



**WEST ALLIS BOARD OF APPEALS MINUTES**  
**May 9, 2017**

**MEMBERS PRESENT:** Paul Budiac – Vice Chair  
Rachel Wagner – Board Member  
Eric Euteneier – Board Member  
Michael Pranghofer – Board Member  
Jean Wolfgang – Board Member

**EXCUSED:** Bill Catlin, Jr. – Alternate Member  
Brian Keller – Board Member

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

Mr. Budiac called the meeting to order at 5:30 p.m.

Mr. Budiac stated that the Notice of Appeals for the subject case was published on April 27, 2017 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 no communications were received regarding today’s petition.

**Ms. Wolfgang made a motion to approve the minutes of the April 11, 2017 meeting. Her motion was seconded by Mr. Budiac and unanimously approved.**

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

Mr. Lisinski read from denial letter #2017-02.

April 19, 2017

Ben Zellmer  
1519 S. 87<sup>th</sup> St.  
West Allis, WI 53214

RE: Written Notice of Permit Refusal No. 2017-02  
Address: 1519 S. 87<sup>th</sup> St.  
Tax Key: 451-0699-000  
Zoning: RB-2 Residence District  
Legal: Assessors Plat No. 257 Lot 21 Block 7

Dear Property Owner:

On March 17, 2017, an application was made for a permit for an attached garage addition erected on the above referenced property. The proposed addition is three and sixty-five hundredths feet (3.65’) off of the rear west lot line.

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

**12.36 RB-2 RESIDENCE DISTRICT**

The RB-2 Residence District is intended to provide areas in the City for single family, two (2) family and limited multi-family residential uses. It is specifically intended for areas of the City designated as Class "B" Residential under the preceding City Zoning Ordinance and represents a historical zoning pattern.

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**(11) Rear Yard.** Every lot shall have a rear yard with a depth not less than fifteen percent (15%) of the depth of the lot, but not less than ten (10) feet.

The lot is eighty-four and fifty-five hundredths feet (84.55') in depth. This code section sets the rear yard at twelve and sixty-eight hundredths feet (12.68') in depth. This lot is non-conforming, so an allowance for a reduced setback is provided in the following section of the West Allis Revised Municipal Code.

**12.12 Nonconforming Buildings, Structures, Lots and Uses.**

\* \* \*

**(6) Nonconforming Lots.** Any platted lot of not less than forty (40) feet in width in an approved subdivision, which plat was of record prior to February 24, 1956, but which does not meet the lot width and area regulations of the Zoning District where the lot is located may be utilized for a single-family dwelling, provided that, the lot area is within seventy-five percent (75%) of that required in any such Zoning District. Where an unplatted lot does not meet the lot width and area regulations of the Zoning District where the lot is located, the lot may be utilized for a single-family dwelling, provided that such lot width and area are within seventy-five percent (75%) of that required in any such Zoning District. Where platted or unplatted lots have a greater width or area than is required by the regulations in the Zoning District where the lot is located, such lots shall not be divided or reduced in width or area less than that required by the regulations in any such Zoning District. Any single-family dwelling permitted to be constructed under this Subsection shall, at a minimum, meet the front yard and seventy-five percent (75%) of all other yard requirements in the Zoning District where the lot is located.

Therefore, the rear yard is required to be nine and fifty-one hundredths feet (9.51') in depth. The proposed addition will be three and sixty-five hundredths feet (3.65') which is five and eighty-six hundredths feet (5.86') too close to the rear lot line.

Because the proposed addition does not meet the setbacks, it does not meet the code, and is not allowed.

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 take down the current detached garage, which is 3.3' off of the rear property line and build a new attached garage, which would be 3.65' off of the rear property line. He stated that since the garage will be attached to the house it would have the same setbacks as the house, 9.51' from the rear property line, which would make the new garage 5.86' too close to the rear property line. He also noted that this is a nonconforming lot.

Mr. Zellmer appeared on his own behalf. He explained that the current garage is in disrepair and that he needs a larger garage.

**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. Budiac and unanimously approved.**

**Ms. Wolfgang motioned to adjourn, seconded by Mr. Budiac and unanimously approved. The meeting was adjourned at 5:40 p.m.**

Respectively Submitted,



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Paul Budiac, Vice Chair  
West Allis Board of Appeals



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