

BOARD OF ZONING APPEALS
CITY OF MILWAUKEE

REGULAR MEETING – July 17, 2003
City Hall, Common Council Committee Room 301-B

MINUTES

PRESENT:

Chairman: Craig H. Zetley (*voting on items 1-32, 42-57*)

Members: Scott R. Winkler (*voting on items 1-57*)
Catherine M. Doyle (*voting on items 1-57*)
Roy B. Nabors (*voting on items 1-53*)

Alt. Board Members: Donald Jackson (*voting on items 1-57*)

START TIME: 2:15 p.m.

End Time: 7:23 p.m.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
1	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:	Dismissed	
	Motion:	Donald Jackson moved to dismiss the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
2	24966 Dimensional Variance	Jacobs Realty Limited Partnership Property Owner Request to construct a freestanding pylon sign to the existing motor vehicle sales and repair facility.	5757 S. 27th St. A/K/A 5727 S. 27th St. 13th Dist.
	Action:	Dismissed	
	Motion:	Donald Jackson 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>
3	25085 Extension of Time	Ryan Stephans MSOE Chapter of Triangle, Inc.;Other Request for an extension of time to comply with decision case No. 24212(to pave the parking area).	1706 E. Irving Pl. 3rd Dist.
	Action:	Granted	
	Motion:	Donald Jackson moved to grant the extension of time request. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
4	25048 Special Use	Russ Daves, Prospective Buyer Request to occupy the premises as a food manufacturing, retail facility, and restaurant with parking between the front façade of the building and the street lot line.	2730 N. Humboldt Av. 6th Dist.
	Action:	Granted	
	Motion:	Donald Jackson 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 landscape plans meeting the intent of city code section 295-405 are submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. The revised landscape plan must include: (a) height and picket spacing characteristics for a decorative metal fence to be placed along the North Humboldt St frontage, (b) the species name and size of all tree and plant material that will be utilized, and (c) buffer landscaping to the north abutting residence. 5. That signage plans are submitted that meet the signage standards of s.295-805 of the Milwaukee Zoning Code. 6. That this Special Use is granted to run with the land, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
5	25000 Special Use	King of Kings Missionary Baptist Church Rev. John C. Hughes;Property Owner Request to continue occupying the premises as a religious assembly hall.	4706 W. Fond Du Lac Av. A/K/A 4706-08 W. Fond Du Lac Ave. 10th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Donald Jackson 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 signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. 	
6	25015 Use Variance	Community Relations-Social Development Commission Property Owner Request to continue occupying the premises as a social service facility.	931 W. Madison St. 12th Dist.
	Action:	Granted 2 yrs.	
	Motion:	Donald Jackson 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 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>
7	25079	John De Carrier, Other Request to modify the approved site plan of the existing fast food /carry out restaurant(curb cut & 3 parking spaces removed).	1575 W. Washington St. A/K/A 1100-20 S. 16th St. 12th Dist.
	Action:	Granted	
	Motion:	Donald Jackson 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 landscaping and screening is implemented and maintained according to the landscape plan submitted to the Board of Zoning Appeals on June, 17, 2003. 5. That all previous conditions of the Board regarding this property are complied with. 6. 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. 7. That a driveway permit is obtained for the proposed curb cut on South 16th Street. 8. That the applicant contact Mark Lueck of DPW Parking to determine what parking meters must be removed. 9. That this Special Use is granted for a period of time commencing with the date hereof and expiring on March 26, 2011. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
8	25045 Special Use	Amira Otallah, Property Owner Request to operate Monday-Sunday instead of Monday-Friday of the existing day care center for 60 children, ages infant - 12 yrs, from 7:00am-7:00pm.	1209 W. Layton Av. 13th Dist.
	Action:	Granted	
	Motion:	Donald Jackson 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 all previous conditions of the Board regarding this property are maintained. 5. That this Special Use is granted for a period of time commencing with the date hereof and expiring on April 28, 2007. 	
9	25034 Dimensional Variance	Jose M. Freytes, Property Owner Request to allow a 6 ft. fence without the required setback from the sidewalk.	2390 S. Kinnickinnic Av. 14th Dist.
	Action:	Granted	
	Motion:	Donald Jackson 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 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>
10	25012 Special Use	Badger Association of the Blind/Visually Impaired, Property Owner Request to occupy the premises as a social service facility.	912 N. Hawley Rd. 16th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Donald Jackson 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 is granted for a period of ten (10) years, commencing with the date hereof. 	
11	25056 Dimensional Variance	Green Bay Ave. LLC, Property Owner Request to allow the permitted indoor storage facility (mini ware house) to occupy the premises without the code required landscaping.	4565 N. Green Bay Av. 1st Dist.
	Action:	Granted	
	Motion:	Donald Jackson 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 petitioner build in accordance with plans submitted. 4. That a revised landscape plan is submitted to the Board of Zoning Appeals, and approved by the Zoning Administration Group prior to the issuance of any permits. The revised plan must include deciduous shade trees along the N. Green Bay Ave. and W. Glendale Ave. frontages. 5. 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>
12	25077 Special Use	Ella M. Flippin, Property Owner Request to modify the site plan for the existing day care center to remove 7 of 11 parking spaces on site.	6333 W. Burleigh St. 2nd Dist.
	Action:	Granted	
	Motion:	Donald Jackson 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 signage is limited to a maximum of 50 square feet 5. That existing windows remain as clear glass and are maintained in an attractive manner 6. That the 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 February 12, 2011. 	
13	25030 Dimensional Variance	Ogden Real Estate, Property Owner Request to construct a freestanding monument sign on the premises.	1609 N. Prospect Av. 3rd Dist.
	Action:	Granted	
	Motion:	Donald Jackson 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 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>
14	25068 Special Use	New Arcade, LLC, Property Owner Request to install projecting banner-type signs on the premises.	161 W. Wisconsin Av. 4th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Donald Jackson 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 is granted for a period of ten (10) years, commencing with the date hereof. 	
15	24761 Special Use	Thomas McNeal, Prospective Buyer Request to occupy the premises as an assembly hall(banquet hall).	6263 N. Teutonia Av. 9th Dist.
	Action:	Denied	
	Motion:	Catherine Doyle moved to deny the appeal. Seconded by Donald Jackson.	
	Vote:	3 Ayes, Nays, 2 R. Nabors & C. Zetley Abstained.	
16	24872 Rehearing Request	Olyfunmilayo Abioye, Property Owner Request for a re-hearing to occupy the premises as a day care facility for 8 children 6wks-12yrs of age, Monday-Saturday 6:00am-10:00pm instead of 24hrs	5801 N. 76th St. 5th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to approve the rehearing request. 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>
17	24988 Special Use	Jimmy Stowers, Prospective Buyer Request to continue occupying the premises as a 24hr motor vehicle filling station with an expansion of the convenience store (eliminating the auto repair bays).	807 W. Atkinson Av. 6th Dist.
	Action:	Granted 10 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 existing landscaping and screening is maintained in a manner that meets the intent of city code. 5. That if the existing pylon sign is utilized it may not be enlarged. All other signs and changes to this sign must meet the signage standards of s.295-407 of the Milwaukee Zoning Code. 6. That an elevation plan is submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. The plan must provide window glazing on the east elevation as required by s.295-605-2-i-3 of city code. 7. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 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 security personnel if necessary. 9. 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 items deemed to be drug paraphernalia, not be sold on the premises. 10. That there is no outdoor storage or display of products or merchandise. 11. That there is no outdoor display of banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 12. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

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18	25036 Special Use	Rana Bros. LLC, Prospective Buyer Request to construct a motor vehicle filling station (open 4:30am-1:00am), convenience store, and car wash facility(open 7:0am-8:00pm) on the premises.	122 W. Capitol Dr. 6th Dist.
	Action:	Granted 10 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 petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private security personnel if necessary. 5. 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 items deemed to be drug paraphernalia, not be sold on the premises. 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 signage that has been approved and installed according to the requirements of a sign permit. 8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

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19	25010 Special Use	Tonya Rogers, House of Refuge;Property Owner Request to occupy the premises as a day care facility for 8 children, ages 4wks-14yrs, Monday-Saturday 6:00am-10:00pm.	2836-38 N. 26th St. 7th 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 provided there is no exterior signage. 5. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	
20	25029 Special Use	Betty J. Ross, Property Owner Request to occupy the premises as a 24hr day care facility for 8 children per shift, 1mo.-12yrs. of age, Monday-Sunday.	2614 N. 46th St. 7th Dist.
	Action:	Adjourned	
	Motion:	Scott Winkler 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>
21	25039 Special Use	Audrey Taylor, Property Owner Request to occupy the premises as a 24 hr day care center for 90 children (30 per shift), 4wks-12yrs of age, Monday-Sunday. Action: Granted 5 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 signage must conform to the sign standards of s. 295-505-5 of the Milwaukee Zoning Code. 5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That all parking areas are paved. 7. That the applicant obtains a certificate of occupancy and complies with all State commercial code requirements for institutional and educational occupancies. 8. That the hours of operation are from 6 a.m. until midnight. 9. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	2434 W. Hadley St. 7th Dist.
22	25070 Dimensional Variance	Neighborhood Improvement Development Corporation Prospective Buyer Request to relocate a single family residential dwelling on the premises without the proper side setback.	2759 N. 49th St. A/K/A 2759-61 N. 49th St. 7th Dist.
		Action: Adjourned Motion: Scott Winkler 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>
23	24875 Special Use	New Hope Child Development Center Lessee Request to occupy the second floor of the premises as a elementary/secondary school.	4630 W. Burleigh St. A/K/A 4316-34 W. Burleigh St. 7th Dist.
	Action:	Granted 1 yrs.	
	Motion:	Donald Jackson 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 applicant obtains a certificate of occupancy and complies will all State commercial code requirements for educational facilities. 5. That this Special Use is granted for a period of one (1) year to be extended to a period of four (4) years provided the applicant submits an executed lease (with a minimum term of four years) to the Board office within two (2) weeks of the issuance of this decision, commencing with the date hereof. 	
24	25020 Special Use	Simyon Loshak, Property Owner Request to include motor vehicle sales to the existing motor vehicle repair facility.	2727 S. 27th St. A/K/A 2712 S. 28th St. 8th 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>
25	25027 Special Use	New Hope Child Development Center Inc., Lessee Request to occupy the premises as a elementary or secondary school.	4108 W. Villard Av. 9th Dist.
	Action:	Dismissed	
	Motion:	Scott Winkler moved to dismiss the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
26	25049 Special Use	North Bay Fuel LLC, Lessee Request to operate the existing motor vehicle filling station and convenience store 24 hrs and the car wash from 7:00am-8:00pm Monday-Sunday.	6001c N. Teutonia Av. 9th Dist.
	Action:	Granted 1 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 all previous Board conditions are complied with regarding this site. 5. 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>
27	24944 Special Use	Ray Perine, Other Request to continue occupying the premises as a motor vehicle sales and repair facility.	4217 W. Silver Spring Dr. A/K/A 4223 W. Silver Spring Dr. 9th Dist.
	Action:	Granted 5 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 more than eight (8) motor vehicles shall be parked on the lot at any given time. Said cars shall be parked for customer pick-up only and shall remain on the lot for no more than 48 consecutive hours. Any car parked on the lot overnight shall be licensed and in operable condition. 5. That the petitioner shall comply with the parking plan approved on January 26, 1998. 6. That all parking spaces must be clearly delineated with pavement markings 7. That no cars shall be parked in the public right-of-way. 8. That no work or storage of vehicles occurs in the public right of way. 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>
28	24996 Special Use	Boykin Blackmon, Lessee Request to add motor vehicle repair and sales facility(tires) to the existing car wash.	3854 N. Teutonia Av. 10th Dist.
	Action:	Granted 1 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 no disabled or unlicensed vehicles, auto parts or tires are stored outside. 5. That all car wash activity and repair work is conducted inside of the building. 6. That all wastewater is contained on site. 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. 8. That there be no increase in signage from the 150 square foot maximum total site signage imposed by case #22814. 9. That all permits and licenses are obtained to operate the tire generator on site. 10. That no work or storage of vehicles occurs in the public right of way. 11. That the southerly driveway on North 20th Street, the southerly driveway on North Teutonia Avenue and the northerly driveway on North Teutonia shall be closed and restored with sidewalk, curb and gutter. 12. That there is no outdoor storage of auto part, tires, nuisance vehicles or other junk and debris. 13. That there is no display of exterior banners or other advertising except signs that are approved by permit and on the site plan. 14. 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>
29	25011 Use Variance	Michael Angeli, Lessee Request to occupy the premises as a social service facility.	4005 W. Oklahoma Av. 11th Dist.
	Action:	Adjourned	
	Motion:	Scott Winkler moved to adjourn the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
30	25008 Special Use	N.A. Group United In Recovery William Mendez; Lessee Request to occupy the premises as a social service facility.	1424 S. Muskego Av. 12th Dist.
	Action:	Granted 2 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 the storefront windows are restored to clear glass and are maintained in an attractive manner. 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 security personnel if necessary. 6. That the applicant obtains an occupancy certificate and complies with all State commercial code requirements for a social service facility. 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>
31	25051 Special Use	Robert Smith, Property Owner Request to add an outdoor patio area to the existing Board approved tavern.	906 S. Barclay St. 12th Dist.
	Action:	Granted	
	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 landscaping for the existing parking lot is upgraded to include the two trees and all of the shrubs per the landscape plan submitted to the Board of Zoning Appeals on 12/19/02. 5. That existing landscaping and screening is maintained in a manner that meets the intent of city code. 6. That when the petitioner proposes to construct a parking lot to the north of the existing property then a landscaping and screening plan for that parking lot must be submitted which meets the intent of city code section 295-405. 7. That the curb cut in front of the premises is restored with curb and gutter by August 15, 2003, or this and all other Special Use permits issued to this site shall be null and void. 8. That this Special Use is granted for a period of time commencing with the date hereof and expiring on December 16, 2012. 	
32	25093	Libby Wick, Property Owner Request to occupy the premises as a sit-down restaurant and a tavern.	226-28 W. Mineral St. 12th Dist.
	Action:	Adjourned	
	Motion:	Roy Nabors moved to adjourn 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>
33	25052 Other	TMJ CYGS, LLC c/o Quality Air Forwarding Inc., Property Owner	137 W. Boden St. 13th Dist.
		Request to amend the plan of operation of case #22627 to allow parking outside of the designated areas on the premises.	
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the petitioner and will be rescheduled at the next available hearing.	
34	24949 Special Use	Jeffrey Steren, Property Owner	191 W. Layton Av. 13th Dist.
		Request to increase the hours of the drive-thru facility to be 24hrs of the existing fast food/carry-out restaurant and add a curb cut to the proposed site plan.	
	Action:	Granted	
	Motion:	Catherine Doyle moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 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 all previous conditions of the Board regarding this property 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. 6. That a revised landscape and screening plan that meets the intent of city code is submitted that accommodates changes from the previously approved landscape plan as a result of changes in the location of driveway openings. 7. That this Special Use is granted for a period of time commencing with the date hereof and expiring on June 10, 2012. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
35	24991 Dimensional Variance/ Special Use	James J. Kozlowski, Lessee Request to occupy the premises as a motor vehicle repair facility.	1909 W. Oklahoma Av. A/K/A 1909-11 W. Oklahoma Ave. 14th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Donald Jackson moved to grant the Special Use. Seconded by Roy Nabors. Roy Nabors moved to deny the Variance. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 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 landscape plans meeting the intent of city code section 295-405 are submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. The landscape plan should include a buffer to the south abutting residence. 5. That the storefront windows remain as clear glass and are maintained in an attractive manner. 6. That all repair work is conducted inside of the building. 7. That there is no outdoor storage of auto part, tires, nuisance vehicles or other junk and debris. 8. That there is no display of exterior banners or other advertising except signs that are approved by permit and on the site plan. 9. That only one parallel parking stall, be allowed adjacent to the building. 10. 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>
36	25053 Use Variance	Wisconsin State Fair Park Joe Chernelich; Lessee Request to raze the existing structure and occupy a portion of the premises as festival grounds(aerial lift tram). Action: Granted 20 yrs. Motion: Roy Nabors moved to grant the appeal. Seconded by Catherine Doyle. Vote: 4 Ayes, 0 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 this Variance is granted for a period of ten (20) years, commencing with the date hereof. 	632 S. 84th St. 16th Dist.
37	25009 Special Use	Beverly L. Jones-Harper, Lessee Request to occupy the premises as a 24 hr. day care facility for 8 children ages 6wks-13yrs, Monday-Sunday (no drop off or pick up between 10:30 P.M. and 6:30 A.M).	2005 N. 36th St. A/K/A 2005 (-A) N. 36th St. 17th Dist.
		Action: Granted 2 yrs. Motion: Donald Jackson moved to grant the appeal. Seconded by Catherine Doyle. Vote: 4 Ayes, 0 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 outdoor play area must not be utilized before 9:00 A.M. or after 8:00 P.M. 5. 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>
38	25023 Special Use	Nail F. Mseitif, Property Owner Request to occupy the premises as a motor vehicle repair facility and sales facility (installation of tires, and electronic sound equipment).	1400 W. North Av. 17th Dist.
	Action:	Adjourned	
	Motion:	Catherine Doyle moved to adjourn the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 0 Abstained.	
39	25046 Dimensional Variance	Abdirahman Dirie X-Stream Wireless; Lessee Request to construct a wall sign to the existing retail facility.	1116 W. North Av. A/K/A 1112-16 W. North Ave 17th Dist.
	Action:	Denied	
	Motion:	Donald Jackson moved to deny this appeal. Seconded by Scott Winkler.	
	Vote:	3 Ayes, 1 Nays, 0 Abstained.	
40	24990 Use Variance	Islamic Family & Social Service, Lessee Request to occupy a portion of the premises as a social service facility.	5150 N. 32nd St. 1st Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of the applicant and will be rescheduled at the next available hearing.	
41	25006 Use Variance	Mary L. Brown, Children Crisis, Inc Academic Solutions C.L.; Lessee Request to occupy the premises as an elementary/secondary school.	4055 N. 34th St. A/K/A 3420 W. Capitol Dr. 1st Dist.
	Action:	Adjourned	
	Motion:	Roy Nabors moved to adjourn the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 0 Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
42	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:	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 there are no signs or banners on the premises. 5. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. 	
43	24999 Special Use	Harcharan S. Gill, Property Owner Request to park between the front facade of the building and the street lot line.	7321 W. Burleigh St. 2nd Dist.
	Action:	Granted	
	Motion:	Roy Nabors 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 landscape plans meeting the intent of city code section 295-405 for Type 'B' 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 site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 6. That this Special Use is granted for a period of time commencing with the date hereof and expiring on January 29, 2012. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
44	25013 Special Use	Rabinder S. Khara, Property Owner Request to expand the hours of operation from 12:00am to 24hrs of the existing filling station and convenience store.	5904-06 W. Hampton Av. 2nd Dist.
	Action:	Denied	
	Motion:	Scott Winkler moved to deny the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
45	25042 Special Use	Ramish KapurRCK I LLC; Property Owner Request to modify the board approved filling station and c-store by moving the location of the proposed building on site and adding a car wash to the premises (open 5:00am - Midnight Monday-Sunday).	5835 W. Hampton Av. 2nd Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of the applicant and will be rescheduled at the next available hearing.	
46	25021 Dimensional Variance	John C. & Elvira E. Juraska, Property Owner Request to construct an addition to the existing residential dwelling without the required setbacks.	3327 N. Hackett Av. 3rd Dist.
	Action:	Granted	
	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 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>
47	25025 Special Use	New Hope Child Development Center Inc., Prospective Buyer Request to occupy the premises as a elementary or secondary school.	930 N. 27th St. 4th Dist.
	Action:	Dismissed	
	Motion:	Roy Nabors moved to dismiss the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
48	24851 Use Variance	Fabco Equipment Inc., Lessee Request to erect an 8 ft fence with barbwire along the street side property line.	2601 W. Clybourn St. 4th Dist.
	Action:	Adjourned	
	Motion:	Roy Nabors moved to adjourn the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
49	25017 Special Use	Gregory Stebbins, Property Owner Request to occupy the premises as a personal service facility(massage therapy).	925 N. 29th St. 4th Dist.
	Action:	Adjourned	
	Motion:	Roy Nabors moved to adjourn the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
50	25007 Use Variance	Milwaukee Metropolitan Credit Union Property Owner	4878 N. Swan Rd. 5th Dist.
		Request to occupy the premises as a bank or financial institution with a drive through facility.	
	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 landscape plans meeting the intent of city code section 295-405 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 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>
51	25044 Special Use	Lloyd Chopp Jr., Property Owner Request to continue occupying the premises as a fast-food / carry-out restaurant with an addition of a drive through facility.	10000 W. Capitol Dr. 5th Dist.
	Action:	Granted 5 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 a board on board, wooden, opaque fence is installed on the Northern edge of the premises. 5. That landscaping is maintained in accordance with city code. 6. 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. 7. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	
52	24847 Special Use	D&K Management, Teri Wilson; Property Owner Request to occupy the premises as a religious assembly hall.	5401 N. 76th St. 5th Dist.
	Action:	Adjourned	
	Motion:	Catherine Doyle moved to adjourn this 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>
53	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:	This matter was adjourned at the request of the chair and will be rescheduled for the next available hearing.	
54	24994 Special Use	Barbara Thomas, Property Owner Request to increase the number of children from 25 to 31 and expand to the second floor of the existing 24hr day care center.	2640 N. Humboldt Bl. A/K/A 2640-50 N. Humboldt Blvd. 6th Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays	
	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 time commencing with the date hereof and expiring on March 24, 2009. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
55	24788 Special Use	EP Petroleum LLC., Prospective Buyer Request to construct a motor vehicle pumping station, convenience store, and a fast-food carry-out restaurant open 24 hours.	5505 W. Lisbon Av. 7th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays	
	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 site is landscaped and screened in accordance with the landscape and screening plan submitted to BOZA on 3/4/03 5. That site illumination must meet the lighting standards of s.295-409 of the City Code. 6. That signage must meet the signage standards of s.295-407 of the City Code. 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 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 items deemed to be drug paraphernalia, not be sold on the premises. 9. That there is no outdoor storage or display of products or merchandise. 10. That there is no outdoor display of banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 11. 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>
56	24904 Special Use	Bulk Petroleum Corp., Property Owner Request to raze the existing structure and construct a new motor vehicle pumping station and convenience store operating 24 hours.	2312 W. Fond Du Lac Av. A/K/A 2306 W. Fond Du Lac Ave. 7th Dist.
	Action:	Adjourned	
	Motion:	Donald Jackson moved to adjourn the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays	
57	24848 Special Use	Deborah N. Allen Other Request to increase the hours of operation of the drive thru facility of the existing fast food / carry out restaurant to 24hrs.	5265 W. Fond Du Lac Av. 2nd Dist.
	Action:	Adjourned	
	Motion:	This matter 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>
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Other Business:

Board member Winkler moved to approve the minutes of the June 26, 2003 meeting. Seconded by Board member Jackson. Unanimously approved.

The Board set the next meeting for September 4, 2003.

Board member Winkler moved to adjourn the meeting at 7:23 p.m.. Seconded by Board member Doyle. Unanimously approved.

BOARD OF ZONING APPEALS

Secretary of the Board