

CITY OF FRANKLIN
BOARD OF ZONING AND BUILDING APPEALS
MINUTES
April 19, 2006

I. ROLL CALL

Chairman Norm Hintz called the Regular Meeting of the Board of Zoning & Building Appeals to order at 6:31 p.m. in the Lower Level Conference Room of Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Chairman Hintz and Members Nickerson, Knackert, Walsh & Megna. Member Olejniezak was excused. Also present was Senior Planner Booth.

II. APPROVAL OF MINUTES

A. Minutes of Regular Meeting of November 16, 2005.

Member Megna moved and Member Nickerson seconded approval of the minutes of the regular meeting held November 16, 2005. Upon voice vote, all voted 'aye'. Motion carried.

III. HEARINGS (6:30 p.m. or soon thereafter)

A.	CASE NO. 2006-01 6531-6537 South 27th Street	Maxim Realty & Development LLC Robert Zacharias 1125 Remington Road Schaumburg, IL 60173
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After certification of Notice, the Public Hearing was opened at 6:38 PM. Robert Zacharias, Maxim Realty & Development LLC, was sworn and gave testimony. No one else coming forward, the public hearing was closed at 6:48 PM.

IV. CLOSED SESSION The Board may enter in CLOSED SESSION pursuant to Section 19.85(1)(a), WI Statutes for deliberations.

Member Megna moved and Member Knackert seconded to move the Board into closed session at 6:49 PM, pursuant to Section 19.85(1)(a), WI Statutes for deliberations and then to reconvene into open session at the same place thereafter. Upon roll call vote, motion carried. Upon roll call in closed session, all members present at the beginning were present.

V. Reconvene into Open Session

Member Megna moved and Member Knackert seconded to reconvene the Board into Open Session at 7:03 PM. Upon voice vote, all voted 'aye'. Motion carried. Upon roll call in open session, all members present at the beginning were present.

A. CASE NO. 2006-01 / Maxim Realty & Development LLC, Sign Variance
Member Nickerson moved and Member Megna seconded to allow additional signage of 20% or allow the total signage for the entire property be no greater than 210 square feet.

Upon roll call vote, those voting to approve the Sign Variance were Chairman Hintz, Members Nickerson, Knackert, Megna and Walsh. Therefore, by a vote of '5 to 0,' the Sign Variance was granted.

The Board had the following findings regarding Case No. 2006-01, finding that the Sign Variance should be allowed.

1. The change sought is in compliance with the intent of the zoning regulations for the district.
2. The building is exposed to four frontages and has been designed to accommodate user visibility from each elevation. The additional signage will allow for side and rear signage. A majority of the parking is at the rear of the building.

3. The hardship is due to a unique property limitation and is not self-created or imposed.
4. The variance is not based on economic loss or gain.
5. This building is unique due to each elevation having exposure to a street or adjacent shopping centers and compliance of the ordinance would not allow for adequate tenant signage on each side of the building, therefore the variance will not deter property rights near similarly situated properties.
6. The variance should not create substantial detriment to or materially impair adjacent properties
7. The Board finds that the unique property limitations as a basis for granting the variance.

VI. Business

Member Nickerson moved and Member Knackert seconded that variance requests to the Board of Zoning and Building Appeals to the Wisconsin Enrolled Building Code would be placed within the jurisdiction of the State of Wisconsin and would be beyond the powers of the Board of Zoning and Building Appeals according to Section 15-10.0204 of the Unified Development Ordinance and information provided to the Board of Zoning and Building Appeals by the City of Franklin Staff.

Upon roll call vote, those voting to approve the motion were Chairman Hintz, Members Nickerson, Knackert, Megna and Walsh. Therefore, by a vote of '5 to 0,' the motion carried.

VII. ADJOURNMENT

Member Nickerson moved and Member Knackert seconded to adjourn the regular meeting of the Board of Zoning and Building Appeals at 7:18 PM. Upon voice vote, all voted 'aye'. Motion carried.