

BOARD OF ZONING APPEALS
CITY OF MILWAUKEE

REGULAR MEETING - February 07, 2019
City Hall, Common Council Committee Room 301-A

MINUTES

PRESENT:

Chairman: Brett Blomme (*voting on items 1 - 32*)
Vice Chairman: Henry Szymanski (*excused*)
Members: Jewel Currie (*excused*)
Jennifer Current (*voting on items 1 - 7, 9 - 32*)
Eric Lowenberg (*voting on items 1 - 32*)

Alt. Board Members: Karen D. Dardy (*voting on items 1 - 32*)
Erik Richardson (*excused*)

START TIME: 4:05 p.m.

END TIME: 6:50 p.m.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
1	BZZA-18-00136 Use Variance	Midwest Commercial Funding, LLC, Property Owner	1442 N FARWELL AV Ald. District 3
		Request to occupy a portion of the premises as a self-storage facility	
	Action:	Dismissed	
	Motion:	Eric Lowenberg moved to dismiss the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
2	BZZA-18-00421 Special Use	Court Lanes Mill, Lessee	4707 W MILL RD Ald. District 9
		Request to occupy the premises as an indoor recreation facility (bowling alley)	
	Action:	Dismissed	
	Motion:	Eric Lowenberg moved to dismiss the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
3	BZZA-18-00375 Special Use, Use Variance	Procure Medical Group, Property Owner	603 N 36TH ST Ald. District 10
		Request to occupy a portion of the premises as a medical office and a general retail establishment	
	Action:	Dismissed	
	Motion:	Eric Lowenberg moved to dismiss the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
4	BZZA-18-00261 Special Use	Brian Jost, Property Owner	118 S 2ND ST Ald. District 12
		Request to occupy the premises as an assembly hall	
	Action:	Dismissed	
	Motion:	Eric Lowenberg moved to dismiss the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
5	BZZA-18-00400 Special Use	B & M Leasing, LLP, Prospective Buyer	4560 S 27TH ST Ald. District 13
		Request to occupy the premises as a principal use parking lot	
	Action:	Dismissed	
	Motion:	Eric Lowenberg moved to dismiss the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
6	BZZA-18-00399 Special Use	B & M Leasing, LLP, Prospective Buyer	4624 S 27TH ST Ald. District 13
		Request to occupy the premises as a light motor vehicle outdoor storage	
	Action:	Dismissed	
	Motion:	Eric Lowenberg moved to dismiss the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
7	BZZA-18-00268 Dimensional Variance, Use Variance	John Pierre Minchillo, Property Owner	2436 S WENTWORTH AV Ald. District 14
		Request to convert the existing four unit multi-family dwelling to a five unit multi-family dwelling that does not meet the minimum required lot area per dwelling unit	
	Action:	Dismissed	
	Motion:	Eric Lowenberg moved to dismiss the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
8	BZZA-18-00462 Dimensional Variance, Use Variance	Blessed Savior Congregation, Property Owner	5558 N 69TH ST Ald. District 2
		Request to occupy the premises as a social service facility that does meet the minimum required rear setback	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, B. Blomme Voting.	
		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 has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.
		5.	That no prohibited signage be displayed at the location per code section 295-407-9.
		6.	That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.
		7.	That these Variances are 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>
9	BZZA-19-00006 Dimensional Variance	Alan Brostoff and Phyllis Brostoff, Property Owner	3431 N LAKE DR Ald. District 3
		Request to construct a single-family dwelling that does not meet the required entrance door orientation and construct a fence in the side yard that exceeds the maximum allowed height	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 building code and complies with all zoning conditions and building code requirements prior to occupancy.
		5.	That these Variances are granted to run with the land.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
10	BZZA-18-00454 Special Use	Three B Company, LLC, Property Owner	953 N 17TH ST Ald. District 4
		Request to add a 3rd floor to the Board-approved rooming house for 24 occupants	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.	
		5. That no prohibited signage be displayed at the location per code section 295-407-9.	
		6. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.	
		7. That the petitioner obtains a rooming house license from the City Clerk License Division.	
		8. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code and complies with all zoning conditions and building code requirements prior to occupancy.	
		9. That bicycle parking is provided as required by Section 295-404 of the Milwaukee Code of Ordinances.	
		10. That this Special Use is granted for a period of time commencing with the date hereof, and expiring on November 12, 2023.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
11	BZZA-18-00450 Special Use	Dynamic Child Care Solutions, LLC, Lessee	412 E BURLEIGH ST Ald. District 6
		Request to increase the hours from Monday - Friday 6:00 a.m. – midnight to Monday - Friday 5:30 a.m. - midnight and Saturday - Sunday 5:30 a.m. - 6:00 p.m., and continue occupying the premises as a day care center for 47 children per shift infant - 12 years of age (this is a new operator)	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.
		5.	That no prohibited signage be displayed at the location per code section 295-407-9.
		6.	That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.
		7.	That the facility does not exceed the capacity established by the State Department of Children and Families.
		8.	That signage must meet the signage standards of s.295-505-5 of the Milwaukee Zoning Code.
		9.	That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M.
		10.	That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of State issuance of the license.
		11.	That a contact name and phone number be provided to the Board office within 60 days of the issuance of this written decision. The phone number must be available 24 hours a day.
		12.	That the storefront windows remain as transparent glass per s295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner.
		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>
12	BZZA-18-00449 Special Use	Judith Jackson, Property Owner	4221 N 35TH ST Ald. District 7
		Request to continue occupying the premises as a day care center for 49 children per shift infant - 13 years of age, operating Monday - Saturday 5:30 a.m. - 11:30 p.m	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.
		5.	That no prohibited signage be displayed at the location per code section 295-407-9.
		6.	That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.
		7.	That the facility does not exceed the capacity established by the State Department of Children and Families.
		8.	That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.
		9.	That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M.
		10.	That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of State issuance of the license.
		11.	That a contact name and phone number be provided to the Board office within 60 days of the issuance of this written decision. The phone number must be available 24 hours a day.
		12.	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>
13	BZZA-18-00436 Dimensional Variance	Milwaukee Fire Department, Property Owner	100 W VIRGINIA ST Ald. District 12
		Request to construct an addition to the premises that does not meet the minimum required glazing (primary street frontage)	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		1.	That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
		2.	That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.
		3.	That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
		4.	That this Variance is granted to run with the land.
14	BZZA-19-00009 Special Use	L & J Service Centers, LLC, Lessee	2750 S 14TH ST Ald. District 14
		Request to increase the hours of operation from Monday - Friday 7:30 a.m. - 5:00 p.m. to Monday - Friday 5:00 a.m. - 6:00 p.m. and Saturday 6:00 a.m. - 12:00 p.m., and continue occupying a portion of the premises as a motor vehicle repair facility (this is a new operator)	
	Action:	Adjourned	
	Motion:		
	Vote:		

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
15	BZZA-18-00445 Special Use	Children's Bridge Learning Center, Lessee	1218 W WALNUT ST Ald. District 15
		Request to continue occupying the premises as a day care center for 60 children on first shift and 20 children on second shift infant to 12 years of age, operating Monday - Saturday 6:00 a.m. to 11:00 p.m. (this is a new operator)	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.
		5.	That no prohibited signage be displayed at the location per code section 295-407-9.
		6.	That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.
		7.	That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code and complies with all zoning conditions and building code requirements prior to occupancy.
		8.	That the facility does not exceed the capacity established by the State Department of Children and Families.
		9.	That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.
		10.	That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M.
		11.	That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of Board approval of the special use.
		12.	That a contact name and phone number be provided to the Board office within 60 days of the issuance of this written decision. The phone number must be available 24 hours a day.
		13.	That the storefront windows remain as transparent glass per s295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner.
		14.	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>
16	BZZA-18-00432 Dimensional Variance, Special Use	The Overland Group, LLC, Prospective Buyer	5925 N 76TH ST Ald. District 2
		Request to construct a general retail establishment (permitted) that does not meet the minimum required front setback, exceeds the maximum allowed side street setback, has glazing areas that do not meet the requirement for clear vision and visible daylight transmittance, has shelving that obscures more than 50% of the glazing area, and construct an accessory use parking lot that is located between a principal building and a street façade	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 a revised elevation plan for the building's south façade is submitted to the Board for review and approval by the Zoning Administration Group. The revised plan should provide masonry cladding over a portion of the proposed steel panels.	
		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 no prohibited signage be displayed at the location per code section 295-407-9.	
		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 the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code and complies with all zoning conditions and building code requirements prior to occupancy.	
		9. That these Special Use and Variances are granted to run with the land.	
		10. That these Variances (glazing) are Denied.	
17	BZZA-18-00412 Dimensional Variance	Milwaukee Nursing Realty, LLC, Property Owner	2115 E WOODSTOCK PL Ald. District 3
		Request to allow a second freestanding sign that exceeds the maximum number of allowed signs on site and exceeds the maximum allowed display area	
	Action:	Adjourned	
	Motion:		
	Vote:		

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
18	BZZA-18-00392 Special Use	Alkdro, LLC, Lessee	8144 W APPLETON AV Ald. District 5
		Request to occupy a portion of the premises as a light motor vehicle repair facility	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Jennifer Current.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 the building.	
		5. That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.	
		6. That landscaping and screening is implemented and maintained in accordance with the landscape plan approved by the Department of City Development on 9/16/02.	
		7. That the revised site plan, which eliminates the vehicle parked in front of the building entrance and is dated 2-1-2019, is approved.	
		8. That no more than 30 vehicles are parked on the lot for any reason at any time.	
		9. That no work on or storage of vehicles or vehicular parts occurs in the public right-of-way.	
		10. 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.	
		11. That no prohibited signage be displayed at the location per code section 295-407-9.	
		12. 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.	
		13. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code and complies with all zoning conditions and building code requirements prior to occupancy.	
		14. That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris.	
		15. That all repair work is conducted inside the building.	
		16. That a Recycling, Salvaging, or Towing Premises License must be obtained, City Clerk License Division, by any person, who in the course of normal business activities, generates or removes 25 or more waste tires per calendar year.	
		17. That all areas used for parking follow the standards set in 295-403-3-b of the Milwaukee Code of Ordinances.	
		18. That this Special Use is granted for a period of time commencing with the date hereof, and expiring on October 17, 2023.	

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19	BZZA-18-00455 Special Use	General Communications, Inc., Prospective Buyer	12130 W CARMEN AV Ald. District 5
		Request to occupy the premises as a light motor vehicle repair facility and a heavy motor vehicle repair facility (permitted)	
	Action:	Granted	
	Motion:	Karen Dardy moved to grant the appeal. Seconded by Eric Lowenberg.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 existing landscaping along the W. Carmen Av. frontage is maintained in a manner that meets the intent of city code.	
		5. That no work on or storage of vehicles occurs in the public right-of-way.	
		6. That the business sign is located wholly on private property. NOTE: The property line is 13 feet back from the street curb.	
		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 no prohibited signage be displayed at the location per code section 295-407-9.	
		9. 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.	
		10. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code and complies with all zoning conditions and building code requirements prior to occupancy.	
		11. That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris.	
		12. That all repair work is conducted inside the building.	
		13. That a Recycling, Salvaging, or Towing Premises License must be obtained, City Clerk License Division, by any person, who in the course of normal business activities, generates or removes 25 or more waste tires per calendar year.	
		14. That all areas used for parking follow the standards set in 295-403-3-b of the Milwaukee Code of Ordinances.	
		15. 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>
20	BZZA-18-00472 Special Use	RiverBee, LLC, Property Owner	500 E CENTER ST Ald. District 6
		Request to occupy the premises as a rooming house for 50 occupants	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.	
		5. That no prohibited signage be displayed at the location per code section 295-407-9.	
		6. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.	
		7. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code and complies with all zoning conditions and building code requirements prior to occupancy.	
		8. That all areas used for parking follow the standards set in 295-403-3-b of the Milwaukee Code of Ordinances.	
		9. That the applicant provide a minimum of 13 long-term bicycle parking spaces and 2 short-term bicycle parking spaces.	
		10. That the applicant provide a space located on private property for a dumpster enclosure. Dumpsters or other garbage or recycling containers must be located within the aforementioned enclosure. At no time may dumpsters or other garbage or recycling containers be stored in the public right-of-way.	
		11. 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>
21	BZZA-18-00437 Use Variance	Gas N Go Enterprises, Inc., Lessee	1545 W HOPKINS ST Ald. District 6
		Request to construct a new convenience store and continue occupying the premises as a motor vehicle filling station	
	Action:	Granted	
	Motion:	Jennifer Current moved to grant the appeal. Seconded by Eric Lowenberg.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.	
		5. That no prohibited signage be displayed at the location per code section 295-407-9.	
		6. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.	
		7. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code and complies with all zoning conditions and building code requirements prior to occupancy.	
		8. That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris.	
		9. That the applicant does not have outdoor storage or display of products or merchandise.	
		10. 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 if the license is required by Ordinance.	
		11. That the premises is developed in accordance with the plans submitted to the Board of Zoning Appeals on February 1, 2019.	
		12. 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.	
		13. That landscaping and screening in accordance to the plan submitted to the Board on November 21, 2017 is installed within 90 days of occupancy and is maintained in accordance with s295-405-1-c-9 of the Milwaukee Zoning Code. Specifically that all plant material shall be maintained on an on-going basis, including seasonal tree and plant replacement.	
		14. That this Variance is granted for a period of time commencing with the date hereof, and expiring on December 13, 2032.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
22	BZZA-18-00307 Dimensional Variance	Pitts Mortuary, Property Owner	2031 W CAPITOL DR Ald. District 6
		Request to erect a second freestanding sign on the premises exceeding the maximum number of freestanding signs allowed per site	
	Action:	Granted	
	Motion:	Karen Dardy moved to grant the appeal. Seconded by Eric Lowenberg.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.
		5.	That no prohibited signage be displayed at the location per code section 295-407-9.
		6.	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>
23	BZZA-18-00419 Special Use	R & R Auto Repair Service, Property Owner	3700 W BURLEIGH ST Ald. District 7
		Request to continue occupying the premises as a light motor vehicle repair facility and car wash	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Jennifer Current.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
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 decorative metal fence located along West Burleigh Street and North 37th Street, from West Burleigh Street going north to the first driveway approach, be implemented in accordance with the site plan submitted to the Board on January 10, 2019 within six (6) months.	
5.		That the applicant installs either a planting bed or a decorative metal fence along the North 37th Street property line within six (6) months. Said planting bed or decorative metal fence must be located wholly on private property.	
6.		That a maximum of six (6) vehicles be parked on the lot between the building and West Burleigh Street for any reason at any time.	
7.		That no vehicles are parked on the east side of property between the building and the public sidewalk on North 37th Street.	
8.		That no vehicles are parked between the street curb and the public sidewalk. Vehicles may not be parked on driveway approaches.	
9.		That no vehicles are parked, either in whole or in part, in the east-west public alley to the north of the premises.	
10.		That no work on or storage of vehicles occurs in the public right-of-way. NOTE: The property line on North 37th Street is 15 feet back from the face of the street curb. The property line on West Burleigh Street is 8 feet back from the face of the street curb.	
11.		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.	
12.		That no prohibited signage be displayed at the location per code section 295-407-9.	
13.		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.	
14.		That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code and complies with all zoning conditions and building code requirements prior to occupancy.	
15.		That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris.	
16.		That all repair work is conducted inside the building.	
17.		That a Recycling, Salvaging, or Towing Premises License must be obtained, City Clerk License Division, by any person, who in the course of normal business activities, generates or removes 25 or more waste tires per calendar year.	
18.		That all areas used for parking follow the standards set in 295-403-3-b of the Milwaukee Code of Ordinances.	
19.		That the car wash activity is conducted inside the building.	
20.		That all wastewater is contained on site.	
21.		That these Special Uses are granted for a period of two (2) years, commencing with the date hereof.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
24	BZZA-18-00418 Use Variance	Crystal's Creative Minds Learning Center, LLC, Prospective Buyer	3601 W FOND DU LAC AV Ald. District 7
		Request to occupy the premises as a day care center for 94 children per shift infant - 12 years of age, operating Monday - Friday 6:00 a.m. - 10:00 p.m.	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Jennifer Current.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.
		5.	That no prohibited signage be displayed at the location per code section 295-407-9.
		6.	That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.
		7.	That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code and complies with all zoning conditions and building code requirements prior to occupancy.
		8.	That the facility does not exceed the capacity established by the State Department of Children and Families.
		9.	That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.
		10.	That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M.
		11.	That the petitioner submit a copy of the State of Wisconsin day care license to the Board of Zoning Appeals within 60 days of State issuance of the license.
		12.	That the storefront windows remain as transparent glass per s295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner.
		13.	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>
25	BZZA-18-00338 Special Use	Little Peanut and Friends Child Care, LLC, Lessee	5806 W BURLEIGH ST Ald. District 10
		Request to increase the ages of the children from 4 - 12 years of age to 2 1/2 - 12 years of age and continue occupying a portion of the premises as a day care center for 25 children per shift, operating Monday - Friday 6:00 a.m. - midnight (this is a new operator)	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.
		5.	That no prohibited signage be displayed at the location per code section 295-407-9.
		6.	That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.
		7.	That the facility does not exceed the capacity established by the State Department of Children and Families.
		8.	That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.
		9.	That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M.
		10.	That the petitioner submit a copy of the State of Wisconsin day care license to Board of Zoning Appeals within 60 days of Board approval of the special use.
		11.	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>
26	BZZA-18-00402 Special Use	United Child Care LLC, Lessee	5806 W BURLEIGH ST Ald. District 10
		Request to continue occupying a portion of the premises as a 24 hour day care center for 47 children per shift infant - 13 years of age, operating Monday - Sunday	
	Action:	Granted	
	Motion:	Karen Dardy moved to grant the appeal. Seconded by Eric Lowenberg.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 storefront windows remain as transparent glass per s295-605-2-i-3-c of the Milwaukee Code of Ordinances and are maintained in an attractive manner.
		7.	That the capacity of the day care center be limited to a maximum of 47 children per shift per to license issued by the state of Wisconsin and submitted to the Board on January 10, 2019.
		8.	That the applicant applies for a loading zone on West Burleigh Street within thirty (30) days. Please contact Mr. Dale Dietze at 414-286-8678 to apply for or to renew, if necessary, the loading zone.
		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 no prohibited signage be displayed at the location per code section 295-407-9.
		11.	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.
		12.	That the facility does not exceed the capacity established by the State Department of Children and Families.
		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>
27	BZZA-18-00456 Dimensional Variance, Special Use	National Block, LLC, Property Owner	701 S 4TH ST Ald. District 12
		Request to intensify the Board-approved principal use parking lot by increasing the total number of parking spaces from 12 to 13, allow two vehicles to be parked in series at the west end of the lot, and not meet the minimum required landscaping at the south property line	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 build in accordance with the plan submitted to the Board of Zoning Appeals on February 5th 2019 or other plan as approved by the Zoning Administration Group.
		5.	That landscaping and screening is installed within 120 days of occupancy and is maintained in accordance with s295-405-1-c-9 of the Milwaukee Zoning Code. Specifically that all plant material shall be maintained on an on-going basis, including seasonal tree and plant replacement.
		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 no prohibited signage be displayed at the location per code section 295-407-9.
		8.	That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.
		9.	That the petitioner obtains an occupancy certificate by having all required inspections, complies with applicable codes and complies with all zoning conditions and building code requirements prior to occupancy.
		10.	That these Special Use and Variances are granted to run with the land.
28	BZZA-18-00440 Special Use	Fleet Cars, LLC, Lessee	4930 S 2ND ST Ald. District 13
		Request to occupy a portion of the premises as a light motor vehicle body shop	
	Action:	Adjourned	
	Motion:		
	Vote:		

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
29	BZZA-18-00446 Dimensional Variance	Milwaukee Threads, Lessee	5151 S HOWELL AV Ald. District 13
		Request to allow the an addition of a sign box to the Board-approved freestanding sign that exceeds the maximum allowed display area	
	Action:	Adjourned	
	Motion:	Eric Lowenberg moved to adjourn the appeal. Seconded by Jennifer Current.	
	Vote:	3Ayes, 0Nays, 1 B. Blomme Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
30	BZZA-18-00280 Dimensional Variance, Special Use	Ant's Towing & Salvage, LLC, Lessee	2742 S 9TH PL Ald. District 14
		Request to occupy the premises as a ground transportation service (permitted) and an outdoor salvage operation that does not meet the minimum required landscaping	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 1 Nays, 0 Abstained.	
		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 in accordance to the plan submitted to the Board on January 4th, 2019 is installed within 180 days of occupancy and is maintained in accordance with s295-405-1-c-9 of the Milwaukee Zoning Code. Specifically that all plant material shall be maintained on an on-going basis, including seasonal tree and plant replacement.
		5.	That no work on or storage of vehicles or vehicular parts occurs in the public right-of-way.
		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 no prohibited signage be displayed at the location per code section 295-407-9.
		8.	That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.
		9.	That the petitioner cease all operations on the property until an occupancy certificate for ground transportation and outdoor salvage is obtained.
		10.	That all areas used for parking follow the standards set in 295-403-3-b of the Milwaukee Code of Ordinances.
		11.	That a Recycling, Salvaging, or Towing Premises License must be obtained, City Clerk License Division, by any person, who in the course of normal business activities, generates or removes 25 or more waste tires per calendar year.
		12.	That nuisance vehicles, as defined in the code, be confined to the area on the submitted plans marked outdoor storage (or completely within the building if code permits).
		13.	That the petitioner take all steps necessary to ensure that no stolen vehicles (or stolen property) are brought to the property.
		14.	That the petitioner immediately notify, and fully cooperate with, the Milwaukee Police Department of any suspected criminal activity observed occurring on the premises.
		15.	That the applicant does not sublease the property at any time.
		16.	That these Special Use and Variance are granted for a period of one (1) year, commencing with the date hereof.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
31	BZZA-18-00411 Dimensional Variance	Eden Niemela-Llanos, Property Owner	2026 N 39TH ST Ald. District 15
		Request to allow a 6 ft. wood fence in the side yard	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Jennifer Current.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	
		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 other city ordinance regulations related to fencing on a residential lot be followed and the fence maintained in good repair.	
		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>
32	BZZA-18-00451 Special Use	Elite Motor Cars, LLC, Lessee	3302 W CENTER ST Ald. District 15
		Request to continue occupying the premises as a light motor vehicle sales and repair facility	
	Action:	Granted	
	Motion:	Eric Lowenberg moved to grant the appeal. Seconded by Karen Dardy.	
	Vote:	3 Ayes, 0 Nays, 1 B. Blomme Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
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 in accordance to the plan submitted to the Board on December 13, 2018 is implemented within 120 days of approval and is maintained in accordance with s295-405-1-c-9 of the Milwaukee Zoning Code. Specifically that all plant material shall be maintained on an on-going basis, including seasonal tree and plant replacement.	
5.		That signage must meet the signage standards of s.295-605 of the Milwaukee Zoning Code.	
6.		That no more than 25 vehicles are parked on outdoors on the parking lot for any purpose at any time.	
7.		That a Special Privilege be obtained from the City of Milwaukee Common Council to allow the gate swing to project into the public right-of-way. The Special Privilege application must be submitted within thirty (30) days. Please contact Ms. Dawn Schmidt to obtain a Special Privilege Application Form or with questions at 414-286-2454.	
8.		That no work on or storage of vehicles occurs in the public right-of-way.	
9.		That no sales vehicles are displayed in the public right-of-way.	
10.		That the applicant has no outdoor storage of auto parts, tires, nuisance vehicles or other junk and debris.	
11.		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.	
12.		That all repair work is conducted inside the building.	
13.		That a waste tire generator license must be obtained by any person, who in the course of normal business activities, generates or removes 25 or more waste tires per calendar year.	
14.		Provide animals with necessary nourishing food at least once daily and provide a constant supply of clean water to sustain the animal in good health. This condition should start immediately if the use is approved.	
15.		Dogs kept outdoors for more than one hour at a time shall be provide moistureproof and windproof shelter of a size which allows the animal to turn around freely and to easily sit, stand and lie down, in a normal position and to keep the animal clean, dry and comfortable. This condition should start immediately if the use is approved.	
16.		Whenever the outdoor temperature is below 40 degrees F, clean, dry bedding material in quantity and type approved by a duly appointed humane society officer shall be provided in such shelters for insulation and to retain the body heat of the animal. This condition should start immediately if the use is approved.	
17.		Provide shade by natural or artificial means to protect the dog(s) from the sun. This condition should start immediately if the use is approved.	
18.		The owner or caretaker of an animal shall immediately after deposit of fecal matter on premise, shall remove all fecal matter by shovel, scoop, bag or other item and properly wrap and deposit the fecal matter in an approved waste container. This should happen immediately once the use is approved.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
19.		Automobiles shall not be used as animal shelters. This condition should start immediately if the use is approved.	
20.		No person may keep, harbor, shelter or possess at any time more than 3 dogs or cats or any combination thereof which are over the age of 5 months unless the person holds a valid animal fancier permit, kennel permit, pet shop permit or grooming establishment permit. This condition should start immediately if the use is approved.	
21.		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.	
22.		That no prohibited signage be displayed at the location per code section 295-407-9.	
23.		That an updated site plan be submitted to the Board of Zoning Appeals within 120 days of approval.	
24.		That these Special Uses are granted for a period of three (3) years, commencing with the date hereof.	

Other Business:

Board member Eric Lowenberg moved to approve the minutes of the January 17, 2019 meeting. Seconded by Board member Karen Dardy. Unanimously approved.

The Board set the next meeting for March 7, 2019.

Board member Karen Dardy moved to adjourn the meeting at 6:50 p.m. Seconded by Board member Eric Lowenberg. Unanimously approved.

BOARD OF ZONING APPEALS

Secretary of the Board