



**STAFF REPORT**  
**WEST ALLIS BOARD OF APPEALS**  
 Thursday, April 23<sup>rd</sup>, 2026, 5:00 PM  
 Room 128 – City Hall – 7525 W. Greenfield Ave.

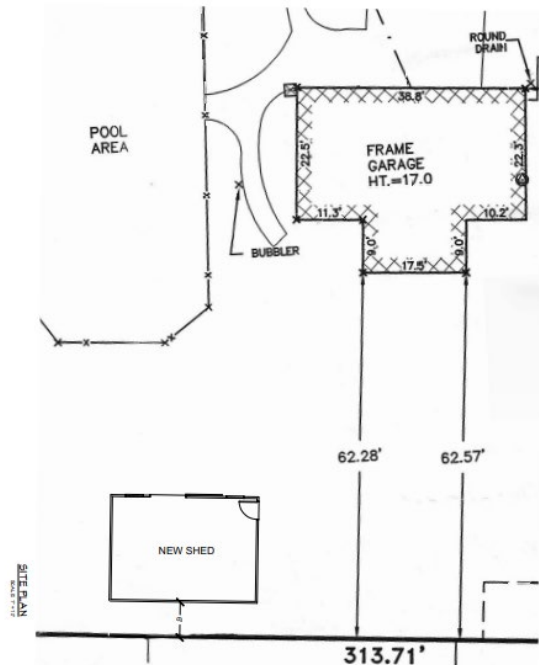
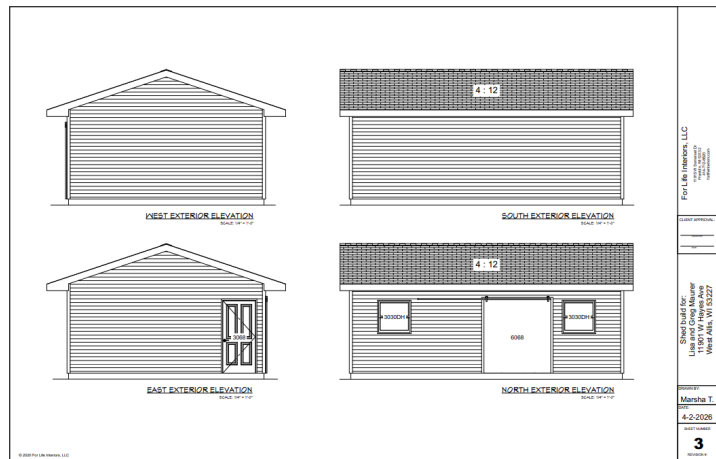
**Appeal by Gregory Maurer for an Area Variance to Sec. 19.42 to construct a 450 sq. ft at 11901 W Hayes Ave (Tax Key No. 483-0185-000)**

**Request for Area Variance:**

Gregory Maurer, owner of [11901 W. Hayes Ave](#), 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 25' x 18' covering a total area of 450 sq. ft. Sec. 19.42 limits accessory building coverage to a maximum of 300 SF.

The rear setbacks of the proposal show setbacks of 6 ft. The size of the lot does not require the side setbacks to be specified as it will meet the 3-ft side yard setback requirement. All setback and height requirements within the zoning code are met.

[Sec 19.42](#) of the West Allis Municipal Code outlines regulations for residential accessory buildings, including location and size. According to these regulations other accessory buildings may not exceed 300 sq. ft for maximum building coverage. The proposed accessory building for 450 sq feet exceeds this regulation.



**19.42 Residential Accessory Buildings**

1. Location and Size. No residential accessory building may exceed the minimum and maximum standards set forth in the table below. If any cell is blank, no limit is imposed.

	<b>Accessory Dwelling Unit</b>	<b>Detached Garage</b>	<b>Other Accessory Building</b>
Exterior Wall Height (maximum)	20'	10'	10'
Height (maximum)	Height of principal building, not to exceed 20'	Height of principal building, not to exceed 18'	15'
Building Coverage (maximum)	50% of principal building, not to exceed 800 sq. ft.	1,000 sq. ft.	300 sq. ft.
Setback from Principal Building (minimum)	10'	10'	10'
Front Setback (minimum)	See <a href="#">WAMC 19.41</a>	60'	60'
Rear Setback - abutting alley (minimum)	5'	5'	5'
Rear Setback - not abutting alley (minimum)	3'	3'	3'
Side Setback (minimum)	3'	3'	3'

**Staff Comments:**

The applicant proposes removing one of two existing sheds, a 100 sq. ft metal shed, or a 100 sq. ft pool shed, on the property to replace with the new proposed shed. The new shed would also allow the applicant to move current stored items from the 3<sup>rd</sup> stall of the property’s existing garage to the new proposed shed.

The property is considerably large in area, totaling 1.77 acres. Which is unusual for the neighborhood and for low density residential parcels across the city. The applicant requests a larger shed as it would not exceed the maximum building coverage of the lot or be visible from the street.

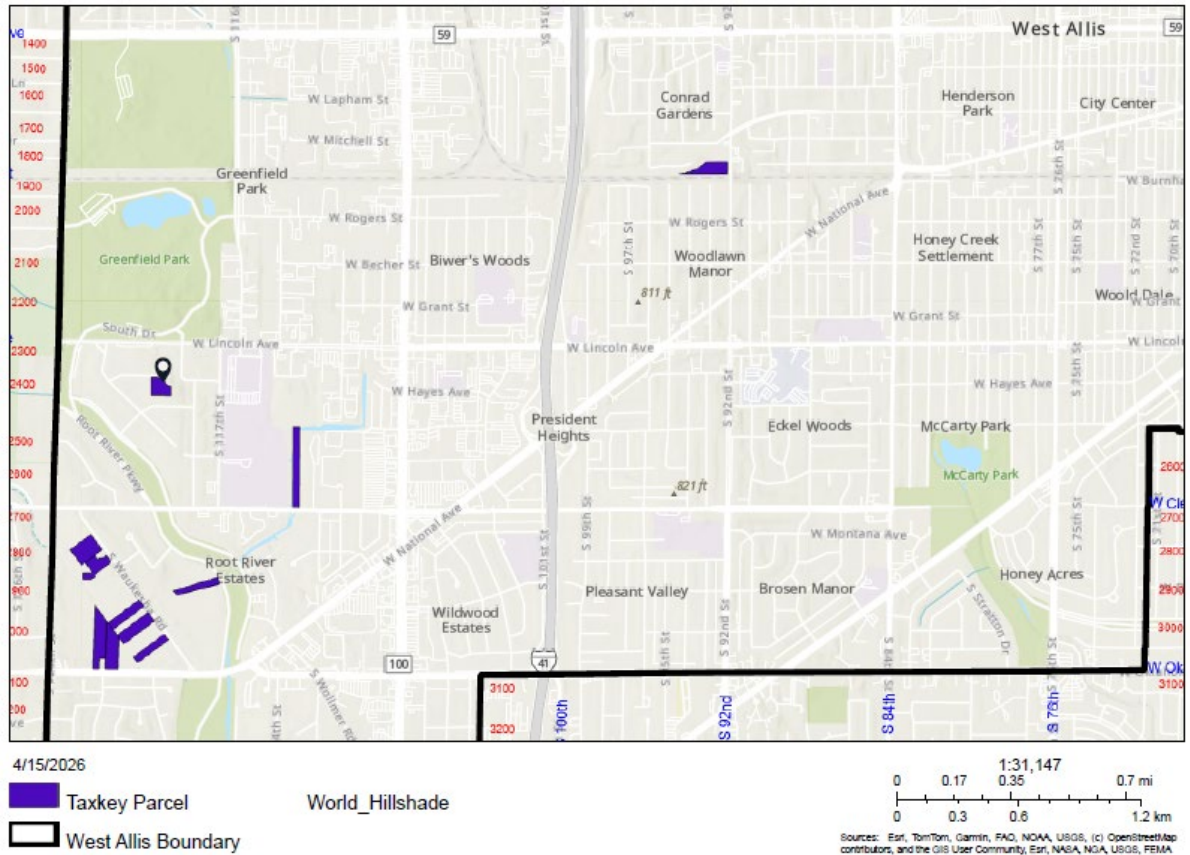
Considering the size of the property and the three criteria necessary for an area variance (discussed more below), staff believe that an alternative arrangement could be considered by the Board of Appeals to accomplish storage needs expressed by the applicant. The removal one old 100-sf shed and relocating stored items from both the shed and existing garage is prompting the applicants request for an area variance, the current total storage need is 340 sq. ft. The existing pool storage of 100 sq ft would remain on the property. An alternative proposal staff would put for consideration is to allow for an area variance of 50 sq ft so that the applicant can build a 350 sq ft shed, which should meet their storage needs according to the information the applicant has provided.

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 build a shed to accommodate their large storage needs and reclaim use of their 3<sup>rd</sup> garage stall. However, with the pool shed remaining on the property the owner only has need for 340 sq ft of storage, not 450. Therefore, a smaller area variance, such as 350 sq. ft instead of 450 sq. ft would meet their current storage needs and would not prevent the property owner from the reasonable use and enjoyment of their property.
- 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 the size of the lot. This property is unique in that there are only ten other low density residential parcels of similar size in the city. While parcel size is not normally considered a unique property condition, in this case staff would consider it to be unique as the property size is well above the average that the municipal code was written for.

### BOA-26-1 High Acreage Res Property Map



- 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 proposed property would not exceed the overall building coverage for the entirety of the lot, with the proposed shed the total lot coverage would be 5% of the lot size. In addition, staff have received two comments from the public, neighbors of the applicant that are in support of the proposed shed. The shed would not be a visual disturbance to neighbors as the property has significant tree coverage, only the roof of the shed would be visible to other properties. With these considerations staff find the proposed shed not contrary to the general public’s interest.

**Recommendation:** Denial of the appeal by Gregory Maurer for an Area Variance to Sec 19.42 to appeal a building coverage maximum to construct a 450 sq ft shed at 11901 W Hayes Ave (Tax Key No. 483-0185-000). Staff would support a 50-sf area variance to construct a 350-sf shed on the property based on the rationale explained in criteria 1-3 above.



11901 W HAYES AVE

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**Property Information**  
Property Address: 11901 W HAYES AVE  
Tax Key: 483-0185-000

**Parcel Information**  
Zoning Code: RA-1  
Existing Land Use: Low Density Residential  
Future Land Use: Low Density Residential

[Zoom to](#) ...