

AGENDA

April 19, 2007

PLEASE TAKE NOTICE THAT a hearing will be held before the Board of Zoning Appeals of the City of Milwaukee on **Thursday, April 19, 2007**, commencing at **4:00 p.m.** in the Common Council Committee Rooms, **Room 301-B**, City Hall, Third Floor, 200 East Wells Street, Milwaukee, Wisconsin, affecting the following premises. Please note that most items have been scheduled for approximately five to ten minutes. If an item takes longer than its allotted time, the item may be adjourned to the next available hearing date.

4:00 p.m. Administrative Consent Agenda

Items scheduled for approval on the Administrative Consent Agenda

No oral testimony will be taken on these items.

<u>Item No.</u>	<u>Ald Dist</u>	<u>Case No. Type</u>	<u>Case Information</u>	<u>Location</u>
1	8th	28142 Extension of Time	Alejandro Mora, Property Owner Request for an extension of time to comply with conditions of case No. 26629	3120 W. Burnham St.
2	13th	28116 Special Use <i>dismissal</i>	Gregory Schaal, Lessee Request to occupy the premises as a heavy motor vehicle parking lot and heavy motor vehicle outdoor storage facility (both parcels are proposed to operate together as one entity)	5223 S. 9th St.
3	15th	27779 Use Variance <i>dismissal</i>	Mary Albritton, Prospective Buyer Request to occupy the premises as multi-family residential (apartments), assembly hall (banquet hall), and a residential hotel (10 rooms reserved for emergency temporary rooming i.e. surgery, business, etc.)	3333 W. Highland Bl.

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4:00 p.m. Administrative Consent Agenda (continued)

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4	1 st	28214 Dim. Variance <i>dismissal</i>	Ralph J. Cybela, Property Owner	5568 N. 42 nd St.
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Request to convert a single-family dwelling into a two-family dwelling (converting attic into a dwelling unit) without the minimum required lot area

5	4th	28160 Use Variance <i>dismissal</i>	Brewery Project LLC., Other	810 W. Juneau Av.
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Request to occupy the premises for the processing or recycling of mined materials (concrete crushing)

6	4th	28161 Use Variance <i>dismissal</i>	Brewery Projects LLC., Other	1003 W. Winnebago St.
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Request to occupy the premises for the processing or recycling of mined materials (concrete crushing)

4:00 p.m. - Consent Agenda

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7	8th	28129 Special Use	Catherine Wendorf, Lessee	729 S. Layton Bl.
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Request to continue occupying the premises as a second-hand store (sales of used clothing, furniture, appliances, and household items)

Board of Zoning Appeals, Hearing on Thursday, April 19, 2007

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8	8th	28200 Special Use	Ivory Rose Day Care, Lessee	2201 S. 20th St.
			Request to continue occupying the premises as a day care center for 8 children infant to 12 yrs. of age, operating Monday - Sunday 6:00 a.m. to Midnight	
9	8th	28202 Dimensional Variance	Maria Morena, Property Owner	2731 W. Becher St.
			Request to convert the rear commercial space into a fourth dwelling unit, (studio apartment) this is then over the maximum allowed number of dwelling units on the premises	
10	8th	28205 Special Use	Chengyi Lee, Property Owner	3327 W. National Av.
			Request to increase the number of children from 48 to 64 (per shift) and increase the hours of operation from Monday - Friday 6:00 a.m. - 10:00 p.m. to Monday - Sunday 5:00 a.m. to Midnight	
11	9th	28209 Dimensional Variance	L.C. Whitehead, Property Owner	9433 N. Michael Ct.
			Request to modify the previous Boards decision to construct a single-family residential dwelling without the minimum required set back (the petitioner proposes to modify the location of the dwelling putting it closer to the lot line because of a required utility easement, which increases the previously approved variance)	

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4:00 p.m. - Consent Agenda (continued)

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12	9th	28184 Special Use	Asif Rana, Property Owner	8628 N. 107th St.
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Request to add retail floor space (build out of existing footprint of building) and continue to occupy the premises as a motor vehicle filling station, convenience store, and fast-food restaurant

13	10th	28147 Special Use	JW One Investments, LLC, Property Owner	5602 W. Vliet St.
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Request to convert the service bays (auto repair facility) into an expansion of the existing convenience and continue occupying the premises as a motor vehicle filling station

14	10th	28149 Use Variance	James Bottoni, Property Owner	5625 W. Wells St.
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Request to occupy the premises as a general office (law office)

15	10th	28157 Special Use	Rock Enterprises, Inc., Property Owner	3942 N. 76th St.
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Request to increase the number of children from 76 to 150 infant to 12 yrs of age and for the existing day care center, operating from 5:30 a.m. - 1:30 a.m. Monday-Friday

Board of Zoning Appeals, Hearing on Thursday, April 19, 2007

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16	10th	28188 Special Use	Fuel Land USA Inc. Property Owner	3501 N. 60th St.
			Request to continue occupying the premises as a motor vehicle filling station and convenience store	
17	11th	28189 Dimensional Variance	Leo & George Petropoulos, Property Owner	9730 W. Beloit Rd. 1
			Request to construct a four car detached garage without the minimum side street setback (structure is closer to the side street than the existing principal building)	
18	12th	28144 Special Use	El Rey Enterprises LLP, Property Owner	1500 S. Muskego Av.
			Request to continue occupying the premises as a food manufacturing facility	
19	12th	28072 Use Variance	Elotyey Y. Frutas, Prospective Buyer	2001 S. 7th St.
			Request to occupy the premises as an indoor storage and food preparation facility (storage of vender carts)	
20	13th	28131 Special Use	Oleg Ryvkin, Prospective Buyer	5801 S. 27th St.
			Request to occupy the premises as a motor vehicle sales and repair facility (sale of luxury used cars)	

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21	13th	28114 Special Use	Mandeep Dhawan, Property Owner	1605 W. Oklahoma Av.
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Request to reaffirm the Boards previous decision to raze the existing structure and construct a motor vehicle filling station and convenience

22	13th	28139 Special Use	Saadeddine Fliefel Property Owner	4125 S. Howell Av.
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Request to occupy the premises as a fast-food/carry-out restaurant (burgers, gyros, & fries) (previously approved by the board as a restaurant with a different product)

23	13th	28137 Special Use	Drive Star Shuttle Systems, Inc., Lessee	6110 S. Howell Av.
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Request to occupy the premises as an outdoor storage facility (storage of heavy motor vehicles)

24	13th	28187 Special Use	Amira Otallah, Property Owner	1209 W. Layton Av.
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Request to continue occupying the premises as a day care center for 60 children infant to 12 yrs. of age, operating Monday - Sunday 6:00 a.m. to 7:00 p.m.

25	15th	28151 Special Use	Jacqueline Carson, Property Owner	2601 N. 46th St.
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Request to continue occupying the premises as a group home for 8 girls

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|----|------|----------------------------------|---|----------------------|
| 26 | 15th | 28170
Dimensional
Variance | Metcalf Park Homes Owner Initiative, LLC
Prospective Buyer

Request to construct a single-family dwelling without the minimum required front facade width | 2611 N. 35th St. |
| 27 | 15th | 28167
Dimensional
Variance | Metcalf Park Homes Owner Initiative, LLC
Prospective Buyer

Request to construct a single-family dwelling without the minimum required front facade width | 2456 N. 36th St. |
| 28 | 1st | 28177
Special Use | Shawnkya & Terrence Turner, Lessee

Request to occupy a portion of the premises as a day care center for 22 children infant to 12 yrs. of age, operating 24 hrs. Monday - Friday, 12:00 a.m. to 5:00 p.m. on Saturday, and closed on Sunday | 6005 N. Teutonia Av. |
| 29 | 1st | 28196
Special Use | Judy Mays, Lessee

Request to reduce the number of children from 8 - 20 to a maximum of 8 children per shift and continue occupying the premises as a 24 hr. day care center operating Monday - Sunday | 5378 N. Hopkins St. |
| 30 | 2nd | 28180
Special Use | Residential Living Service, Inc., Lessee

Request to continue occupying the premises as a transitional living facility of 16 residents | 7820 W. Hampton Av. |

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| 31 | 2nd | 28181
Special Use | Residential Living Services, Inc., Lessee | 7806 W. Hampton Av. |
| | | | Request to continue occupying the premises as a transitional living facility for 8 residents | |
| 32 | 2nd | 28148
Special Use | McDonald's Corp, Property Owner | 5265 W. Fond Du Lac Av. |
| | | | Request to raze the existing structure and construct a new fast-food/carryout restaurant with a drive through facility | |
| 33 | 2nd | 28141
Special Use | Joseph Tajnai, Lessee | 5572 N. 76th St. |
| | | | Request to occupy the premises as a day care center for 80 children per shift infant to 12 yrs. of age, operating 24 hrs. Monday-Friday and 8:00 a.m. - 6:00 p.m. Saturday & Sunday (the Board previously approved a day care center under a different operator) | |
| 34 | 4th | 28150
Special Use | Ambassador Enterprise LLC., Property Owner | 2301 W. Wisconsin Av. |
| | | | Request to remodel and continue occupying the 2nd and 3rd floors of the premises as a commercial hotel | |
| 35 | 4th | 28185
Special Use | Anthony Nash, Lessee | 510 N. 27th St. |
| | | | Request to continue occupying the premises as a religious assembly hall | |

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36	4th	28153 Special Use	WISPARK, LLC, Property Owner	522 N. 2 nd St.
			Request to continue occupying the premise as a principal parking lot	
37	4th	28156 Dimensional Variance	AT&T, Property Owner	918 N. 26th St.
			Request to replace the fence enclosing the existing parking lot with a new ornamental metal fence which exceeds the maximum allowed fence height (proposed fence height is 8ft. which is over the allowable fence height of 6 ft.)	
38	5th	28169 Special Use	LaShawnda Davis, Lessee	3953 N. 76th St.
			Request to occupy a portion of the premises as a social service facility (providing therapy and counseling for foster care children and families)	
39	5th	28171 Special Use	Jennie Marie Shleiden, Lessee	4050 N. 95th St.
			Request to occupy the premises as a day care center for 40-50 children 2 yrs.- 12 yrs. of age, operating 7:00 a.m. - 5:30 p.m. Monday-Friday (a former day care center was previously approved by the Board that is no longer operational)	

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40	5th	28182 Special Use	Mazen Jaber, Property Owner	8211 W. Hampton Av.
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Request to modify the Board approved plans to combine the parcels and raze the existing building that is located adjacent to the existing Board approved motor vehicle filling station (8332-34 W. Appleton Ave.) and construct a car wash facility (single-bay care wash)

41	6th	28146 Special Use	Phoebe Bowie, Lessee	325 E. Garfield Av.
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Request to occupy the premises as a day care center for 56 children infant to 12 yrs. of age, operating 6:00 a.m. - Midnight Monday-Friday (this is a vacant day care center that was previously approved by the Board for 28 children operating 6:00 a.m. - 6:00 p.m. Monday-Friday)

42	6th	28089 Special Use	Christ Ministries, Inc., Lessee	907 W. Atkinson Av.
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Request to occupy the premises as a day care center for 50 children (25 per shift) infant to 12 yrs. of age, operating Monday - Friday 6:00 a.m. - Midnight and 6:00 a.m. - 5:00 p.m. Saturdays

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43	6th	28207 Special Use	Sondra Davis, Lessee	3453 N. 15th St.
			Request to occupy the upper unit as day care center for 8 children infant to 12 yrs of age, operating 6:00 a.m. - 6:00 p.m. Monday-Friday	
44	7th	28057 Special Use	Shun Tomlin, Property Owner	3405 W. Auer Av. 1
			Request to occupy the premises as a day care center for 32 children (16 per shift) infant to 12 yrs. of age, operating Monday-Friday 6:00 a.m. to Midnight	
45	7th	28127 Special Use	Pleasant Hill M.B. Church, Property Owner	3934 W. Fond Du Lac Av.
			Request to continue occupying a portion of the premises as a religious assembly hall	
46	7th	28154 Dimensional Variance	Gloria Beckham, Property Owner	5040 W. Medford Av.
			Request to construct an addition (sun room) to the existing residential dwelling that exceeds the maximum allowed lot coverage and without the minimum side setback adjustment for a building that exceeds the maximum allowed building depth (requires a 6 ft. west side setback adjustment, petitioner proposes 4.5 ft. of setback)	

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47	7th	28064 Special Use	Wisconsin Community Services Inc. Lessee	2930 N. 25th St.
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Request to continue occupying the premises as a community based residential facility (with 37 clients)

4:00 p.m. Administrative Review

Items scheduled for consideration and action by the Board in Administrative Review

No oral testimony will be taken on these items.

48	6th	28138 Rehearing Request	Earl Hines, Lessee	3128 N. 7th St.
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Request for a rehearing to occupy the premises as a rooming house for 5 residents without the minimum required number of parking spaces

4:00 p.m. – Public Hearing

Please note that each item scheduled for a public hearing has been scheduled for approximately five to ten minutes.

If an item takes longer than its allotted time, the item may be adjourned to the next available hearing date.

49	8th	27948 Use Variance	Reaching for the Goal Child Care & Dev. Center Property Owner	3319 W. National Av.
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Request to occupy the premises as a 24 hr. day care center for 8 children, infant to 12 yrs. of age, operating Monday-Sunday (within 300 ft. of a liquor establishment thus use requires a Variance)

50	9th	28133 Use Variance	Tracy Laster, Lessee	5700 W. Hemlock St.
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Request to occupy the premises as a school (elementary or secondary, 100 students K4 - 5th grade)

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51	9th	27975 Special Use	Kurt Bechthold, Property Owner Request to continue occupying the premises as processing or recycling of mined materials (stockpiling and crushing of concrete and asphalt)	7460 N. 60th St.
52	10th	27950 Special Use	Amazing Ministries Worship Center, Property Owner Request to continue occupying the premises as a religious assembly hall	5412 W. Burleigh St.
53	10th	27594 Special Use	Amazing Ministries Worship Center, Property Owner Request to continue occupying the premises as a principal parking lot	5506 W. Burleigh St.
54	10th	28056 Appeal of an Order	Jeff Vogeler, Property Owner Request to appeal an order issued by the Department of Neighborhood Services determining that there is an illegal occupancy and use of a 2-family residential	227 N. Story Pk.
55	10th	28078 Special Use	Arthur & Mary Reid, Property Owner Request to occupy the second principal dwelling on the premises (residential dwelling) as a 24hr day care center for 8 children infant to 12 yrs of age, operating Monday-Sunday (Two principal buildings exist on this lot. This request pertains to the residential dwelling on the parcel. The commercial building has been approved for a 24 hr day care center for 95 children)	2745 N. 58th St.

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56	10th	28125 Special Use	BEG Enterprises Eleven LLC. Property Owner Request to continue occupying the premises a motor vehicle filling station with a convenience store	5758 W. Appleton Av.
57	10th	28073 Special Use	Developing Unity in the Community Lessee Request to occupy a portion of the premises as a social service facility (providing clients with parenting assistance, housing assistance, home management, and supervised visitation)	6815 W. Capitol Dr. 306
58	10th	27497 Dimensional Variance	Mt. Calvary Lutheran Church, Property Owner Request to raze the residential dwelling to combine the lots (adjacent to the existing church) and construct an addition to the existing school without the required rear setback, south side setback, and over the maximum allowed lot coverage	2846 N. 53rd St.
59	12th	28134 Dimensional Variance	Rosa De Anda, Lessee Request to allow a wall sign on the premises that is over the maximum allowed sign area	1534 W. Windlake Av.

Board of Zoning Appeals, Hearing on Thursday, April 19, 2007

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60	13th	28173 Dimensional Variance	Spectrum Development, Lessee	3636 S. 27th St.
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Request to raze the existing structure and construct a general retail establishment that is over the maximum allowed front setback (retail facility is a permitted use) and to erect a wall sign that is over the maximum allowed sign display area

5:00 p.m. – Public Hearing

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61	14th	27866 Special Use	Nelida Rodriguez, Lessee	2509 E. Oklahoma Av.
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Request to occupy the premises as a car wash facility (vehicle detailing, buffing/waxing, shampoo carpets)

62	14th	28049 Special Use	Marlenes Touch of Class, Property Owner	2929 S. 13th St.
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Request to expand the existing board approved second hand clothing store to include the sales of second hand furniture and mattresses

63	14th	28132 Use Variance	Dan Druml, Property Owner	2156 S. 4th St.
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Request to occupy the 1st and 2nd floors of the premises as secondary school (high school with maritime curriculum, includes small wooden boat building)

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64	15th	27734 Special Use/ Dimensional Variance	Auto Parts Service, Inc., Lessee	1832 W. North Av.
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Request to occupy the premises as a parking lot (currently in use) and allow a razor wire fence over the maximum allowed height

65	1st	27994 Special Use	Sandy Lewis, Kenny Lewis, & Keith Kohlheim Lessee	4864 N. 26th St.
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Request to occupy the premises as a day care center for 8 children, infant - 12 years, operating 24 hours per day/ seven days per week (operator does live within the unit offering day care)

66	1st	28102 Special Use/ Dimensional Variance	Joseph Williams, Property Owner	4875 N. 19th St.
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Request to raze the existing residential dwellings and combine the parcels to construct a new building, that is over the maximum allowed lot coverage and does not have the minimum required rear setback, that will occupy a community center (includes recreational center, social service facility, specialty school, AODA counseling, after school tutoring, employment programs, anger/money/home management classes, & basketball/team spirit classes)

67	2nd	28000 Special Use	Bessie Williams, Lessee	4405 N. 60th St.
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Request to occupy a portion of the premises as a 24 hr. day care center for 35 children infant to 12 yrs. of age, operating Monday - Sunday

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68	3rd	28168 Special Use	David Erck, Lessee Request to expand the existing general retail establishment (drug/convenience store/pharmacy) by adding a permitted medical office (not operating 24 hrs.) and continuing to operate 24 hrs. within 150 ft. of a residential district	1400 E. Brady St.
69	3rd	27977 Special Use	Council for the Spanish Speaking, Inc. Lessee Request to continue occupying the 1st & 2nd floor of premises as a day care center (head start preschool program) for 132 children, 2 1/2 yrs. to 5 yrs. of age, operating 7:00 am. to 5:30 pm. Monday-Friday	2611 N. Weil St.
70	3rd	28210 Dim. Variance	Pragmatic Construction, LLC.; Property Owner Request to construct a multi-family residential dwelling (3-Unit) without the minimum required side street setback, without the minimum required rear setback for a corner lot, and with windows that project into the setback that are over the maximum allowed window width and more than one-third of the facade	2800 N. Pierce St.
71	3rd	28010 Special Use/ Dim. Var.	Christopher Gruenewald, Property Owner Request to construct a second principal building on the premises that both exceeds the number of permitted principle buildings per lot (detached garage with an upper residential living flat on the second floor) and that does not possess the code required lot area per dwelling unit	2546 N. Pierce St.
72	4th	27862 Special Use	Progeny Capital Partners, LLC, Property Owner Request to continue occupying the premises as a surface parking lot	746 N. Old World Third St.

Board of Zoning Appeals, Hearing on Thursday, April 19, 2007

<u>Item No.</u>	<u>Ald Dist</u>	<u>Case No. Type.</u>	<u>Case Information.</u>	<u>Location.</u>
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6:00 p.m. – Public Hearing

Please note that each item scheduled for a public hearing has been scheduled for approximately five to ten minutes. If an item takes longer than its allotted time, the item may be adjourned to the next available hearing date.

73	4th	27864 Special Use	Progeny Capital Partners, LLC Property Owner Request to combine the parcels and continue occupying the premises as a surface parking lot	215 W. Wells St.
74	4th	28165 Dimensional Variance	Marquette University High School Property Owner Request to erect a fence that is over the maximum allowed height (6 ft. permitted, 8 ft. proposed)	3321 W. Michigan St.
75	4th	28166 Dimensional Variance	Marquette University High School Property Owner Request to allow a temporary banner sign over the maximum allowed number of days permitted (allowed 60 days, proposing 313 days)	3401 W. Wisconsin Av.
76	4th	28136 Dimensional Variance	Gary Benson, Property Owner Request to erect a temporary banner sign on the premises that is over the maximum allowed sign area	1300 N. Prospect Av.
77	4th	27585 Dimensional Variance	Clear Channel Outdoor aka Eller Media Co.; Property Owner Request to modify the height of this board approved off-premise sign (sign height is 35 ft/proposed modification to 50 ft) and request an exemption from the minimum required setback from the street	2455 W. Clybourn St.

Board of Zoning Appeals, Hearing on Thursday, April 19, 2007

<u>Item No.</u>	<u>Ald Dist</u>	<u>Case No. Type.</u>	<u>Case Information.</u>	<u>Location.</u>
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6:00 p.m. – Public Hearing (continued)

Please note that each item scheduled for a public hearing has been scheduled for approximately five to ten minutes. If an item takes longer than its allotted time, the item may be adjourned to the next available hearing date.

78	4th	27849 Dimensional Variance	Select Property Group, LLC., Property Owner	506 N. 18th St.
			Request to convert the existing structure into a multi-family residential dwelling (43 unit studio apartments) without the minimum required number of parking spaces	
79	4th	28158 Appeal of an Order	Tri-Corp Housing, Inc., Property Owner	2713 W. Richardson Pl.
			Request to appeal an order issued by the Department of Neighborhood Services determining that the premises has failed to comply with its approved plan of operation regarding BOZA case No. 26203 (this is further hearing of a revocation proceeding)	
80	6th	28164 Dimensional Variance	True Church of First Born Apostolic Property Owner	231 E. Meinecke Av.
			Request to reaffirm the Boards previous decision to construct a religious assembly hall without the minimum code required parking and without the minimum required rear setback (an additional of a 2nd variance (setback) has been added from the original approval)	
81	6th	28111 Special Use	Murrel Hart Jr., Property Owner	2925 N. Holton St.
			Request to occupy the premises as a day care center for 25-35 children infant to 12 yrs. of age, Monday-Friday 6:00a.m. - 10:00 pm (previously approved day care closed)	

Board of Zoning Appeals, Hearing on Thursday, April 19, 2007

<u>Item No.</u>	<u>Ald Dist</u>	<u>Case No. Type.</u>	<u>Case Information.</u>	<u>Location.</u>
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6:00 p.m. – Public Hearing (continued)

Please note that each item scheduled for a public hearing has been scheduled for approximately five to ten minutes. If an item takes longer than its allotted time, the item may be adjourned to the next available hearing date.

82	6th	28077 Special Use/ Dimensional Variance	S&J Properties Inc., Property Owner	2826 N. Martin L King Jr. Dr.
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Request to raze a portion of the building and occupy the premises as a personal service facility (salon) and a general retail establishment (both uses are permitted) that is over maximum allowed front setback and proposes parking between the street facade of the principal building and a street lot line

7:15 p.m. – Public Hearing (Contested)

Please note that each item scheduled for a public hearing has been scheduled for approximately one hour. If an item takes longer than its allotted time, the item may be adjourned to the next available hearing date.

83	9th	27905 Other	Direct Supply, Inc. & KJ Greentree LLC	6760 N. Industrial Rd.
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Request to appeal the issuance of construction permits issued by the City of Milwaukee Development Center

PLEASE NOTE:

Most items have been scheduled for approximately five to ten minutes. If an item takes longer than its allotted time, the item may be adjourned to the next available hearing date.

Upon reasonable notice, effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request this service, contact the Board of Zoning Appeals at 286-2501, (FAX) 286-2555, (TDD) 286-3245 or by writing the Board of Zoning Appeals, 809 North Broadway, Room 102, Milwaukee, WI 53202.