

BOARD OF ZONING APPEALS
CITY OF MILWAUKEE

REGULAR MEETING – June 7, 2007
City Hall, Common Council Committee Room 301-B

MINUTES

PRESENT:

Chairman: Craig H. Zetley (*voting on items 1 - 56*)

Members: Henry P. Szymanski (*voting on items 1 - 56*)
Scott R. Winkler (*voting on items 1 - 56*)
Catherine M. Doyle (*voting on items 1 - 56*)
Donald Jackson (*voting on items 1 - 56*)

Alt. Board Members: Georgia M. Cameron (*present on items 1 – 37 & 39 - 56*)
Leni M. Siker (*present on items 32 - 56*)

START TIME: 4:14 p.m.

End Time: 7:58 p.m.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
1	28241 Special Use	Richard McGinn, Property Owner Request to continue occupying the premises as a tavern.	338 S. 1st St. A/K/A 336 S. 1st St. 12th Dist.
	Action:	Dismissed	
	Motion:	Scott Winkler moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
2	28198 Special Use	Beverly S Townsend Lessee Request to occupy the premises as a tavern.	1376 W. Wright St. A/K/A 1374 W. Wright St. 15th Dist.
	Action:	Dismissed	
	Motion:	Scott Winkler moved to dismiss 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>
3	27944 Special Use	The Turning Point Ministries Inc. Lessee Request to continue occupying the premises as a social service facility and a religious assembly.	5239 N. 35th St. A/K/A 5235 N. 35th St. 1st Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the applicant and will be rescheduled at the next available hearing.	
4	28257 Special Use	Betty Ramsey Lessee Request to occupy a portion of the premises as a school (elementary or secondary) for 85 children grades k4 - 3rd.	6424 W. Fond Du Lac Av. A/K/A 6422 W. Fond Du Lac Av. 2nd Dist.
	Action:	Dismissed	
	Motion:	Scott Winkler moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
5	28095 Special Use	Winfrid T. & Judy L. Finkley Property Owner Request to occupy the premises as a social service facility (serves families in need of guidance and support for any crisis, training/education through various types of informational meetings, and program/information referral services).	2463 N. 1st St. A/K/A 2463 N. 1st St. A 6th Dist.
	Action:	Dismissed	
	Motion:	Scott Winkler moved to dismiss 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>
6	28262 Dimensional Variance	Ranch Retail Centre Tony D'Aquisto & John Mock;Property Owner Request to construct a retail establishment (permitted) that is over the maximum allowed side street setback, and that has parking between the street facade of the principal building and the street lot line.	4610 W. Fond du Lac Av. A/K/A 4630 W. Fond du Lac Av. 7th Dist.
	Action:	Dismissed	
	Motion:	Scott Winkler moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
7	28276 Special Use	J & P Motors, Inc., Lessee Request to occupy the premises as a motor vehicle sales & repair facility (previously approved for motorcycle sales & repair).	5813 W. Blue Mound Rd. A/K/A 5817 W. Blue Mound Rd. 10th Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That landscaping and screening is maintained per the plan approved by the Department of City Development on April 15, 2005. 5. That signage must conform to the sign standards of s. 295-605-5 of the Milwaukee Zoning Code. 6. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 7. That there is no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris. 8. That all repair work is conducted inside of the building. 9. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 10. That this Special Use is granted for a period of time commencing with the date hereof and expiring on January 25, 2010. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
8	28163 Special Use	New Song Christian Fellowship Roy L. Bowen;Other	9931 W. Oklahoma Av. 11th Dist.
		Request to occupy the premises as a surface parking lot (parking lot will be used in conjunction with the religious assembly located across the street at 3131 S. 100th St., which is within the city of Greenfield) without the minimum required landscaping along the street edge.	
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That a revised landscape plan is submitted to the Board of Zoning Appeals for approval by the Zoning Administration Group within 60 days of Board approval of the special use and approved by prior to the issuance of any permits. Specifically the revised plan must include two rows of shrubs four (4)-feet on center along the S. 100th St frontage 5. That landscaping is installed within 120 days of occupancy. If occupancy occurs between September 30th of 2007 and March 1st of 2008 then landscaping and screening must be installed within 120 days of April 1, 2008. 6. That the applicant work with the City of Greenfield to address safety issues associated with pedestrians crossing South 100th Street, which is under the jurisdiction of the City of Greenfield. 7. That this Special Use and this Variance are granted for a period of ten (10) years, commencing with the date hereof. 	

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9	28251 Special Use	Donna Szweda Lessee	1730 S. 13th St. A/K/A 1738 S. 13th St. 12th Dist.
		Request to continue occupying the premises as a second-hand sales facility.	
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Herny Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That all previous conditions of the Board regarding this property are complied with. 5. That the applicant does not have outdoor storage or display of products or merchandise. 6. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 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>
10	28255 Dimensional Variance	Badger Mutual Insurance David Kane;Property Owner Request to construct a detached garage without the minimum north side setback (2-car garage that will be shared with 828 S. 17th St.).	834 S. 17th St. 12th Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Herny 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 petitioner builds in accordance with plans submitted. 4. That there is compliance with s.295-505-4-c-4-c of the Milwaukee Zoning Code which requires that there be a recorded legal instrument which guarantees access to the drive for occupants of each dwelling served by the access drive and which assigns responsibility for maintenance of the drive. 5. That this Variance is granted to run with the land. 	

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11	28256 Dimensional Variance	Badger Mutual Insurance David Kane;Property Owner Request to construct a detached garage without the minimum required south side setback (2 car garage will be shared with 834 S. 17th St.).	828 S. 17th St. 12th Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner builds in accordance with plans submitted. 4. That there is compliance with s.295-505-4-c-4-c of the Milwaukee Zoning Code which requires that there be a recorded legal instrument which guarantees access to the drive for occupants of each dwelling served by the access drive and which assigns responsibility for maintenance of the drive. 5. That this Variance is granted to run with the land. 	
12	28265 Dimensional Variance	David Purpora Property Owner Request to raze the existing garage and construct a new garage without the minimum required front and side yard setback.	4030 S. Nevada St. 14th Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That these Variances are granted to run with the land. 	

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13	28295 Dimensional Variance	Owen and Christine Mielcarek Property Owner Request to erect a shed on site without the code required side street setback (previously approved with a 10 ft. setback, now proposing 6.5 ft.) .	2006 E. Estes St. 14th Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner builds in accordance with plans submitted. 4. That this Variance is granted to run with the land. 	

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14	28236 Special Use	Dale R Trostoff Property Owner Request to continue occupying the premises as a tavern and assembly hall (dance hall).	3000 S. 13th St. A/K/A 1231 W. Manitoba St. 14th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymasnski.	
	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 the petitioner obtains an occupancy certificate and complies with current State commercial building code for institutional and educational occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 6. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

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15	28252 Special Use	Emily Cole Lessee	2300 W. Clarke St. A/K/A 2302 W. Clarke St. 15th Dist.
		Request to occupy the premises as a day care center for a maximum of 16 children (no more than 8 per shift) infant to 12 yrs. of age, operating Sunday - Saturday 6:00 a.m. to Midnight.	
	Action:	Granted 3 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must conform to the sign standards of s. 295-505-5 of the Milwaukee Zoning Code. 5. That the storefront windows remain as clear glass and are maintained in an attractive manner. 6. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 7. That the petitioner obtains an occupancy certificate and complies with current State commercial building code for institutional and educational occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 8. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
16	28272 Special Use	Albert Lue-Hing Property Owner Request to increase the hours of operation from 5:00 a.m. to 9:00 p.m. Monday - Saturday to 24 hrs. Monday - Saturday, and continue occupying the premises as a day care center for 85 children infant to 12 yrs. of age.	1710 N. 24th St. A/K/A 1722 N. 24th St. 15th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the Alderman of the district and will be rescheduled for the next available hearing.	
17	28281 Special Use	Christina Mitchell Property Owner Request to continue occupying the premises as a 24 hr. day care center for 50 children infant to 12 yrs. of age operating Monday - Sunday, and as an adult day care center for 20 individuals operating Monday - Sunday 8:00 a.m. to 6:00 p.m.	3511 W. Lisbon Av. A/K/A 3513 W. Lisbon Av. 15th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of an interested party and will be rescheduled for the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
18	28280 Special Use	SOS Center Dr. Harvey Lange, President;Property Owner	4620 W. North Av. A/K/A 4620 W. North Av. REAR 15th Dist.
		Request to continue occupying the premises as a social service facility.	
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner obtains an occupancy certificate and complies with current State commercial building code for social service occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	
19	28284 Special Use	New Creatures in Christ Lessee	6114 W. Capitol Dr. A/K/A 6114 W. Capitol . 101 2nd Dist.
		Request to continue occupying a portion of the premises as social service facility.	
	Action:	Granted 5 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 this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	

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20	28227 Special Use	Only God Can Children's Academy Inc. Lessee Request to continue occupying the premises as a day care center for 80 children per shift infant to 12 yrs. of age, operating Monday - Friday 6:00 a.m. to Midnight & Saturday 6:00 a.m. to 3:00 p.m.	7626 W. Florist Av. A/K/A 7628 W. Florist Av. 2nd Dist.
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That all 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. 	

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21	28271 Special Use	St. Paul's Church Property Owner Request to continue to allow a changeable letter sign with an illuminated background on the premises.	914 E. Knapp St. A/K/A 904 E. Knapp St. 3rd Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted to run with the land. 	
22	28249 Dimensional Variance	Jaime & Cindy Medina Property Owner Request to erect a 6ft. fence in the front yard of the premises that is over the maximum allowed fence height without a 5ft. setback .	1413 N. 26th St. A/K/A 1415 N. 26th St. 4th Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner builds in accordance with plans submitted. 4. That this Variance is granted to run with the land. 	

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23	28248 Special Use	Lloyd Waters Jr. Property Owner Request to continue occupying the premises as a motor vehicle repair and sales facility.	9119 W. Burleigh St. 5th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the Alderman of the district and will be rescheduled for the next available hearing.	
24	28287 Special Use	Ray & Tiscia Fitzgerald Property Owner Request to continue occupying the premises as a day care center for 30 children, infant to 12 yrs. of age, Monday - Friday, 7:00 a.m. - 6:00 p.m..	8320 W. Lisbon Av. 5th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the applicant and will be rescheduled for the next available agenda.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
25	28254 Use Variance	Eula M Jones Property Owner Request to continue occupying the premises as a day care center for 15 children infant to 6 yrs. of age, operating Monday - Friday. Action: Granted 10 yrs. Motion: Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained. Conditions of Approval: <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 5. That this Variance is granted for a period of ten (10) years, commencing with the date hereof. 	3951 N. 20th St. 6th Dist.
26	28283 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single - family dwelling without the minimum required front facade width . Action: Granted Motion: Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained. Conditions of Approval: <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land. 	540 W. Concordia Av. 6th Dist.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
27	28282 Special Use	Walid Mousa Property Owner	3823 W. Fond Du Lac Av. 7th Dist.
		Request to continue occupying the premises as a motor vehicle sales and as a hand car wash facility.	
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of an interested party and will be rescheduled for the next available agenda.	
28	28260 Dimensional Variance	Jeff Munson Prospective Buyer	6444 N. 55th St. 9th Dist.
		Request to construct a single-family dwelling without the minimum required facade width and without an entrance door that faces a street.	
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That the petitioner build in accordance with facade plan as submitted to the Board of Zoning Appeals on May 23, 2007. 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>
29	28082 Special Use	Bessie Peavy Lessee Request to occupy the premise as a day care center for 40 children (20 per shift) infant to 12 yrs. of age, operating 6:00 a.m. - 10:00 p.m. Monday-Friday.	6107 W. Fond Du Lac Av. A/K/A 6109 W. Fond Du Lac Av. 2nd Dist.
	Action:	Adjourned	
	Motion:	Scott Winkler moved to adjourn the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
30	28000 Special Use	Bessie L Williams Lessee Request to occupy a portion of the premises as a 24 hr. day care center for 35 children infant to 12 yrs. of age, operating Monday - Sunday.	4405 N. 60th St. A/K/A 4407 N. 60th St. 2nd Dist.
	Action:	Adjourned	
	Motion:	Scott Winker moved to adjourn the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
31	28273 Resubmission Request	Daniel & Linda Wilhelms Property Owner Request for a rehearing to occupy the premises as a general office.	1681 N. Prospect Av. A/K/A 1681 N. Prospect Av. 1 3rd Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the resubmission request. 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>
32	28201 Special Use	Mirza F Beg Property Owner	7110 W. Lisbon Av. 10th Dist.
		Request to construct a new motor vehicle filling station, convenience store, and car wash on the premises (previously approved by the Board in 2002, but the plans were not executed in the allocated time).	
	Action:	Granted	
	Motion:	Donald Jackson 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 and screening 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 should provide trees or high shrubs along the building's west façade. 5. That landscaping and screening is maintained in a manner that meets the intent of city code. 6. That landscaping and screening is installed within 120 days of occupancy. If occupancy occurs between September 30th of the year of occupancy and March 1st of the following year then landscaping and screening must be installed within 120 days of March 1st. 7. That there be no increase in freestanding signage and all other signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code 8. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 9. That glass tubes (i.e. type associated with individually sold flowers) and any other item deemed to be drug paraphernalia as defined by S.106-36 of the Milwaukee Code of Ordinances or Section 961.571 of the Wisconsin State Statutes not be sold on the premises 10. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 11. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances. 12. That the applicant does not have outdoor storage or display of products or merchandise. 13. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 14. That the facility will not sell blunt cigars. 15. That the applicant supplies a 24-hour contact phone number to both the Board office and other interested parties. 16. That the car wash operates between the hours of 9 a.m. and 9 p.m. 17. That the filling station operates between the hours of 5 a.m. and 11 p.m. 18. That this Special Use is granted for a period of time commencing with the date hereof and expiring on July 21, 2012. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
33	27950 Special Use	Amazing Ministries Worship Center Property Owner Request to continue occupying the premises as a religious assembly hall.	5412 W. Burleigh St. A/K/A 5418 W. Burleigh St. 10th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of staff and will be rescheduled upon the completion of the application.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
34	27594 Special Use	Amazing Ministries Worship Center Property Owner Request to continue occupying the premises as a principal parking lot.	5506 W. Burleigh St. A/K/A 5418 W. Burleigh ST. 10th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of staff.	
35	28179 Special Use	Ernesto Castillo Prospective Buyer Request to occupy the premises as a motor vehicle repair facility.	6223 W. Forest Home Av. 11th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the Alderman of the district.	
36	28242 Special Use	Verizon Wireless Personal Communication LP d/b/a Verizon Wireless;Lessee Request to erect a transmission tower (flagpole telecommunications tower) on a portion of the premises.	5476 S. 13th St. A/K/A 5438 S. 13th St. 13th Dist.
	Action:	Dismissed	
	Motion:	Scott Winkler 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>
37	28132 Use Variance	Dan Druml Property Owner Request to occupy the 1st and 2nd floors of the premises as secondary school (high school with maritime curriculum, includes small wooden boat building).	2156 S. 4th St. A/K/A 2146 S. 4th St. 14th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Donald Jackson 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 signage must meet the signage standards of s.295-805 of the Milwaukee Zoning Code. 5. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 6. That the petitioner obtains an occupancy certificate and complies with current State commercial building code for educational occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 7. That this Variance 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>
38	28246 Use Variance	Jeff Simms & Ida Williams Little Rascals Child Care Academy;Property Owner	3929 W. North Av. 1 A/K/A 3929 W. North Av. 2 15th Dist.
		Request to occupy the premises as a day care center for 45 children per shift infant to 12yrs of age, operating 6:00 a.m. - 11:00 p.m. Monday -Friday (located within 300 ft. of a liquor establishment).	
	Action:	Granted 3 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the outdoor play area must be expanded to at least 750 square feet to meet the minimum State of Wisconsin requirement and must not be utilized before 9:00 A.M. or after 8:00 P.M. 5. That the outdoor play area is separated from the parking area / vehicle operating area by some type of physical barrier such as bollards. 6. That signage must conform to the sign standards of s. 295-605-5 of the Milwaukee Zoning Code. 7. That the storefront windows remain as clear glass and are maintained in an attractive manner. 8. That the applicant obtains a loading zone on West North Avenue. 9. That the petitioner obtains an occupancy certificate and complies with current State commercial building code for institutional and educational occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 10. That this Variance is granted for a period of three (3) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
39	28212 Special Use	Tracy M Laster Lessee Request to occupy the premises as an elementary/secondary school.	4734 W. Lisbon Av. A/K/A 4738 W. Lisbon Av. 15th Dist.
	Action:	Denied	
	Motion:	Scott Winkler moved to deny the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
40	27734 Dimensional Variance	Auto Parts Service, Inc. Lessee Request to remove the existing fence on site, (previously approved by the Standards and Appeals Commission) and construct a new fence on the premises that is over the maximum height permitted by code and is affixed with barbed wire.	1832 W. North Av. A/K/A 1834 W. North Av. 15th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the Alderman of the district and will be rescheduled for the next available hearing.	
41	27973 Special Use	Surit Toor Property Owner Request to continue occupying the premises as a motor vehicle filling station and convenience store.	5016 N. Hopkins St. A/K/A 5024 N. Hopkins St. 1st 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>
42	27932 Special Use	Asad Elwir Prospective Buyer Request to add a motor vehicle sales facility (used cars) to the existing non-conforming motor vehicle repair facility.	4957 N. Teutonia Av. 1st Dist.
	Action:	Adjourned	
	Motion:	Scott Winkler moved to adjourn the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
43	28143 Dimensional Variance	Richard Harris Property Owner Request to remodel the existing garage by constructing a second floor with a gambrel roof that is over the maximum lot coverage (second floor to use as a wood working shop).	5428 N. 92nd St. A/K/A 5430 N. 92nd St. 2nd Dist.
	Action:	Denied	
	Motion:	Donald Jackson moved to deny the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
44	28216 Use Variance	Martha Parker Property Owner Request to occupy the premises as a day care center for 8 children infant to 10 yrs. of age, operating Monday - Friday 6:00 a.m. to 10:00 p.m.	4334 N. 49th St. 2nd Dist.
	Action:	Denied	
	Motion:	Henry Szymanski moved to deny 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>
45	28141 Special Use	Joseph Tajnai Lessee Request to occupy the premises as a day care center for 80 children per shift infant to 12 yrs. of age, operating 24 hrs. Monday-Friday and 8:00 a.m. - 6:00 p.m. Saturday & Sunday (the Board previously approved a day care center under a different operator).	5572 N. 76th St. A/K/A 5566 N. 76th St. 2nd Dist.
	Action:	Granted 3 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Syzmanski.	
	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 no permits are issued until a revised site plan, that illustrates the appropriate amount of play space, is submitted to and approved by the Zoning Administration Group. 6. 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>
46	28292 Dimensional Variance	Christopher J Gruenewald Property Owner Request to construct a second principal building on the premises without the minimum required north side setback from the property line (required 1.5 ft., proposed 0.5 ft., short 1 ft. - site previously approved for not possessing the required lot area per dwelling unit and exceeding the number of permitted principal buildings per lot).	2546 N. Pierce St. A/K/A 2546 A N. Pierce St. 3rd Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That any exterior wall within three feet of the lot line meets the required fire rating of Comm 21.08 of the Uniform Dwelling Code. 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>
47	28061 Special Use	Vicky Quick Mart, LLC. Gurdev Singh; Lessee	2426 N. Farwell Av. 3rd Dist.
		Request to raze the existing motor vehicle filling station and construct a new motor vehicle filling station and convenience store .	
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That landscaping and screening is implemented and maintained in accordance with plans as approved by the Zoning Administration Group 5. That signage is implemented in accordance with the plans as approved by the Zoning Administration Group 6. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning 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 security personnel if necessary. 8. That glass tubes (i.e. type associated with individually sold flowers) and any other item deemed to be drug paraphernalia as defined by S.106-36 of the Milwaukee Code of Ordinances or Section 961.571 of the Wisconsin State Statutes not be sold on the premises. 9. That this use not operate between the hours of Midnight and 5:00 A.M. unless a 24-hour establishment license is obtained from the Common Council of the City of Milwaukee per s. 84-7 of the Milwaukee code of ordinances. 10. That the petitioner agree to continue to work with Zoning Administration Group to finalize design issues and that final plans (including but not limited to signage, landscape, site and elevation plans) reflecting any plan changes are submitted to the Board and approved by the Zoning Administration group prior to the issuance of any permits. 11. That the applicant does not have outdoor storage or display of products or merchandise. 12. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit. 13. That this Special Use is granted for a period of time commencing with the date hereof and expiring on July 15, 2012. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
48	28169 Special Use	LaShawnda Davis Lessee Request to occupy a portion of the premises as a social service facility (providing therapy and counseling for foster care children and families). Action: Granted 2 yrs. 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 the petitioner obtains an occupancy certificate and complies with current State commercial building code for office occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 5. That this Special Use is granted for a period of two (2) years, commencing with the date hereof. 	3953 N. 76th St. 5th Dist.
49	28215 Special Use	Kanwar Gill Property Owner Request to construct an addition to the existing structure adding a convenience store and continue occupying the premises as a hand car wash within 150 ft. of a residential use, without an entrance door within 20 ft. of the front facade, without the minimum required glazing on the front facade, without the minimum required glazing on the side facade, and without the minimum required queue lane length (the hand car wash was previously a non-conforming use). Action: Denied Motion: Henry Szymanski moved to deny the appeal. Seconded by Donald Jackson. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.	1845 W. Burleigh St. 6th Dist.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
50	28278 Special Use	3500 N. Holton St., LLC Prospective Buyer Request to construct a two story building on site and occupy it as a bank (1st floor)as well as general office space (2nd floor- offices are permitted) .	514 E. Keefe Av. A/K/A 514 E. Keefe . 6th Dist.
	Action:	Granted 10 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 signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code for LB2 zoning districts. 5. 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 landscape plan must include a decorative metal fence and additional plant materials for that portion of the N. Holton St. frontage located north of the driveway and for that portion of the E. Keefe Ave. frontage located east of the driveway 6. That landscaping and screening is installed within 120 days of occupancy. If occupancy occurs between September 30th of the year of occupancy and March 1st of the following year then landscaping and screening must be installed within 120 days of March 1st. 7. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
51	28203 Special Use	Syed Hasan Turab Property Owner Request to raze the existing structure and construct a new motor vehicle filling station, convenience store, and fast-food/carryout restaurant without the minimum required glazing on the secondary street facade.	307 E. Center St. A/K/A 301 E. Center St. 6th Dist.
	Action:	Adjourned	
	Motion:	Catherine Doyle moved to adjourn the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
52	28138 Special Use	Earl Hines Lessee Request to occupy the premises as a rooming house for 5 residents without the minimum required number of parking spaces.	3128 N. 7th St. 6th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of staff so that proper public notice could be sent to all interested parties.	
53	28220 Special Use	Erv Martens Property Owner Request to continue occupying the premises as an indoor storage facility (mini-warehouses) without the minimum required landscaping and over the maximum allowed front setback.	7420 W. Bradley Rd. A/K/A 7422 W. Bradley Rd. 9th Dist.
	Action:	Adjourned	
	Motion:	Henry Szymanski moved to adjourn 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>
54	28222 Special Use	Erv Martens Property Owner Request to continue occupying a portion of the premises as an indoor storage facility (mini-warehouses) without the minimum required landscaping and over the maximum allowed front setback.	8010 N. 76th St. A/K/A 7530 W. Bradley Rd. 9th Dist.
	Action:	Adjourned	
	Motion:	Catherine Doyle moved to adjourn the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
55	27874 Special Use	Ibrahim Issa Lessee Request to add a heavy motor vehicle rental facility to the existing (permitted) general retail establishment.	5160 W. Forest Home Av. A/K/A 5158 W. Forest Home Av. 11th Dist.
	Action:	Adjourned	
	Motion:	Scott Winkler moved to adjourn the appeal to admin. review. 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>
56	28209 Dimensional Variance	L.C. Whitehead Property Owner Request to modify a previous Board approval to construct a single-family residential dwelling without the minimum required front set back (the petitioner proposes to modify the location of the dwelling unit, constructing it closer to the lot line because of an utility easement on site).	9433 N. Michael Ct. 9th Dist.
	Action:	Granted	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 S. Winkler 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. 	

Other Business:

Board member Winkler moved to approve the minutes of the May 10, 2007 meeting. Seconded by Board member Szymanski. Unanimously approved.

The Board set the next meeting for July 19, 2007.

Board member Winkler moved to adjourn the meeting at 7:58 p.m. Seconded by Board member Szymanski. Unanimously approved.

BOARD OF ZONING APPEALS

Secretary of the Board