

CITY OF FRANKLIN
BOARD OF ZONING AND BUILDING APPEALS
MINUTES
October 20, 2010

I. ROLL CALL

Chairman Hintz called the October 20, 2010 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 Chairman Hintz and Members Nickerson, Megna and English. Excused were Members Knackert and Lasky. Also present were Alderman Schmidt and Senior Planner Fuchs.

II. APPROVAL OF MINUTES

A. Minutes of Regular Meeting held August 18, 2010

Member Megna moved and Member Nickerson seconded approval of the minutes of the regular meeting held August 18, 2010. All voted 'aye', motion carried.

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

- A. CASE NO. 2010-05
5826 West Cascade Drive
- Mark J. and Katherine A. Miller
5826 West Cascade Drive
Franklin, WI 53132

The hearing was opened at 6:35 p.m. Property owner Katherine Miller was sworn in and presented the project. No one else came forward in favor or opposition to the appeal. The hearing closed at 6:40 p.m.

- B. CASE NO. 2010-06
7539 South Nottingham Way
- Frederic J. and Sherry D. Bentz
7539 South Nottingham Way
Franklin, WI 53132

The hearing was opened at 6:41 p.m. The property owners Frederic and Sherry Bentz were sworn in and presented the project. No one else came forward in favor or opposition to the appeal. The hearing closed at 6:46 p.m.

- C. CASE NO. 2010-07
10520 West St. Martins Road
- Roger A. Buss
10520 West St. Martins Road
Franklin, WI 53132

The hearing was opened at 6:42 p.m. Property owner Roger Buss was sworn in and presented the appeal. Eric Filter, 5500 West Morgan Avenue, was sworn in and gave testimony. No one else came forward in favor or opposition to the appeal. The hearing closed at 7:02 p.m.

- D. CASE NO. 2010-08
Approximately 7144 South 76th Street
- Brian Adamson
20800 Swenson Drive, Suite 400
Waukesha, WI 53186

The hearing was opened at 7:03 p.m. Brian Adamson, Told Development Company, 2016 West St. Paul Avenue, Waukesha, was sworn in and presented the project. Alderman Doug Schmidt, 7961 South 68th Street, was sworn in and gave testimony. No one else came forward in favor or opposition to the appeal. The hearing closed at 7:30 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 Nickerson seconded to move the board into Closed Session at 7:31 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 Nickerson 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 8:04 p.m.

- VI. ACTION OF APPEALS

- A. CASE NO. 2010-05 Mark J. and Katherine A. Miller
5826 West Cascade Drive

Member Megna moved and Member English seconded a motion to grant approval of a variance from Table 15-3.0207 of the Unified Development Ordinance to allow for the construction of a 5.5 foot by 36 foot front porch addition with a setback to vary between 22 feet and 45 feet from the south property line, opposed to the required 30 foot front yard setback, accepting the Findings and Factors as presented by the applicant.

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

- B. CASE NO. 2010-06 Frederic J. and Sherry D. Bentz
7539 South Nottingham Way

Member Nickerson moved and Member Megna seconded a motion to grant approval of a variance from Table 15-3.0207 of the Unified Development Ordinance to allow for the construction of a 10 foot by 21 foot garage addition to be located approximately 4.6 feet from the East side property line, opposed to the required 10 foot side yard setback, subject to maintaining a drainage swale along the east property line and accepting the Findings and Factors as presented by the applicant.

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

C. CASE NO. 2010-07
10520 West St. Martins Road

Roger A. Buss

Member English moved and Member Megna seconded a motion to grant approval of a variance from Section 15-3.0802E.2.e. of the Unified Development Ordinance to allow for the installation of a fence within a rear yard abutting a street and closer to the street than the distance from the street to the principal building, Section 15-3.0801B.4. of the Unified Development Ordinance to allow for a pool to be located five feet from the rear property line, opposed to the required 10-foot rear yard setback, Section 15-3.0801B.2. of the Unified Development Ordinance to allow for the placement of an accessory structure under 150 square feet in size to be located up to the property line, opposed to the required five foot rear yard setback, and Table 15-3.0203 of the Unified Development Ordinance to allow for a garage expansion to be located 7.77 feet from the side property line, opposed to the required 10-foot side yard setback, subject to the fence being replaced and removed from the City of Franklin right-of-way, that all structures comply with current building codes, that all appropriate building permits are obtained, and accepting the Findings and Factors as presented by the applicant.

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

D. CASE NO. 2010-08
Approximately 7144 South 76th Street

Brian Adamson

Member English moved and Member Nickerson seconded a motion to approve a variance from Section 210-4C.(1)(d) of the City of Franklin Municipal Code to increase the total amount of signage permitted for the proposed Walgreens development by 10% and a Variance from Section 210-4C.(5)(d)[1] of the City of Franklin Municipal Code to locate a proposed Walgreens monument sign and to relocate the existing Orchard View shopping center monument sign within 500 feet of each other and within 500 feet of monument signs located on adjacent properties to the north (Chase Bank) and south (KinderCare) per the sign exhibit submitted and dated September 28, 2010 plus or minus ten feet, and accepting the Findings and Factors as presented by the applicant.

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

VII. ANNOUNCEMENT: Next meeting November 17, 2010.
No action needed. None taken.

VIII. ADJOURNMENT

Member English moved and Member Nickerson seconded to adjourn the regular meeting of the Board of Zoning and Building Appeals at 8:11 p.m. All voted 'aye', motion carried.