

CITY OF FRANKLIN
BOARD OF ZONING AND BUILDING APPEALS
MINUTES
 August 23, 2006

I. ROLL CALL

Chairman Norm Hintz called the Special Meeting of the Board of Zoning & Building Appeals to order at 6:30 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, Megna, and Adams. Member Olejniezak was excused. Also present was Senior Planner Booth and Planner II Mentkowski.

II. APPROVAL OF MINUTES

A. Minutes of Regular Meeting of August 2, 2006.

Member Megna moved and Member Knackert seconded approval of the minutes of the regular meeting held August 2, 2006. Upon voice vote, all voted 'aye'. Motion carried.

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

A.	CASE NO. 2006-03 <i>11600 West Forest Home Avenue</i>	Mission Creek, LLC 5300 S 108 th St, Suite 1 Hales Corners, WI 53130-1368
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The hearing was opened at 6:35 PM. Paul Milewski was sworn and gave testimony. No one else coming forward, the hearing was closed at 6:43PM.

B.	CASE NO. 2006-08 <i>7787 South North Cape Road</i>	John & Jacqueline P. Nelson 7787 South North Cape Road Franklin, WI 53132
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The hearing was opened at 6:45 PM. John Nelson was sworn and gave testimony. No one else coming forward, the hearing was closed at 6:52 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 Nickerson seconded to move the Board into closed session at 6:52 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 Nickerson moved and Member Megna seconded to reconvene the Board into Open Session at 7:11 PM. Upon voice vote, all voted 'aye'. Motion carried. Upon roll call in open session, all members present at the beginning were present.

VI. Action of Appeals

A. CASE NO. 2006-03 / Mission Creek A&B Special Exception
 Member Nickerson moved and Member Megna seconded to allow for a reduction of no more than 4 feet from the required 30 foot front yard and corner side yard setback, and a reduction of no more than 4 feet from the required 20 foot side yard setback, pursuant to Section 15-3.0209 of the Unified Development Ordinance, for the purpose of building multiple-family condos.

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

The Board had the following findings regarding Case No. 2006-03, finding the approved Special Exception did meet the City standards:

1. The buildings in question are inside the development and are not detrimental to or endanger the comfort of general welfare.
2. The special exception will not impact the adjacent properties.
3. The development may improve orderly development by establishing traffic patterns and public street connections to neighboring subdivisions.
4. The minimal exception will not negatively impact the adequate supply of light and air to adjacent property, increase congestion in streets or increase danger of fire.
5. The special exception will be in compliance with the R-8 zoning district and in line with the rezoning recommendation by the Plan Commission. The board did not note any other factors in regards to granting of the variance.

B. CASE NO. 2006-08 / John & Jacqueline Special Exception Request

Member Adams moved and Member Knackert seconded to allow for a reduction of 4 feet from the required 20 foot side yard setback to a 16 foot setback from neighboring property lines, pursuant to Section 15-3.0202 of the Unified Development Ordinance, for the purpose of expanding an existing garage.

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

The Board had the following findings regarding Case No. 2006-08, finding the approved Special Exception did meet the City standards:

1. Due to the fact the neighborhood as long lots, it allows for the protection of the public health, safety, and general welfare.
2. Other properties in the area have as little as a 10'3" setback which was grandfathered in and built prior to zoning. Therefore, there is no foreseeable manner substantially impairing or diminishing neighboring properties by this exception.
3. Most of the lots are built on, no one spoke in opposition of the exception and the surrounding neighbors all signed a petition for approval of the exception.
4. The board noted no instances where the special exception would impair the adequate supply of light and air to the adjacent property, substantially increase the congestion in the public streets, or increase the danger of fire within the neighborhood.
5. The special exception is an addition to a single-family home and conforming in all other ways with the zoning district.

VII. ANNOUNCEMENT

No Action taken.

VIII. ADJOURNMENT

Member Nickerson moved and Member Adam seconded to adjourn the special meeting of the Board of Zoning and Building Appeals at 7:19 PM. Upon voice vote, all voted 'aye'. Motion carried.