



BOARD OF APPEALS  
City of West Allis

WEST ALLIS BOARD OF APPEALS MINUTES  
November 13, 2012

MEMBERS PRESENT: Helen Feuling (Chairperson)  
Paul Budiac  
Rachel Cincotta  
Mark Maline (Alt)  
Jean Wolfgang (Alt)

*Approved these minutes by  
the Board on 5/13/13.  
File 7A.*

EXCUSED: Charles Wolf  
David Princeton (Vice Chair)

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 noted that the meeting room had been changed to Room 128. Chairperson Feuling stated that the Notice of Appeal for the subject case was published on November 1, 2012 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. Chairperson Feuling also noted that the Board received one written communication from Robert Charles, 2003 S. 78<sup>th</sup> St., regarding tonight's case and they are in favor of granting the variance.

Ms. Wolfgang made a motion to approve the minutes of the September 11, 2012 meeting. Her motion was seconded by Ms. Cincotta and unanimously approved.

Chairperson Feuling called for the first case to be heard.

Mr. Atkinson read from denial letter #2012-13.

October 18, 2012

Kimberly Keefe  
7818 W. Rogers St  
West Allis, WI 53219

RE: Written Notice of Permit Refusal No. 2012-13  
Address: 7818 W. Rogers St.  
Tax Key #: 477-0153-000  
Zoning: RB-2 Residence District  
Legal Description: Conklin Park Subdivision, West fifty (50) feet of Lot Seven (7), Block Two (2)

Dear Property Owner:

On October 18, 2012, a building permit application was submitted to this department for the above referenced property to construct a detached garage on the east side of the property. The proposed twelve (12) feet by twenty-four (24) feet garage will be located two (2) feet from the east side lot line, five and five tenths (5.5) feet from the dwelling and eighteen (18) feet from the front south lot line. This property is in the RB-2 Residence Zoning District. The dwelling is shown on the survey to have a lot coverage of one thousand, fifty-four and eighty-seven hundredths (1,054.87) square feet. The proposed garage lot coverage is two hundred, eighty-eight (288) square feet. The total lot area is three thousand, one hundred forty-seven and five tenths (3,147.5) square feet.

The RB-2 Zoning District requires a three (3) feet side yard setback, a ten (10) foot setback from the primary dwelling and a sixty (60) foot front yard setback. The proposed garage will be one (1) foot too close to the east side property line, four and five tenths (4.5) feet too close to the dwelling and forty-two (42) feet too close to the front south property line.

The RB-2 Zoning District requires a maximum of forty percent (40%) lot coverage for interior lots. Therefore, one thousand, two hundred fifty-nine (1,259) square feet is the maximum allowed lot coverage for this sized interior lot. The combined lot coverage of the existing dwelling and the proposed garage is one thousand, three hundred forty-two and eighty-seven hundredths (1,342.87) square feet. The proposed garage will increase the lot coverage eighty-three and eighty-seven hundredths (83.87) square feet more than the lot coverage allowed by code.

Your garage permit application is denied because the proposed detached garage does not meet the required setbacks to the side, dwelling and front yards and the proposed garage with the existing dwelling does not meet the lot coverage requirements 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.

**12.36 RB-2 RESIDENCE DISTRICT.**

- (4) **Site Area and Accessory Building Area.**
- (a) The total combined building coverage of the allowed main building, private garage(s), and accessory building(s) shall occupy no more than forty percent (40%) of the lot area of an interior lot or forty-five percent (45%) of the lot area of a corner lot.

The proposed garage will be one (1) foot too close to the east side property line, four and five tenths (4.5) feet too close to the dwelling and forty-two (42) feet too close to the front south property line. The proposed garage will increase the lot coverage eighty-three and eighty-seven hundredths (83.87) square feet more than the lot coverage allowed by code. 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.

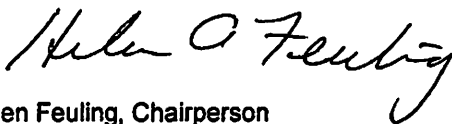
Mr. Atkinson distributed pictures of the property. He explained that the home owners wanted to construct a 12' x 24' detached garage which would increase the lot coverage 83.87 square feet more than the lot coverage allowed by code. He also further discussed the request for variance for: 1) 60' back from the front property line, but noted the lot is only 60' deep; 2) 2' from side lot line, but the code requires 3'. Atkinson said the 3' allows area to work on garage. The contractor suggested the garage will be covered with vinyl siding. Discussion occurred about maintenance and distance between garages; and 3) 10' required from garage to house is zoning requirement, but if proposed 4.5' is approved that distance will be then covered by the building code requiring special requirements (i.e.: no windows on garage, sheetrock walls on garage). Atkinson also stated that everybody should be allowed to have a garage and this is a small one car garage.

Kimberly Keefe appeared on her own behalf. Dan Newsom, the Building Contractor, also appeared on Ms. Keefe's behalf. Mr. Newsom explained that if they constructed the garage more than 2' from the east property line the garage would be too close to the house which would not offer enough room for anyone to walk through. He also indicated that the neighbor's garage is 3' off the property line, which would allow 5' between the two buildings. He then stated that he would put gutters on the garage directed toward Rogers St.

Ms. Wolfgang made a motion to approve the variance, contingent upon gutters being placed on the garage, as it is not contrary to public interest and public safety and welfare will not be affected. The motion was seconded by Ms. Cincotta and unanimously approved.

Ms. Wolfgang then motioned to adjourn, seconded by Mr. Maline and unanimously approved. The meeting was adjourned at 6:20 p.m.

Respectively Submitted,



Helen Feuling, Chairperson  
West Allis Board of Appeals