



City of West Allis

Meeting Agenda

Board of Appeals

Wednesday, July 9, 2025

5:30 PM

City Hall, Room 128
7525 W. Greenfield Ave.

REGULAR MEETING

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES

1. [25-0233](#) Approval of Draft minutes from May 13, 2025

Attachments: [Draft Minutes of May 13, 2025](#)

D. MATTERS FOR DISCUSSION/ACTION

2. [25-0250](#) Appeal by Rami Kamhawi for an Area Variance to Sec. 13.31 for a fence exceeding 6 ft. in height at 8724 W. Boone Ave. (Tax Key No. 517-0276-000)

Attachments: [\(BOA\) 8724 W Boone Ave 7-9-25](#)

3. [25-0249](#) Appeal by Keith Robers for an Area Variance to Sec. 19.42 to construct a 192 sq. ft. shed at 2558 S. 118 St. (Tax Key No. 483-0018-000)

Attachments: [\(BOA\) 2558 S 118th St](#)

E. ADJOURNMENT



All meetings of the Board of Appeals are public meetings. In order for the general public to make comments at the committee meetings, the individual(s) must be scheduled (as an appearance) with the chair of the committee or the appropriate staff contact; otherwise, the meeting of the committee is a working session for the committee itself, and discussion by those in attendance is limited to committee members, the mayor, other alderpersons, staff and others that may be a party to the matter being discussed.

NOTICE OF POSSIBLE QUORUM

It is possible that members of, and possibly a quorum of, members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

NON-DISCRIMINATION STATEMENT

The City of West Allis does not discriminate against individuals on the basis of race, color, religion, age, marital or veterans' status, sex, national origin, disability or any other legally protected status in the admission or access to, or treatment or employment in, its services, programs or activities.

AMERICANS WITH DISABILITIES ACT NOTICE

Upon reasonable notice the City will furnish appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in and to enjoy the benefits of a service, program or activity provided by the City.

LIMITED ENGLISH PROFICIENCY STATEMENT

It is the policy of the City of West Allis to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.



City of West Allis Meeting Minutes Board of Appeals

Tuesday, May 13, 2025

5:00 PM

City Hall, Room 210
7525 W. Greenfield Ave.

REGULAR MEETING (draft minutes)

A. CALL TO ORDER

The meeting was called to order at 5:00 p.m.

B. ROLL CALL

Present 4 - Michael Pranghofer, William Johnson, Paul Budiach, Tricia Hallett
Excused 1 - Brian Keller

C. APPROVAL OF MINUTES

1. [25-0156](#) Approval of Draft Minutes from December 4, 2024

Attachments: [Draft Minutes of December 4, 2024](#)

Johnson moved to approve this matter, Hallett seconded, motion carried

D. MATTERS FOR DISCUSSION/ACTION

2. [25-0165](#) Appeal by Landi Feto for an Area Variance to Sec 19.41 to construct an addition to a home at 1.7' from the property's side lot line at 2001 S. 70 St. (Tax Key No. 453-0926-000).

Attachments: [BOA Staff Review of 2001 S 70 St](#)

Hallett moved to approve this matter, Pranghofer seconded, motion carried.

3. [25-0164](#) Appeal by Erendira Morales for an Area Variance to Sec. 13.31 for a fence exceeding 6-ft in height at 1520 S. 79 St. (Tax Key No. 452-0156-000).

Attachments: [BOA Staff Review 1520 S 79th St](#)

Hallett moved to approve this matter based upon hardship clause having been met and on clause that the City is part of approved design aesthetics, Pranghofer seconded, motion carried.

E. ADJOURNMENT

There being no further business, a motion was made by Budiach, seconded by Hallett to adjourn at 5:25 p.m.



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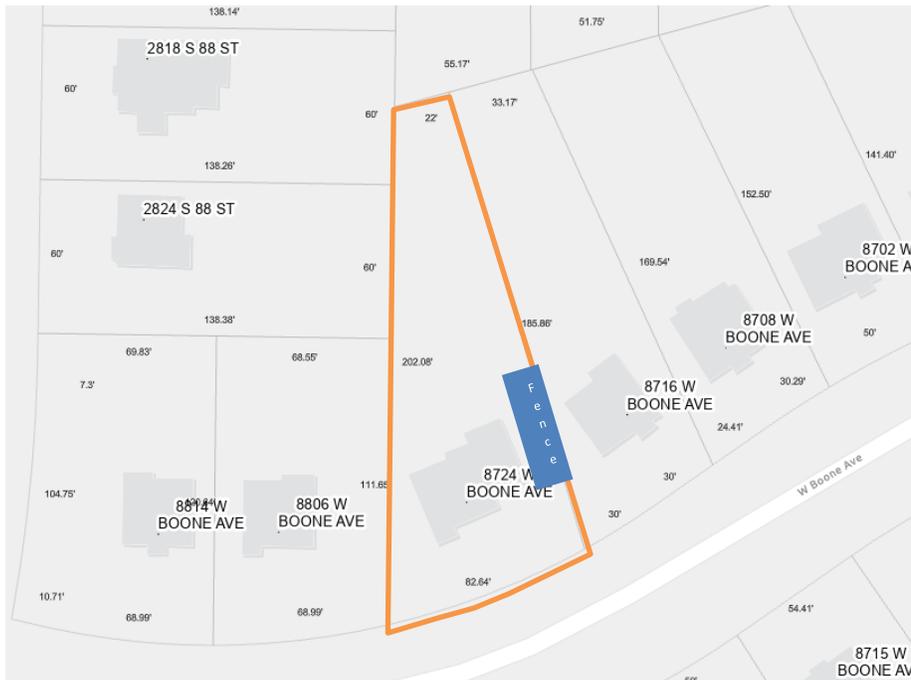


STAFF REPORT
WEST ALLIS BOARD OF APPEALS
Wednesday, July 9th, 2025, 5:30 PM
Room 128 – City Hall – 7525 W. Greenfield Ave.

2. Appeal by Rami Kamhawi for an Area Variance to Sec. 13.31 for a fence exceeding 6 ft. in height at 8724 W. Boone Ave. (Tax Key No. 517-0276-000)

Request for area variance:

Rami Kamhawi applied for a variance to permit the fencing installed above the maximum height requirement for fences in residential districts at 8724 W. Boone Ave. The fence is installed along the eastern side of his property and is 6 ft. in height with an additional 2 ft. lattice extension, totaling 8 ft. in height. The fence extends along the eastern side of the property for roughly 9 ft. in distance toward the property owner’s garage.



[Sec. 13.31\(2\)](#) of the West Allis Municipal Code outlines regulations for fences in one- and two-family residences. According to these regulations, “Fences are permitted, not to exceed six (6) feet in height, in the side and rear yards.” The applicant is requesting a variance to exceed this height requirement to extend screening measures for their yard, at a height outside the requirements of this regulation.

The applicant’s fencing is a wood board fencing (good side facing neighbor) with lattice, but exceeds 6-ft in height limit. An image of the existing fence shown.



Staff Comments: The applicant has been having ongoing disputes with their neighbor to the east and contends that their neighbor’s yard is unsightly and prompted a fence to maintain their enjoyment and perceived value of their property.

Due to these differences, the applicant wishes to keep a permanent and decorative extension of screening on their property.

Considering the nature of these disputes, staff believe that the installation of a wood high-quality fence, within a portion of the side yard, at the dimensions outlined (8-ft tall including lattice) may provide a level of solvency to the problems for both the applicant and neighbor.



There are three points staff have considered in their review of the area variance:

- 1) Reasonable use: “compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome” *Snyder v. Waukesha County Bd. of Adjustment*, 74 Wis.2d 468, 247 N.W.2d 98 (1976). In this case, the property owner/applicant fence was installed based on the premise that their neighbor’s yard is disorderly and unsightly and negatively impact the value of surrounding properties. This could demonstrate that the property owner is denied some reasonable use or enjoyment of their property

in obtaining its true value, absent of their neighbor's unwillingness to address their yard condition. While troublesome, the conditions presented in this variance request may not solve the reasonable use for granting a variance. For instance, removal of the lattice would result in a 6-ft tall compliant fence, while still providing some level of privacy. Further, other options of screening exist - certain types of landscaping could be installed/grown to exceed the height of the existing fence.

- 2) Unique property condition: "zoning variance applicants must show that the alleged unnecessary hardship is due to a unique property condition." Unique property conditions are inherently environmental in nature – soil conditions, steep slopes, and wetlands present common unique property conditions in Wisconsin. Additionally, the term "unique" is used, as the condition that impacts the property owner requesting the variance cannot also apply to other neighboring properties. While troublesome, the conditions presented in this variance request may not be unique to solve the environmental conditions required for granting a variance. For instance, removal of the lattice would result in a 6-ft tall compliant fence, while still providing some level of privacy. Further, certain types of landscaping could be grown to exceed the height of a 6-ft fence, or the existing 8-ft tall fence.
- 3) Not contrary to the public interest: This criterion requires the zoning board to consider the purposes of the ordinance at issue and determine "whether the relief requested is consistent with the public interest such that the variance should be granted, or whether a variance would subvert/undermine the purpose of the zoning restriction to such an extent that it must be denied." *Ziervogel*, 269 Wis.2d at para. 34. Zoning staff find that the lattice extension appears to be of quality construction and in relative scale/harmony with neighboring properties and not contrary to the general public's interest. As part of the notice of this request, no objections have been received to date.

Staff notes that the Board of Appeals could recommend denial based on not all the above standards being met. However, staff notes the design of the fence is wood which is compliant with recommended materials of the design guidelines, the 8-ft height is comprised of a 6-ft solid wood fence with a 2-ft lattice extension and the height could be reduced to comply with the ordinance at any time, and the fence is located in a side yard on the east side of the property (not around the entire property). Further, while a landscaping solution could be considered there is a limited amount of space on the east side of the property between the property line and driveway. A fence height variance may provide a level of solvency to the problems for both the applicant and neighbor.

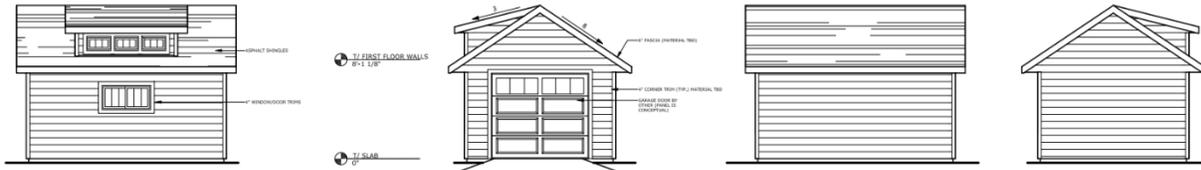
Recommendation: Approval of an appeal by Rami Kamhawi for an Area Variance to Sec.13.31(2) to appeal a fence height restriction of 6 ft to construct a fence and lattice extension up to 8-ft in height at 8724 W. Boone Ave. (Tax Key No. 517-0276-000).



STAFF REPORT
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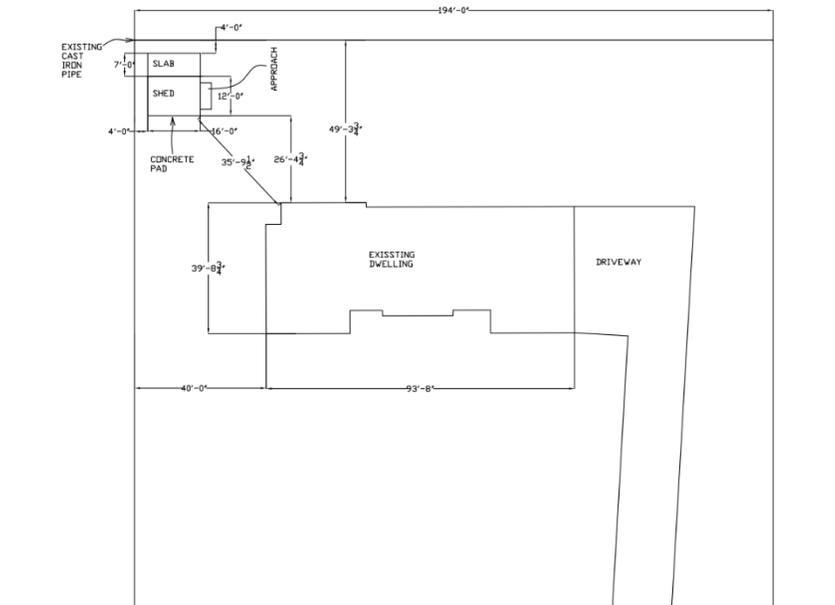
3. Appeal by Keith Robers for an Area Variance to Sec. 19.42 to construct a 192 sq. ft. shed at 2558 S. 118 St. (Tax Key No. 483-0018-000)

Request for area variance:



Keith Robers, owner of 2558 S. 118th St., is proposing an accessory building in the rear yard of the existing lot. The applicant is requesting a variance to Sec. 19.42 of the [zoning code](#) to construct the proposed shed. The proposed building is 12' x 16', covering an area of 192 square feet. Sec. 19.42 limits building coverage maximums to 150 sq. ft.

The rear and side setbacks on the proposal show setbacks of 4 ft. All setback requirements within the zoning code are met. Additionally, all height requirements are met. The applicant has indicated that the project will cost \$15,000 and will take 4 months to complete. Building permits have been applied for and have been approved by the Code Enforcement department pending the outcome of this variance request.



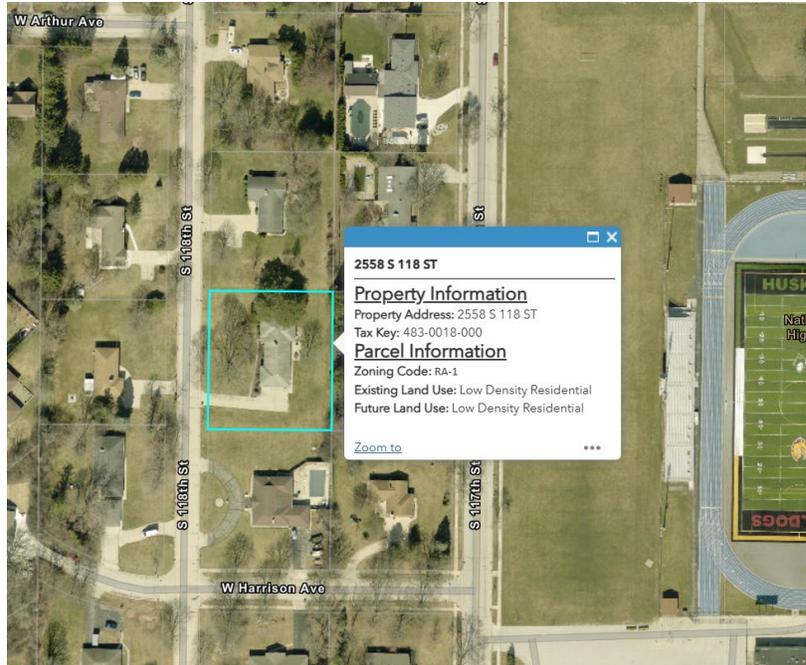
Staff Comments: Building Coverage

With the submittal of this variance request, staff has also conducted research on other nearby zoning code regulations on accessory buildings in nearby municipalities. Staff has found that other municipalities allow sizes of accessory buildings that vary from West Allis' regulation. Some municipalities permit accessory buildings up to 400 square feet by right, or apply a sliding scale based on lot size.

The size and configuration of lots in West Allis varies significantly across the city. Smaller lots are more prevalent in the eastern portions of the city, while larger lots—like the subject property—are more commonly found in the western areas. In this case, the proposed accessory structure (192 sq. ft.)

exceeds the current 150 sq. ft. coverage limit but still fits comfortably within the rear yard without violating any setback or height restrictions.

Given this context, and considering other requests for slightly larger accessory buildings, staff recommends the City of West Allis re-evaluate accessory building size limits. To this end, as part of the Board of Appeals decision, to also advise Common Council to consider changing the ordinance similar to other surrounding cities. Specifically, staff recommends consideration of an ordinance amendment that would increase the allowable accessory building size above 150 sq. ft., with an upper cap, potentially based on lot size or zoning district. Further exploration can be conducted by staff to ensure any ordinance amendments that affect the max coverage of accessory buildings will reflect best practices and maintain neighborhood compatibility.



Municipality	Regulation	Maximum Size Allowed
Greenfield	Area of Accessory Building (except garages). That this shall not prohibit the erection of two (2) accessory building (except garage) not exceeding two hundred fifty (250) square feet in area each to be no closer than two (2) feet to the side and rear lot lines and 10 feet to any principal structure	250 ft
Wauwatosa	Generally, total square footage of lot coverage for all buildings cannot exceed 37% and of that total percentage, detached garages, storage sheds, and outbuildings cannot exceed 12% of the lot area.	Varies
New Berlin	Square footage. Square footage shall be based on the first-floor footprint. Eaves up to 24" are excluded from this measurement. Overhangs and other attached accessory structures, as defined in §275-42D, exceeding 24" shall be counted towards the square footage.	Varies
Oak Creek	Two Accessory structures shall be permitted per lot, and shall only be permitted after a principal structure has been constructed on the same lot. An accessory structure shall not exceed 400 cumulative square feet.	400 ft

Recommendation: Board of Appeals has the discretion to approve or deny the requested Area Variance to Sec. 19.42 to construct a 192 sq. ft. shed at 2558 S. 118 St. (Tax Key No. 483-0018-000) based on the criteria of the of the individual case and the standards outlined in the zoning code. However, there is also an opportunity to consider a broader policy change that permits larger accessory buildings structures by right—up to a reasonable cap—potentially based on lot size or zoning district.