

BOARD OF ZONING APPEALS
CITY OF MILWAUKEE

REGULAR MEETING – February 28, 2008
City Hall, Common Council Committee Room 301-B

MINUTES

PRESENT:

Chairman: Craig H. Zetley (*voting on items, 1-49*)

Members: Henry P. Szymanski (*voting on items, 1-49*)
Scott R. Winkler (*voting on items, 31-49*)
Catherine M. Doyle (*excused*)
Donald Jackson (*voting on items, 1-49*)

Alt. Board Members: Georgia M. Cameron (*voting on items, 1-49*)
Leni M. Siker (*voting on items, 26-30*)

START TIME: 2:10 p.m.

End Time: 4:35 p.m.

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|------------------------|-----------------------------------|---|---|
| 1 | 28675 Dimensional Variance | William and Tammy Bonifas Property Owner Request to construct a single-family dwelling that does not meet the front setback requirements and to construct a detached garage in front of the property not meeting the accessory structure design requirements. | 3400 N. Lake Dr. A/K/A 3406 N. Lake Dr. 3rd Dist. |
| Action: | | Dismissed | |
| Motion: | | Donald Jackson moved to dismiss the appeal. Seconded by Georgia Cameron. | |
| Vote: | | 3 Ayes, 0 Nays, 1 Abstained. | |

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| 2 | 28172 Special Use | Vincent J Wilkerson Lessee Request to continue occupying a portion of the 1st floor of the premises as a secondary/elementary, increasing the grade range from k4 - 5th to k4 - 8th (operates in conjunction with a Board approved day care center). | 8634 W. Brown Deer Rd. 100 A/K/A 8634 W. Brown Deer Rd. 9th Dist. |
| | Action: | Adjourned. | |
| | Motion: | This matter was adjourned at the request of the applicant. | |
| 3 | 28767 Special Use | Peter Wolbersen Property Owner Request to continue occupying a portion of the premises as an outdoor recreation facility (tavern on site permitted use). | 2909 N. Humboldt Bl. 3rd Dist. |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 Ayes, 0 Nays, 1 C. Zetley Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | |

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| 4 | 28698 Special Use | Lee E Johnson Property Owner | 1701 W. Atkinson Av. A/K/A 3873 N. 17th St. 6th Dist. |
| | | Request to occupy the premises as a religious assembly hall. | |
| | Action: | 3 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 Ayes, 0 Nays, 1 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 by having all required inspections, complies with current State commercial building code for assembly occupancies and complies with all zoning conditions and building code requirements prior to occupancy. 5. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 6. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. | |

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| 5 | 28730 Special Use | Cassandra Perine Lessee | 413 E. North Av. A/K/A 415 E. North Av. 6th Dist. |
| | | Request to increase the number of children from 48 to 68 (34 per shift) and to continue occupying the premises as a day care center infant to 12yrs. of age, operating 7 days a week, 6:00 a.m. to Midnight. | |
| | Action: | Granted 5 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 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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| 6 | 28751 Special Use | Dorothy S Collier Property Owner Request to continue occupying the premises as a day care center operating Monday - Friday, 6 am to 10 pm, for 8 children infant to 12 years of age. Action: Granted 5 yrs. Motion: Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. Vote: 3 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. | 2840 N. 17th St. 6th Dist. |
| 7 | 28776 Special Use | Barbara Rose Lessee Request to continue occupying the premises as a day care center for 60 children infant - 12 yrs of age, operating 7 days per week, 6:00 a.m. - midnight (currently closed on weekends). | 2809 N. Teutonia Av. A/K/A 2807 N. Teutonia Av. 6th Dist. |
| | | Action: Adjourned. Motion: This matter was adjourned at the request of the applicant and will be rescheduled for the next available agenda. | |

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| 8 | 28757 Special Use | God's Future Scholars Evonia Bonds;Lessee Request to continue to occupy the premises as a 24 hr. day care center for 60 children (per shift) infant to 12yrs of age, Monday-Sunday. Action: Granted 5 yrs. Motion: Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. Vote: 3 Ayes, 0 Nays, 1 C. Zetley Abstained. Conditions of Approval: | 2535 W. Center St. A/K/A 2550 A W. Monroe St. 7th Dist. |
| | | <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. 295-605-5 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 this Special Use is granted for a period of five (5) years, commencing with the date hereof. | |

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| 9 | 28768 Special Use | Roberta Henry Lessee Request to continue occupying a portion of the premises as a day care center for 49 children infant to 12yrs of age, Monday-Friday 6:00AM-11:00PM. | 4714 W. Fond Du Lac Av. A/K/A 4710 W. Fond Du Lac Av. 7th Dist. |
| | Action: | Granted 5 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 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 the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M. 6. That the petitioner must submit proof of interest for the property on which the play area is located. 7. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. | |

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| 10 | 28783 Special Use | He Cares Christian Child Care Center II Lessee Request to continue occupying the premises as a day care center for 26 children ages infant to 6 yrs., Monday-Friday 7:00 a.m. to 5:00 p.m. | 4634 W. Burleigh St. A/K/A 4624 W. Burleigh St. 7th Dist. |
| | Action: | Granted 5 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 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. 5. That all previous conditions of the Board regarding this day care center are complied with. 6. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. | |

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| 11 | 28701 Special Use | Bonnie Edwards Lessee | 5225 W. Mill Rd. A/K/A 5225 A W. Mill Rd. 9th Dist. |
| | | Request to occupy the premises as a school (specialty/personal instruction) with emphasis on family literacy and professional (job) development for up to 30 participants daily. | |
| | Action: | Granted 2 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 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 LB1 zoning districts. 5. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for business 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 two (2) years, commencing with the date hereof. | |

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| 12 | 28737 Special Use | Day Care Services for Children Property Owner | 8842 N. Swan Rd. A/K/A 8834 N. Swan Rd. 9th Dist. |
| | | Request to continue occupying the premises as a day care center operating from 6:00 am to 6:00 pm Monday - Friday, for 76 children (at any given time), infant to 12 years of age. | |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 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. 5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | |

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| 13 | 28780 Special Use | Double E Automotive Supply, Inc. dba Kar-Kare Service Center;Property Owner | 6201 W. Blue Mound Rd. A/K/A 6205 W. Blue Mound Rd. 10th Dist. |
| | | Request to continue to occupy the premises as a motor vehicle sales and repair facility. | |
| | Action: | Granted 5 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 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 in a manner that meets the intent of city code. 5. That signage must conform to the sign standards of s. 295-605-5 of the Milwaukee Zoning Code. 6. That the applicant does not have outdoor storage or display of products or merchandise. 7. 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. 8. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. | |

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|-----------------|----------------------------------|--|------------------------------------|
| 14 | 28769 Dimensional Variance | Eduardo Garcia Property Owner Request to allow a residential accessory structure (detached garage) that is over the maximum allowed lot coverage (allowed 529 square feet / proposed 616 square feet). | 1319 S. 15th Pl. 12th Dist. |
| | Action: | Granted | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 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. | |

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| 15 | 28770 Special Use | Madi Enterprise, LLC dba: Elite Motors; Lessee | 3477 S. 16th St. A/K/A 3471 S. 16th St. 13th Dist. |
| | | Request to continue occupying the premises as a motor vehicle sales and repair facility. | |
| | Action: | Granted 5 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 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 additional signage may be erected on the site unless it meets the signage standards of s.295-605 of the Milwaukee Zoning Code. 5. That screening is maintained in a manner that meets the intent of city code. 6. That all repair work is conducted inside of the building. 7. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 8. That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris. 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 five (5) years, commencing with the date hereof. | |

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| 16 | 28781 Special Use | Taco Bell of America, Inc Property Owner | 6268 S. 27th St. A/K/A 6260 S. 27th St. 13th Dist. |
| | | Request to continue occupying the premises as a sit-down restaurant with a drive-through facility. | |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 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 in a manner that meets the intent of city 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 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. 7. That no additional signage may be erected on the site unless it meets the signage standards of s.295-605 of the Milwaukee Zoning Code. 8. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | |

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| 17 | 28766 Use Variance | Pascual Coazon Lessee Request to continue to occupy the premises as a motor vehicle repair facility (in conjunction with the petitioner's adjacent repair facility). | 206 E. Lincoln Av. A/K/A 210 E. Lincoln Av. 14th Dist. |
| | Action: | Granted 3 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 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 repair work is conducted inside of the building. 5. That signage must meet the signage standards of s.295-805 of the Milwaukee Zoning Code. 6. That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris. 7. 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. 8. That this Variance is granted for a period of three (3) years, commencing with the date hereof. | |

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| 18 | 28771 Dimensional Variance | Paula Papanck Property Owner Request to construct a residential building addition that is under the minimum allowed south-side setback (allowed 12 ft. / proposed 9 ft.) . | 2735 S. Shore Dr. 14th Dist. |
| | Action: | Granted | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 Ayes, 0 Nays, 1 C. Zetley Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land. | |
| 19 | 28693 Use Variance | David Skwarek Michael Murray;Property Owner Request to occupy the premises as an indoor storage facility (personal items). | 3918 W. Kisslich Pl. A/K/A 3916 W. Kisslich Pl. 15th Dist. |
| | Action: | Adjourned. | |
| | Motion: | This matter was adjourned by staff and will be rescheduled for the next available hearing. | |

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| 20 | 28746 Special Use | William Mitchell Property Owner Request to continue occupying the premises as a parking lot that extends to the adjacent lot. Action: Granted 10 yrs. Motion: Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. Vote: 3 Ayes, 0 Nays, 1 C. Zetley Abstained. Conditions of Approval: 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That landscaping and screening is maintained in a manner that meets the intent of city code. 5. That the applicant repairs the fence along the street and the east residential property line by June 15, 2008. 6. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | 1616 W. Meinecke Av. 15th Dist. |
| 21 | 28419 Dimensional Variance | Bob Wellenstein Property Owner Request to legalize the existing signage that is over the maximum allowed square footage per code (this a Board approved site where 6 signs at 40 sq. ft. each were previously approved but the permits were not obtained. Identical proposal now). | 4535 W. North Av. A/K/A 2242 N. 46th St. 15th Dist. |
| | | Action: Adjourned. Motion: This matter was adjourned by staff and will be rescheduled for the next available hearing. | |

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| 22 | 28760 Special Use | Disabilities Unlimited, Inc. Lessee | 3808 W. Elm St. A/K/A 3724 W. Elm St. 1st Dist. |
| | | Request to expand the Board approved day care center (addition of 6,457 sq. ft.) to increase enrollment from 30 adults to 156 adults. | |
| | Action: | Granted | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 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 a new occupancy certificate to evaluate the space for the increased capacity by having all required inspections and complies with current State commercial building code for institutional occupancies. 5. That this Special Use is granted for a period of time commencing with the date hereof and expiring on May 28, 2010. | |

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| 23 | 28762 Special Use | Kashmir, Inc. Lessee | 3709 W. Villard Av. 1st Dist. |
| | | Request to continue occupying the premises as a motor vehicle filling station and convenience store (Different operator - Existing Board approved filling station expiring in Feb.'08). | |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 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 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 5. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 6. That this 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. 7. That landscaping and screening is maintained in a manner that meets the intent of city code. 8. That any patron playing loud music be denied service and that a complaint is filed against the patron to the Milwaukee Police Department. 9. That no solicitation of customers take place on the premises. 10. That the petitioner contact the Milwaukee Police Department when crowds congregate on the premises. 11. That no additional signage may be erected on the site unless it meets the signage standards of s.295-605 of the Milwaukee Zoning Code. 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 this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | |

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| 24 | 28761 Special Use | International Electronic Service, LLC Lessee Request to occupy the premises as a second hand sales facility (operating for the repair and sale of used T.V.'s). | 6432 W. Silver Spring Dr. A/K/A 5608 N. 65th St. 2nd Dist. |
| | Action: | Adjourned. | |
| | Motion: | This matter was adjourned by staff and will be rescheduled for the next available hearing. | |
| 25 | 28764 Special Use | Julette Francis-Wade Property Owner Request to continue occupying the premise as a community living arrangement for 8 children. | 5651 N. 96th St. 2nd Dist. |
| | Action: | Granted 10 yrs. | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 3 Ayes, 0 Nays, 1 C. Zetley Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------------|--|--|
| 26 | 28685 Dimensional Variance | Michael Hosale, Cynthia Legrand Hosale Dianne D. Dziengel;Property Owner Request to construct a building addition without the required setbacks and exceeding lot coverage. | 2604 N. Lake Dr. A/K/A 2604 A N. Lake Dr. 3rd Dist. |
| | Action: | Adjourned. | |
| | Motion: | Donald Jackson moved to adjourn the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Zetley Abstained. | |
| 27 | 28696 Special Use | Tayo Salako Property Owner Request to occupy the premises as a kindergarten/elementary school for children ages 3 to 12, operating Monday through Friday from 6:00 a.m. to 6:00 p.m. for 120 students. | 8980 N. 85th St. 9th Dist. |
| | Action: | Adjourned. | |
| | Motion: | Donald Jackson moved to adjourn the appeal. Seconded by Georgia Cameron. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Zetley Abstained. | |
| 28 | 28315 Special Use | Abel Rodriguez Property Owner Request to continue occupying the premises as an assembly hall (banquet hall). | 1104 W. Lincoln Av. A/K/A 1100 W. Lincoln Av. 12th Dist. |
| | Action: | Adjourned. | |
| | Motion: | Donald Jackson moved to adjourn the appeal. Seconded by Georgia Cameron. | |
| | 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> |
|-----------------|----------------------------------|--|---|
| 29 | 28724 Dimensional Variance | Deb Kern Property Owner Request to install a residential wood fence that is over the maximum allowed fence height (Allowed 4ft; Proposed 6ft). | 2691 N. Lake Dr. 3rd Dist. |
| | Action: | Granted | |
| | Motion: | Donald Jackson moved to grant the appeal. Seconded by Leni Siker. | |
| | 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. | |
| 30 | 28481 Use Variance | Ismail Harun Property Owner Request to occupy the premises as a day care center operating Monday through Saturday, from 6:00 a.m. to 10:30 p.m., for 50 children (25 per shift), ages 6 wks. to 12 yrs. that is located within 300 ft. of a facility that has a liquor license. | 3385 N. Martin L King Jr Dr. A/K/A 3379 N. Martin L King Jr Dr. 3 6th Dist. |
| | Action: | Denied | |
| | Motion: | Donald Jackson moved to deny the appeal. Seconded by Georgia Cameron. | |
| | 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> |
|-----------------|----------------------------|--|---|
| 31 | 28680 Use Variance | Carolyn Brown Property Owner Request to occupy the premises as a family day care home for 8 children per shift, ages infant to 12 years, operating Monday through Friday from 6:00 a.m. to 10:00 p.m.. | 3350 N. 38th St. A/K/A 3352 N. 38th St. 7th Dist. |
| | Action: | Denied | |
| | Motion: | Scott Winkler moved to deny the appeal. Seconded by Donald Jackson. | |
| | Vote: | 3 Ayes, 1 D.J. Nays, 1 C. Zetley Abstained. | |
| 32 | 28721 Use Variance | Karah Letherwood Lessee Request to occupy the premises as a day care center (located within 300 ft of an establishment that has a liquor license)operating Monday - Saturday from 6:30A.M. to 12:00A.M.for 70 children ages infant to 12 yrs. of age . | 3064 N. 27th St. A/K/A 3068 N. 27th St. 304 7th 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 agenda. | |
| 33 | 28684 Special Use | Edwin Aviles Lessee Request to occupy the premises as a day care center for 8 children (2 shifts), ages infant to 12 years, operating Monday through Friday from 6:00 a.m. to 1:00 a.m.. | 1948 S. 30th St. A/K/A 1946 S. 30th St. 8th Dist. |
| | Action: | Adjourned. | |
| | Motion: | Scott Winkler moved to adjourn the appeal. Seconded by Georgia Cameron. | |
| | 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> |
|-----------------|----------------------------|--|---|
| 34 | 28691 Special Use | Mike Imse, Joe Shortreed, and Dave Kane Property Owner Request to raze the existing structure and construct a bank with a drive-through facility that does not possess the code required glazing on the primary street facade . | 2701 W. National Av. A/K/A 2729 W. National Av. 8th Dist. |
| | Action: | Adjourned. | |
| | Motion: | Donald Jackson moved to adjourn the appeal. Seconded by Scott Winkler. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Zetley Abstained. | |
| 35 | 28660 Special Use | Robert Tisdale Property Owner Request to install a ham radio tower in the rear yard for the existing residential home (50 feet in height). | 5338 N. 46th St. 9th Dist. |
| | Action: | Granted 10 yrs. | |
| | Motion: | Scott Winkler moved to grant the appeal. Seconded by Donald Jackson. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Zetley Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That, if complaints are received regarding the tower, the matter may be brought back before the Board for a further hearing. 5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------|--|--|
| 36 | 28661 Special Use | Shawneen Newell Other Request to occupy the premises as a day care center for 40 children, ages 6 weeks to 12 years, operating Monday through Friday from 6:00 a.m. to midnight. | 2778 N. 59th St. A/K/A 2778 A N. 59th St. 10th 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. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------|--|------------------------------------|
| 37 | 28677 Special Use | Mandeep Dhawan Prospective Buyer | 5100 W. Burleigh St. 10th Dist. |
| | | Request to raze the existing structure and construct a filling station with a convenience store without the required landscaping. | |
| | Action: | Granted 5 yrs. | |
| | 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 the applicant does not have outdoor storage or display of products or merchandise. 5. 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. 6. 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 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 signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code. 9. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 10. That landscaping and screening is maintained in a manner that meets the intent of city code. 11. That the petitioner agrees to work with the Department of City Development Planning Administration staff on final resolution of design issues including, but not limited to facade & elevation plans. The petitioner must submit revised drawings that reflect these changes to the Board of Zoning Appeals for Zoning Administration Group review and approval prior to the issuance of any permits. 12. That the plan of operation submitted by the Alderman of the district, dated February 28, 2008, shall be considered part of the approved operating plan. 13. 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> |
|-----------------|----------------------------|---|---|
| 38 | 28562 Special Use | Nancy L Jablonski Prospective Buyer | 5310 W. North Av. A/K/A 2315 N. 53rd St. 10th Dist. |
| | | Request to occupy the premises as a day care center for a maximum of 200 children, ages 6 wks. to 12 yrs., operating Monday through Friday from 6:30 a.m. to 6:00 p.m. . | |
| | Action: | Granted 5 yrs. | |
| | Motion: | Henry Szymanski moved to grant the appeal. Seconded by Donald Jackson. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Zetley Abstained. | |
| | Conditions of Approval: | <ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That signage must conform to the sign standards of s. 295-605-5 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 the outdoor play area is separated from the parking area / vehicle operating area by some type of physical barrier such as bollards. 7. That the petitioner obtains an occupancy certificate by having all required inspections, 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 the petitioner complies with all existing building code violations prior to occupancy. 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> |
|-----------------|----------------------------------|---|--|
| 39 | 28443 Dimensional Variance | Mickey Govani Property Owner Request to allow a freestanding sign (automatic changeable message sign) that is over the maximum allowed square footage and the maximum allowed height per code (two of the sign faces are to be mounted on opposite parallel sides counting as one and are permitted, but the third sign face is on the perpendicular side which then exceeds the allowed display area). | 1614 W. National Av. A/K/A 1622 W. National Av. 12th Dist. |
| | Action: | Adjourned. | |
| | Motion: | Scott Winkler moved to adjourn the appeal. Seconded by Henry Szymanski. | |
| | Vote: | 4 Ayes, 0 Nays, 1 C. Zetley Abstained. | |
| 40 | 28714 Special Use | James Baker Lessee Request to occupy the premises as an ambulance service facility operating 24 hrs (ambulance service is an addition to a permitted contractor's shop). | 5044 S. 27th St. A/K/A 5050 S. 27th St. 13th Dist. |
| | Action: | Adjourned. | |
| | Motion: | This matter was adjourned by the applicant and will be scheduled at an upcoming BOZA hearing. | |

| <u>Item No.</u> | <u>Case No./ Case Type</u> | <u>Description</u> | <u>Premises Address/Ald. Dist.</u> |
|-----------------|----------------------------------|--|--|
| 41 | 28709 Dimensional Variance | CM Residence Group, LLC Hugh Kerr;Prospective Buyer Request to construct a four story hotel that is over the maximum allowed building height, over the maximum allowed front setback requirements, has over the number of freestanding signs and height allowed, with signage display area in excess of what is permitted by code. | 6511 S. 13th St. A/K/A 6425 S. 13th St. 13th Dist. |
| | Action: | Granted/Adjourned | |
| | Motion: | Scott Winkler moved to grant the Variances for building height and placement. 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. A revised landscape plan is submitted for the street frontage along S. 13th St that provides additional plant material to compensate for the setback overage. 5. That the petitioner agrees to work with the Zoning Administration Group staff on final resolution of design issues including, but not limited to site plans, facade & elevation plans. The petitioner must submit revised drawings that reflect these changes to the Board of Zoning Appeals for Zoning Administration Group review and approval prior to the issuance of any permits. 6. That these Variances are granted to run with the land. | |
| 42 | 28624 Special Use | Manuel Garcia Property Owner Request to add an auto sales facility to the existing non-conforming auto body shop and painting service facility. | 4030 S. Pine Av. A/K/A 4030 S. Pine St. 14th Dist. |
| | Action: | Adjourned. | |
| | Motion: | This matter was adjourned by the applicant 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> |
|-----------------|----------------------------------|--|--|
| 43 | 28522 Dimensional Variance | Al-Ramahi Bassam Property Owner Request to construct a Type "B" wall sign exceeding the maximum permitted square feet (use is general retail sales). | 3500 W. Vliet St. A/K/A 1403 N. 35th St. 15th Dist. |
| | Action: | Denied | |
| | Motion: | Henry Szymanski moved to deny the appeal. Seconded by Scott Winkler. | |
| | Vote: | 3 Ayes, 1 G.C. Nays, 1 C. Zetley Abstained. | |
| 44 | 28727 Special Use | Kimberly Carrington Lessee Request to occupy the premises as a general retail establishment (convenience store). | 1034 W. Hadley St. A/K/A 1038 W. Hadley St. 15th Dist. |
| | Action: | Granted 2 yrs. | |
| | Motion: | Scott Winker 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 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 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 security barriers be removed to be in compliance with s252-76 of the Milwaukee Code of ordinances. 7. That signage must meet the signage standards of s.295-505-5 of the Milwaukee Zoning Code. 8. 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> |
|-----------------|----------------------------|--|------------------------------------|
| 45 | 28626 Special Use | Little Tyke Academy & Childcare Center Tammie Anderson;Lessee | 5148 N. Teutonia Av. 1st Dist. |
| | | Request to occupy the premises as a day care center for 70 children (per shift), ages 4 weeks to 12 years, and also a private elementary school (K-4 to 6th grade) for 75 children, operating 24-hours (day care center) and from 6:00 a.m. to 4:00 p.m. (elementary school) . | |
| | Action: | Granted 3 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 meet the signage standards of s.295-605 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 the outdoor play area is separated from the parking area / vehicle operating area by some type of physical barrier such as bollards. 7. That the petitioner obtains an occupancy certificate by having all required inspections, 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> |
|-----------------|----------------------------|--|------------------------------------|
| 46 | 28572 Use Variance | Committed to Christ International Ministries Gregory Thornton;Prospective Buyer Request to occupy the premises as a religious assembly hall. | 10003 W. Carmen Av. 2nd 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> |
|-----------------|----------------------------|--|------------------------------------|
| 47 | 28616 Special Use | Sonja Norwood Lessee | 4700 N. 76th St. 2nd Dist. |
| | | Request to occupy the premises as a day care center for 50 children (two shifts of no more than 25 children per shift), ages 6 weeks to 12 years, operating Monday through Friday from 6:00 a.m. to 9:00 p.m.. | |
| | 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 signage must conform to the sign standards of s. 295-605-5 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 the outdoor play area is separated from the parking area / vehicle operating area by some type of physical barrier such as bollards. 7. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for institutional 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 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> |
|-----------------|----------------------------|---|---|
| 48 | 28470 Special Use | Juneau Village II c/o Katz Properties, Inc.;Property Owner Request to construct a parking lot on the premises . | 1319 N. Jackson St. 103 A/K/A 1319 N. Jackson St. 101 3rd Dist. |
| | Action: | Dismissed | |
| | Motion: | Scott Winkler moved to dismiss 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> |
|-----------------|----------------------------|--|---|
| 49 | 28422 Special Use | T - Mobile USA Todd Klassy; Lessee Request to erect a transmission tower (120 ft. monopole) on the premises. | 7125 W. Dean Rd. A/K/A 8372 N. Steven Rd. 9th Dist. |
| | Action: | Granted 5 yrs. | |
| | Motion: | Scott Winkler moved to grant the Appeal. Seconded by Georgia Cameron. | |
| | Vote: | 5 Ayes, 0 Nays, 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 tower shall be a flagpole design and must have a flag flown at all times. 5. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. | |

Other Business:

Board member Donald Jackson moved to approve the minutes of the February 7, 2008 meeting. Seconded by Board member Georgia Cameron. Unanimously approved.

The Board set the next meeting for March 27, 2008.

Board member Scott Winkler moved to adjourn the meeting at 4:35 p.m. Seconded by Board member Donald Jackson. Unanimously approved.

BOARD OF ZONING APPEALS

Secretary of the Board