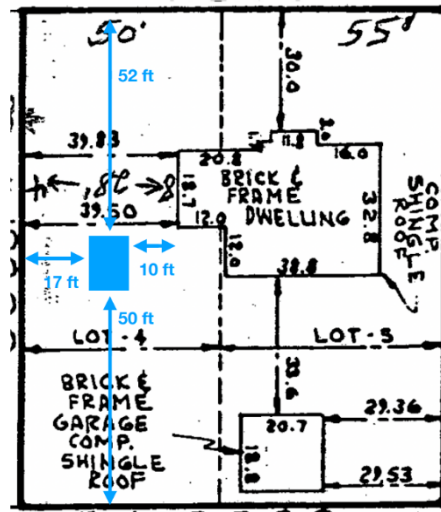


**2. Property Address: 11101 W. Cleveland Ave. Tax Key: 520-0070-000 Appeal by Roger Smith to construct a Gazebo that will be 52 feet from the front property line which is 8 feet less than the minimum front setback of 60 feet and will be 192 square feet which is 42 square feet more than the code allows.**

The proposed gazebo will be located on the backyard patio of the house. At its closest point, this location is 52 ft. from the front lot line, 8 ft. closer than allowed by code. The proposed gazebo is also 192 sq. ft. which is 42 sq. ft. more than the code allows.



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**Staff Comments: Front Setback**

While the location of the building does not satisfy the exact letter of the law, the proposal meets the intent of the regulation. The minimum 60 ft. setback rule is designed to limit views of accessory buildings from the front of the lot. In the unique circumstances of this property, the gazebo will be minimally visible from the front of the lot due to its location behind the house and fence.

Additionally, this lot is unique in that it is nearly wider (105 ft.) than it is deep (120 ft.); this is an atypical residential lot configuration for West Allis. This unique orientation results in a unique placement of the main home and an unusual yard configuration. The proposed gazebo placement is respectful of the design and is suitably tucked behind the main building on the patio.

**Staff Comments: Size**

The proposed gazebo, while technically an 'accessory building', doesn't entirely meet its definition. It is somewhere between a building: defined in the code as a structure that shields persons or property from the elements, and a structure: any object that is affixed to the ground and not created by nature. Additionally, the gazebo functions as part of the patio. Therefore, the accessory structure is not adding to impervious surface on the lot.



Because of the unique nature of this accessory building and its unique circumstances on the lot, staff believes the 192 sq. ft. structure (42 sq. ft. larger than the typical regulation) is acceptable.

**Recommendation:** Approval of an appeal for by Roger Smith to construct a Gazebo that will be 52 feet from the front property line which is 8 feet less than the minimum front setback of 60 feet and will be 192 square feet which is 42 square feet more than the code allows at 11101 W. Cleveland Ave. (Tax Key No. 520-0070-000)