



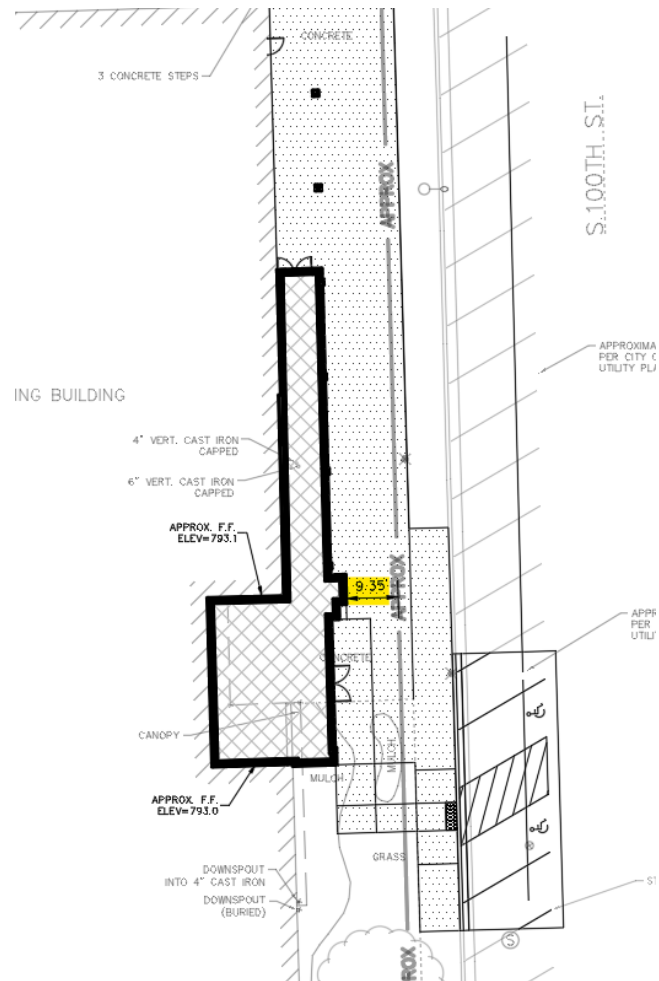
STAFF REPORT
WEST ALLIS BOARD OF APPEALS
Tuesday, June 23rd 2026, 5:30 PM
Room 128 – City Hall – 7525 W. Greenfield Ave.

Appeal by Steve Van Lieshout for an Area Variance to Sec. 19.41 to construct an enclosed ADA ramp within the front property setback at 1337 S. 100 St. (Tax Key No. 444-0534-002)

Request for Area Variance:

Steve Van Lieshout, owner of [1337 S. 100 St.](#), is proposing a series of building renovations and improvements to the existing property. The full project scope includes a 17,344 sq. ft. interior remodel of the existing school building into a new worship and fellowship space. The scope of the Board of Appeals request specifically involves the construction of an approximate 1,200 sq. ft. of canopy and vestibule space added to the building. This enclosed vestibule and corridor will provide a direct connection between the primary building entrance and the sanctuary entrance to the north of the site.

The vestibule and connecting building walkway have been designed to improve ADA accessibility within the building, allowing for a safe and compliant route between the two entrances while maintaining a fully enclosed connection. This structure will be constructed of materials and finishes meant to complement the existing building, including brick and stone veneer to match the existing structure. The total area of site disturbance of this project will equate to .03 acres. The overall goal of this request is to enhance the accessibility, safety, and utility of the building while maintaining consistency with the existing architectural aesthetic.



1337 S. 100 St. is zoned RA-3, “Intended for neighborhoods with primarily detached dwellings on small lots”. Religious institutions are allowed in the RA-3 zoning district as Conditional uses. Structures within the RA-3 district are subject to the following setback regulations under Sec. 19.41 of the West Allis Municipal Code:

19.41 Building Size And Location

No building, except a residential accessory building, may exceed the minimum and maximum standards set forth in the table below. If a

Buildable Space (click link for diagram)	RA-1	RA-2	RA-3
Height (maximum)	35'	35'	35'
Front Setback (maximum)			40'
Front Setback (minimum)	30'	25'	20'
Rear Setback (minimum)	25'	25'	10'
Side Setback (minimum)	8'	5'	3'
Density	RA-1	RA-2	RA-3
Floor Area Ratio (maximum)			
Lot Coverage (maximum)	40%	40%	50%
Lot Size	RA-1	RA-2	RA-3
Lot Width (maximum)		150'	100'
Lot Width (minimum)	75'	50'	40'

Steve Van Lieshout seeks an Area Variance to this section of the code, specifically appealing the Front Setback (minimum) regulation of 20 ft. Steve Van Lieshout has identified that the proposed enclosed walkway and vestibule would be constructed within 9.35 ft of the property’s front setback, if the variance is granted.

Staff Comments:

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 applicant is requesting an area variance to construct a structure within the 20 ft minimum front property line setback. After discussing ADA requirements with the City’s Commercial Code Inspector, it has been determined that the lack of an enclosed ADA ramp would not necessarily prevent the owner from using the property for a permitted purpose or render conformity with the restrictions unnecessarily burdensome. This is because the building is pre-existing, which is not beholden to the same ADA requirements as any new construction in the City. That being said, staff asserts that there is a real, tangible benefit provided to the community through enhanced accessibility measures, but because this type of project would not be required in order for the church to operate, the proposal does not pass the test for the reasonable use requirement.

- 2) **Unique property conditions:** “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. The requested area variance is not due to environmental hardship, but rather an aspiration of enhanced accessibility for this site. Unique property conditions are not demonstrated on this site rendering conformance to Sec. 19.41 unreasonable. Because of the lack of environmental hazards presented on the site, this project does not pass the Unique Property Condition requirement.

- 3) **Not contrary to 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.

The public interest component of these plans are where this project stands out in compliance. To be considered “not contrary to the public interest”, the expressed action of constructing the ADA ramp within the setback requirement of the property would have to demonstrate that it is not detrimental to the health, safety, and welfare of the public. The location and orientation of the ramp would not be positioned too close to the roadway, given the proximity of the existing parking lot on site, nor would the ramp’s entrance allow people to exit in any unsafe area of the property. The ADA ramp project would directly serve as a benefit to the public welfare by providing members of the congregation with limited mobility or varying levels of ability enhanced access to this site to enhance their health and wellbeing. The third criteria is passed through the introduction of this project.

According to the legal requirements of the Board of Appeals process, every project heard at these meetings must pass all three criteria for staff to recommend approval of the Area Variance. Because two of the three criteria do not pass this evaluation, staff are required to recommend denial of this request. Voting members of the Board of Appeals are allowed to amend this recommendation and vote contrary to staff recommendation should they see merit or applicability to the standards above outside the scope of staff review.

Recommendation: Denial of the appeal by Steve Van Lieshout for an Area Variance to Sec. 19.41 to construct an enclosed ADA ramp within the front property setback at 1337 S. 100 St. (Tax Key No. 444-0534-002) based on the rationale explained in criteria 1-3 above.