject property had been notified by mail of the appeal request. It was noted that no written or other communication regarding today's petition were received.

Ms. Wolfgang made a motion to approve the minutes of the November 13, 2012 meeting. Her motion was seconded by Mr. Maline and unanimously approved.

Chairperson Feuling called for the first case to be heard.

Mr. Atkinson read from denial letter #2013-01.

April 11, 2013

Jose Saldivar
3612 W. Becher Street
Milwaukee, WI 53215

RE: Written Notice of Permit Refusal No. 2013-01
Address: 2636 South 76th Street
Tax Key #: 489-0509-000
Zoning: RA-2; Residence District
Legal Description: Van Dyke City Subdivision Lot 12, Block 1

Dear Property Owner:

On February 27, 2013, an application was made for a permit to construct two additions to the above referenced single family dwelling. The proposal is to construct a twenty-eight (28) foot by twenty-three (23) foot, two (2) inch addition to the south side of the dwelling and a ten (10) foot by four (4) foot addition to the north side of the dwelling. The existing dwelling is currently thirty and two tenths (30.2) feet from the south property line and two and sixty-seven hundredths (2.67) feet from the north property line. The property is zoned RA-2 Residence District. The required setback to a south side property line is ten (10) feet, and the required setback to a north side property line is five (5) feet in the RA-2 District. The proposed south addition will extend to two and two tenths (2.2) feet from the south side property line, which is seven and eight tenths (7.8) feet too close to the south side property line, and therefore not allowed by code. The proposed north addition will be two and sixty-seven hundredths (2.67) feet from the north side property line, which is two and thirty-three hundredths (2.33) feet too close to the north side property line, and therefore not allowed by code.

The south addition is for a garage with the driveway extending to the north to an alley that runs along the north side of the property. In all residence districts, with an attached garage, parking is only allowed in the front yard between the front of the attached garage and the

front lot line which does not exceed the width of the garage. Parking would not be allowed on the driveway that is located in front of the dwelling without a variance.

Your permit is denied because the setbacks on the south and north side property lines of the proposed additions are in violation of the following sections of the West Allis Revised Municipal Code.

12.32 RA-2 Residence District

* * *

(8) **Side Yards.** Every lot shall have two (2) side yards, the east and south of which will be at least ten (10) feet in width and the north and west of which will be at least five (5) feet in width. In the case where a side yard adjoins a street, it will be not less than twenty-five (25) feet in width. Overhanging roof eaves projecting not more than two (2) feet will not be considered as obstructions.

The setback along a south side property line in the RA-2 Residence District is set at ten (10) feet. The proposed addition would be seven and eight tenths (7.8) feet closer to the south property line than the code allows.

The setback along a north side property line in the RA-2 Residence District is set at five (5) feet. The proposed addition would be two and thirty-three hundredths (2.33) feet closer to the north property line than the code allows.

12.20 OFF-STREET PARKING REGULATIONS FOR SINGLE- AND TWO-FAMILY DWELLINGS.

* * *

(4) **Location.** All required parking spaces shall be located on the premises. Unenclosed parking spaces are permitted on paved driveways of not less than eight and one-half (8 1/2) feet in width in front, side and rear yards as follows:

(a) **Front yard parking.**

(i) **Dwelling with attached garage.** On a paved driveway or surface which is located in the area between the front of the attached garage and the front lot line and which does not exceed the width of the garage.

Parking is not allowed between the front of the dwelling and the front lot line beyond the width of the garage with an attached garage.

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 distributed pictures of the one story residential building. He explained that the homeowner wants to construct an addition onto his house that would be 7.8' too close to the south property line and another addition 2.33' too close to the north side property line. The southerly addition would be for an attached garage and the owner is requesting a driveway in the front yard. Further there will be a 2nd floor addition to the entire building foot print. He also stated that the existing house is nonconforming because of the set back from the alley. He suggested that the homeowner demolish the existing house and build a new house, or build a detached garage that would be within the setback area. It was discussed that the entire cost is estimated to be in excess of \$100,000.00. Regarding the driveway in the front yard, Mr. Atkinson stated that the City does not allow parking in the front yard except in front of the attached garage area. Mr. Atkinson stated the Board of Public Works will not allow a curb cut from the front street because the property abuts an alley for vehicle access to the property.

Jose Saldivar appeared on his own behalf. He stated that the Public Works Department denied him a curb cut from the frontage road for his driveway. He also stated that he didn't want his driveway in the back as it would diminish his back yard for his children's recreational use. He also explained that it would be too costly to demolish the house and build a new one.

The Board discussed the street curb cut access and Board of Public Works policy regarding alley access when available. Mr. Atkinson suggested the property owner may appeal the policy for his request. Otherwise the access would have to be from the adjacent alley.

Ms. Feuling asked if there was anyone else present that wished to speak.

Ms. Liz Lirette, neighbor to the south was present. She stated that she was concerned that the addition would be too close to her property. Ms. Feuling asked Mr. Saldivar if he could alter his plans so the addition would not be so close to the south property line. Mr. Saldivar said he could make his garage smaller. Four feet less or 6 feet from the south property line was discussed.

Ms. Wolfgang made a motion to approve the variance from the required 5' setback from the alley to 2.67', to reduce the south side yard setback from the required 10' to 6' and take no action on the driveway. The owner may petition the Board of Public Works for drive/curbcut from the street. The motion was seconded by Mr. Princeton and unanimously approved.

The committee discussed Ordinance No. 2013-0003 regarding meeting attendance of members of City Boards and Commissions. The Board further discussed the rational of the Ordinance. The Chair, with the concurrence of the Board members, requested the Secretary of the Board/Director of Building Inspection to monitor attendance and report accordingly.

Mr. Maline then motioned to adjourn, seconded by Mr. Princeton and unanimously approved. The meeting was adjourned at 7:00 p.m.

Respectively Submitted,

A handwritten signature in blue ink that reads "Helen Feuling". The signature is written in a cursive style with a large, looped initial "H".

Helen Feuling, Chairperson
West Allis Board of Appeals