

CITY OF FRANKLIN
BOARD OF ZONING AND BUILDING APPEALS
MINUTES
July 16, 2008

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, Lasky, & English. Also present was Planner II Fuchs and District #4 Alderman Steve Taylor.

II. APPROVAL OF MINUTES

A. Minutes of Regular Meeting of February 20, 2008.

Member English moved and Member Megna seconded approval of the minutes of the Regular Meeting held February 20, 2008. Upon voice vote, all voted 'aye'. Motion carried. 6-0.

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

A.	CASE NO. 2008-02 <i>Approximately 8962 South Cordgrass Circle</i>	Monarch Homes 10425 West North Avenue, Suite 345 Milwaukee, WI 53226
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The hearing was opened at 6:39 p.m. Justin Furnace and Jim Singsime of Monarch Homes, and Doug Milinovich, President of Prairie Grass Preserve Homeowner's Association were sworn and gave testimony.

B.	CASE NO. 2008-03 <i>4311 West Sherwood Drive</i>	David and Justine Brown 4311 West Sherwood Drive Franklin, WI 53132
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The hearing opened at 7:08 p.m. David and Justine Brown were sworn and gave testimony. (District #4 Alderman Steve Taylor spoke in favor of the variance for the fence prior to the hearing opening.)

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 Knackert seconded to move the Board into closed session at 7:20 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 English moved and Member Megna seconded to reconvene the Board into Open Session at 7:58 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. 2008-02
Member Nickerson moved and Member English seconded to grant approval of a variance from Section 15-5.0207-A of the Unified Development Ordinance to allow for the construction of a driveway which would encroach on the required six foot driveway setback by approximately five feet, leaving a driveway setback of one foot from the property line, subject to the

driveway not encroaching the wetland setback and submitting a revised plan for Department of City Development Staff review and approval.

Upon roll call vote, those voting to grant approval of a Variance, subject to the driveway not encroaching on the wetland setback and submitting a revised plan for Department of City Development Staff review and approval were Chairman Hintz, Members Nickerson, Knackert, Megna, Lasky, and English. Therefore, by a vote of '6 to 0,' the motion passed.

The Board had the following findings regarding Case No. 2008-02 finding that the approved non-conforming use did meet City standards per Section 15-10.0211:

1. Provides ingress and egress to garage.
2. The lot is adjacent to an undevelopable outlot containing a wetland.
3. The home was built by previous owner, not caused by current applicant.
4. Ingress and egress is necessary to utilize the garage.
5. The outlot is not a detriment to any other property.
6. The property is not in a floodland district.

B. CASE NO. 2008-03

Member English moved and Member Megna seconded to grant approval of a variance from Section 15-3.0802-E(2)(e) of the Unified Development Ordinance to allow for the construction of a four foot high chain-link fence and a six foot high wood fence in the corner side yard of the property located at 4311 South Sherwood Drive.

Upon roll call vote, those voting to approve the Variance were Chairman Hintz, Members Nickerson, Knackert, Megna, Lasky, and English. Therefore, by a vote of '6 to 0,' the Variance was granted.

The Board had the following findings regarding Case No. 2008-03 finding the approved Area Exception did meet the City standards per Section 15-10.0211:

1. Fences are permitted in residential districts.
2. The applicant has two dogs and a family to keep safe.
3. There is no economic loss or gain noted.
4. Adjacent property is City of Franklin Right-of-Way.
5. The property is not in a floodland district.

VIII. ANNOUNCEMENT

Staff informed the Board that currently there are no items anticipated for the regularly scheduled meeting of August 20, 2008 at 6:30 p.m.

IX. ADJOURNMENT

Member English moved and Member Knackert seconded to adjourn the regular meeting of the Board of Zoning and Building Appeals at 8:02 PM. Upon voice vote, all voted 'aye'. Motion carried.