

**CITY OF FRANKLIN**  
**BOARD OF ZONING AND BUILDING APPEALS**  
**MINUTES**  
**December 19, 2007**

**I. ROLL CALL**

Chairman Norm Hintz called the Regular 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, & English. Also present was Planner II Fuchs.

**II. APPROVAL OF MINUTES**

A. Minutes of Regular Meeting of November 21, 2007.

*Member English moved and Member Nickerson seconded approval of the minutes of the Regular Meeting held November 21, 2007. Upon voice vote, all voted 'aye'. Motion carried. 5-0.*

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

A.	CASE NO. 2007-06 <i>Approximately 11595 West Forest Home Avenue</i>	West Shore Pipeline Company 1115 West County Line Road Milwaukee, WI 53224
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The hearing was opened at 6:32 p.m. David Layman, Pete Bailey, Dean Kelley, Alderman Ken Skowronski and Paul Malewski were sworn and gave testimony.

B.	CASE NO. 2007-07 <i>8826 West Callaway Court</i>	Donald G. and Lisa M. Chrzan 9354 Spindle Top Court Franklin, WI 53132
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The hearing opened at 6:51 p.m. Donald Chrzan and Alderman Ken Skowronski were sworn and gave testimony.

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

*Member English moved and Member Megna seconded to move the Board into closed session at 7:00 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 were present.*

**V. Reconvene into Open Session**

*Member Nickerson moved and Member Megna seconded to reconvene the Board into Open Session at 7:24 p.m. 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. 2007-06  
Member English moved and Member Megna seconded to recommend approval to expand a non-conforming use per Section 15-3.1010(E) of the Unified Development Ordinance (UDO). Specifically, the request is for the expansion of its existing legal non-conforming use as a pipeline substation providing system pumping and related activities since 1961, to allow for the construction of a new 10 foot by 14 foot control building.

Upon roll call vote, those voting to recommend approval of the expansion of the non-conforming use were Chairman Hintz, Members Nickerson, Knackert, Megna, and English. Therefore, by a vote of '5 to 0,' the motion passed.

The Board had the following findings regarding Case No. 2007-06 finding that the approved non-conforming use did meet City standards per Section 15-3.1010(E):

1. The control building for the pipeline has been there since the early 1960's and it is not much bigger than the original building and is consistent with the public interest. Based on new technology more room is needed within the building.
2. As testified, there is potentially a residential development to the south and therefore suggest Common Council approval considering appropriate exterior appearance of the building as well as landscaping.
3. Building height, yard, coverage, and off-street parking and loading requirements are adhered to and no one appeared in opposition to the proposed control building.
4. The lot area is staying the same.
5. This area is not within the floodplain.

**B. CASE NO. 2007-07**

Member English moved and Member Megna seconded to grant approval of an area exception to allow for the construction of an addition to a garage which would exceed the R-3E Suburban/Estate Single-Family Residence District. The application requests an Area Exception to allow for the construction of an addition to a garage which would exceed the R-3E maximum lot coverage standard of 15% by approximately 313 square feet, resulting in a lot coverage of approximately 16%.

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

The Board had the following findings regarding Case No. 2007-07 finding the approved Area Exception did meet the City standards per Section 15-10.209(G):

1. The addition does not affect adjacent properties.
2. No uses will be substantially impaired by the area exception.
3. The addition does not encroach on any of the required setbacks.
4. The addition does not impair the supply of light or air as a single-story building located within the required setbacks. There will be no increase of congestion in public streets or an increase danger of fire.
5. The proposal is in harmony with the Unified Development Ordinance and does not increase lot coverage over 20% and is in harmony with the rest of the single-family neighborhood.

**VII. ANNOUNCEMENT**

Staff informed the Board that currently there are no items anticipated for the regularly scheduled meeting of January 16, 2007 at 6:30 p.m.

**VIII. ADJOURNMENT**

*Member English moved and Member Megna seconded to adjourn the regular meeting of the Board of Zoning and Building Appeals at 7:29 PM. Upon voice vote, all voted 'aye'. Motion carried.*