

BOARD OF ZONING APPEALS
CITY OF MILWAUKEE

REGULAR MEETING – April 10, 2003
City Hall, Common Council Committee Room 301-B

MINUTES

PRESENT:

Chairman: Craig H. Zetley (*voting on items 1-54*)

Members: Henry P. Szymanski (*voting on items 1-25,28-54*)
Scott R. Winkler (*voting on items 22-32, 34-43*)
Catherine M. Doyle (*voting on items 1-29, 33-54*)
Roy B. Nabors (*voting on items 1-54*)

Alt. Board Members: Donald Jackson (*voting on items 1-21,27,30-33,44-54*)

START TIME: 2:08 p.m.

End Time: 7:37 p.m.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
1	23999	Wisconsin Correctional Service Stephen B. Swigart; Lessee Request to occupy the premises as a medical service facility.	5434 W. Capitol Dr. 2nd Dist.
		Action: Adjourned	
		Motion: This matter was adjourned at the request of staff and will be rescheduled at the next available hearing.	
2	24830 Special Use	Dawnkristi & Alan Frankeberger Lessee Request to occupy a portion of the premises as a personal service facility (nail parlor).	3209 W. Wells St. A/K/A 3209 W. Wells St. #7 4th Dist.
		Action: Dismissed	
		Motion: Henry Szymanski moved to dismiss the 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>
3	24771 Special Use	Amazon Pizza, LLC, Lessee Request to occupy the premises as a fast food/carry-out restaurant with a drive thru facility.	222 W. Wells St. A/K/A 808 N. Old World Third St. 4th Dist.
	Action:	Dismissed	
	Motion:	Henry Szymanski moved to dismiss the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
4	24594 Dimensional Variance	Canaan Baptist Church, Property Owner Request to construct a type 'B' freestanding sign to the existing church.	2975 N. 11th St. A/K/A 2972 N. 11th Ln. 10th Dist.
	Action:	Dismissed	
	Motion:	Henry Szymanski moved to grant dismiss the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
5	24549 Special Use	Aleksandra M. Kowalkowski Property Owner Request to occupy the premises as a day care center for 45 children ages 6mo-12yrs, Monday-Friday 6:00am-6:00pm.	4328 S. 20th St. 13th Dist.
	Action:	Dismissed	
	Motion:	Henry Szymanski moved to dismiss the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
6	24663 Use Variance	Demetrius Dailey Property Owner Request to park a commercial vehicle on a residential lot.	9132 N. 95th St. A/K/A 9132-34 N. 95th St. 15th Dist.
	Action:	Dismissed	
	Motion:	Henry Szymanski moved to dismiss the 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>
7	24820 Appeal of an Order	DMM Investment Inc., Property Owner Request to appeal an order of the Department of Neighborhood Services determining the occupancy to be a social service facility.	2504 W. Wells St. 4th Dist.
	Action:	Dismissed	
	Motion:	Henry Szymanski moved to dismiss the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
8	24824 Dimensional Variance	Christine Robinson Property Owner Request to construct a single-family residential dwelling without the required setbacks.	5286 N. 67th St. 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 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>
9	24829 Special Use	Wellington Park Lutheran Church Rev. Dean Phillips;Property Owner Request to increase the hours of operation from 6:00am-6:00pm to 6:00am-12:00am, of the existing day care center for 24 children infants-12yrs, Monday-Friday. 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 outdoor play area is not utilized after 8:00 P.M. 5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	7021 W. Medford Av. A/K/A 7017-21 W. Medford Ave. 2nd Dist.
10	24821 Special Use	John H. & Judith A. Simonitsch Property Owner Request to occupy the premises as apartments with an office on the first floor. Action: Granted 10 yrs. Motion: Henry Szymanski moved to grant the appeal. Seconded by Catherine Doyle. Vote: 4 Ayes, 0 Nays, 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. 	1441 N. Franklin Pl. 4th Dist.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
11	24839 Special Use	Marie Stokes, Lessee Request to expand to include the second floor and increase the number of children from 30 to 52 of the existing day care center ages 4yrs - 12yrs, Monday-Friday 6:00am-11:30pm.	2376-78 N. Martin Luther King Dr. A/K/A 2376-78 N. Martin Luther King Dr. 6th 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 a new occupancy certificate and complies with all State commercial code requirements for educational and institutional occupancies. 5. That the conditions of BOZA case No. 23473 are complied with. 6. That this Special Use is granted for a period of time commencing with the date hereof and expiring on May 30, 2006. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
12	24862 Special Use	Grisbys Child Development Center Ruby & Melvin Grisby;Property Owner	5301 W. Burleigh St. 7th Dist.
		Request to increase the hours of operation from 6:30 a.m. - 12:00 a.m. to 6:00 a.m. - 12:30 a.m. Monday-Friday of the existing day care center for 39 children ages 4wks-12yrs.	
	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 there be no more than 39 children per shift. 5. That the petitioner comply with the conditions of the State of Wisconsin Dept. of Health & Family Services letter dated 8/14/98 which restricts this premises to a maximum of 24 children per shift over the age of one (1) year of age due to playground limitations. 6. That all previous conditions of the Board regarding this property are complied with. 7. That the outdoor play area is not utilized after 8:00 P.M. 8. That this Special Use is granted for a period of time commencing with the date hereof and expiring on November 10, 2008. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
13	24863 Special Use	Grisbys Child Development Center Ruby & Marvin Grisby;Property Owner	5455 W. Burleigh St. A/K/A 5425 W. Burleigh St. 7th Dist.
		Request to increase the hours of operation from 6:30am-5:30 pm to 6:00am-12:30am Monday-Friday of the existing day care center for 40 children ages 4wks-12yrs.	
	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 petitioner comply with the conditions of the State of Wis. Dept. of Health & Family Services letter dated 11/09/00 which restricts this premises to a maximum of 40 children per shift. 5. That all previous conditions of the Board regarding this property are complied with. 6. That the outdoor play area is not utilized after 8:00 P.M. 7. That this Special Use is granted for a period of time commencing with the date hereof and expiring on November 13, 2010. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
14	24796 Special Use	Wade E. Christopher Prospective Buyer	3500 N. Sherman Bl. 10th Dist.
		Request to occupy the premises as a daycare center for 30 children ages 6wks-12yrs, Monday-Saturday 6:30am-12:00am.	
	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 applicant obtains a certificate of occupancy and complies with all the State commercial code requirements for institutional and educational occupancies. 5. That the applicant complies with all Board of Zoning Appeals conditions before occupancy. 6. That the proposed 6 foot high chain link fence and 4 foot high concrete filled bollards along the west and north property lines are replaced with a decorative metal fence. Revised fence plans must be submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. 7. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	
15	24828 Special Use	Franklin D. McCollum Sr. Prospective Buyer	3121 N. 36th St. 10th Dist.
		Request to occupy the premises as a hand car wash facility.	
	Action:	Adjourned	
	Motion:	This matter 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>
16	24864 Special Use	Maebell Burrell Property Owner	4122 W. Fond Du Lac Av. 10th Dist.
		Request to increase the hours of operation from 6:00am-12:30am to 24hrs Monday-Sunday, of the existing day care center for 150 children (fifty children per shift maximum) ages 4wks-12yrs.	
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of staff and will be rescheduled at the next available hearing.	
17	24837 Special Use	S. Raymond Hildebrand, Property Owner	2900 S. Kinnickinnic Av. 14th Dist.
		Request to continue occupying the premises as a tavern with an outdoor recreation facility (volley ball courts).	
	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 plan of operation as submitted to the Board be fully complied with and maintained. 5. That all previous conditions of the Board regarding this property are complied with. 6. 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>
18	24867 Dimensional Variance	Michael J. Knepler Property Owner Request to construct a garage on the premises.	1811 E. Estes St. 14th 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 petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land. 	
19	24843 Special Use	Sufian Hamdan, Lessee Request to continue occupying the premises as a general retail establishment (grocery store).	3100 W. Mitchell St. A/K/A 3100-02 w Mitchell St. 16th Dist.
	Action:	Granted 5 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 take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel. 5. That signage must meet the signage standards of s.295-407 of the Milwaukee Zoning Code. 6. 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>
20	24887 Special Use	Kilbourn Street Investors LLC C/O Hennessy Group;Property Owner Request to add 4 additional roomers (creating a total of 20) to the previously approved rooming house.	1539-41 W. Kilbourn Av. A/K/A 1539-45 W. Kilbourn 17th 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 rooming house occupancy is limited only to Marquette University students. 5. That all previous conditions of the Board regarding this property are complied with. 6. That this Special Use is granted for a period of time commencing with the date hereof and expiring on April 28, 2012. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
21	24888 Special Use	Kilbourn Street Investors LLC C/O Hennessy Group;Property Owner Request to add 4 roomers (creating a total of 20) to the previously approved rooming house.	1514-18 W. Kilbourn Av. A/K/A 1516-22 W. Kilbourn Ave. 17th 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 rooming house occupancy is limited only to Marquette University students. 5. That all previous conditions of the Board regarding this property are complied with. 6. That this Special Use is granted for a period of time commencing with the date hereof and expiring on April 28, 2012. 	
22	23434	Einar & Ellen Tangen Request to appeal the determination of the Commissioner of City Development that parking is not required for the proposed use.	1508 N. Cass St. 3rd Dist.
	Action:	Adjourned	
	Motion:	Scott Winkler moved to adjourn 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>
23	24573 Appeal of an Order	Richard B. Mitchell Property Owner Request to appeal an order of the Department of Neighborhood Services determining the occupancy to be a tavern.	3056-58 N. Maryland Av. 3rd Dist.
	Action:	Adjourned	
	Motion:	Scott Winkler moved to adjourn the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
24	24701 Special Use	Al Darakhani, Property Owner Request to continue occupying a portion of the premises as an indoor storage facility (ice cream storage).	3919 N. Martin Luther King Dr. 6th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Donald Jackson moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 S. Winkler Abstained. C. Zetley Recused	
	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 unused driveway on N. Martin Luther King Drive is closed and restored with curb and gutter. 5. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 6. That signage must meet the signage standards of s.295-407 of the Milwaukee Zoning Code. 7. That the premises is landscaped and screened with Type 'F' landscaping per s.295-405 of the Milwaukee Zoning Code according to plans as approved by the Dept. of City Development - Planning Administration section. 8. That all unloading from semi-tractors occur along the curb on Martin L. King Jr. Dr. 9. 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>
25	24805 Special Use	Robert B. Pyles, Lessee Request to continue occupying the premises as a fast-food/carryout restaurant with modified operating hours (Mon. - Sun. 5 a.m. - 9 p.m.(for dine in only), Sun - Tues 5 a.m. - 1 a.m. (drive thru) and Weds. - Sat. 5 a.m. - 3 a.m. (drive thru).	5739 W. Silver Spring Dr. A/K/A 5803 W. Silver Spring Dr. 9th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of the petitioner and will be rescheduled at the next available hearing.	
26	24459 Dimensional Variance	James Cape & Sons Co., Lessee Request to occupy the premises as temporary rock and concrete crushing plant and outdoor storage facility.	4250 N. 35th St. 1st Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the Special Use request. Seconded by Catherine Doyle. Scott Winkler moved to Deny the Variance request. Seconded by Roy Nabors.	
	Vote:	The vote for the Special Use request is 4 Ayes, 0 Nays, 1 C. Zetley Abstained The vote for the variance is 3 Ayes, 1 Nay, 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 appropriate measures are taken to protect adjacent property owners. 5. That storage piles are maintained according to the plan of operation and are kept from encroaching on property lines. 6. That the property is completely protected by an approved opaque security fence. 7. That the site is screened with a 9-foot high opaque fence. 8. That the petitioner shall take sufficient measures to ensure that dust, debris or other potential nuisances be contained on site. 9. That all imported materials and crushed materials are removed from the site within 30 days of the expiration of the Special use. 10. That the elevation of the site is not raised. 11. That this Special Use is granted for a period of time commencing with the date hereof and expiring on October 31, 2003. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
27	24727 Use Variance	Rose Patterson, Lessee Request to occupy a portion of the premises as a religious assembly facility.	4919 W. Good Hope Rd. 9th Dist.
	Action:	Denied	
	Motion:	Scott Winkler moved to deny the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
28	24729 Special Use	Foundation Ministries Lessee Request to continue occupying the premises as a religious assembly facility (with a modification of operating hours during the week).	6815 W. Capitol Dr. 2nd Dist.
	Action:	Granted 2 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Roy Nabors.	
	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 other activity occurs at the church other than the activity described in the plan of operation. 5. That the applicant adheres to the times and days of the week as identified in the plan of operation. 6. That this Special Use is 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>
29	24559 Special Use	James Smith Property Owner	7240 W. Douglas Av. 2nd Dist.
		Request to occupy the premises as a temporary (3 yrs.) concrete crushing facility (limestone).	
	Action:	Granted 1 yrs.	
	Motion:	Catherine Doyle moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 1 Nays, 0 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 landscaping and screening plans which meet the requirements of s.295-405 for Type E landscaping are submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. 5. That all imported limestone and finished product materials are removed from the site within 30 days of the expiration of the special use. 6. That the petitioner shall take sufficient measures to ensure that dust, debris or other potential nuisances be contained on site. 7. That the petitioner apply for and obtain a Variance if required upon inspection by the Department of Neighborhood Services. 8. That this Special Use is granted for a period of one (1) year, commencing with the date hereof. 	
30	24789 Special Use	Charanjeets WIS Properties One, LLC. Darshan Dhaliwal;Property Owner	3474 N. Holton Av. 3rd Dist.
		Request to continue occupying the premises as a motor vehicle pumping station and convenience store.	
	Action:	Adjourned	
	Motion:	This item has been adjourned by staff 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>
31	24845 Special Use	Chahal Corporation, Lessee Request to continue occupying the premises as a motor vehicle pumping station and convenience store with increased hours of operation (open 24 hrs.). Action: Adjourned Motion: This matter was adjourned at the request of the Alderman and will be rescheduled at the next available hearing.	3308 W. Vliet St. 4th Dist.
32	24795 Dimensional Variance	Crossroads Church of God, Property Owner Request to construct a ground sign without the required sign area. Action: Adjourned Motion: Scott Winkler moved to adjourn the appeal. Seconded by Donald Jackson. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.	8001 W. Capitol Dr. A/K/A 8003-35 5th Dist.
33	24775 Special Use	Otis Anderson, Property Owner Request to occupy the premises as day care facility for 8 children ages 6wks-12yrs, Monday-Saturday 6:00am-10:00pm. Action: Adjourned Motion: Catherine Doyle moved to adjourn the appeal. Seconded by Roy Nabors. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.	2633 N. 29th St. 7th Dist.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
34	24823 Special Use	Laura A. Wyse (Kates) Property Owner	2205 W. Lloyd St. 7th Dist.
		Request to occupy the premises as a day care facility for 8 children ages 6wks-12yrs, Monday-Sunday, from 6 a.m. to midnight.	
	Action:	Granted 2 yrs.	
	Motion:	Catherine Doyle moved to grant the appeal. Seconded by Roy Nabors.	
	Vote:	4 Ayes, 1 Nays, 0 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 hours of operation are from 6 a.m. until midnight. 5. That the premises have no signage relating to day care services on site. 6. That the play area not be utilized before 9 a.m. or after 8 p.m. 7. That this Special Use is 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>
35	24844 Special Use	Laura E. Ruiz Lessee Request to continue occupying the premises as a personal service facility (nail salon).	2635 W. Burnham St. A/K/A 1904 S. Layton Blvd. 8th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Catherine Doyle 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 sign be moved facing Burnham and be turned off after business hours. 5. That signage must meet the signage standards of s.295-407 of the Milwaukee Zoning Code. 6. That all other previous conditions of the Board regarding this property are complied with. 7. 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>
36	24058 Special Use	Maria del Carmen Garcia Lessee	2501-05 W. Burnham St. 8th Dist.
		Request to occupy the premises as a rooming house and social service facility.	
	Action:	Granted 1 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 no more than four (4) roomers stay overnight at the facility. 5. That the storefront windows remain as clear glass and are maintained in an attractive manner. 6. That no persons other than the four (4) roomers on site be serviced by the facility after 9:30 p.m. 7. That the facility provide 24 supervision on site. 8. 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. 9. That the applicant obtains a certificate of occupancy and complies with all of the State commercial code requirements for rooming houses and social service facilities. 10. That this Special Use is granted for a period of one (1) year, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
37	24822 Special Use	Francelle Roberson Lessee Request to occupy the premises as a day care facility for 8 children ages 3mo.-12yrs., Monday-Friday 6:00am-10:00pm.	3018 N. 23rd St. A/K/A 3016-18 N. 23rd St. 10th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 1 Nays, 0 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 play area not be utilized before 9 a.m. or after 8 p.m. 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>
38	24825 Special Use	Patricia Maben Property Owner	3278 N. 21st St. 10th Dist.
		Request to occupy the premises as a day care facility for 8 children ages 6wks-12yrs, Monday-Friday 6:00am-12:00am.	
	Action:	Granted 3 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Roy Nabors.	
	Vote:	4 Ayes, 1 Nays, 0 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 play area not be utilized before 9 a.m. or after 8 p.m. 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>
39	24834 Special Use	Tamarah Geter Property Owner	3243 N. 21st St. 10th Dist.
		Request to occupy the premises as a 24hr day care for 8 children ages 3wks-12yrs, Monday-Friday.	
	Action:	Granted 2 yrs.	
	Motion:	Catherine Doyle moved to grant the appeal. Seconded by Roy Nabors.	
	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 outdoor play area must not be utilized before 9:00 A.M. or after 8:00 P.M. 5. That all 3rd shift transportation (11 p.m. to 7 a.m.) be provided by the day care operator. 6. That all drop off and pick up for 3rd shift operations occur before 11 p.m. and start again no sooner than 7 a.m. 7. That this Special Use is 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>
40	24838 Special Use	Milwaukee Victory Church Inc. Lessee	2130 W. National Av. 12th Dist.
		Request to continue occupying the premises as a motor vehicle repair facility.	
	Action:	Granted 5 yrs.	
	Motion:	Roy Nabors 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 all previous conditions of the Board regarding this property are complied with. 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>
41	24868 Dimensional Variance	Next Development Group, LLC Randall & Sandra Nass;Prospective Buyer Request to occupy the 1st floor of the premises as retail/offices and 7 residential units on the 2nd & 3rd floors without the required parking.	191 S. 2nd St. 12th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	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.	
42	24826 Dimensional Variance	Jeff Pruitt Faith Builders International;Property Owner Request to replace the face of the existing 27 ft tall sign, without meeting the current sign height limitations.	4901 S. Howell Av. 13th Dist.
	Action:	Dismissed	
	Motion:	Roy Nabors moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
43	24850 Dimensional Variance	Brian Grsybowski, Property Owner Request to install an 8x8 pylon sign on the premises (sign is being moved from another existing site).	4170 S. Howell Av. 13th Dist.
	Action:	Denied	
	Motion:	Henry Szymanski moved to deny the 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>
44	24349 Use Variance	Doug & Claudia Cohen, d/b/a HTH Video Enterprises, Inc.; Lessee Request to occupy the premises as a retail sales facility (video store with a portion for adult videos).	3906 S. 27th St. A/K/A 3904 s. 27th St. 13th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Catherine Doyle 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 facility is bound by the floor plan submitted to the Board on April 10, 2003. 5. That this Variance is granted for a period of five (5) years, commencing with the date hereof. 	
45	24836 Dimensional Variance	James Schulhof, Property Owner Request to increase the number of units in the Board approved rooming house from 8 to 10 units increasing the number of occupants to 51 without the required parking.	1722 W. Wells St. 17th Dist.
	Action:	Adjourned	
	Motion:	Catherine Doyle moved to adjourn the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 Abstained.	
46	24840 Special Use	Judith B. Byrnes, Delphi House; Property Owner Request to occupy the premises as a community center (after school program).	1113 N. 21st St. 17th Dist.
	Action:	Adjourned	
	Motion:	Catherine Doyle moved to adjourn 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>
47	24763 Special Use	LaTanya Jenkins, Prospective Buyer Request to occupy the premises as a 24 hr day care center for 100 children ages 6wk-12yrs Monday-Sunday.	3227 W. North Av. A/K/A 3227-33 W. North Ave. 17th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Roy Nabors 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 landscaping and screening plans for the parking area, which meet the requirements of s.295-405 of the Milwaukee Zoning Code must be submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. 5. That the fencing for the proposed play area must be of a decorative metal variety. 6. That signage must conform to the sign standards of s.295-605 of the Milwaukee Zoning Code. 7. That the storefront windows are restored to clear glass and are maintained in an attractive manner. 8. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 9. That the petitioner acquire the 2 east abutting parcels for play space and parking prior to the issuance of any permits. 10. 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>
48	24841 Special Use	M. Camille Montimore, Ph. D. Academy of Learning and Leadership;Prospective Buyer	1530 W. Center St. A/K/A 1532 W. Center St. 17th Dist.
		Request to park between the principal building and the street lot line.	
	Action:	Granted	
	Motion:	Catherine Doyle 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 a revised landscape plan is submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group that meet the intent of s.295-405 of the Milwaukee Zoning Code. 5. That this Special Use is granted to run with the land, commencing with the date hereof. 	
49	24633 Special Use	Thelma L. Quinn a.k.a Thelma L. Jones;Property Owner	1801-03 W. North Av. 17th Dist.
		Request to occupy the premises as a rooming house for 10 tenants.	
	Action:	Granted 3 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Roy Nabors.	
	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 lot be paved prior to the occupancy of the additional four (4) roomers. 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>
50	24797 Special Use	Shawna K. Whitehead, Lessee Request to occupy the premises as a day care facility for 8 children ages 4wks-12yrs, Monday-Friday 6:00am-10:00pm.	4672 N. 40th St. 1st Dist.
	Action:	Denied	
	Motion:	Catherine Doyle moved to grant the appeal. Seconded by Roy Nabors.	
	Vote:	2 Ayes, 2 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
	24768 Special Use	Wolf DCM Acquisition 10, LLC c/o Edward H. Wolf, Property Owner	5110 W. Hampton Av. 1st Dist.
		Request to continue occupying the premises as a motor vehicle pumping station open from 6 a.m. to 11 p.m. with a convenience store and a car washing facility open 6 a.m. to 9 p.m.	
	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 security cameras are placed on the exterior of the building. 5. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 6. That there is no outdoor storage or display of products or merchandise. 7. That there is no outdoor display of banners or other advertising except that which is approved and on the site plan. 8. 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. 9. That a six (6) ft. wood board on board opaque fence is installed inside of the guardrail bordering the alley and maintained. 10. That only one (1) phone limited to outgoing calls be allowed on the premises. 11. That the hours of operation for the car wash facility are 6 a.m. to 9 p.m. 12. That individually sold cigars, cigarette wrapping paper, Black and Mild cigars, Blunt cigars, glass tubes (i.e. type associated with individually sold flowers) and any other item deemed to be drug paraphernalia not be sold on the premises. 13. That if there is any change in signage then signage plans must be submitted to the Board of Zoning Appeals for approval by the Zoning Administration Group. 14. 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	24490 Special Use	Mt. Zion Missionary Baptist Church Lessee Request to occupy the premises as a social service facility(neighborhood resource center).	2222 N. 2nd St. 6th Dist.
	Action:	Adjourned	
	Motion:	Henry Szymanski moved to adjourn the appeal. Seconded by Catherine Doyle.	
	Vote:	3 Ayes, 2 Nays, 0 Abstained.	
53	24497 Dimensional Variance Denied	Jon Bromaghim, Property Owner Request to construct an addition to the existing attached garage.	3120 N. Argonne Dr. 5th Dist.
	Action:	Adjourned	
	Motion:	Donald Jackson moved to adjourn the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
54	24542 Dimensional Variance	James Maurer, Property Owner Request to raze the existing garage and construct a new detached garage on the premises.	1535 N. Cass St. 3rd Dist.
	Action:	Adjourned	
	Motion:	Henry Szymanski moved to adjourn the appeal. Seconded by Donald Jackson.	
	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>
-----------------	----------------------------	--------------------	------------------------------------

Other Business:

Board member Nabors moved to approve the minutes of the March 13, 2003 meeting. Seconded by Board member Doyle. Unanimously approved.

The Board set the next meeting for May 8, 2003.

Board member Szymanski moved to adjourn the meeting at 7:37p.m.. Seconded by Board member Jackson. 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>
-----------------	----------------------------	--------------------	------------------------------------