



**STAFF REPORT**  
**WEST ALLIS BOARD OF APPEALS**  
 Thursday, August 19th, 2025, 5:30 PM  
 Room 128 – City Hall – 7525 W. Greenfield Ave.

2. **Appeal by Marcello Orlando for an Area Variance to Sec. 19.42 to construct a garage less than 10-ft away from a principal building and to exceed the exterior wall height greater than 10-ft for existing residential property at 1365 S. 98 St. (Tax Key No. 443-0428-000)**

**Request for area variance:**

Marcello Orlando, owner of 1365 S. 98th St., seeks to demolish the existing one-car detached garage and construct a new garage on site. The larger garage would accommodate an RV and enclosed trailer. The proposed structure would be oriented north-south behind the principal dwelling.

The applicant requests two variances of [sec 19.42](#) for their proposed garage/residential accessory building in the rear yard of 1365 S. 98 St. as follows:

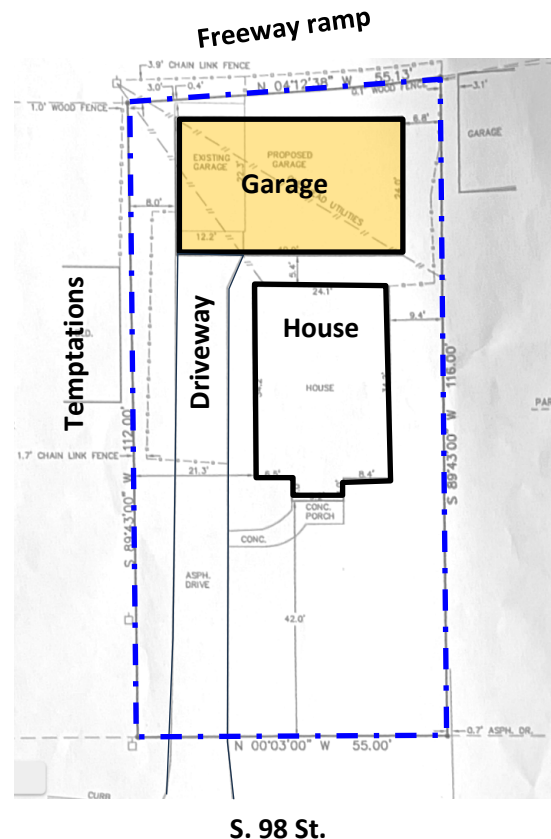
- 1) to build a 960-sf garage with less than a 10-ft setback (proposed at 5.4-ft) from the main building/home. The zoning standard is 10-ft.
- 2) to build a garage with 12-ft exterior walls. The zoning standard is for a max. 10-ft tall exterior walls.

The RA-3 zoning district requires a minimum 10-foot setback between a detached garage and the principal building, and limits exterior wall height for detached garages to 10 feet. The garage conforms to all other requirements per [Sec. 19.42 of the Zoning Code](#).

The applicant proposes:

- 960 sq. ft. garage
- Setback from principal building: 5.4 ft
- Exterior wall height: 12 feet (to allow a 10-foot garage door opening)
- Overall accessory building height: 17 feet

Due to the narrow rear yard and limited distance between the existing home and lot line, meeting the 10-foot separation requirement would result in a significantly reduced garage footprint, limiting its functionality for the intended use.



**Staff Comment – proposal to locate garage less than 10-ft from home:**

Staff notes the following points relative to accepting the location of the proposed garage on the lot at 5.4-ft from the main building:

- The narrow rear yard and limited distance between the principal structure and the lot line;
- The lot's proximity to the freeway and adjacency to a commercial building, limiting alternative placement options; and
- The home as built in 1938, is setback 40-ft from front lot line and well beyond the current zoning ordinance 20-ft [RA-3 district minimum](#). The setback of the home as built creates a difficulty or hardship that was not created by the current property owner.
- Another unique historical feature is the City changed the configuration of ROW that leads to W. Greenfield Ave. and also into the Temptations business parking lot. It was created this way by the city decades ago to create access to the commercial lot from S. 98 St. versus W. Greenfield Ave. (traffic safety) given proximity to the freeway on-ramp.
- The zoning code will allow up to a 1,000-sf detached garage, subject to [sec. 19.41](#) lot coverage max of 50% (met) and sec. 19.42 setbacks (all met except separation from home).
- Building Code will allow the 5.4-ft separation from home with reasonable amount of fire protection rating. The burden will be for the property owner or their building to provide building permit details on how the structure will achieve 45-minute construction, including doors.



Overall, the narrowness of the rear yard and the proximity of the principal dwelling to the western lot line make it impractical to meet the required 10-foot separation while maintaining a garage of usable size.

The proposed garage location behind the home would be screened from neighboring views, particularly as the property abuts the freeway to the west and the south side faces a commercial building (Temptations).

The applicant's stated intent is to store personal vehicles and equipment indoors to avoid visual impacts to the neighborhood. The proposed height is driven by the functional need to accommodate large vehicles and trailers, and the demolition of the existing non-conforming garage will allow for an improved and consolidated structure.

**Staff Comment – proposal to exceed 10-ft tall exterior garage wall height:**

- Is the request to exceed the wall height a unique condition tied to the land itself, or is this a personal circumstance of the owner, such as their taller/larger vehicle?
- A reasonable alternative to a variance would allow the property owner to use their property in a way that complies with the zoning regulations. In other words, the property owner may build a 960-sf garage as proposed, but just not with the wall height they propose. While maybe not ideal for the property owner, the taller vehicle could always be stored elsewhere off-site.

The zoning board must also consider the potential impacts of the variance on the community and ensure that it does not negatively affect the overall interests of the neighborhood or the wider area.

- Would neighbors appreciate the parking of vehicles in a garage versus a driveway?
- Will other property owners seek similar treatment (taller wall height for their garages) when they rebuild?
- Should the 10-ft maximum wall height regulation be modified or eliminated from the code?
- While the proposed wall height exceeds the zoning limit, the overall proposed garage height still will meet the zoning code. As proposed at 17-ft and the zoning limit is 18-ft. The essence of the zoning ordinance is met for the proposed residential accessory structure.

Staff notes that while the Board of Appeals would be justified to deny the wall height variance request as the request isn't tied to a unique condition of the land. However, it's also reasonable to conclude that the overall height of the garage as proposed would still be in compliance with the zoning code. Therefore, even with the added wall height (2-ft) variance being approved, the essence of the zoning is maintained and does not negatively affect the overall interests of the neighborhood or the wider area.

**Recommendation:** Approval of an Appeal by Marcello Orlando for an Area Variance to Sec. 19.42 to construct a garage less than 10-ft away from a principal building and to exceed the exterior wall height greater than 10-ft for existing residential property at 1365 S. 98 St. (Tax Key No. 443-0428-000), and subject to obtaining a building permit.