

CITY OF FRANKLIN
BOARD OF ZONING AND BUILDING APPEALS
MINUTES
AUGUST 18, 2010

Approved
October 20, 2010

I. ROLL CALL

Acting Chairman Megna called the August 18, 2010 Regular Meeting of the Board of Zoning and 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 Acting Chairman Megna and Members Adams, Knackert, Nickerson, and Lasky. Excused was Chairman Hintz. Also present was Alderman Skowronski and Senior Planner Fuchs.

II. APPROVAL OF MINUTES

A. Minutes of Regular Meeting held March 17, 2010

Member Nickerson moved and Member Lasky seconded approval of the minutes of the regular meeting held March 17, 2010. All voted 'aye'; motion carried.

III. HEARINGS (6:30 p.m. OR SOON THEREAFTER)

- A. CASE NO. 2010-02
8800 West Willow Pointe Parkway
- Edward J. and Victoria M. Kalitt
8800 West Willow Pointe Parkway
Franklin, WI 53132

The hearing was opened at 6:36 p.m. Property owner Edward Kalitt was sworn in and presented the project. Gregg Liederbach, 8816 West Willow Pointe Parkway, was sworn in and gave testimony. No one else came forward in favor or opposition to the appeal. The hearing closed at 6:44 p.m.

- B. CASE NO. 2010-03
8486 South 51st Street
- John D. and Jean M. Vagnoni
8486 South 51st Street
Franklin, WI 53132

The hearing was opened at 6:45 p.m. Property owner Jean Vagnoni was sworn in and presented the project. No one else came forward in favor or opposition to the appeal. The hearing closed at 6:57 p.m.

- C. CASE NO. 2010-04
6514-6572 South Lovers Lane Road
- Gus's Mexican Cantina, LLC
6514 South Lovers Lane Road
Franklin, WI 53132

The hearing was opened at 6:54 p.m. Nels Rieth, Jr., 12820 West Honey Lane, New Berlin, representing the contractor was sworn in and presented the project. Roger Gargan, 6473 South Whitnall Edge Road and Colleen Bornemann, 6483 South Whitnall Edge Road came forward, were sworn in and gave testimony. Alderman Skowronski, 8642 South 116th Street, was sworn in and gave testimony. No one else came forward in favor or opposition to the appeal. The hearing closed at 7:07 p.m.

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

Member Knackert moved and Member Adams seconded to move the Board into closed session at 7:12 p.m., 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 of the meeting were present.

V. RECONVENE INTO OPEN SESSION

Member Knackert moved and Member Adams seconded to reconvene the Board into Open Session. Upon voice vote, all voted 'aye'. Motion carried. Upon roll call in open session, all members present at the beginning of the meeting were present. The meeting entered open session at 7:39 p.m.

VI. ACTION OF APPEALS

- A. CASE NO. 2010-02 Edward J. and Victoria M. Kalitt
8800 West Willow Pointe Parkway

Member Knackert moved and Member Adams seconded a motion to grant approval of a variance from Section 15-3.0801B.2. of the Unified Development Ordinance, for property located at 8800 West Willow Pointe Parkway, to allow for the placement of a 10 foot by 10 foot shed 2.5 feet from the side property line, within the required five foot side yard setback for accessory structures 150 square feet or less, accepting Findings and Factors as presented by the applicant.

Upon voice vote, those voting to approve the variance request were Members Knackert, Adams, Megna, and Lasky. Member Nickerson voted 'no'. Therefore, with a vote of '4 to 1', the variance request was granted.

- B. CASE NO. 2010-03 John D. and Jean M. Vagnoni
8486 South 51st Street

Member Adams moved and Member Knackert seconded a motion to grant approval of a variance from Section 15-3.0203 of the Unified Development Ordinance, for property located at 8486 South 51st Street, to construct a 24 foot by 26 foot detached garage four feet from the side property line, within the required 10-foot side yard setback, accepting Findings and Factors as presented by the applicant.

Upon voice vote, those voting to approve the variance request were Members Knackert, Adams, Nickerson, Megna, and Lasky. Therefore, with a vote of '5 to 0', the variance request was granted.

- C. CASE NO. 2010-04 Gus's Mexican Cantina, LLC
6514-6572 South Lovers Lane Road

Member Nickerson moved and Member Knackert seconded a motion to grant approval of a variance from Section 15-3.0303 of the Unified Development Ordinance, for property located at 6514-6572 South Lovers Lane Road, to allow for the construction of an approximately 828 square foot detached deck 18 feet from the north property line, within the required 40-foot corner side yard setback, with a landscape surface ratio less than the required .40 (40 percent), accepting Findings and Factors as presented by the applicant.

Upon voice vote, those voting to approve the variance request were Members Knackert, Adams, Nickerson, Megna, and Lasky. Therefore, with a vote of '5 to 0', the variance request was granted.

- VII. ANNOUNCEMENT: Next meeting September 15, 2010.
No action needed. None taken.

VIII. ADJOURNMENT

Member Nickerson moved and Member Knackert seconded to adjourn the regular meeting of the Board of Zoning and Building Appeals at 7:44 p.m. All voted 'aye'; motion carried.