



FRANKLIN CITY HALL CHAMBERS
9229 W. LOOMIS ROAD
FRANKLIN, WISCONSIN

PLAN COMMISSION MEETING AGENDA
Thursday, December 19, 2024 at 6:00 P.M.

A. Call to Order and Roll Call

B. Approval of Minutes

1. Approval of the regular meeting of December 5, 2024.

C. Public Hearing Business Matters

1. **Plan Commission Membership, UDO Text Amendment.** An ordinance to amend §15-10.0102 Membership, of the Unified Development Ordinance (UDO) to change the Plan Commission membership to remove the City Engineer member and in place thereof provide an alderperson to serve on the Plan Commission (City of Franklin, applicant).
2. **Developer's Deposit Definition, UDO Text Amendment.** An ordinance to amend the Unified Development Ordinance (UDO) to define "Developer's deposit" in Section 15-11.0103 Specific words and phrases (City of Franklin, applicant).

D. Citizen comment period. Citizens may comment upon the Business Matter items set forth on this Meeting Agenda.

E. Business Matters

1. **Gilewski, Miscellaneous.** Request for approval to allow for the installation of a fence within the 30-foot Private Planting Screen upon Lot 16 in Block 8 of the Southwood East Subdivision, on property located at 3651 W Sherwood Drive (879 0275 000).
2. **Anhalt, Miscellaneous.** Request for approval to allow for the installation of a shed within the 30-foot Private Planting Screen upon Lot 2 in Southwood East Addition No. 2 Subdivision, on property located at 4107 W Barnwood Court (880 0021 000).

F. Adjournment

The YouTube channel "City of Franklin WI" will live stream the Plan Commission meeting so the public can watch and listen to it at <https://www.youtube.com/c/CityofFranklinWIGov>. Any questions on this agenda may be directed to the Department of City Development's office at 414-425-4024, Monday through Friday, 8 AM – 4:30 PM.

*Supporting documentation and details of these agenda items are available at City Hall during regular business hours.

**Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at 414- 425-7500.]

REMINDERS: Next Regular Plan Commission Meeting: January 9, 2025.

**City of Franklin
Plan Commission Meeting
December 5, 2024
Minutes**

unapproved

A. Call to Order and Roll Call

Mayor John Nelson called the December 5, 2024 Plan Commission meeting to order at 6:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor John Nelson, Alderwoman Courtney Day, Commissioners Kevin Haley, Patrick Leon, Michael Shawgo and Rebecca Specht. Also present were City Attorney Jesse Wesolowski, Planning Manager Régulo Martínez-Montilva, Planning Intern David Serna-Herrera, Director of Administration Kelly Hersh and Alderwoman Michelle Eichmann.

B. Approval of Minutes – Regular Meeting of November 21, 2024

Commissioner Leon moved and Commissioner Shawgo seconded a motion to approve the November 21, 2024 meeting minutes. On voice vote, all voted ‘aye’; motion carried (5-0-0).

C. Public Hearing Business Matters

- 1. Kent, Area Exception.** Request for approval of an Area Exception to allow for a lot coverage increase for the installation of an inground swimming pool, upon property located 6575 W River Pointe Drive (TKN 851 0022 000).

Planning Manager Martínez presented the Area Exception request. Applicants Crystal Kent and Keith Kent were present.

The Official Notice of Public Hearing was read in to the record by Planning Manager Martínez and the Public Hearing opened at 6:06 pm and closed at 6:06 pm.

Commissioner Leon moved and Alderwoman Day seconded a motion to recommend approval of an application for an area exception to allow for a maximum lot coverage of 18% (4,029 square feet), exceeding the maximum lot coverage standard of 15% in the R-3 Suburban/Estate Single-Family Residence District to allow for the installation of an inground swimming pool, for property located at 6575 W River Pointe Drive (Crystal & Keith Kent, Applicants and Property Owners), with the conditions of approval suggested by the Engineering Department: 1) The applicant is responsible for submitting a letter of approval from the Home Owners Association, 2) Access from Puetz Road will need a right-of-way, they applicant may obtain such permit from the Engineering Department if needed. On voice vote, all voted ‘aye’; motion carried (5-0-0).

- D. Citizen comment period.** Citizens may comment upon the Business Matter items set forth on this meeting agenda.

The citizen comment period opened at 6:11 p.m. and closed at 6:11 p.m.

E. Business Matters

- 1. Carma, Site Plan Amendment.** Request for approval of a Site Plan Amendment to allow for changes to the approved Site Plan including addition of carport canopies, parking changes, and

landscape and lighting plan modifications on property located at 9410 S 76th St. (884 9997 000).

Planning Intern Serna presented the Site Plan Amendment request.

Commissioner Leon moved and Commissioner Haley seconded a motion to adopt a resolution approving a Site Plan Amendment to allow for changes to the approved Site Plan including an addition of carport canopies, parking changes and landscape and lighting plan changes upon property located at 9410 S. 76th St. (Carma Laboratories, Applicant and Property Owner). On voice vote, all voted 'aye'; motion carried (5-0-0).

2. **Dunkin Donuts, Master Sign Program.** Request for approval of a Master Sign Program to allow for additional signage to exceed the maximum allowed established by our Unified Development Ordinance on property located at 5444 W. Rawson Ave (741 9003 000).

Planning Intern Serna presented the Site Plan Amendment request.

Commissioner Leon moved and Alderwoman Day seconded a motion to approve a resolution approving a Master Sign Program for the Dunkin Donuts/Baskin Robbins to allow for the business to exceed the maximum allowable signage on property located at 5444 W. Rawson Ave (Kardo Rasha, Applicant and Property Owner), with the condition that the applicant must submit a lighting plan attesting compliance with the lighting standards of the Unified Development Ordinance prior to the issuance of sign permits. On voice vote, all voted 'aye'; motion carried (5-0-0).

F. Adjournment

Commissioner Leon moved and Commissioner Specht seconded to adjourn the meeting at 6:21 pm. On voice vote, all voted 'aye'; motion carried (5-0-0).



CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Item C.1

Meeting of December 19, 2024

Unified Development Ordinance (UDO) Text Amendment

RECOMMENDATION: City Development Staff recommends approval of the attached ordinance to amend Section 15-10.0102 Membership of the Unified Development Ordinance

Project Name:	Plan Commission Membership , remove the City Engineer member and in place thereof provide an alderperson to serve on the Plan Commission
Project Address:	City-wide
Prepared by:	City Development staff
Action Requested:	A motion to recommend approval of the attached ordinance, and authorize staff to amend the Plan Commission Administrative Procedures and Regulations if this ordinance is adopted
Staff:	Régulo Martínez-Montilva, Planning Manager

With regard to the Plan Commission membership, the Unified Development Ordinance states:

§15-10.0102 Membership

The City Plan Commission shall consist of the Mayor who shall be its presiding officer, an alderman appointed by the Mayor and confirmed by the Common Council who shall serve for one year unless the office becomes vacant, the City Engineer and four citizens, three appointed for three-year terms and one citizen appointed for a one-year term. In the absence of the City Engineer ("absence" meaning and including, but not limited to the office of City Engineer being vacant), the Assistant City Engineer shall serve in the membership position of the City Engineer on the City Plan Commission.

In consideration of the offices of the City Engineer and the Assistant City Engineer currently being vacant, and that akin to the other City Departments and Officers working upon development matters, i.e., the Planning Department, the Economic Development Director, etc., the Engineering Department staff will be present at Plan Commission meetings involving a subject matter upon which the Engineering Department has provided services to provide information thereon, an amendment to the Plan Commission membership to be considered is as follows:

§15-10.0102 Membership

The City Plan Commission shall consist of the Mayor who shall be its presiding officer, ~~two an~~ ~~Alderpersonsman~~ appointed by the Mayor and confirmed by the Common Council who shall serve for one year unless the office becomes vacant, ~~the City Engineer~~ and four citizens, three appointed for three-year terms and one citizen appointed for a one-year term. ~~In the absence of the City Engineer ("absence" meaning and including, but not limited to the office of City Engineer being vacant), the Assistant City Engineer shall serve in the membership position of the City Engineer on the City Plan Commission.~~

On November 6, the Common Council carried *a motion to approve the filing of an application for a Unified Development Ordinance text amendment for An Ordinance to amend §15-10.0102 Membership, of the Unified Development Ordinance to Change the Plan Commission Membership to Remove the City Engineer Member and in Place Thereof Provide an Alderperson to Serve on the Plan Commission*, which is the ordinance being presented before the Plan Commission tonight.

Staff Recommendation:

City Development Staff recommends approval of the attached ordinance to amend Section 15-10.0102 Membership of the Unified Development Ordinance.

ORDINANCE NO. 2025-____

AN ORDINANCE TO AMEND §15-10.0102 MEMBERSHIP, OF THE UNIFIED
DEVELOPMENT ORDINANCE TO CHANGE THE PLAN COMMISSION
MEMBERSHIP TO REMOVE THE CITY ENGINEER MEMBER AND IN PLACE
THEREOF PROVIDE AN ALDERPERSON TO SERVE ON THE PLAN COMMISSION

WHEREAS, §15-10.0102 of the Unified Development Ordinance provides that the City Plan Commission shall consist of the Mayor who shall be its presiding officer, an alderman appointed by the Mayor and confirmed by the Common Council who shall serve for one year unless the office becomes vacant, the City Engineer (in the absence of the City Engineer, the Assistant City Engineer) and four citizens; and

WHEREAS, in consideration of the offices of the City Engineer and the Assistant City Engineer currently being vacant, and that akin to the other City Departments and Officers working upon development matters, i.e., the Planning Department, the Economic Development Director, etc., the Engineering Department staff will be present at Plan Commission meetings involving a subject matter upon which the Engineering Department has provided services to provide information thereon, an amendment to the Plan Commission membership to provide an Alderperson member in lieu of the City Engineer member has been arrived at to move the overall Plan Commission process forward to provide a broader range of review; and

WHEREAS, the Plan Commission having reviewed the subject amendment, and having held a public hearing on the proposal on the ____ day of _____, 2024 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: §15-10.0102 Membership, of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, pertaining to the Plan Commission Membership, the introductory paragraph only, is hereby amended to read as follows *[note: deletions appear in strike-through text; additions appear in double-underlined text; unchanged text is not highlighted]*:

The City Plan Commission shall consist of the Mayor who shall be its presiding officer, two~~an~~ Alderpersons~~man~~ appointed by the Mayor and confirmed by the Common Council who shall serve for one year unless the office becomes vacant, ~~the City Engineer~~ and four citizens, three appointed

for three-year terms and one citizen appointed for a one-year term. ~~In the absence of the City Engineer ("absence" meaning and including, but not limited to the office of City Engineer being vacant), the Assistant City Engineer shall serve in the membership position of the City Engineer on the City Plan Commission.~~

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2025, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2025.

APPROVED:

John R. Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____



CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Item C.2

Meeting of December 19, 2024

Unified Development Ordinance (UDO) Text Amendment

RECOMMENDATION: City Development Staff recommends approval of the attached ordinance to define “DEVELOPER’S DEPOSIT” in Section 15-11.0103 *Specific Words and Phrases* of the Unified Development Ordinance

Project Name:	Developer’s deposit definition
Project Address:	City-wide
Prepared by:	City Development staff
Action Requested:	A motion to recommend approval of the attached ordinance
Staff:	Régulo Martínez-Montilva, Planning Manager

On August 6, the Common Council updated the Fee Schedule for zoning and land division applications (Ord. 2024-2628), including a new developer’s deposit for Planned Development Districts and Preliminary Plat applications as shown below:

(*) Planned Development District (PDD) and Preliminary Plat applications: a \$3,000 developer's deposit is required in addition to filing fees at the time of submittal, it may require replenishment.

The procedure for developer’s deposits is as follows:

- The applicant pays filing fee and developer’s deposit at the time of submittal.
- City staff creates an escrow account for the developer’s deposit.
- City Development staff tracks time for the following activities: preparation of review comments, staff report, drafting resolution and/or ordinance, correspondence with applicant, meetings with applicants as well as boards/commission meetings.
- City Developments staff stops tracking time when staff informs the applicant about the decision of the governing body on the subject application. The developer’s deposit cannot be used for post-approval follow-up on conditions of approval.
- City staff issues a refund of the deposit’s remaining balance.
- If the developer’s deposit is depleted before a decision is made, it requires replenishment in the amount establish by the ordinance (\$3,000).

However, the Unified Development Ordinance lacks a definition of developer’s deposit, therefore staff prepared the attached ordinance to provide for the following definition:

DEVELOPER’S DEPOSIT.

A financial deposit to the City by an applicant to pay for administrative and consulting fees incurred by the City in the process and/or reviewing a proposal or application, in addition to the filing fee set forth in the Fee Schedule in §15-9.0401. The deposit amount and types

of applications that require a developer's deposit are set in the Fee Schedule. The disbursal of leftover developer's deposit monies shall occur after a decision has been made on the application by the approving authority. The City may require replenishment of developer's deposit if the monies have been depleted before a decision has been made on the application.

The hourly rate for administrative and consulting fees shall be calculated as follows: (1) for in-house planners, the average of all planning staff wages plus benefits as calculated by the Finance Department, which rate the City may update on a yearly basis; (2) for outside consultants, the then applicable hourly rate as has been set by Common Council Resolution."

Staff Recommendation:

City Development Staff recommends approval of the attached ordinance to define "DEVELOPER'S DEPOSIT" in Section 15-11.0103 Specific Words and Phrases of the Unified Development Ordinance.

ORDINANCE NO. 2025-____

ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
TO DEFINE “DEVELOPER’S DEPOSIT” IN SECTION 15-11.0103
SPECIFIC WORDS AND PHRASES
(CITY OF FRANKLIN, APPLICANT)

WHEREAS, Section 15-11.0103 of the Unified Development Ordinance defines specific words and phrases; and

WHEREAS, the City of Franklin having applied for a text amendment to define “DEVELOPER’S DEPOSIT” in Section 15-11.0103 SPECIFIC WORDS AND PHRASES; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to define “DEVELOPER’S DEPOSIT” in Section 15-11.0103 SPECIFIC WORDS AND PHRASES, and having held a public hearing on the proposal on the ____th day of _____, 20__ and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: Section 15-11.0103 SPECIFIC WORDS AND PHRASES is hereby amended as follows: add “DEVELOPER’S DEPOSIT. A financial deposit to the City by an applicant to pay for administrative and consulting fees incurred by the City in the process and/or reviewing a proposal or application, in addition to the filing fee set forth in the Fee Schedule in §15-9.0401. The deposit amount and types of applications that require a developer’s deposit are set in the Fee Schedule. The disbursement of leftover developer’s deposit monies shall occur after a decision has been made on the application by the approving authority. The City may require replenishment of developer’s deposit if the monies have been depleted before a decision has been made on the application.

The hourly rate for administrative and consulting fees shall be calculated as follows: (1) for in-house planners, the average of all planning staff wages plus benefits as calculated by the Finance Department, which rate the City may update on a yearly basis; (2) for outside consultants, the then applicable hourly rate as has been set by Common Council Resolution.”

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2025, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2025.

APPROVED:

John R. Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Item E.1.

Meeting of December 19, 2024

Miscellaneous, Fence installation within planting strip

RECOMMENDATION: City Development staff recommends approval with conditions of this request to allow for the installation of a shed within the 30-foot Planting Strip upon Lot 16 in Block 8 of the Southwood East Subdivision.

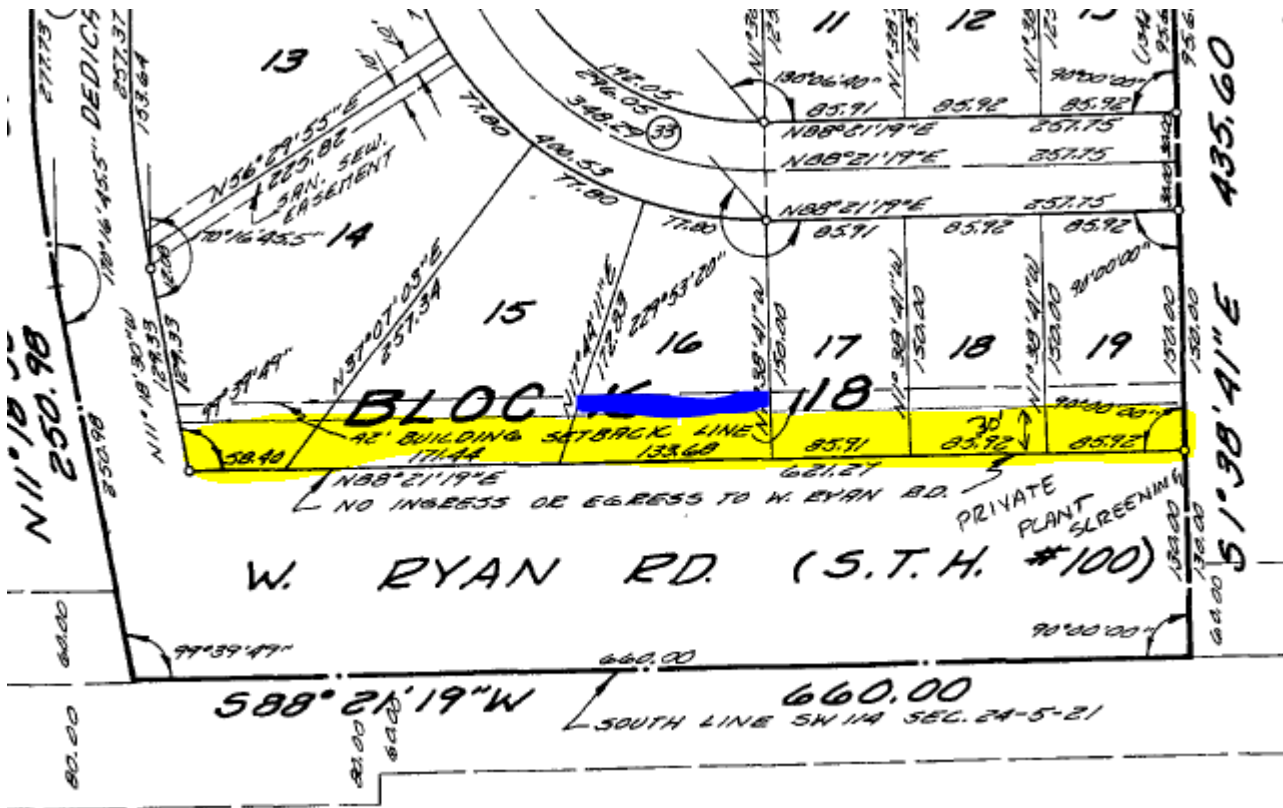
Project name:	Gilewski – Fence installation within planting strip
Property Owner:	Gilewski, Dale & Abbie
Applicant:	Gilewski, Dale & Abbie
Property Address/TKN:	4107 W. Barnwood Court / 880 0021 000
Aldermanic District:	District 4
Zoning District:	R-6 Suburban Single-Family Residence District
Staff Planner:	Luke Hamill, Associate Planner

Project Description/Analysis

This request is to allow for a shed within the 30 foot “Planting Strip” upon Lot 16 in Block 8 of the Southwood East Subdivision. The Southwood East Addition Subdivision Final Plat was approved by the Common Council and contains a 30 foot “Planting Strip” for all lots abutting West Ryan Road. The property owner is proposing to install a fence within this area and would like release of the plat restriction.

The applicant is proposing a 6-foot high approximately 11 feet from the rear lot line. This structure would encroach into the planting strip indicated on the plat. It’s worth noting that this structure would also encroach into the required 42-foot building setback from the Ryan Road right-of-way line.

The recorded plat has a note that prohibits structures “between the highway and the setback line” (see below). Wisconsin Administrative Code Hy. 33.08(1) (now Trans 233) states that “provided that the local unit of government shall allow no variances or exceptions for platted areas abutting state trunk highways without prior approval of the commission”, the commission is the Wisconsin Department of Transportation (DOT). City Development staff recommends that the applicant receive a Special Exception Permit from Wisconsin Department of Transportation prior to obtaining building permits.



Detail of the Southwood East plat.

Planting strip in yellow, setback line in blue.

Note that the planting strip is located on platted lots 14 through 19 while the berm is located on the Ryan Road right-of-way. Staff acknowledges that the proposed fence would likely not be visible from Ryan Road.



View of the berm on the north side of Ryan Road, from sidewalk looking west.

Photograph by City Development staff.

Site compliance

City Development staff visited the site on December 11 and didn't notice any site compliance issues with the subject lot.

Staff Recommendation:

City Development staff recommends approval of this request to allow for the installation of a fence within the 30-foot Planting Strip upon Lot 16 in Block 8 of the Southwood East Subdivision, subject to the condition in the draft resolution.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2025-____

A RESOLUTION AUTHORIZING THE INSTALLATION OF A FENCE
WITHIN THE 30 FOOT PRIVATE PLANT SCREENING PLAT RESTRICTION, UPON
LOT 16 IN BLOCK 8 OF THE SOUTHWOOD EAST SUBDIVISION
(3651 WEST SHERWOOD AVENUE)
(DALE & ABBIE GILEWSKI, APPLICANT)

WHEREAS, the Southwood East Subdivision Plat prohibits the building of structures within the 30 foot “Private Plant Screening” described thereon; and

WHEREAS, Dale and Abbie Gilewski having applied for a release of the 30 foot “Private Plant Screening” easement restriction upon their property to the extent necessary to install a fence within the restricted area upon the property located at 3651 W Sherwood Avenue, such property being zoned R-6 Suburban Single-Family Residence District, bearing Tax Key No. 879-0275-000, is more particularly described as follows:

Lot 16, in Block 8, in SOUTHWOOD EAST, being a subdivision of the Southeast 1/4 and the Southwest 1/4 of Section 24, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, the 30 foot “Private Plant Screening” easement restriction upon the Final Plat for Southwood East Subdivision and its accompanying restriction of the building of structures is a restriction which was imposed by the Franklin Common Council in its approval of the Final Plat; and

WHEREAS, Wis. Stats. § 236.293 provides in part that any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body vests in the public body the right to enforce the restriction at law or in equity and that the restriction may be released or waived in writing by the public body having the right of enforcement; and

WHEREAS, the Common Council having considered the request for the release of the 30 foot “Private Plant Screening” easement restriction only so as to allow for the subject fence installation, and having considered the proposed location of and type of fence to be installed upon the subject property in conjunction with existing and required landscaping on the property, and that the proposed fence will not be readily visible from the adjoining highway or create any adverse impact upon the aesthetic or buffering purposes of the landscape bufferyard.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the installation of proposed fence of the type and

specifications as described and only upon the location as set forth within the plans accompanying the application of Dale and Abbie Gilewski filed on November 19, 2024 be and the same is hereby authorized and approved and that the "Private Plant Screening" easement restriction as it would otherwise apply to such installation upon the subject property only, is hereby waived and released, with the following additional condition:

1. The applicant must receive a Special Exception Permit from the Wisconsin Department of Transportation for the fence installation prior to obtaining building permits.

BE IT FURTHER RESOLVED, that the applicant shall further obtain all required permit(s) for the installation of the subject fence and that the subject fence shall be installed pursuant to such permit(s) within one year of the date hereof, or all approvals granted hereunder shall be null and void.

BE IT FINALLY RESOLVED, that the City Clerk be and the same are hereby directed to obtain the recording of this Resolution with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2025.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2025.

APPROVED:

John R. Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

Date: December 5, 2024
To: Dale & Abbie Gilewski
From: Department of City Development. Luke Hamill, Associate Planner.
RE: Staff Comments, 3651 W Sherwood Drive / 879 0275 000

Please be advised that city staff has reviewed the above application resubmitted on November 19, 2024, for a request to release the plat restriction for the installation of a fence within the private planting screen on lot located at 3651 W Sherwood Drive / 879 0275 000. The following comments are for your review and consideration.

City Development Comments

This application is scheduled for the December 19th Plan Commission Meeting and the January 7th Common Council Meeting.

Please provide 11 copies of the application materials (Application, Project Narrative, Survey) to the Department of City Development by 4:30 PM on Monday, December 9, 2024.

Wisconsin Department of Transportation Comments

On the subdivision plat for your property, there is a 42-foot Highway Building Setback (screenshot below), which prohibits certain structures from being installed within that setback without a Special Exception from Wisconsin DOT. Please see this email from Jorge Salazar-Oyarce attached with this email.

We will add receiving the Special Exception from WisDOT as a Condition of Approval in the final resolution. Please Contact Mr. Salazar-Oyarce for more information about their special exception process.



Planning Department
9229 West Loomis Road
Franklin, Wisconsin 53132
(414) 425-4024
franklinwi.gov



APPLICATION DATE: _____

STAMP DATE: _____ city use only

MISCELLANEOUS APPLICATION

PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]		APPLICANT IS REPRESENTED BY [CONTACT PERSON]	
NAME:	Abbie Gilewski / Dale Gilewski	NAME:	
COMPANY:		COMPANY:	
MAILING ADDRESS:	3651 Sherwood drive	MAILING ADDRESS:	
CITY/STATE:	Franklin, WI	CITY/STATE:	
ZIP:	53132	ZIP:	
PHONE:	414 739 5686	PHONE:	
EMAIL ADDRESS:	gilewski633@gmail.com	EMAIL ADDRESS:	

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS:	3651 Sherwood drive	TAX KEY NUMBER:	879 0275000
PROPERTY OWNER:	Abbie & Dale Gilewski	PHONE:	414 739 5686
MAILING ADDRESS:	3651 Sherwood drive	EMAIL ADDRESS:	abbie.windus@gmail.com
CITY/STATE:	Franklin, WI	DATE OF COMPLETION:	office use only
ZIP:	53132		

APPLICATION MATERIALS

The following materials must be submitted with this application form. *incomplete applications and submittals cannot be reviewed.

- ☐ This application form accurately filled out with signature or authorization letters (see below).
- ☐ \$210 Application fee payable to the City of Franklin
- ☐ Word Document Legal description for the subject property.
- ☐ Three (3) Project Narratives
- ☐ Other information as may be deemed appropriate for the request
- ☐ Email or flash drive with all plans/submittal materials.

Submittal of Application for review is not a guarantee of approval.

Plan Commission, Community Development Authority and/or Common Council review and approval may be required.

SIGNATURES

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application)

☒ I, the applicant, certify that I have read the above page detailing the requirements for Miscellaneous approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

PROPERTY OWNER SIGNATURE:		APPLICANT SIGNATURE:	
NAME & TITLE:	Abbie Gilewski	NAME & TITLE:	
DATE:	11/19/24	DATE:	
PROPERTY OWNER SIGNATURE:		APPLICANT REPRESENTATIVE SIGNATURE:	
NAME & TITLE:		NAME & TITLE:	
DATE:		DATE:	

Legal Description

Southwood East, Block 18, Lot 16

Project Narrative (Email from Mr. Gilewski)

We are fencing from the house down the side lot lines and stopping at 30' from the rear lot line due to the easement. (Which is where the appeal is coming in) I would wish to finish the 19 feet of the sides to finish BEHIND my shed that is already there and stands 11 feet from my rear lot line. And then going east to west finish my rear (south) fence 11 feet from lot line to meet up with the other side fence while finishing that side also another 19 feet so all matches up at 11 feet from rear lot line. The picture below you will see the original quote from fencing company and my plans. We cooperating with the red lines I drew that will stop 30' from rear then finish with this appeal which will leave the rear fence behind my shed and 11 feet from lot line. Let me know if you need anything else or other questions please. I'm only asking for me to be able to fence behind my shed so that structure is in the yard and not fenced out. The rear side (south) end will be 11 feet from the lot line. Thank you.

DW FENCE
CUSTOMER INFORMATION:

Name: Mr. Gilewski Address: 3651 W. Sherman Dr.
Phone: 719-511-9831 Email: Franklin
Job Footage: 240' Height: 6" Level: OK OR Concrete Posts
Gates: 1816/184' Tear out/Removal? some

LAYOUT:
1500' 1500' 1500'

ORDER DETAILS:
WE PROPOSE TO SUPPLY MATERIALS AND LABOR BASED ON THE ABOVE SPECIFICATIONS FOR THE AMOUNTS BELOW
TERMS UPON COMPLETION: SERVICE CHARGE OF 1.5% PER MONTH AFTER 90 DAYS

FENCE STYLE	DOWN PAYMENT TO ORDER MATERIALS	PAYMENT AT TIME OF INSTALLATION	TOTAL
<u>Cedar White</u>	<u>9,000</u>	<u>6,000</u>	<u>15,000</u>

Customer Signature: _____ Date: _____
DW Fence Signature: [Signature] Date: 10/20/24

THE CUSTOMER IS TO MAINTAIN THE PERMIT AND BOUNDARIES OF THEIR PROPERTY. DW FENCE WILL NOT BE COVERED BY DW FENCE. WE MUST STAY 24" OUT OF BURIED UTILITIES WITH POWER DIGGING MACHINES AND 18" FOR ANY OTHER REASON. IF WE GO CLOSER THAN THE 24" WE MUST HAND DIG THOSE HOLES. CUSTOMER WILL ACCEPT ALL RESPONSIBILITY IN THE CASE WE DIG CLOSER TO 18" NEAR BURIED UTILITIES. ALL OF OUR EMPLOYEES ARE COVERED BY WORKERS COMPENSATION. OUR LABOR WARRANTY IS A 5 YEAR WARRANTY ON THE MATERIALS AND THEY MAY VARY DEPENDING ON STYLE INSTALLED.

Just directly behind me shed and straight across. My shed is the little black block structure you see on bottom right of picture



We are fencing from the house down the side lot lines and stopping at 30' from the rear lot line due to the easement and in compliance with our current Permit. This is a 6 ft privacy wood fence.

Our proposal for the appeal,

We wish to finish the 19 feet of the sides, running north/south on the west and east lot lines to finish BEHIND our shed that is already there. The rear of the shed stands 11 feet from my rear lot line. (We have also attached the previous approval for the shed by previous owners) We want the side fences to enclose the yard behind the shed to utilize it.

In addition, running east/west, finish my rear (south) fence 11 feet from lot line. The privacy fence's length would enclose the yard from the east lot line to the west lot line. I'm only asking for an additional 19 feet into the easement to be able to fence behind my shed so that structure is in the yard and not fenced out. There are also floodlights and a sprinkler system that would be fenced OUT with the current restrictions. We have 3 young children and 3 dogs that we want to ensure their safety with the busy road. The privacy fence would also help with reducing light, debris, and wind but most importantly our children's safety.

The fence will be finished by DW Fencing company who has already built the first half of the fence.

We are also submitting a Special Exemption application with WISDOT to build the privacy fence as indicated by attached emails with Luke Hamill.

Thank you for your time

Abbie and Dale Gilewski

GOLD CREST

HURLEY ENGINEERING SERVICE, INC.

BROOKFIELD, WISCONSIN

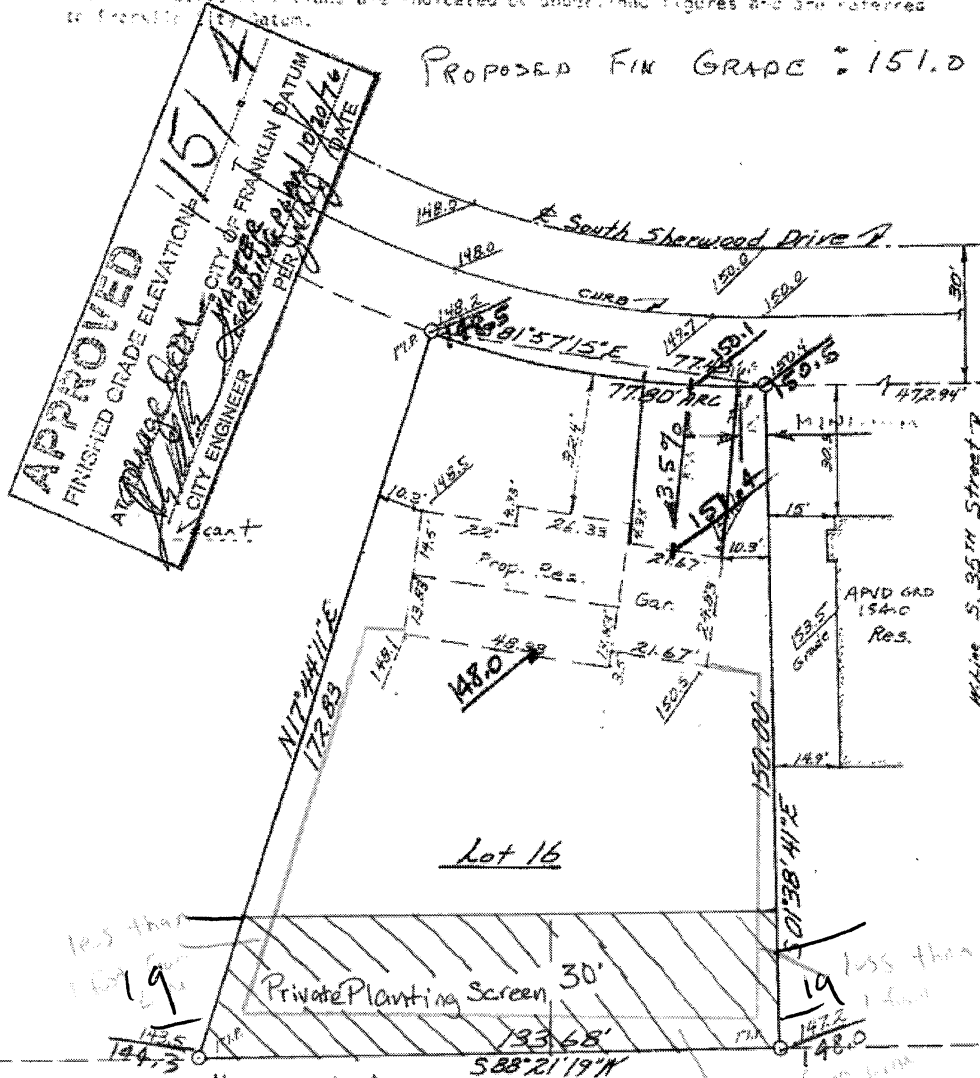
**ENGINEERS****LAND SURVEYORS**

3651 W. SHERWOOD DR.
PLAT OF SURVEY #3360

DESCRIPTION: Lot 16, Block 18, Southwood East, being a subdivision of the Southeast Quarter and Southwest Quarter of Section 24, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

Note: Anterior elevations are indicated by underlined figures and are referred to Franklin City Datum.

PROPOSED FIN GRADE = 151.0



NOTHING IS ALLOWED
WITHIN THE PRIVATE Scale: 1" = 30' 10' Feet from lot

STATE OF WISCONSIN
COUNTY OF WAUKESHA

SS. PLANTING SCREEN - WITHOUT APPROVAL FROM PLANNING -

I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION AND DIMENSIONS OF ALL VISIBLE STRUCTURES THEREON, FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

PLEASE CONTACT
PLANNING

NOT VALID
UNLESS SEAL
IS IMPRESSED
HERE.

DATED AT Brookfield, THIS 6TH DAY OF
October, 19 76. SIGNED: Edward A. Hurley

REGISTERED WISCONSIN LAND SURVEYOR NO. 1185


PHONE: 414-782-8799

10/15



shed

Subject: Ryan Road building setback

? **Salazar-Oyarce, Jorge - DOT** <jorge.salazaroyarce@dot.wi.gov>
to Luke Hamill 

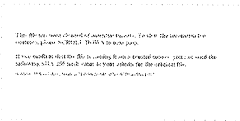
Luke,

You can build a fence but the owner of the property would have to fill a special exception request form and get it approved by WisDOT. If it is an open fence, you can just build it, but without a special exception document. let me know if you have any questions.


Thanks.

Jorge Salazar
DOT Consultant
SE Region
(262) 548-5695

2 Attachments • Scanned by Gmail



special-exception-r...



Prohibited Improve...



 Search mail



Mail

Begin forwarded message:

Inbox 615

From: Abbie Windus <abbie.windus@gmail.com>
Date: December 8, 2024 at 7:30:28 PM CST
To: "Abbie L. Gilewski" <agilewski@kenosha.org>
Subject: Fwd: Staff Comments - 12-5-2024 - Miscellaneous - 3651 W Sherwood Drive

Chat

Starred

Snoozed

Meet

Sent

Drafts 30

Abbie Gilewski
Sent from my iPhone

More

Begin forwarded message:

Labels

From: Luke Hamill <L.Hamill@franklinwi.gov>
Date: December 5, 2024 at 4:20:30 PM CST
To: Dale Gilewski <GILEWSKI61633@gmail.com>, abbie.windus@gmail.com
Subject: Staff Comments - 12-5-2024 - Miscellaneous - 3651 W Sherwood Drive

Good Afternoon Dale and Abbie,

Attached are two things. One is your staff comments for your miscellaneous application. The second is an email for an ir their Highway Building Setback that is delineated on the subdivision plat. I will be adding that you receive the Special Ex

Please contact Mr. Salazar-Oyarce about this process.

Please provide 12 copies of your application materials (application, survey) to the Department of City Development by **Monday, January 7th** Common Council Meeting.

Thank you,

Luke Hamill
Associate Planner - Department of City Development
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

Department (414) 425-4024 / Direct Line (414) 427-7662
LHamill@franklinwi.gov

WisDOT SPECIAL EXCEPTION REQUEST (s. 86.074)

5/2024

Wisconsin Department of Transportation

Subdivision	
Subdivision Name Southwood East	Lot(s) 16
County Milwaukee	Highway(s)
Section/Town/Range	
Municipality (City, Village, or Township) Franklin, WI	

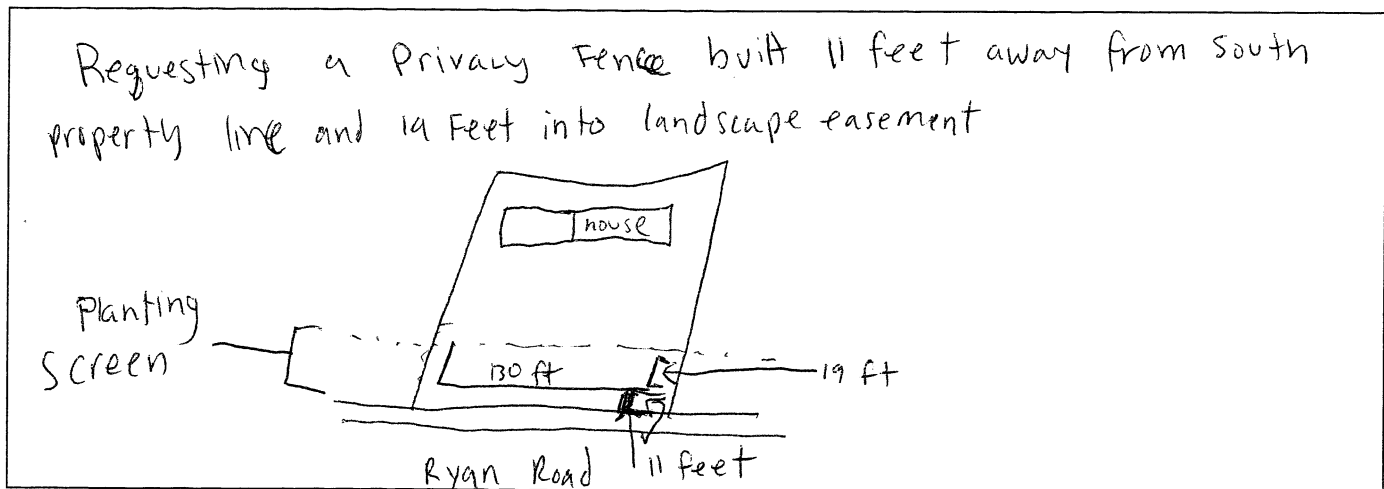
Submitter (Property Owner)	
Submitter Name Abbie Gilewski	
Company Name (if applicable) DW Fence	
Address 3651 W Sherwood Drive Franklin WI 53132	
Email abbie.windus@gmail.com	

s. 86.074(1): "The construction or placement of structures and improvements is prohibited without a special exception permit issued by the department [WisDOT] ... 'Improvement' means any permanent addition to or betterment of real property that involves the expenditure of labor or money to make the property more useful or valuable. 'Improvement' includes parking lots, parallel driveways, surface or sub-surface utility structures, storm water facilities, loading docks, in-ground swimming pools, wells, septic systems, retaining walls, signs, buildings, building appendages such as porches, and drainage facilities. 'Improvement' does not include terraces, patios, landscaping, or open fences."

Under **s. 86.074(2)(e)(2)**, a property owner must sign a Waiver of Damages to be granted a special exception. This document is drafted by WisDOT, and states that the owner waive any claim or right to compensation related to any structure or improvement constructed or placed in the highway setback area if any portion of the highway setback area is used for highway purposes within 20 years of the date of issuance of the special exception.

List Requested Improvement(s) Below

Also attach a sketch showing the improvement(s) location(s) relative to the subdivision and state trunk highway



Submit this completed form to the Subdivision Reviewer at the WisDOT regional office for the region in which the subdivision is located. For a list of contacts, see <https://wisconsindot.gov/Documents/doing-bus/real-estate/access-mgmt/trans233-reviewers.pdf>.

WisDOT INTERNAL USE ONLY

Submittal Complete <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Received	Date Time Limit Expires	Time Extension Granted
Special Exception(s) for the above improvement(s) approved by		Date	
Comments			
Waiver of Damages Drafted by		Date	DOT File Number

CITY OF FRANKLIN
BOARD OF ZONING AND BUILDING APPEALS
MINUTES
August 17, 2011

Approved
September 21, 2011

I. ROLL CALL

Acting Chairman Nickerson called the August 17, 2011 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 Nickerson and Members English, Knackert, Megna, and Adams. Also present was Senior Planner Fuchs.

II. APPROVAL OF MINUTES

A. Minutes of the Regular Meeting held July 20, 2011

Member English moved and Member Megna seconded approval of the minutes of the regular meeting held July 20, 2011. All voted 'aye', motion carried.

III. HEARINGS

A. CASE NO. 2011-06
3651 West Sherwood Drive

Wayne D. and Gail N. Berczyk
3651 West Sherwood Drive
Franklin, WI 53132

The hearing was opened at 6:35 p.m. Wayne Berczyk, 3651 West Sherwood Drive, was sworn in and presented the proposed project. No one else came forward in favor or opposition to the appeal. The hearing closed at 6:39 p.m.

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

Member English moved and Member Adams seconded to move the Board into Closed Session at 6:40 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 English moved and Member Knackert 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 6:41 p.m.

VI. ACTION OF APPEALS

- A. CASE NO. 2011-06 Wayne D. and Gail N. Berczyk
3651 West Sherwood Drive

Member English moved and Member Knackert seconded a motion to grant approval of a variance from Section 15-3.0801B and Table 15-3.0207 of the Unified Development Ordinance to locate an 8' x 15' shed 6'-4" from the east or side property line, and 11'-4" from the south or rear property line, accepting the Findings and Factors as presented by the applicant.

Upon voice vote, those voting to approve the variance request were Members English, Knackert, Megna, and Adams. Therefore, with a vote of '4 to 0', the variance request was granted.

VII. ANNOUNCEMENT: Next meeting September 21, 2011.

No action needed, none taken.

VIII. ADJOURNMENT

Member English moved and Member Knackert seconded to adjourn the regular meeting of the Board of Zoning and Building Appeals at 6:46 p.m. All voted 'aye', motion carried.



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Item E.2.

Meeting of December 19, 2024

Miscellaneous, Shed installation within planting strip

RECOMMENDATION: City Development staff recommends approval of this request to allow for the installation of a shed within the 30-foot Planting Strip upon Lot 2 of the Southwood East Addition No. 2 Subdivision.

Project name:	Anhalt –shed installation within planting strip
Property Owner:	Anhalt, Mark and Sheryl
Applicant:	Anhalt, Mark
Property Address/TKN:	4107 W. Barnwood Court / 880 0021 000
Aldermanic District:	District 4
Zoning District:	R-6 Suburban Single-Family Residence District
Staff Planner:	Luke Hamill, Associate Planner

Project Description/Analysis

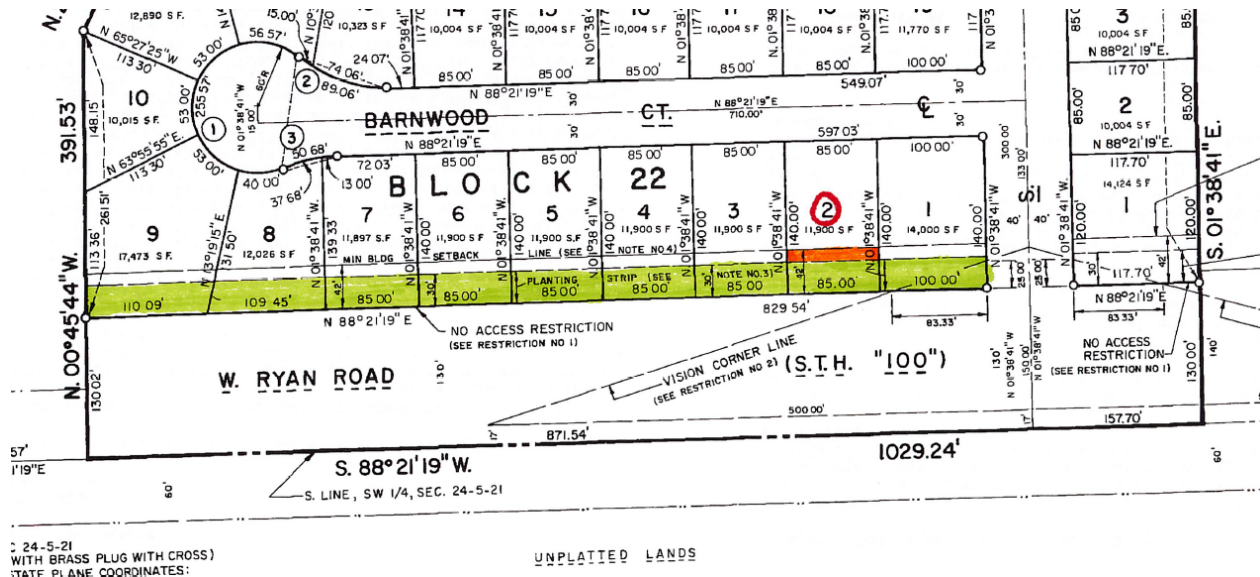
This request is to allow for a shed within the 30 foot “Planting Strip” upon Lot 2 in Southwood East Addition No. 2 Subdivision. The Southwood East Addition No. 2 Subdivision Final Plat was approved by the Common Council on March 3, 1987 by Resolution No. 87-2848 and contains a 30 foot “Planting Strip” for all lots abutting West Ryan Road. The property owner is proposing to install a shed within this area and would like release of the plat restriction.

The applicant is proposing a shed (10 ft by 10 ft) approximately 10 feet from the rear lot line. This structure would encroach into the planting strip indicated on the plat. It’s worth noting that this structure would also encroach into the required 42-foot building setback from the Ryan Road right-of-way line.

The recorded plat has a note that prohibits structures “between the highway and the setback line” (see below). Wisconsin Administrative Code Hy. 33.08(1) (now Trans 233) states that “provided that the local unit of government shall allow no variances or exceptions for platted areas abutting state trunk highways without prior approval of the commission”, the commission is the Wisconsin Department of Transportation (DOT). However, sheds without a permanent foundation are not subject to this Highway Setback Line determination. Therefore, the shed does not require special permitting and is allowed within the 42-foot setback.

- 4. Minimum building setback requirements as required by Wisconsin Administrative Code Hy 33.08. Said code states: "There shall be no structures placed between the highway and the setback line."**

The Subdivision Development Agreement for Southwood East Addition No. 2 required that the City Engineer approve the design of the planting screen.



Detail of the Southwood East Add. No. 2 plat.

Planting strip in green, setback line in red.

Note that the planting strip is located on platted lots 1 through 9 while the berm is located on the Ryan Road right-of-way. The white fence in the picture below is located near the right-of-way line. Staff acknowledges that the proposed shed would likely not be visible from Ryan Road.



View of the berm on the north side of Ryan Road, from sidewalk looking west.

Photograph by City Development staff.

Site compliance

City Development staff visited the site on December 11 and didn't notice any site compliance issues with the subject lot.

Staff Recommendation:

City Development staff recommends approval of this request to allow for the installation of a shed within the 30-foot Planting Strip upon Lot 2 of the Southwood East Addition No. 2 Subdivision.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 12-10-24]

RESOLUTION NO. 2025-_____

A RESOLUTION AUTHORIZING THE INSTALLATION OF A SHED
WITHIN THE 30 FOOT PLANTING STRIP PLAT RESTRICTION, UPON
LOT 2 IN SOUTHWOOD EAST ADDITION NO. 2 SUBDIVISION
(4107 WEST BARNWOOD COURT)
(MARK ANHALT, APPLICANT)

WHEREAS, the Southwood East Addition No. 2 Subdivision Plat prohibits the building of structures within the 30 foot “Planting Strip” described thereon; and

WHEREAS, Mark Anhalt having applied for a release of the 30 foot “Planting Strip” easement restriction upon their property to the extent necessary to install a shed 10 feet from the south line of the property which abuts West Ryan Road and within the restricted area upon the property located at 4107 West Barnwood Court, such property being zoned R-6 Suburban Single-Family Residence District, bearing Tax Key No. 880-0028-000, is more particularly described as follows:

Lot 2, in Block 22, in SOUTHWOOD EAST ADDITION NO. 2, being a subdivision of a part of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 24, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, the 30 foot “Planting Strip” easement restriction upon the Final Plat for Southwood East Addition No. 2 Subdivision and its accompanying restriction of the building of structures is a restriction which was imposed by the Franklin Common Council in its approval of the Final Plat; and

WHEREAS, Wis. Stats. § 236.293 provides in part that any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body vests in the public body the right to enforce the restriction at law or in equity and that the restriction may be released or waived in writing by the public body having the right of enforcement; and

WHEREAS, the Common Council having considered the request for the release of the 30 foot “Planting Strip” easement restriction only so as to allow for the subject shed installation, and having considered the proposed location of and type of shed to be installed upon the subject property in conjunction with existing and required landscaping on the property, and that the proposed shed will not be readily visible from the adjoining highway or create any adverse impact upon the aesthetic or buffering purposes of the landscape bufferyard.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the installation of proposed fence of the type and specifications as described and only upon the location as set forth within the plans accompanying the application of Mark Anhalt filed on November 20, 2024, be and the same is hereby authorized and approved and that the "Planting Strip" easement restriction as it would otherwise apply to such installation upon the subject property only, is hereby waived and released.

BE IT FURTHER RESOLVED, that the applicant shall further obtain all required permit(s) for the installation of the subject fence and that the subject fence shall be installed pursuant to such permit(s) within one year of the date hereof, or all approvals granted hereunder shall be null and void.

BE IT FINALLY RESOLVED, that the City Clerk be and the same are hereby directed to obtain the recording of this Resolution with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2025.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2025.

APPROVED:

John R. Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

Date: December 5, 2024
To: Mark & Sheryl Anhalt
From: Department of City Development. Luke Hamill, Associate Planner.
RE: Staff Comments, 4107 W Barnwood Court / 880 0021 000

Please be advised that city staff has reviewed the above application resubmitted on November 20, 2024, for a request to release the plat restriction for the installation of a shed on lot located at 4107 W Barnwood Court / 880 0021 000. The following comments are for your review and consideration.

City Development Comments

This application is scheduled for the December 19th Plan Commission Meeting and the January 7th Common Council Meeting.

Please provide 11 copies of the application materials (Application, Project Narrative, Special Exception Permit, Survey) to the Department of City Development by 4:30 PM on Monday, December 9, 2024.

Planning Department
9229 West Loomis Road
Franklin, Wisconsin 53132
(414) 425-4024
franklinwi.gov



APPLICATION DATE: _____

STAMP DATE: _____ city use only

MISCELLANEOUS APPLICATION

PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: <u>Mark Anhalt</u>	NAME:
COMPANY:	COMPANY:
MAILING ADDRESS: <u>4107 W. Barnwood Court</u>	MAILING ADDRESS:
CITY/STATE: <u>Franklin, WI</u> ZIP:	CITY/STATE: ZIP:
PHONE: <u>414-218-9231</u>	PHONE:
EMAIL ADDRESS: <u>mahanhalt@wi.rv.com</u>	EMAIL ADDRESS:

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: <u>4107 W. Barnwood Ct., Franklin</u>	TAX KEY NUMBER: <u>886 0021 000</u>
PROPERTY OWNER: <u>Mark Anhalt</u>	PHONE: <u>414-218-9231</u>
MAILING ADDRESS: <u>4107 W. Barnwood Ct</u>	EMAIL ADDRESS: <u>mahanhalt@wi.rv.com</u>
CITY/STATE: <u>Franklin WI</u> ZIP: <u>53132</u>	DATE OF COMPLETION: <u>11/20/2024</u> office use only

APPLICATION MATERIALS

The following materials must be submitted with this application form. *incomplete applications and submittals cannot be reviewed.

- ☒ This application form accurately filled out with signature or authorization letters (see below).
☐ \$210 Application fee payable to the City of Franklin
☐ Word Document Legal description for the subject property.
☐ Three (3) Project Narratives
☐ Other information as may be deemed appropriate for the request
☐ Email or flash drive with all plans/submittal materials.

Submittal of Application for review is not a guarantee of approval.

Plan Commission, Community Development Authority and/or Common Council review and approval may be required.

SIGNATURES

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application)

- ☒ I, the applicant, certify that I have read the above page detailing the requirements for Miscellaneous approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

PROPERTY OWNER SIGNATURE: <u>Mark Anhalt</u> DATE: <u>11/20/24</u>	APPLICANT SIGNATURE:
NAME & TITLE: <u>Mark Anhalt</u>	NAME & TITLE: DATE:
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE:
NAME & TITLE: DATE:	NAME & TITLE: DATE:



Property Information

**Parcel Number:**

880-0021-000

Physical Address:

4107 BARNWOOD CT W

Municipality:

Franklin, City of

Owner Name:

ANHALT, MARK
4107 W BARNWOOD CT
FRANKLIN, WI 53132

Legal Description:

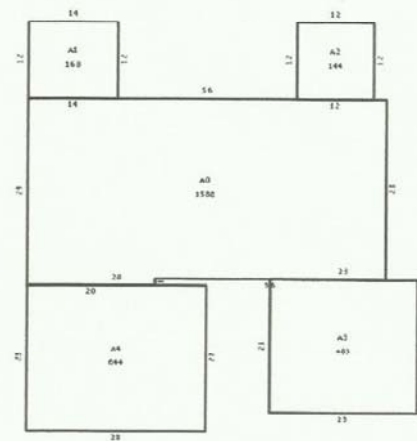
SOUTHWOOD EAST ADD NO 2 BLK
22 LOT 2

Land Use:

Residential

Date of Inspection:

Neighborhood: 2414-Franklin

Property Photograph:**Property Sketch:**

Parcel Sketch and Site Map obtained from the County GIS

Building Description: 880-0021-000- 1

Year Built: 1989 Building Type/Style: 01-Ranch Story Height: 1 Grade: C+ CDU/Overall Condition: Very Good Interior Condition: Same Kitchen Condition: Average Bath Condition: Average	Exterior Wall: 04-Alum/Vinyl Bedrooms: 3 Full Baths: 2 Half Baths: 0 Room Count: 4 Basement Description: Full Basement Heating: Air Conditioning - Same Ducts Type of Fuel: Gas Type of System: Warm Air
Square Footage / Attachments:	
Finished Basement Living Area: 0 First Story: 1,588	Total Living Area: 1,588
Attachment Description(s): 33-Concrete Patio 33-Concrete Patio 13-AFG	Area: 168 144 483
Feature Description(s): 22-Additional Fixture 05-Metal Fireplace	Area: 1 1
Permit / Construction History:	
Date of Permit: 5/6/2014	Permit Number: 14-0926
Permit Amount: \$504	Details of Permit: ACREPLACE
Ownership / Sales History:	
Date of Sale: 6/1/1993 6/1/1998	Sale Document:
Purchase Amount: \$137,100 \$149,900	Sale Validity: Valid Valid
Conveyance Type: 	Sale Type: Land and Improvements Land and Improvements
Land Data - Land Item: 1	
Land Class: A-Residential Pricing / Unit of Measure: Gross Square Footage: 11,892 Depth: Land Value: \$66,700	Land Sub-Class: A-Residential Primary Site Acreage: 0.273 Frontage: Width:
Total Improvement Value:	\$279,400
Total Land Value:	\$66,700
Total Assessed Value:	\$346,100

Project Narrative – 4107 W. Barnwood Court, Franklin, WI

Application for Release

I am applying for a release of the planting strip restriction so I can place a fence at the back of my property at 4107 W. Barnwood Court. This fence would adjoin the pre-existing fences of my neighbors at 4101 and 4113 W. Barnwood Court (both neighbors have already signed release forms allowing me to attach my proposed fence to theirs at the back of my property).

Additionally, I am requesting permission to place a 10' x 10' shed in the southwest corner of my property, to be placed at least 8' from my neighbors (4113) property line to the west of my property, and at least 8' from the rear of my property/the "planting strip".



Key reasons for wanting to place a fence in my backyard include:

- With crime moving out from the city, a fence would at least slow down anyone attempting to access my property from Ryan Road.
- As I also wish to place a shed and a garden in my backyard, a fence would slow down potential vandals as well as wildlife which could damage my garden and/or shed.

Key reasons for wanting to place a shed in my backyard include:

- To make more room in my garage for vehicles by removing equipment (lawn mower, snowblower, rototiller, air compressor, bicycles, etc.), tools (shovels, rakes, lawn roller, etc.) and other miscellaneous non-automotive items (ex., bags of lawn fertilizer, mulch, etc.)
- Once removed from my garage, I will need an enclosed, lockable shed to protect the equipment and tools detailed above.

Specific plans for the fence and shed.

- Current plans for the fence will be to install a 6' high wood fence, very similar to the fences already installed on the adjacent properties to the East and West of my property. This fence will only be placed at the rear of my property. I have no current plans to construct or adjoin my neighbor's fences near the front of my property.
 - If available at a reasonable price, I may also consider a 6' high wood "like" fence made from weather resistant materials to decrease the need for maintenance.
- Current plans are to have constructed on sight a 10' x 10" wooden sided shed. This shed will be painted to match the front siding of my home at 4107 W. Barnwood Court.

Planting Strip/Berm

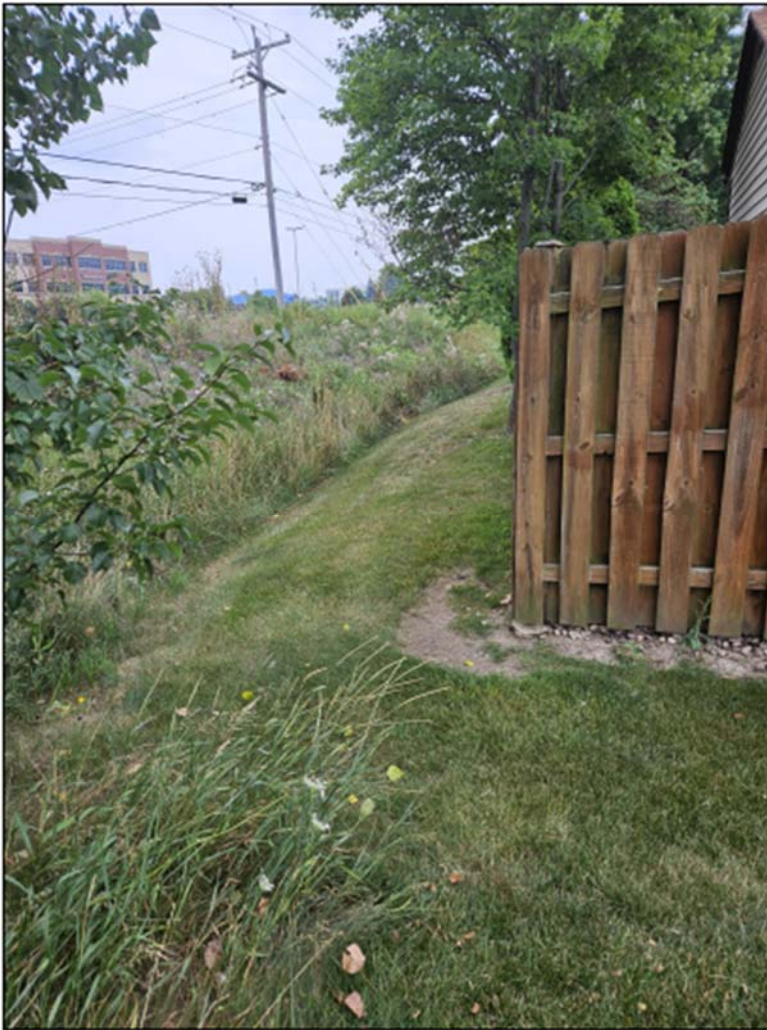
Finally, I would like to mention...the "planting strip"/berm has been in place for approximately 20 years, and there has been absolutely zero (0) maintenance of this strip during this time. (see picture below). In fact, it is currently overgrown with weeds and poplar trees. The City of Franklin initially promised a wall, similar to what was placed on the properties adjacent to Rawson Road when that road was widened, but that obviously never happened.



I had originally (prior to the widening of Ryan Road) planted 30+ arborvitae along the back of my property (see pictures below) to act as a fence of sorts, which at the time the berm was constructed were each 4' to 6" high. However, when the berm was constructed, the city saw fit to cut down most of my arborvitae across the back of my lot, which a city representative later admitted was "probably unnecessary". The other picture below shows the two remaining arborvitae which were not cut down. As you can see in relation to my neighbor's fence (to the East), these arborvitae are now between 15' – 20" tall. If all my arborvitae had been left in place, this would have greatly reduced (but not eliminated) any need or desire for a fence at the rear of my property.



Finally, it is clear from the "Plat of Survey" both of my neighbor's fences lie well within the planting strip and building setback line as established in 1989 (long before either fence or shed were constructed). Since both neighbors were given permits to place their fences after the 1989 Plat of Survey, and my neighbor to the West was also given a permit for a wood shed structure, it makes little sense to me to have my request for a release from the planting strip restriction to erect a fence and shed of my own.



Luke Hamill

From: mganhalt@wi.rr.com
Sent: Wednesday, November 20, 2024 11:56 AM
To: Luke Hamill
Subject: FW: Special Exception Request Form | 4107 Barnwood Ct, Franklin | WIS 100

Luke;

Below is the email I mentioned to you....the one I received from WI DOT

Mark Anhalt
4107 W. Barnwood Court, Franklin, WI 53132
mganhalt@wi.rr.com
414-218-9231
Ora et labora

From: Salazar-Oyarce, Jorge - DOT <jorge.salazaroyarce@dot.wi.gov>
Sent: Wednesday, October 9, 2024 11:14 AM
To: mganhalt@wi.rr.com
Cc: Elkin, Robert - DOT <Robert.Elkin@dot.wi.gov>
Subject: RE: Special Exception Request Form | 4107 Barnwood Ct, Franklin | WIS 100

Mark,

You will need the special exception for the fence only, moveable sheds without pads or footings do not need an special exception. Please re-write the form, clarifying that the request is for the fence and not the moveable shed.

Thanks.

From: mganhalt@wi.rr.com <mganhalt@wi.rr.com>
Sent: Tuesday, October 8, 2024 12:13 PM
To: Erickson, Kolin A - DOT <kolin.erickson@dot.wi.gov>
Cc: Salazar-Oyarce, Jorge - DOT <jorge.salazaroyarce@dot.wi.gov>
Subject: RE: Special Exception Request Form | 4107 Barnwood Ct, Franklin | WIS 100

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Kolin & Jorge:

Just following up on the information I sent you on 9/26 in an effort to get permission to build a small shed in my backyard. I would love to get the shed in place before the snow flies if at all possible, so please let me know if need any additional information to provide the permission I need to move forward.

Sincerely,

Mark Anhalt
4107 W. Barnwood Court, Franklin, WI 53132
mganhalt@wi.rr.com
414-218-9231
Ora et labora

From: mganhalt@wi.rr.com <mganhalt@wi.rr.com>
Sent: Thursday, September 26, 2024 2:03 PM
To: 'Erickson, Kolin A - DOT' <kolin.erickson@dot.wi.gov>
Cc: 'Salazar-Oyarce, Jorge - DOT' <jorge.salazaroyarce@dot.wi.gov>
Subject: RE: Special Exception Request Form | 4107 Barnwood Ct, Franklin | WIS 100

Kolin & Jorge:

Attached you will find the completed Special Exception Request Form to request permission to place a shed in my backyard. I've attached additional information as requested.

Please let me know if you have any questions or if you need any additional information.

Mark Anhalt
4107 W. Barnwood Court
Franklin, WI 53132
mganhalt@wi.rr.com
414-218-9231
Ora et labora

From: Erickson, Kolin A - DOT <kolin.erickson@dot.wi.gov>
Sent: Friday, September 20, 2024 12:57 PM
To: mganhalt@wi.rr.com
Cc: Salazar-Oyarce, Jorge - DOT <jorge.salazaroyarce@dot.wi.gov>
Subject: Special Exception Request Form | 4107 Barnwood Ct, Franklin | WIS 100

Mark,

Following up with you from our phone call earlier today.

Please see attached special exception request form to consider placement of a structure (in this case a storage shed) within the subdivision setback area of your property from WIS 100/Ryan Rd.

Complete this form and submit to our Subdivision Plat Reviewer (Jorge Salazar-Oyarce) who is cc'd above. He may also be reached at 262.548.5695 if you have questions.

For more information on Special Exceptions, please visit:

[Wisconsin Department of Transportation Subdivisions abutting the state highway system \(wisconsindot.gov\)](https://wisconsindot.gov)

Thank you,



Kolin Erickson

Planning & Access Management – SE Region

Division of Transportation System Development

Wisconsin Department of Transportation

(262) 548-5882 office

kolin.erickson@dot.wi.gov

wisconsindot.gov



Document Number

**SPECIAL EXCEPTION PERMIT FOR HIGHWAY SETBACK
AREA AND WAIVER OF DAMAGES**

Wisconsin Department of Transportation
DT1989 7/2024

The undersigned is the owner(s) of the lands described as:
Southwood East Addition No. 2 BLK 22 Lot 2.

The State of Wisconsin, Department of Transportation (WisDOT) hereby agrees to
and grants a special exception to allow in the highway setback area as set forth in s.
86.074, Wisconsin State Statutes, of the above described lands the following
structure(s) or improvement(s):

The location(s) of the requested structure(s) or improvement(s) is:

Fence is placed approximately 9-feet north of the South property line of lot 2
abutting West Ryan Road STH 100. Subdivision Southwood East Addition No. 2
BLK 22 lot 2

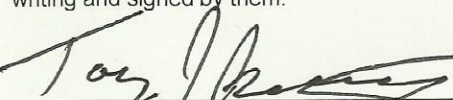
See exhibit A.

In the event that the State of Wisconsin, Department of Transportation requires the
acquisition of any property interest within the highway setback area within twenty
years of the department's signing of this document, or within the period set forth in a
recorded renewal of this agreement, the State will pay just compensation for the
land as if the above-described structure(s) or improvement(s) did not exist.

The undersigned hereby agree(s) to waive any claim or right to compensation,
relocation assistance, or damages associated with the department's acquisition of
improvement, including any damage to property outside the setback caused by removal of the structure or improvement in the
setback that was allowed by special exception. The department may not pay damages for any structure or improvement that is
subject to a valid special exception and waiver under s. 86.074(2)(e)(2).

The undersigned further agree(s) that the above conditions shall apply to and bind their heirs, executors, administrators, successors,
and assigns. This waiver is binding upon future owners of the property and runs with the land.

IN WITNESS WHEREOF the undersigned owner(s) of the above-described premises have caused these covenants to be reduced to
writing and signed by them.


(WisDOT Representative Signature)

Tony J BARTH
(Print Name, Title)

10/28/24
(Date)

State of Wisconsin)

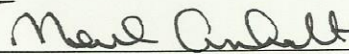
County)

On the above date, this instrument was acknowledged
before me by the named person(s).

(Signature, Notary Public)

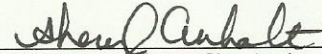
(Print or Type Name, Notary Public)

(Date Commission Expires)


(Property Owner Signature)

Mark Anhalt
(Print Name, Title)

11/19/24
(Date)


(Property Owner Signature)

Sheryl Anhalt
(Print Name, Title)

11/19/2024
(Date)

State of Wisconsin

WAUKESHA County

On the above date, this instrument was acknowledged before me by the
named person(s).

(Signature, Notary Public)

(Print or Type Name, Notary Public)

12/21/2027
(Date Commission Expires)

This space is reserved for recording data

Return to

Wisconsin Department of Transportation
SE Region
141 NW Barstow St
PO Box 798
Waukesha, WI 53187-0798
Attn: Jorge Salazar Oyarce

Parcel Identification Number/Tax Key Number
8800021000

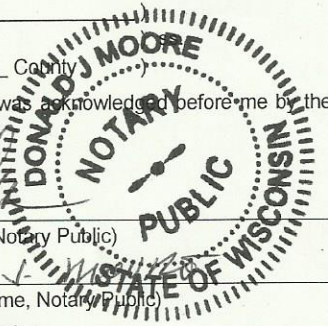


EXHIBIT A

