



BOARD OF APPEALS
City of West Allis

WEST ALLIS BOARD OF APPEALS MINUTES
August 13, 2013

*10/8/12 Minutes Approved
by Bd. of Appeals
File #A.*

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

EXCUSED: Rachel Cincotta

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 August 1, 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. Mr. Atkinson stated that no written or other communication regarding today's petition were received.

Mr. Princeton made a motion to approve the minutes of the June 11, 2013 meeting. His 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 #2013-03.

July 18, 2013

Chad Biedrzycki
2222 South 72nd St
West Allis, WI 53219

RE: Written Notice of Permit Refusal No. 2013-03
Address: 2222 South 72nd Street
Tax Key #: 476-0543-000
Zoning: RB-2 Residence District
Legal Description: Agnews Highland Acres, Lot Thirty-one (31), Block Eleven (11)

Dear Property Owner:

On July 16, 2013, a building permit application was submitted to this department for the above referenced property to demolish an existing garage and construct a new detached garage on the east side of the property. This property is in the RB-2 Residence Zoning District. The proposed garage is twenty (20) feet by twenty-four (24) feet in area.

The proposed garage would be located one and five tenths (1.5) feet away from the north side property line. The required setback for a detached garage in this residential district is three (3) feet from any side yard property line. The proposed garage would be located one and five tenths (1.5) feet too close to the north side property line. The existing garage to be demolished is currently located one and four tenths from that same property line.

Your garage permit application is denied because the proposed detached garage does not meet the required side yard 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 five tenths (1.5) feet too close to the north side property line 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. Atkinson distributed pictures of the property and explained that the homeowner wants to construct a detached garage that is one and five tenths (1.5) feet too close to the north side property line than the zoning code allows. He noted that the code allows three (3) feet from the property line. This set back allows some room for maintenance and fire protection separation.

Mr. Biedrzycki appeared on his own behalf. He stated that the existing garage, that has been removed, was 1.4 feet from the north side property line. He also stated that he needs the garage in this location to accommodate a parking slab on the south side. Mr. Atkinson noted that he would have enough room for parking if he made his garage smaller. Mr. Biedrzycki submitted a petition signed by twelve neighbors in favor of his appeal.

Arlene Fletcher and Samuel Fletcher, 2227 S. 72nd St., appeared on behalf of Mr. Biedrzycki in favor of his appeal.

Mr. Atkinson questioned how the appellant proposed to maintain his garage being so close to the property line. Mr. Biedrzycki stated that he will be using vinyl siding. Mr. Atkinson then questioned the overhang proposed on the north side. Mr. Biedrzycki stated there will be a one (1) foot overhang.

Mr. Princeton made a motion to approve the variance with the objection so noted as it is not contrary to public interest and public safety and welfare will not be affected. The motion was seconded by Ms. Wolfgang and approved 4 – 1.

The Board discussed amending the garage height code requirement. It was noted that there have been numerous garage height variances granted over the past 15 years. The Board suggested that there be a limit to the roof pitch (i.e.: Not less than 4/12) and a limit to the side wall height (i.e.: 10 feet), which would allow more flexibility within the code. Ms. Feuling suggested that the Board make a recommendation at the next meeting.

Ms. Wolfgang then motioned to adjourn, seconded by Mr. Princeton and unanimously approved. The meeting was adjourned at 6:45 p.m.

Respectively Submitted,



Helen Feuling, Chairperson
West Allis Board of Appeals