

CITY OF FRANKLIN  
**BOARD OF ZONING AND BUILDING APPEALS**  
MINUTES  
October 24, 2007

**I. ROLL CALL**

Chairman Norm Hintz called the Regular Meeting of the Board of Zoning & Building Appeals to order at 6:35 p.m. in the Inspection Department Conference Room of Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Chairman Hintz and Members Nickerson, Megna, & English. Member Olejniezak was excused. Also present was Assistant City Attorney Mielke and Planning Manager Dietl. Member Knackert arrived at 6:50 p.m.

**II. APPROVAL OF MINUTES**

A. Minutes of Special Meeting of September 18, 2007.

*Member English moved and Member Nickerson seconded approval of the minutes of the Regular Meeting held September 18, 2007. Upon voice vote, all voted 'aye'. Motion carried. 4-0.*

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

A. CASE NO. 2007-01 Elizabeth & Bruce Kaniewski  
*Approximately 7700 West Faith Drive* 7719 West Coventry Drive  
Franklin, WI 53132

The hearing was opened at 6:38 p.m. Elizabeth & Bruce Kaniewski were sworn and gave testimony. Ten citizens were sworn and spoke during the open hearing portion of the meeting. Planning Manager Dietl was sworn and spoke during the hearing. Attorney Andrea Raschke also spoke during the hearing.

**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 9:15 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 10:16 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. 2007-01  
Member English moved and Member Megna seconded to grant appeal pursuant to Section 15-5.0302(c) based upon the Board's determination that the church is a more intensive use thus requiring additional landscaping to be reviewed and approved by the Plan Commission.

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

Member English moved and Member Megna seconded to deny appeal pursuant to Section 15-3.0312(c) and 15-3.0603 based upon the Board's determination the day care is an accessory use meeting the criteria as set forth in Section 15-11.0103.

Upon roll call vote, those voting to deny the day care appeal were Chair Hintz, Members Nickerson, Knackert, Megna and English. Therefore, by a vote of '5 to 0', the day care appeal was denied.

**VIII. ANNOUNCEMENT**

Staff informed the Board of a request for the November BZBA to be held on November 21<sup>th</sup> at 6:30 p.m. and requested Members verify to staff whether they can attend the Regular Meeting.

**IX. ADJOURNMENT**

*Member English moved and Member Nickerson seconded to adjourn the regular meeting of the Board of Zoning and Building Appeals at 10:20 PM. Upon voice vote, all voted 'aye'. Motion carried.*