

## AGENDA

October 11, 2007

**PLEASE TAKE NOTICE THAT** a hearing will be held before the Board of Zoning Appeals of the City of Milwaukee on **Thursday, October 11, 2007** commencing at **4:30 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.

### **4:30 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	3rd	27992 Appeal of an Order <i>dismissal</i>	Sanford & Rhonda Parsons Property Owner  Request to appeal an order issued by the Department of Neighborhood Services determining that there is an illegal occupancy and use of the premises as a rooming house (revocation proceeding)	2944 N. Maryland Av.
2	3rd	28379 Appeal of an Order <i>dismissal</i>	Irrevocable Trust, Lessee  Request to appeal an order issued by the Department of Neighborhood Services determining that there is an illegal use and occupancy of the premises as a three-family dwelling	2945 N. Prospect Av.
3	4th	28274 Special Use <i>dismissal</i>	Oliver Gardipee, Lessee  Request to occupy the premises as an indoor motor vehicle sales and salvage facility	2330 W. Clybourn St.

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<u>Item No.</u>	<u>Ald Dist</u>	<u>Case No. Type.</u>	<u>Case Information.</u>	<u>Location.</u>
<b>4:30 p.m. Administrative Consent Agenda (continued)</b>				
<u>Items scheduled for approval on the Administrative Consent Agenda</u>				
<u>No oral testimony will be taken on these items.</u>				
4	10th	27997 Change of Operator <i>dismissal</i>	Walid Othman, Property Owner	5618 W. Vliet St.
Request to continue occupying the premises as a car wash				
<b>4:30 p.m. - Consent Agenda</b>				
<u>Items Scheduled for approval on the Consent Agenda</u>				
<u>No oral testimony will be taken on these items.</u>				
If there are any objections to these approvals, please make them known to the Board office in writing and at least 24 hours prior to the time of the hearing. If written objections to these approvals are received, the item will not be approved and will be held for a public hearing to allow additional testimony.				
5	13th	28492 Special Use	Lucky Petroleum, LLC, Property Owner	110 E. Layton Av.
Request to raze the existing structures (filling station and car wash) on site and construct a new filling station (convenience store) and car wash on the premises				
6	14th	28444 Special Use	Jeanette Barquet, Property Owner	3001 S. 13th St.
Request to continue occupying the premises as a day care center for 40 children infant to 12 yrs. of age, operating Monday - Friday 7:00 a.m. to 6:00 p.m.				
7	14th	28462 Special Use/ Dimensional Variance	Davinder Singh, Property Owner	2759 S. Kinnickinnic Av.
Request to raze the existing Board approved motor vehicle filling station and convenience store, and construct a new motor vehicle filling station and convenience store that is without the minimum required landscaping per code				

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8	14th	28538 Dim. Variance	Joseph M. Derosa, Property owner	4550 S. 27 <sup>th</sup> St.
			Request to occupy the premises with an off-premise sign (due to a lot split this sign is no longer on the parcel that it is relates to)	
9	14th	28472 Special Use	Jim Dutcher, Lessee	2343 S. Kinnickinnic Av.
			Request to continue occupying the premises as a second hand sales facility (antiques, collectables, and new items)	
10	14th	28475 Dimensional Variance Fence	Delwin Schuyler, Property Owner	3400 S. Chase Av.
			Request to allow a fence within the minimum required setback (required 5 feet, proposed 1 foot, shortage 4 feet)	
11	14th	28535 Special Use	A Child's Place Preschool, Inc., Lessee	3320 S. Howell Av.
			Request to increase the number of children from 20 to 23 for a previous Board approved day care center (infant to 6 yrs. of age, Monday-Friday 9:00 AM - 11:30 AM)	
12	15th	28427 Special Use	Andrea Hall, Lessee	2445 N. 39th St.
			Request to occupy the premises as a day care center for 8 children infant to 12 yrs. of age, operating Sunday - Saturday 6:00 a.m. to Midnight (previously approved for a day care center by the Board for a different operator)	

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13	15th	28446 Special Use	Darcus Young, Lessee	3500 W. Center St.
			Request to occupy the premises as a rooming house for 17 people	
14	15th	28451 Special Use	Kenneth Londo, Lessee	3230 W. Lisbon Av.
			Request to continue occupying the premises as a motor vehicle sales facility (cars will be wholesale to dealers, no cars sold to the public)	
15	15th	28459 Special Use	Martha Roberts, Property Owner	5017 W. Center St.
			Request to continue occupying the premises as a religious assembly hall and 24 hr. day care center for 20 children per shift infant to 12 yrs. of age, operating Monday - Friday	
16	15th	28482 Dimensional Variance	Commonwealth Development, Prospective Buyer	2203 - 2231 N. Teutonia Av.
			Request to construct apartments/town homes on the parcel (s) that are in excess of the both the front and side setbacks allowed by code and without the minimum required glazing	

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17	15th	28511 Special Use/ Use Variance	Mercy Memorial Church, Property Owner	2477 N. 36th St.
			Request to occupy the premises as a social service center operating from 8:00 a.m. to 5:00 p.m. Monday through Friday, with an additional housing component operating 24 hours a day, Monday through Sunday housing twelve women at any one time on an emergency basis	
18	15th	28518 Special Use	Mercy Memorial Church, Property Owner	1953 N. 34th St.
			Request to occupy the premises as a rooming house for four female tenants (on an emergency basis)	
19	15th	28519 Use Variance	Dr. Howard L. Fuller Education Foundation, Inc. Lessee	3628 W. Wright St.
			Request to continue occupying the premises as an emergency residential shelter and social service facility (which is a prohibited use in a Two-Family Residential district) for ten male clients on an emergency basis	
20	15th	28527 Special Use	Beverly White, Property Owner	1934 W. North Av.
			Request to occupy a portion of the premises as a religious assembly hall	

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21	1st	28488 Special Use	D.B.A Howard's Child Development Center Inc. Property Owner  Request to increase the number of children from 25 to 38 for the 1st and 2nd shifts, and 25 children on the 3rd shift, and continue to occupy the premises as a day care center 24 hrs. Sunday through Sunday	5235 N. Hopkins St.
22	1st	28491 Special Use	Ronny Stroli, Property Owner  Request to continue to occupy the premises as a motor vehicle sales facility	4087 N. Green Bay Av.
23	1st	28501 Special Use	Jacqueline Williams, Lessee  Request to occupy the premises as a day care center for infants 6 wks. to 12 yrs., Monday through Saturday from 6:00 a.m. to midnight (two shifts – 19 children per shift)	4369 N. Teutonia Av.
24	1st	28520 Special Use	Asem Zaid, Property Owner  Request to continue occupying the premises as a motor vehicle repair facility	4210 W. Silver Spring Dr.
25	2nd	28477 Special Use	Deborah Boyd, Property Owner  Request to increase the number of children from 40 to 62, and to continue occupying the premises as a day care center, Monday - Friday from 6 a.m. to 12 a.m., for children ages 6 wks. - 12 yrs.	6831 W. Villard Av.

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26	2nd	28529 Special Use	Milwaukee Achiever Literacy Services Lessee  Request to occupy a portion of the premises as a community center	5566 N. 69th St.
27	3rd	28496 Special Use	Monica DePalma, Lessee  Request to add an outside patio and to continue occupying the premises as a tavern (upscale lounge w/ food service)	1228 N. Astor St.
28	3rd	28504 Special Use/ Dimensional Variance	Cary (Rip) O'Dwanny, Lessee  Request to construct a parking lot cover of pre-finished architectural metal over the existing parking lot that does not meet the side setback requirements and to continue occupying the premises as a hotel, restaurant, and tavern	1234 N. Astor St.
29	3rd	28515 Use Variance	Columbia St. Mary's, Lessee  Request to continue occupying a helicopter landing facility (helipad) on the premises	2275 N. Lincoln Memorial Dr.
30	4th	28450 Special Use	Michael Hatch, Prospective Buyer  Request to continue occupying the premises as a parking lot	500 N. Milwaukee St.

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31	4th	28455 Special Use	Schulhof Property Management Property Owner	1722 W. Wells St. 1
			Request to continue occupying the premises as a rooming house with 10 units (51 total occupants)	
32	4th	28457 Special Use	CPS Parking of Wisconsin Inc. Lessee	319 E. Clybourn St.
			Request to continue occupying the premises as a parking lot	
33	4th	28468 Special Use	CPS Parking of Wisconsin, Inc. Lessee	503 N. Plankinton Av.
			Request to continue occupying the premises as a parking lot	
34	4th	28498 Special Use	Wisconsin African American Women, Ltd. Property Owner	3020 W. Vliet St.
			Request to continue occupying the premises as a community center	

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35	5th	28516 Special Use	Michael Coon, Lessee  Request to continue occupying the premises as a motor cycle repair facility	8302 W. Lisbon Av.
36	5th	28541 Special Use	Lucky's Frozen Custard, Inc., John Volakis, Lessee  Request to continue occupying the premises as a fast-food/carry-out restaurant with drive through facility operating Monday - Sunday from 6:00 a.m. - 12:00 p.m.	10000 W. Capitol Dr.
37	5th	28287 Special Use	Ray & Tiscia Fitzgerald, Property Owner  Request to continue occupying the premises as a day care center for 30 children, infant to 12 yrs. of age, Monday - Friday, 7:00 a.m. - 6:00 p.m.	8320 W. Lisbon Av.
38	6th	28521 Dim. Var.	Harambee Community School  Request to install a new Type "A" sign on the premises	110 W. Burleigh St.
39	6th	28499 Use Variance	Dave Martin, Other  Request to occupy a portion of the premises as a personal service (massage therapy) facility operating Monday through Friday from 10:00 a.m. to 10:00 p.m. and Saturdays from 6:00 p.m. to 10:00 p.m. (Board approved social service facility on site)	315 W. Court St.

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40	6th	28524 Special Use	Wendell Harris, Lessee	2821 N. 4th St. 224
			Request to continue occupying a portion of the premises as a social service facility (job & life skills training)	
41	6th	28526 Special Use	Deondria Owens, Property Owner	3565 N. Martin L King Jr. Dr.
			Request to occupy the premises as a day care center for 70 children ages infant - 2 1/2 yrs. of age, operating Monday - Sunday 5:00a.m - 10:00p.m	
42	6th	28532 Special Use	Jimmie Williams, Property Owner	3427 N. 17th St.
			Request to continue occupying the premises as a day care center for 8 children (per shift, 1st & 2nd shift), 6 wks. to 12 yrs. of age, operating Monday through Friday from 6:00 a.m. to 10:00 p.m.	
43	6th	27675 Special Use	Golden Rule C.O.G.I.C., Property Owner	2430 W. Hopkins St.
			Request to add a social service facility (storing and distributing donated items within the parking lot) to a site that also contains a board approved day care center	
44	6th	28476 Special Use	Golden Rule Church, Property Owner	2432 W. Hopkins St.
			Request to continue occupying the premises as a religious assembly hall (board approved religious assembly hall but the applicant did not obtain an occupancy permit)	

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45	7th	28517 Dimensional Variance Fence	New Beginnings Are Possible, Inc. Prospective Buyer	3717 W. Fond Du Lac Av.
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Request to construct an 8 ft. tall fence on the premises (Board approved social service facility (youth center) on site)

46	9th	28494 Dimensional Variance	Midland Paper, Property owner	8601 N. 91st St.
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Request to add one line of signage to two existing non-conforming signs

47	10th	28456 Special Use	Deirdre Kozlowski, Lessee	6040 W. Lisbon Av. 102
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Request to continue occupying a portion of the premises as a health clinic

48	10th	28484 Special Use	Laquesha McEvelly, Lessee	7251 W. Appleton Av.
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Request to continue occupying a portion of the premises (1st floor & basement) as a day care center for 50 children, infant to 12 yrs. of age, operating Monday - Friday, 6:00 a.m. to 6:00 p.m.

49	10th	28510 Special Use	Beverly Moore and Juliette Francis-Wade, Lessee	7127 A. W. Lisbon Ave.
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Request to occupy the premises as a learning center servicing 20 youth and operating from 8:00 a.m. to 3:00 p.m. Monday through Friday, with a second program operating in the evening from 4:00 p.m. to 8:00 p.m. and on weekends from 10:00 a.m. to 2:00 p.m. (one such Board approved facility currently exists on site)

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50	10th	28506 Dimensional Variance	Donald Sazama, Property Owner	5402 W. State St.
			Request to construct a 6 ft. high chain link fence on site while not establishing the code required Type A landscaping	
51	10th	28514 Special Use	Chandra Cooper, Lessee	7261 W. Appleton Av.
			Request to increase days of operation to include Sunday (Monday - Sunday) and to continue operating premises as a 24 hr. day care center for 70 children, infant - 12yrs. of age	
52	11th	28508 Dimensional Variance	BFD Properties, LLC, Property Owner	9535 W. Oklahoma Av.
			Request to legalize a garage for the storage of vehicles used in the day to day operation of the apartment complex, including handicap accessible vehicles, vans, and trucks, that is in excess of the permitted sidewall height	

**4:30 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.

53	15th	28333 Special Use	Jimmie Williams, Property Owner	2364 N. 15th St.
			Request to occupy the premises as a day care center for 16 children (8 per shift) infant - 12 yrs. of age, operating Sunday - Saturday 6:00 a.m. to 10:00 p.m.	

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<b>4:45 p.m. – Public Hearing</b>				
<u>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.</u>				
54	13th	28394 Special Use	Cindy Neeley, Lessee  Request to occupy the premises as a religious assembly hall	1720 W. Lincoln Av.
55	13th	28453 Dimensional Variance	Muhammad Isa Sadlon, Property Owner  Request to erect an automatic changeable message sign that is over the maximum allowed height, over the maximum allowed square footage, and over the maximum number of freestanding signs permitted per code	4707 S. 13th St.
56	14th	28334 Dimensional Variance	Mary Gustafson, Property Owner  Request to construct a detached garage that is over the maximum allowed sidewall height (allowed 10 ft., proposed 13 ft. 7 inches, and in excess of 3 ft. 7 inches)	3149 S. Superior St.
57	15th	28353 Special Use	Tommie Tolbert, Lessee  Request to occupy the premises as a motor vehicle body bumping, painting, and sales facility (this is an existing Board approved site, but the petitioner indicated that this property has been vacant for more than 1 year)	2753 N. 29th St.
58	15th	28371 Special Use	Kenneth Dyess, Lessee  Request to occupy the premises as a transitional living facility for no more than seven adult men at any time	1122 W. Wright St.

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**4:45 p.m. – Public Hearing (continued)**

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59	15th	28487 Special Use	Walnut Way Conservation Corp., Property Owner  Request to occupy the premises as a community center	2118 - 2246 N. 17 <sup>th</sup> st.
60	3rd	28370 Use Variance	Cheryl Silberman, Property Owner  Request to occupy the premises as a bed and breakfast (permitted), specialty school, and personal service facility	2015 N. Lake Dr.
61	3rd	28512 Appeal of an Order	David Stoltz, Property Owner  Request to appeal an order issued by the Department of Neighborhood Services determining that there is an illegal occupancy and use as 2-family residential dwelling	3019 N. Frederick Av.
62	3rd	28364 Special Use	John Kelly, Property Owner  Request to occupy the premises as a sit-down restaurant	3129 N. Bremen St.
63	4th	28390 Special Use	Mitchell of Delaware, Inc., Property Owner  Request to continue occupying the premises as a parking lot (permit-only parking for employees and tenants, reserved parking for special events, public parking prohibited)	795 N. Van Buren St.

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**5:45 p.m. – Public Hearing**

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64	4th	28392 Special Use	Mitchell of Delaware, Inc., Property Owner  Request to continue occupying the premises as a parking lot	766 N. Jackson St.
65	5th	28434 Special Use	Janice Coleman, Lessee  Request to occupy a portion of the premises as a religious assembly hall (sharing space on the 2nd floor with martial arts studio)	8528 W. Lisbon Ave.
66	5th	28439 Dimensional Variance	Lewis Brooks, Property Owner  Request to erect a pylon sign that is over the maximum allowed height and over the maximum allowed square footage per code	12101 W. Silver Spring Dr.
67	5th	28485 Special Use	Josephine Adams, Lessee  Request to occupy the premises as a day care center for 60 children ages 6 wks. to 12 yrs. from Monday - Sunday from 6:00 a.m. to 11:00 p.m. (there is a previous Board approved religious assembly hall on site)	3401 N. 76 <sup>th</sup> St.
68	6th	28409 Use Variance	Adina Fraction, Prospective Buyer  Request to occupy the premises as a day care center operating Monday - Friday, 6:00 a.m. - 12:00 a.m. (8 children per shift)	3427 N. 22nd St.

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**5:45 p.m. – Public Hearing (continued)**

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69	6th	28215 Special Use	Kanwar Gill, Property Owner  Request to construct an addition to the existing structure, adding a convenience store, and to continue occupying the premises as a hand car wash within 150 ft. of a residential use	1845 W. Burleigh St.
70	6th	28481 Use Variance	Ismail Harun, Property Owner  Request to occupy the premises as a day care center operating Monday through Saturday, from 6:00 a.m. to 10:30 p.m., for 50 children, ages 6 wks. to 12 yrs. that is located within 300 ft. of a facility that has a liquor license	3385 N. Martin L King Jr. Dr.
71	7th	27207 Use Variance	Jacklyn Gordon, Lessee  Request to occupy the premises as a day care center for 72 children (36 per shift) infant to 12 yrs. of age, Sunday - Saturday 6:00 a.m. to midnight	3206 N. 45th St.
72	8th	28432 Dimensional Variance	Ascension Lutheran Church, Property Owner  Request to erect multiple replacement signs that are over the maximum allowed number of free standing signs, over the maximum allowed square footage, and over the maximum allowed height per code	1236 S. Layton Bl.
73	9th	28407 Special Use	Kevin Judy, Lessee  Request to occupy a portion of the premises as a secondary school for 50-75 "at-risk" students in grades 6th - 8th (Board approved school currently on site - this use would replace that school)	9155 N. 76th St.

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**6:30 p.m. – Public Hearing**

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74	9th	28422 Special Use	T - Mobile USA, Lessee  Request to erect a transmission tower (120 ft. monopole) on the premises	7125 W. Dean Rd.
75	9th	27975 Special Use	Kurt Bechthold, Property Owner  Request to continue occupying the premises as a facility that engages in the processing or recycling of mined materials (stockpiling and crushing of concrete and asphalt)	7460 N. 60th St.
76	10th	28412 Use Variance	Gwendolyn Jackson, Lessee  Request to occupy the premises as a 24 hr. day care center for 85 children, infant - 13 yrs. of age that is located within 300 ft. of an establishment that possesses a liquor license	5527 W. North Av.
77	12th	28420 Special Use	Ann Pieper Eisenbrown, Sole Member Property Owner  Request to occupy the premises as a parking lot (area is over the maximum width permitted by code and relies upon the alley for vehicular circulation)	333 S. 2nd St.
78	12th	28421 Special Use	Ann Pieper Eisenbrown, Managing Member Property Owner  Request to occupy a portion of the premises as a parking lot (located between the street facade of a principal building and a street lot line)	330 S. 3rd St.
79	12th	28428 Special Use	Robert Wrenn, Lessee  Request to occupy the premises transitional living facility for a maximum of 20 individuals (mental illness & disorders)	2057 S. 14th St.

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**6:30 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.

80	12th	28497 Special Use/ Dimensional Variance	The Church of Jesus Christ of Latter-Day Saints Prospective Buyer	1170 W. Windlake Av.
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Request to raze the existing structures on site and construct a new religious assembly hall and parking lot

81	12th	28513 Use Variance	Robert Miranda, Property Owner	611 W. National Av.
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Request to occupy the premises as a day care center for 50 children infant - 12 yrs. of age, operating Monday - Friday from 6:00a.m. - 8:00 p.m. that is located within 300 feet of an establishment that possesses a liquor license

82	12th	28443 Dimensional Variance	Mickey Govani, Property Owner	1614 W. National Av.
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Request to allow a freestanding sign (automatic changeable message sign) that is over the maximum allowed square footage and the maximum allowed height per code (two of the sign faces are to be mounted on opposite parallel sides counting as one and are permitted, but the third sign face is on the perpendicular side which then exceeds the allowed display area)

Board of Zoning Appeals, Hearing on Thursday, October 11, 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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**6:30 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.

83	12th	28376 Special Use	Ernesto Villarreal, Property Owner	1550 W. Mineral St.
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Request to raze both the existing two-family and single-family dwellings on site and occupy the premises as a parking lot (this will be an extension to the existing parking lot located at 1556 W. Mineral St.)

**7:30 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.

84	13th	28372 Special Use	Greg Schaal, Lessee	5311 S. 9th St. AKA 5223 S. 9th
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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)

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.