

CITY OF FRANKLIN
BOARD OF ZONING AND BUILDING APPEALS
MINUTES
December 13, 2006

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 Hearing Room of Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Chairman Hintz and Members Knackert, Megna, Nickerson. Member Olejniezak was absent. Also present were Senior Planner Booth and Planner II Mentkowski.

II. APPROVAL OF MINUTES

A. Minutes of Regular Meeting of October 18, 2006.

Member Nickerson moved and Member Knackert seconded approval of the minutes of the regular meeting held October 18, 2006. Upon voice vote, all voted 'aye'. Motion carried.

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

A.	CASE NO. 2006-11 8091 South Lakeview Drive	Brian and Sandi Kaczkowski 6870 Kathleen Court Franklin, WI 53132
----	---	---

The hearing was opened at 6:40 PM. Brian Kaczkowski was sworn and gave testimony. Mr. Mike Cody spoke in favor of the Area Exception request. No one else coming forward, the hearing was closed at 6:50 PM.

B.	CASE NO. 2006-12 3221 West Franklin Terrace	Michael J. Cody 3221 West Franklin Terrace Franklin, WI 53132
----	--	---

The hearing was opened at 6:53 PM. Michael Cody was sworn and gave testimony. Mr. Brian Kaczkowski spoke in favor of the Variance request. No one else coming forward, the hearing was closed at 7:06 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 7:07PM, 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 Knackert seconded to reconvene the Board into Open Session at 7:51 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. 2006-11 / Area Exception

Member Megna moved and Member Knackert seconded to grant an area exception for case number 2006-11 located at 8091 South Lakeview Drive, to allow for an increase in the 20% maximum lot coverage, pursuant to Section 15-3.0206 of the Unified Development Ordinance, by 467 square feet from 2,688 square feet to 3,155 square feet for the purpose of constructing a single-family home.

Upon roll call vote, those voting to approve the Area Exception were Chairman Hintz, Members Nickerson, Knackert, and Megna. Therefore, by a vote of '4 to 0,' the Area Exception was granted.

The Board had the following findings regarding Case No. 2006-11 finding the approved Area Exception did meet the City standards:

1. The area exception will not be detrimental to or endanger the public health, safety, comfort, or general welfare.
2. The area exception will not substantially impair or diminish the uses, values and enjoyment of the surrounding properties.
3. Due to the subdivision being an open space subdivision, the lots are smaller; therefore, the exception will not impede normal or orderly development.
4. The area exception will not impair an adequate supply of light and air to adjacent properties, or substantially increase the congestion to public street, or increase the danger of fire within the neighborhood because the house as proposed meets all setback requirements.
5. The area exception will be in harmony with the general purpose and intent of the Unified Development Ordinance.

B. CASE NO. 2006-12 / Variance

Member Knackert moved and Member Nickerson seconded to grant a variance for case number 2006-12 located at 3221 West Franklin Terrace, to allow the reconstruction of an accessory building greater than 150 square feet in size located 6 feet from the side property line, pursuant to Section 15-3.0801 B(3) and 15-3.0203 of the Unified Development Ordinance.

Upon roll call vote, those voting to approve the Variance were Chairman Hintz, Members Nickerson, Knackert, and Megna. Therefore, by a vote of '4 to 0,' the Variance was granted.

The Board had the following findings regarding Case No. 2006-12 finding the approved Variance did not meet the City standards:

1. The shed is in the existing location; therefore, it will have little impact on the adjacent property in which the shed is located.
2. Because it is a remodeling of an existing shed, the applicant is not increasing the non-conformity.
3. The hardship is not self-created.
4. There is no economic loss or gain.
5. Nine neighbors surrounding the property signed a petition in favor of the application that it will not impact the enjoyment of property rights of the surrounding properties.
6. The neighboring property most affected supported the approval of the variance (Pendergast property – 3229 West Franklin Terrace).
7. There were no other factors noted which appeared relevant to the granting of the variance.

VII. ANNOUNCEMENT

No Action taken.

VIII. ADJOURNMENT

Member Nickerson moved and Member Megna seconded to adjourn the regular meeting of the Board of Zoning and Building Appeals at 8:00 PM. Upon voice vote, all voted 'aye'. Motion carried.