

BOARD OF ZONING APPEALS
CITY OF MILWAUKEE

REGULAR MEETING - March 21, 2002
City Hall, Common Council Committee Room 301-B

MINUTES

PRESENT:

Chairman: Craig H. Zetley (*voting on items 1 - 57*)

Members: Henry P. Szymanski (*voting on items 1 - 57*)
Scott R. Winkler (*voting on items 1 - 57*)
Catherine M. Doyle (*voting on items 1 - 57*)

Alt. Board Members: Georgia M. Cameron (*voting on items 36 - 57*)
Donald Jackson (*voting on items 1 - 35 & 43*)

START TIME: 2:10 p.m.

End Time: 8:15 p.m.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
1	24039 Special Use	Golden Rule Church God in Christ Property Owner Rehearing request to occupy the premises as a church.	2432 W. Hopkins St. A/K/A 2432-34 W. Hopkins St. 10th Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the rehearing. Seconded by Board member Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
2	23785 Special Use	Learning Enterprise of Wis. Inc. Kathy A. Harrell-Patterson; Prospective Buyer Request to occupy the premises as a day care center for 95 children, ages 4 wks. - 12 yrs., from 6 a.m. to 6 p.m.	7601 W. Hampton Av. 2nd Dist.
	Action:	Dismissed	
	Motion:	Henry Szymanski moved to dismiss the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
3	23738 Dimensional Variance	Dan Flor and Carol Cullen Property Owner Request to construct a garage on the premises.	1675 N. Franklin Pl. 3rd Dist.
	Action:	Dismissed	
	Motion:	Henry Szymanski moved to dismiss the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
4	24053 Use Variance	Wesley F. Miller, Property Owner Request to occupy the premises for massage therapy.	3072-74 N. Fratney St. 3rd Dist.
	Action:	Dismissed	
	Motion:	Henry Szymanski moved to dismiss the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
5	23669 Use Variance	Bulk Petroleum Corp. Darshan Dhaliwal; Property Owner Request to raze the existing facility and construct a new pumping station with a convenience store on the premises.	2173 N. 35th St. A/K/A 2175 N. 35th St. 17th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of the applicant and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
6	23959 Dimensional Variance	Eric Folds, Lessee Request to occupy the premises as a group foster home for 8 adolescents.	3201 N. 45th St. 7th Dist.
	Action:	Dismissed	
	Motion:	Henry Szymanski moved to dismiss the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
7	24062 Special Use	Victory Day Care Center Jonathan Saffold, Sr.; Property Owner Request to occupy the basement of premises for a day care center for 24 children, ages 3 and 4, 8:00 AM to 3:00 PM.	3132 N. Martin L. King Jr. Dr. 6th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner obtains an occupancy permit and complies with current State commercial code for day cares. 5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
8	24061 Special Use	Curative Care Network, Property Owner Request to continue occupying the premises as a day services program for persons with disabilities and/or limiting conditions.	2607 W. Fond du Lac Av. 7th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That a landscaping and screening plan, meeting the intent of s.295-75, is submitted to and approved by the Department of City Development Planning Administration section within thirty (30) days of the date hereof and prior to the issuance of any permits. 5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	
9	24033 Special Use	Mercantile Thrift Stores, Inc. d/b/a Value Village Cathrine J. Wendorf, President; Lessee Request to continue occupying the premises as a second hand sales facility.	729 S. Layton Bl. A/K/A 2716-22 W. National Av. 8th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
10	24084 Special Use	Aidia Figueroa Fuentes, Lessee Request to occupy the premise as a group day care for 20 children, ages 4 wks. 12 yrs., from 7:00am-6:00pm.	1732 S. Muskego Av. 8th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner obtains an occupancy permit and complies with current State commercial code for day cares. 5. That a loading zone is obtained. 6. That the storefront windows remain as clear glass and are maintained in an attractive manner. 7. That signage is limited to a maximum of sixty (60) square feet in the sign band above the storefront windows. 8. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
11	24040 Use Variance	Mount Zion Assembly of Apostolic Faith, Inc., Property Owner Request to occupy the premises as a school.	7132 W. Good Hope Rd. A/K/A 7222 W. Good Hope Rd. 9th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That any signage along Good Hope Rd. is limited to a maximum of 50 square feet and to a maximum height of 15 feet. 5. That this Variance is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
12	24092 Use Variance	Patrick J. Roufus, Lessee Request to occupy the premise as a specialty school (martial art)from 12:00pm-8:00pm, Monday-Saturday.	7515 W. Oklahoma Av. A/K/A 7501-15 W. Okalahoma Av. 11th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That all banner signage is removed from the premises. 5. That this Variance is granted for a period of five (5) years, commencing with the date hereof. 	
13	24034 Dimensional Variance	Maria Rivera Esmeralda Restaurant; Property Owner Request to occupy the premises as a Type 'A' restaurant.	1801 S. 11th St. 12th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
14	24035 Special Use	Wholesale Autos Direct, Inc. Clarence Morse; Lessee	906 S. Barclay St. 12th Dist.
		Request to occupy the premises as a motor vehicle repair and sales facility.	
	Action:	Granted 3 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That there is no outdoor storage of auto part, tires, nuisance vehicles or other junk and debris. 5. That there is no display of exterior banners or other advertising except that which is on the approved sign plan. 6. That no work or storage of vehicles occurs in the public right of way. 7. That a landscaping and screening plan, meeting the intent of s.295-75, is submitted to and approved by the Department of City Development Planning Administration section within thirty (30) days of the date hereof and prior to the issuance of any permits. 8. That the wall sign proposed for the west elevation of the building is limited to a maximum sign area of 60 square feet. 9. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. 	

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15	24060 Special Use	A.A.P. Property Management, LLC Alan M. Bern; Property Owner Request to remodel and occupy the premises as a warehouse (a portion of the premises known as 523 W. National is currently used for retail showroom & executive offices).	529-37 W. National Av. A/K/A 523-37 W. National Ave. 12th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
16	24094 Special Use	Krzysztof Rajzer, Lessee Request to occupy the premise as a second hand retail sales facility(furniture).	4213 S. Howell Av. 13th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the storefront windows remain as clear glass and are maintained in an attractive manner. 5. That signage is limited to a maximum of 50 square feet. 6. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. 	
17	24099 Dimensional Variance	Paul Buenger, Property Owner Request to construct a 26'x 28' detached garage on the premise.	3329 S. 8th St. 14th Dist.
	Action:	Granted	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
18	24056 Dimensional Variance	Mary Jo Glaspey, Property Owner Request to construct an addition to the existing retail facility without the required parking.	2499 S. Delaware Av. A/K/A 2491-99 S. Delaware Ave. 14th Dist.
	Action:	Granted	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land. 	
19	24074 Dimensional Variance	Mark Nitka, Property Owner Request to construct a 26'x 23' detached garage on a single family residential lot.	2779 S. Superior St. 14th Dist.
	Action:	Granted	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That these Variances are granted to run with the land. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
20	24047 Special Use	Robert B. Pyles, Lessee Request to continue occupying the premises as a type 'B' restaurant with the addition of a videogame center (7 games).	8100 W. Brown Deer Rd. 15th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	
21	24066 Special Use	Robert Pyles/Pyles Enterprises d/b/a Golden Arch of Wis., Inc./McDonald's; Property Owner Request to continue occupying the premises as a type 'B' restaurant with the addition of 4 amusement machines.	11313 W. Silver Spring Dr. 15th Dist.
	Action:	Granted	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That all previous conditions of case No. 21477 are complied with. 5. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 6. That this Special Use is granted for a period of time commencing with the date hereof and expiring on April 22, 2008. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
22	24078 Special Use	Small World Child Care Valerie L. Swenson; Lessee	5505 W. Lloyd St. 16th Dist.
		Request to continue occupying a portion of the premises as a day care center for 35 children, age 2-12, Monday through Friday, 6:30 AM to 6:00 PM.	
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	
23	24051 Special Use	The Wishcamper Group Brian Poulin; Prospective Buyer	1107 W. Reservoir Av. A/K/A 1800 N. 12th St. 17th Dist.
		Request to construct and occupy the premises as an office building/community center.	
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the two proposed wall signs are limited to a maximum area of 18 sq. ft. each. 5. That these Special Use permits and these Variances are granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
24	24065 Special Use	John J. Townsend, Jr. ABC TNT Furniture; Property Owner	2220-22 N. Teutonia Av. 17th Dist.
		Request to occupy the premises as a general retail sales facility (furniture).	
	Action:	Granted 3 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. 	
25	24101 Boundary Line Extension	Robert Zellmer Property Owner	2026 N. Farwell Av. 3rd Dist.
		Request to extend the Local Business district boundary line 26 ft. to coincide with the easterly property line.	
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of the chair and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
26	24077 Special Use	Family Worship Center Pentecostal Church Willie D. Lewis, Sr.; Property Owner	1428 N. 27th St. 4th Dist.
		Request to continue occupying the premises as a church.	
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	
27	24068 Special Use	Joseph Fairbanks Constructive Professional Counseling, S.C.; Lessee	930 E. Knapp St. A/K/A 930 E Knapp St. Apt. #2 & #24 4th Dist.
		Request to occupy a portion of the premise as an outpatient mental health clinic	
	Action:	Granted 3 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
28	24075 Use Variance	Dan Mikolajczak, Property Owner Request to occupy the premise as an accessory structure to provide storage (parking limousines)for a transportation business.	9459 N. 91st St. A/K/A 9459 N. Swan Rd. 15th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Variance is granted for a period of five (5) years, commencing with the date hereof. 	
29	24025 Special Use	Bulk Petroleum Corporation Prospective Buyer Request to occupy the premises as a motor vehicle pumping station with convenience store.	10501 W. Brown Deer Rd. 15th Dist.
	Action:	Adjourned	
	Motion:	Donald Jackson moved to adjourn this appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
30	24057 Special Use	Wanda Welch, Property Owner Request to occupy the premises as a shelter care facility for 8 children.	8648 W. Fairy Chasm Dr. A/K/A 8648-50 W. Fairy Chasim Dr. 15th Dist.
	Action:	Granted 2 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use and this Variance are granted for a period of two (2) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
31	24042 Special Use	Jo To Go c/o Gary McHugh & Delbert Vanstone; Prospective Buyer	4117 N. 76th St. 5th Dist.
		Request to construct a Type 'B' restaurant.	
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That right turns are prohibited from the driveway onto West Fiebrantz Avenue. 5. That left turns are prohibited front the driveway onto North 76th Street. 6. That site illumination is controlled to prevent glare onto adjacent streets and residences. 7. That the LED message shall not change more than once in any 12 hour period, and shall not scroll, flash or cause glare onto the surrounding area. 8. That the fence along the west side of the site is repaired or replaced to with a wooden board on board opaque fence. 9. That dumpster pick-ups do not occur before 8:00 A.M. or after 8:00 P.M. 10. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 11. That this Special Use and these Variances are granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
32	23989 Special Use	Valerie A. Moore Humble Beginnings Child Care; Lessee	208 E. Capitol Dr. 6th Dist.
		Request to occupy the premises as a day care for 80 children, ages 4 wks. - 12 yrs., from 6 a.m. to 12 a.m.	
	Action:	Adjourned	
	Motion:	This item was adjourned at the petitioners request and will be rescheduled at the next available hearing.	
33	24007 Special Use	Zebest Commercial Group, Inc. Steve Nikolas; Prospective Buyer	250 E. Capitol Dr. A/K/A 4041 N. Richards St. 6th Dist.
		Request to construct a type 'B' restaurant on the premises.	
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner agrees to work with the Zoning Administration Group staff on any final resolution of design issues including, but not limited to site plans, facade & elevation plans, signage plans and landscape plans. Any revisions must be submitted to the Board of Zoning Appeals for Zoning Administration Group review and approval. Plans submitted to the Plan Examination Section must be consistent with the final Zoning Administration group approved plan, or no permits will be issued. 5. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 6. That site illumination is controlled to prevent glare onto adjacent streets. 7. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
34	24006 Special Use	Zebest Commercial Group Steve Nikolas; Prospective Buyer	270 E. Capitol Dr. 6th Dist.
		Request to construct a general retail sales facility on the premises.	
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner agrees to work with the Zoning Administration Group staff on any final resolution of design issues including, but not limited to site plans, facade & elevation plans, signage plans and landscape plans. Any revisions must be submitted to the Board of Zoning Appeals for Zoning Administration Group approval. Plans submitted to the Plan Examination Section must be consistent with the final Zoning Administration group approved plan, or no permits will be issued. 5. That no motor vehicle repair work is conducted on site. 6. That site illumination is controlled to prevent glare onto adjacent streets. 7. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
35	24032 Special Use	Community Child Care Support Foundation, Inc. Dennis Mueller; Request to construct a new building for a early learning/day care center for approximately 90 children, ages 8 weeks to 5 years, Monday through Friday, 7:00 AM to 6:00 PM.	123 W. Auer Av. A/K/A 115-17, 127-29, 131-33 W. Auer Av. 6th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That any site illumination is controlled to prevent glare onto adjacent streets and residences. 5. That the petitioner agrees to work with the Zoning Administration Group staff on final resolution of design issues including, but not limited to site plans, facade & elevation plans, signage plans and landscape plans.. The petitioner must submit revised drawings that reflect these changes to the Board of Zoning Appeals for Zoning Administration Group review and approval. Plans submitted to the Plan Examination Section must be consistent with the final Zoning Administration group approved plan, or no permits will be issued. 6. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	
36	24031 Use Variance	Tabernacle Community Baptist Church Robert D. Robinson, Treasurer; Property Owner	2486 W. Medford Av. 7th Dist.
		Request to construct a parking lot for church parking.	
	Action:	Denied	
	Motion:	Scott Winkler moved to deny the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
37	24055 Dimensional Variance	Adriane E. Wade, Prospective Buyer Request to occupy the premises as a Community Based Residential Facility for seven residents.	3132 N. 47th St. 7th Dist.
	Action:	Granted	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Variance is granted for a period of time commencing with the date hereof and expiring on December 27, 2010. 	
38	23955 Use Variance	Rushdi Hamdan Lessee Request to occupy the premises as a retail grocery store.	2401-03 N. 21st St. 7th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the storefront windows are restored to clear glass and are maintained in an attractive manner. 5. That signage is limited to a maximum of 20 square feet per street frontage. 6. That this Variance is granted for a period of three (3) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
39	24005 Special Use	Calvary Temple, Lessee Request to occupy the premises as a church.	5330 W. Lisbon Av. 7th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. The applicant obtains an occupancy permit and complies with all State commercial codes requirements for a church. 5. that signage does not exceed 50 square feet 6. that the windows remain as clear glass and are maintained in an attractive manner. 7. That the parking lot frontage along 54th Street between the driveway opening and the north property line is landscaped and screened in a manner that meets the intent of city code. 8. That no changes are made to the building facade without approval from the Zoning Administration Group. 9. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
40	24014 Special Use	Enterprise Rent-a-Car Richard Resse; Lessee Request to occupy a portion of the premises as a motor vehicle rental facility.	745 S. Layton Bl. A/K/A 2716-22 W. National Ave. 8th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That no more than fifteen (15) vehicles for lease are displayed on-site. 5. That signage is limited to a maximum total of 50 feet. 7. That no motor vehicles are parked on the vacant lot behind the premises on S. 28th St. 6. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	
41	24059 Special Use	Donna M. Ivory, Property Owner Request to occupy the premises as a temporary shelter for up to 8 girls, ages 7-12.	6529-31 N. 52nd St. 9th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of the alderman and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
42	24019 Special Use	Bulk Petroleum Corp., Other Request to construct a 24 hr. motor vehicle pumping station on the premises.	1317-37 W. Atkinson Av. 10th Dist.
	Action:	Adjourned	
	Motion:	Catherine Doyle moved to adjourn the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
43	24063 Dimensional Variance	Deborah A. Crowley The Esther House; Property Owner Request to occupy the premises as an adult family living arrangement (CLA) for 4 adults.	3340 N. 49th St. 10th Dist.
	Action:	Adjourned	
	Motion:	Henry Szymanski moved to adjourn the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
44	23971 Special Use	Patrick K. Bowen, Prospective Buyer Request to occupy the premises as a motor vehicle repair, sales and rental facility.	4610 W. Fond du Lac Av. 10th Dist.
	Action:	Denied	
	Motion:	Catherine Doyle moved to deny the appeal. Seconded by Henry Szymanski.	
	Vote:	2 Ayes, 2 Nays, C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
45	24067 Dimensional Variance	Steven C., Phillip L., & Theresa J. Graczyk Request to construct a new detached garage with height at 22'0' and sidewalls 12'6'. Action: Adjourned Motion: Scott Winkler moved to adjourn the appeal. Seconded by Henry Szymanski. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.	2550 S. 69th St. 11th Dist.
46	24023 Special Use	James Cape & Sons Co. Property Owner Request to occupy the premises as a temporary concrete batch plant. Action: Adjourned Motion: Catherine Doyle moved to adjourn the appeal. Seconded by Georgia Cameron. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.	1304 W. Bruce St. 12th Dist.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
47	23997 Special Use	Charland Inc. Dale Trostorff, Property Owner	3000 S. 13th St. 14th Dist.
		Request to continue occupying the premises as a tavern and expand services to include a recreation facility (hall).	
	Action:	Granted 5 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner submits written documentation of the parking agreement with Ace Hardware for 20 spaces. 5. That this Special Use and this Variance are granted for a period of five (5) years, commencing with the date hereof. 	
48	23994 Dimensional Variance	Linda Rogers, Property Owner	4532 N. 45th St. 1st Dist.
		Request to occupy the premises as a group home for 8 adolescents.	
	Action:	Dismissed	
	Motion:	Henry Szymanski moved to dismiss the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
49	24050 Special Use	Rajesh Kumar, Lessee Request to continue occupying the premises as a motor vehicle pumping station and convenience store.	3501 N. 60th St. 2nd Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That there is no outdoor storage or display of products or merchandise. 5. That there is no outdoor display of banners or other advertising except that which is approved and on the site plan. 6. That all previous Board of Zoning Appeals conditions regarding this property are complied with. 7. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 8. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
50	24064 Special Use	Nathan and Pamela Swain Property Owner	3942-44 N. 67th St. 2nd Dist.
		Request to occupy the premises as a day care for 8 children, ages 6 weeks to 12 years, Monday through Friday, 6 AM to 6 PM.	
	Action:	Granted 3 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Georgia Cameron.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the rear second floor porch is rebuilt (permit required). 5. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
51	24001 Special Use	Broderson Capitol Properties John Broderson; Prospective Buyer	7458 W. Appleton Av. 2nd Dist.
		Request to continue occupying the premises as a type 'B' restaurant.	
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That all special use conditions of the Board for the previous type B restaurant are complied with. 5. That the new pylon sign is limited to a maximum height of 15 feet and a maximum total sign area of 50 square feet. 6. That site illumination is controlled to prevent glare onto adjacent streets and residences. 7. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
52	24028 Special Use	Gary and Samantha Wheeler Prospective Buyer Request to continue occupying the premises as a training facility (social service) and day care center with the addition of a church.	6245 W. Fond du Lac Av. A/K/A 6243-45 W. Fond du Lac Av. 2nd Dist.
	Action:	Granted	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the applicant obtains an occupancy permit and complies with all State commercial code requirements for a church. 5. That the applicant implements the improvements in the parking lot that were conditions of approval for the day care center (i.e. widen driveway and eliminate access to alley). 6. that revised parking, landscaping, and screening plans are submitted to the Board of Zoning Appeals for approval by the Zoning Administration Group. 7. That all previous conditions regarding case No. 23721 are complied with. 8. That the approved landscaping plan be implemented within 120 days of the date hereof. 9. That the petitioner submits written documentation of the additional parking to be provided. 10. That this Special Use is granted for a period of time commencing with the date hereof and expiring on September 13, 2004. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
53	24026 Special Use	St. John's Cathedral The Very Reverend Carl A. Last; Property Owner	845 N. Van Buren St. A/K/A 802-830 N. Jackson St. 4th Dist.
		Request to occupy the premises as a social service facility.	
	Action:	Granted 5 yrs.	
	Motion:	Georgia Cameron moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner take all measures necessary to control litter, loitering and loud noise on the premises, including, but not limited to, hiring private personnel. 5. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
54	24049 Special Use	Ogden-632, LLC Brett Grasse; Property Owner Request to construct an apartment building with 54-56 units.	1330 N. Jackson Av. 4th Dist.
	Action:	Granted	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That revised building elevation plans which reflect ground floor modifications of details to walls and windows are submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. 5. That this Special Use is granted to run with the land. 	
55	24012 Dimensional Variance	Mike Goldberg c/o the Albion Group, Inc.; Property Owner Request to build a new bar/restaurant.	1129-31 N. Water St. 4th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of an interested party and will be rescheduled at the next available hearing.	
56	23950 Special Use Denied	Phillip Simpson Lessee Request to occupy a portion of the building as a church.	6815 W. Capitol Dr. 2nd Dist.
	Action:	Denied	
	Motion:	Donald Jackson moved to deny the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
57	23942 Special Use Denied	Johnny Whitney Lessee Request to occupy a portion of the premises as a church.	6815 W. Capitol Dr. 2nd Dist.
	Action:	Denied	
	Motion:	Donald Jackson moved to deny the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

Other Business:

Board member Winkler moved to approve the minutes of the February 14, 2002 meeting. Seconded by Board member Catherine Doyle. Unanimously approved.

The Board set the next meeting for April 18, 2002.

Board member Jackson moved to adjourn the meeting at 8:15 p.m.. Seconded by Board member Szymanski. Unanimously approved.

BOARD OF ZONING APPEALS

Secretary of the Board

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
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