



Paul Henningsen
Alderman, 4th District

City Hall, Room 205
200 East Wells Street
Milwaukee, WI 53202-3570

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(kə labˈrə rātˈ) collaborate

MEMORANDUM

TO: Barry Zalben
Tony Zielinski ✓

FROM: Alderman Paul Henningsen

RE: Resolution Drafting to Pay Legal Bill

DATE: March 13, 2003

I've written the attached draft regarding the attached bills, etc.

Could you please do it appropriately and introduce at the next Council meeting.

Chairman Gordon of Finance and Personnel would like it referred to Finance and Personnel. Let me know.

Thank you.

/lap
Attachments

DRAFT

WHEREAS, for years an important issue on the Near Westside has been the proliferation of residential treatment facilities and group homes; and

WHEREAS, an application for a Special Use permit was ordered by DNS for the illegal operation of a group home for AODA clients at 3120-28 West Wisconsin Avenue with 30 units; and

WHEREAS, this facility was and is operated by the Salvation Army for "graduates" of their emergency shelter for in-patient AODA clients; and

WHEREAS, the Salvation Army used a unit for counseling, staff desks and group meetings; and

WHEREAS, the aldermanic district's representative opposed the application at BOZA hearing ~~on~~ on 2-16-00, 2-9-00, + May 25, 00; and

WHEREAS, other citizen residents of the neighborhood also appeared and opposed the Special Use permit; and

WHEREAS, the BOZA's decision required the office and counseling functions to vacate the premises; and

WHEREAS, BOZA granted a permit for the 30 units, judging them to be normal residential units, even though all the units were covered by a blanket lease to the Salvation Army by the owner/operator of the building; and

WHEREAS, the aldermanic district representative on behalf of others who had opposed the permit strongly believed the blanket lease to one program operator was not a normal residential use as defined by state law; and

WHEREAS, the aldermanic district representative strongly believed the BOZA decision set a dangerously overreaching precedent for all future occupancy permit applications for residential treatment facilities and group homes being classified as a normal residential use beyond the purview of BOZA review; and

WHEREAS, the aldermanic district called the Milwaukee Bar Association seeking a Marquette Law School graduate who also graduated from Marquette University High School, thereby being somewhat familiar with the neighborhood and the issue; and

WHEREAS, Joseph Niebler, Jr. of the law firm of Niebler & Muren, S.C., at 450 North Sunny Slope Road, Chancellory Park 1, P.O. Drawer 825, Brookfield, 53008-0825, telephone 262-784-6630, was recommended; and

WHEREAS, conversations ensued between Attorney Niebler and the aldermanic district representative about whether Attorney Niebler would agree to be counsel on a pro bono basis on behalf of the neighborhood and the aldermanic district representative in a lawsuit appealing the BOZA decision in Milwaukee Circuit Court; and

WHEREAS, Attorney Niebler responded that his firm couldn't handle the suit pro bono but that would for a very reduced fee; and

WHEREAS, Attorney Niebler was engaged and paid \$900 each from the aldermanic district representative, Blankstein Enterprises, an affected property owner, Wiegard Enterprises, an affected property owner and West End Development Corporation, a neighborhood group, and which was believed to be sufficient; and

WHEREAS, the lawsuit took more hours than anticipated; and

WHEREAS, the lawsuit was unsuccessful but the language of the judge's written opinion may prove helpful in the future to both BOZA and the near Westside Neighborhood; and

WHEREAS, the lawsuit would never have been initiated by the aldermanic district representative outside of his official duties; and

WHEREAS, a remaining bill from Niebler & Muren, S.C. is still outstanding; and

WHEREAS, it was only in his official capacity that the aldermanic district representative filed suit; and

WHEREAS, the law firm is poised to file a collection action personally against the aldermanic district representative for \$3,313.50; and

WHEREAS, the Common Council recognizes that the original lawsuit was not brought personally by the aldermanic district representative and was brought in his official capacity as an aldermanic representative representing his district.

Now, therefore, be it

RESOLVED: that the Common Council agrees to pay the outstanding obligation to Niebler & Muren, S.C. as a result of the original lawsuit.

STATEMENT
LAW OFFICES
NIEBLER & MUREN, S.C.
450 NORTH SUNNYSLOPE ROAD
CHANCELLORY PARK I
P.O. DRAWER 825
BROOKFIELD, WISCONSIN 53008-0825
(262) 784-6630

PAUL HENNINGSSEN
Milwaukee City Hall
200 East Wells Street
Milwaukee WI 53202

Page: 1
March 05, 2003
File No: 2289-000M
Statement No: 33

Salvation Army

Previous Balance

\$3,313.50

TOTAL BALANCE DUE

\$3,313.50

STATEMENT
LAW OFFICES
NIEBLER & MUREN, S.C.
450 NORTH SUNNYSLOPE ROAD
CHANCELLORY PARK I
P.O. DRAWER 825
BROOKFIELD, WISCONSIN 53008-0825
(262) 784-6630

PAUL HENNINGSEN
Milwaukee City Hall
200 East Wells Street
Milwaukee WI 53202

Page: 1
June 06, 2001
File No: 2289-000M
Statement No: 12

Salvation Army

Previous Balance \$3,219.75

TOTAL BALANCE DUE \$3,219.75

LAW OFFICES
NIEBLER & MUREN, S.C.

450 NORTH SUNNYSLOPE ROAD

CHANCELLORY PARK I

P.O. DRAWER 825

BROOKFIELD, WISCONSIN 53008-0825

TELEPHONE
(262) 784-6630

FAX
(262) 784-7630

EMAIL
niebmur@execpc.com

JOSEPH C. NIEBLER, SR.
ROBERT W. MUREN
NORBERT J. BISSONETTE
DON J. PARKER
RICHARD K. GRIEPENTROG
DENNIS F. TOMORSKY
JOSEPH C. NIEBLER, JR.
ANDREW J. NIEBLER

September 12, 2002

Mr. Paul Henningsen
Milwaukee City Hall
200 East Wells Street
Milwaukee, WI 53202

Re: Amounts Due for Past Services Rendered

Dear Paul:

I am in receipt of your correspondence of September 11, 2002 which was handwritten on my correspondence to you of July 3, 2002. In your correspondence, you claim to be very disappointed with me and also state that had you known that I would bill this matter as a regular case, I never would have been retained.

For your reference, I have attached my correspondence to you of June 30, 2000 which confirms the fee agreement you and I had reached concerning The Salvation Army matter. My fee arrangement with you was to discount my rate to One Hundred Ten Dollars (\$110.00) per hour and only charge you at one-half (½) this rate for the work done up to June 30, 2000. I have also enclosed for your reference the hours I billed on this matter and the descriptions for the work done during these hours. As you can see, the total hours billed are forty-six (46). Up to June 30, 2000, I had spent six (6) hours on your matter. Six (6) hours at one-half (½) of \$110.00 is Three Hundred Thirty Dollars (\$330.00). Using the discounted rate of One Hundred Ten Dollars (\$110.00) per hour for the remaining forty (40) hours yields an additional Four Thousand Four Hundred Dollars (\$4,400.00). Thus, the total bill for the time I charged to your matter is Four Thousand Seven Hundred Thirty Dollars (\$4,730.00). Subtracting the amounts that were paid (One Thousand Three Hundred Dollars (\$1,300.00)), yields an ending balance of Three Thousand Four Hundred Thirty Dollars (\$3,340.00) left due and owing pursuant to our agreement. Thus, technically, I have already "under-billed" you for the time I put in on your matter.

I believe the time I put in on this matter and the resulting bill is more than reasonable. We had an agreement and I confirmed the same without objection from you. In addition, you were billed continuously as the matter proceeded. These bills showed the charges being made and I received no objection from you.

NIEBLER & MUREN, S.C.

Mr. Paul Henningsen

Milwaukee City Hall

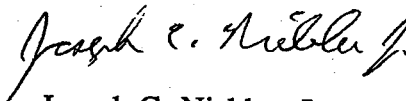
September 12, 2002

Page 2

As stated, I believe I have already under-billed you. I have also now been waiting for more than one (1) year since your matter ended to get paid. However, to settle this matter, I will accept Two Thousand Five Hundred Dollars (\$2,500.00) if paid within thirty (30) days of this correspondence.

Please contact me so that we can discuss this matter and reasonably conclude it. Thank you.

Very truly yours,



Joseph C. Niebler, Jr.

JNJ:kmh

Enclosures

Client	Date	Tmkr	E/A Cat	Src	H T B R P X C C	Tcd	Stmt # Rate	Ctype Hours	Amount		Ref #
2289.000	06/28/00	9	68	A			260 92.00	1.00	55.00	Initial phone conversation; review of facsimile received from Mr. Henningsen; research re appeals of Board of Appeals rulings. HENNINGSEN/PAUL	ARCH
2289.000	06/29/00	9	68	A			260 92.00	2.25	123.75	Review of file documentation; phone conference with Mr. Henningsen; draft Summons and Complaint. HENNINGSEN/PAUL	ARCH
2289.000	06/30/00	9	68	A			260 92.00	2.75	151.25	Further review and organization of file materials, meeting with Alderman Henningsen at city hall, filed and served complaint. HENNINGSEN/PAUL	ARCH
2289.000	07/03/00			A				1 0	300.00	Payment received - Thank You. HENNINGSEN/PAUL	ARCH
2289.000	07/18/00	9	E	A		7	81 0		5.00	Mileage expense on 6/30/2000. HENNINGSEN/PAUL	ARCH
2289.000	08/07/00	9	68	A			260 92.00	0.25	27.50	Phone conference with Attorney Tom Gartner re possible consolidation with Salvation Army matter; draft note to file re same. HENNINGSEN/PAUL	ARCH
2289.000	08/17/00	9	68	A			260 92.00	0.25	27.50	Phone conferences with Attorney Harry Stein and Clerk to Judge Amato. HENNINGSEN/PAUL	ARCH
2289.000	08/18/00	9	68	A			260 92.00	1.25	137.50	Begin to review Board of Zoning Appeals record. HENNINGSEN/PAUL	ARCH
2289.000	08/21/00	9	68	A			260 92.00	3.00	330.00	Review of Board of Zoning Appeals record and begin to index same. HENNINGSEN/PAUL	ARCH
2289.000	08/22/00	9	68	A			260 92.00	0.75	82.50	Continue to review of Board of Zoning Appeals record; continue to index the same. HENNINGSEN/PAUL	ARCH
2289.000	08/28/00			A				1 0	30.00	Payment received - Thank You. HENNINGSEN/PAUL	ARCH
2289.000	08/28/00		E	A				3 2 0	5.00	Payment for Expenses Only - Thank You HENNINGSEN/PAUL	ARCH
2289.000	08/28/00			A				1 0	265.00	Payment received - Thank You. HENNINGSEN/PAUL	ARCH
2289.000	08/30/00	9	68	A			260 92.00	0.25	27.50	Review of Stipulation and Order for Consolidation; phone conferences with Attorney Tom Gartner and Attorney Harry Stein re same. HENNINGSEN/PAUL	ARCH
2289.000	08/31/00	9	68	A			260 92.00	2.25	247.50	Research re standing to object to and appeal orders of the Board of Zoning Appeals. HENNINGSEN/PAUL	ARCH
2289.000	09/01/00	9	68	A			260 92.00	1.00	110.00	Continue research regarding standing to appeal Board of Zoning Appeals' decision. HENNINGSEN/PAUL	ARCH
2289.000	09/08/00	9	68	A			260 92.00	0.25	27.50	Draft Request for Substitution and corresponding correspondence to the Milwaukee County Clerk of Court. HENNINGSEN/PAUL	ARCH
2289.000	09/20/00			A				1 3 0	300.00	Payment received - Thank You. HENNINGSEN/PAUL	ARCH
2289.000	10/06/00	9	68	A			260 92.00	0.25	27.50	Review and organization of latest correspondence; phone conference with the Clerk to Judge Amato; draft notes to file re same. HENNINGSEN/PAUL	ARCH
2289.000	12/12/00	9	68	A			260 112.00	0.25	27.50	Review of correspondence from Attorney William Alverson; phone conference with same. HENNINGSEN/PAUL	ARCH
2289.000	12/13/00	9	68	A			260 112.00	1.75	192.50	Phone conferences with Mr. Paul Henningsen; review of file re Board of Zoning Appeals decision; review of Board of Zoning Appeals re Salvation Army's request for a special use permit; research re statutory definitions of residential uses. HENNINGSEN/PAUL	ARCH
2289.000	12/26/00			A				1 3 0	315.00	Payment received - Thank You. HENNINGSEN/PAUL	ARCH
2289.000	12/26/00			A				1 4 0	85.00	Payment received - Thank You. HENNINGSEN/PAUL	ARCH
2289.000	01/02/01	9	68	A			260 112.00	0.25	27.50	Review of Stipulation Regarding Further Proceedings; draft correspondence to Attorney Tom Gartner re same. HENNINGSEN/PAUL	ARCH
2289.000	01/22/01	9	68	A			260 112.00	0.25	27.50	Phone conferences with Attorney Tom Gartner and Attorney Mike Appfeld re briefing schedule; draft notes to file re same. HENNINGSEN/PAUL	ARCH
2289.000	01/24/01	9	68	A			260 112.00	2.00	220.00	Continue to review case file in preparation for drafting initial brief re Salvation Army matter. HENNINGSEN/PAUL	ARCH
2289.000	01/28/01	9	68	A			260 112.00	2.75	302.50	Travel to Marquette University Law Library for research re City of Milwaukee Zoning Ordinances; continue to review file in preparation for drafting initial brief re Board of Zoning Appeals' appeal. HENNINGSEN/PAUL	ARCH

Client	Date	Tmkr	E/A	H	T	B	R	Stmt #	Ctype	Amount	Ref #		
			Cat	Src	F	X	C	C	Tcd	Rate	Hours		
2289.000	01/26/01	9	E	A	7	81				0	7.00	Mileage and photocopy expense on 1/25/2001. HENNINGSSEN/PAUL	ARCH
2289.000	01/31/01	9	68	A				260	112.00	2.25	247.50	Begin drafting Brief in Support of Writ of Certiorari. HENNINGSSEN/PAUL	ARCH
2289.000	02/01/01	9	68	A				260	112.00	0.50	49.50	Continue to draft Brief in Support of Writ of Certiorari. HENNINGSSEN/PAUL	ARCH
2289.000	02/02/01	9	68	A				260	112.00	0.75	74.25	Continue to draft Brief in Support of Writ of Certiorari; phone conference with Mr. Paul Henningsen. HENNINGSSEN/PAUL	ARCH
2289.000	02/05/01	9	68	A				260	112.00	2.25	222.75	Continue to draft and revise Brief in Support of Writ of Certiorari. HENNINGSSEN/PAUL	ARCH
2289.000	02/06/01	9	68	A				260	112.00	3.00	297.00	Continue to draft and revise Brief in Support of Writ of Certiorari. HENNINGSSEN/PAUL	ARCH
2289.000	02/07/01	9	68	A				260	112.00	2.50	247.50	Continue to draft and revise Brief in Support of Writ of Certiorari. HENNINGSSEN/PAUL	ARCH
2289.000	02/08/01	9	68	A				260	112.00	2.50	247.50	Continue to draft Brief in Support of Writ of Certiorari; meeting with client and Ms. Sally Maddick re same. HENNINGSSEN/PAUL	ARCH
2289.000	02/09/01	9	68	A				260	112.00	1.00	99.00	Continue to revise Brief in Support of Writ of Certiorari; phone conference with Mr. Henningsen re same. HENNINGSSEN/PAUL	ARCH
2289.000	02/26/01	9	68	A				260	112.00	0.25	24.75	Review of The Salvation Army's Brief in Support of Writ of Certiorari. HENNINGSSEN/PAUL	ARCH
2289.000	03/12/01	9	68	A				260	112.00	1.25	137.50	Phone conferences with Attorney Tom Gartner and Attorney Mike Apfeld; correspondence to same; review of response briefs from both the City of Milwaukee and The Salvation Army. HENNINGSSEN/PAUL	ARCH
2289.000	03/14/01	9	68	A				260	112.00	0.50	55.00	Further review of response briefs; correspondence to Alderman Paul Henningsen re same. HENNINGSSEN/PAUL	ARCH
2289.000	03/23/01	9	68	A				260	112.00	0.75	82.50	Begin to draft reply in support of Writ of Certiorari. HENNINGSSEN/PAUL	ARCH
2289.000	03/26/01	9	68	A				260	112.00	2.00	220.00	Continue to draft Reply Brief. HENNINGSSEN/PAUL	ARCH
2289.000	03/28/01	9	68	A				260	112.00	2.00	220.00	Continue to draft and revise Reply Brief. HENNINGSSEN/PAUL	ARCH
2289.000	03/29/01	9	68	A				260	112.00	0.75	82.50	Continue to revise and draft Reply Brief. HENNINGSSEN/PAUL	ARCH
2289.000	04/09/01	9	68	A				260	112.00	0.25	28.00	Review of The Salvation Army Reply Brief. HENNINGSSEN/PAUL	ARCH
2289.000	06/11/01	9	68	A				260	112.00	0.75	93.75	Review of Court's Decision; correspondence to Alderman Henningsen re same. HENNINGSSEN/PAUL	ARCH
Total for Client ID 2289.000								Billable	46.00	4613.50	HENNINGSSEN/PAUL		
								Total	46.00	4613.50	Salvation Army		
								Payments		1300.00			
Grand Totals								Billable	46.00	4613.50			
								Total	46.00	4613.50			
								Payments		1300.00			

STATEMENT
LAW OFFICES
NIEBLER & MUREN, S.C.
450 NORTH SUNNYSLOPE ROAD
CHANCELLORY PARK I
P.O. DRAWER 825
BROOKFIELD, WISCONSIN 53008-0825
(262) 784-6630

PAUL HENNINGSSEN
Milwaukee City Hall
200 East Wells Street
Milwaukee WI 53202

Page: 1
February 07, 2001
File No: 2289-000M
Statement No: 8

Salvation Army

Previous Balance \$300.00

01/02/01 Review of Stipulation Regarding Further
Proceedings; draft correspondence to Attorney
Tom Gartner re same.

01/22/01 Phone conferences with Attorney Tom Gartner and
Attorney Mike Apfeld re briefing schedule;
draft notes to file re same.

01/24/01 Continue to review case file in preparation for
drafting initial brief re Salvation Army
matter.

01/25/01 Travel to Marquette University Law Library for
research re City of Milwaukee Zoning
Ordinances; continue to review file in
preparation for drafting initial brief re Board
of Zoning Appeals' appeal.

01/31/01 Begin drafting Brief in Support of Writ of
Certiorari.

For Current Services Rendered 825.00

Expenses

01/26/01 Mileage and photocopy expense on 1/25/2001. 7.00

Total Expenses 7.00

PAUL HENNINGSEN

Page: 2

February 07, 2001

File No: 2289-000M

Statement No: 8

Salvation Army

BALANCE DUE THIS STATEMENT

832.00

TOTAL BALANCE DUE

\$1,132.00

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

May 17, 2000

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN

Assistant City Attorney

Mr. Craig H. Zetley, Chairman
Board of Zoning Appeals
841 North Broadway, 10th Floor
Milwaukee, WI 53202

RE: 3120 West Wisconsin Ave.;
The Salvation Army, Inc.

Dear Mr. Zetley:

In an April 28, 2000 letter our legal opinion was requested with respect to two issues concerning the pending appeal of the Salvation Army, Inc. regarding the classification of its Winterstar Program ("Program"), located at 3120 West Wisconsin Avenue ("Premises"). Your request sought our opinion with respect to the types of activities which would require classification of the Program as a "social service facility" as well as advice as to whether any Wisconsin State statutory provisions relating to social service facilities ought to be taken into consideration by the Board when rendering its decision.

Attached to your opinion request were materials presently contained in the Board's file, including the following:

1. Notice of Appeal filed November 16, 1999.
2. Petition of the Salvation Army, Inc. In Support of Its Appeal.
3. Department of Neighborhood Services Order
4. Various materials describing the Program which were attached to the Petition.
5. A Master Lease Agreement for the Premises.

- 6. A Department of Neighborhood Services Memo dated February 1, 2000 describing their analysis of the Program.
- 7. A supplementary Memorandum filed on behalf of the Salvation Army, Inc. on February 24, 2000.

Based upon the materials contained in the Board's file, the Program appears to consist of an arrangement whereby the Salvation Army has entered into a Master Lease Agreement for up to 30 apartments located within the Premises. The Salvation Army operates the Program by subleasing individual apartments to homeless individuals for a period of up to two years and providing various counseling services on the Premises. The Program is funded, at least in part, with federal grant funds and focuses upon the housing and support needs of homeless individuals. The Program includes literacy, job and other counseling contemplated to develop and enhance life skills for participants, with the ultimate objective of allowing those individuals to live independently.

A number of definitions from the City's Zoning Code will be referenced in this opinion and copies of those definitions have been attached together with excerpts from the City's Zoning Code establishing requirements for multi-family residence districts, including the R/A/85 district which is applicable to the Premises.

The initial Department of Neighborhood Services Order, from which the Salvation Army appeals, concluded that the Premises were occupied without a valid occupancy permit. The February 1, 2000 Memorandum from the Department of Neighborhood Services concluded that because the Program includes counselors to "assist residents with substance abuse counseling, health and mental, healthcare maintenance and budget counseling" and further because residents have certain limitations upon their use of apartments within the Premises, that the operation of the Program is consistent with the operation of a "social service facility." Social service facilities are a special use in the R/A/85 zoning district.

The Milwaukee Code of Ordinances sets forth definitions for the term dwelling unit under sec. 200-08-28, in the City's Building Code as well as under sec. 295-7-51, in the City's Zoning Code. Notwithstanding the somewhat different phraseology in those two sections, in our opinion each of the apartment units available for rent by the Salvation Army pursuant to the terms of the Master Lease constitutes a "dwelling unit." Neither the City's Zoning Code nor the City's Building Code establishes specific requirements regulating the specific nature of tenancies or the procedures to be followed by landlords in terminating tenancies, such as those referenced by the Department of Neighborhood Services and set forth in sec. 704.05, Stats. Notwithstanding the fact that the Program establishes various supplemental requirements for residents subleasing units from the Salvation Army, in our opinion, the subleasing and use of apartments to house participants in the Program is consistent with the requirements of the City's Zoning Code for multi-family dwellings and constitutes a permitted use.

That is not the case for the provision of counseling services on the Premises. Section 295-7-164 of the City's Zoning Code defines the term "social service facility" and specifically includes the provision of various services including training, counseling, health or the distribution of food or clothing. To the extent that the Program includes such services on the Premises it is our opinion that the Department of Neighborhood Services has properly classified the activity as a social service facility.

We have also considered whether the type of counseling services undertaken by the Salvation Army would be permitted by some other section of the City's Zoning Code. Inasmuch as these types of activities are not "customarily incidental and subordinate" to the operation of an apartment building, we do not believe that this activity constitutes an "Accessory Use" as that term is defined by the Code. In our opinion, the provision of counseling services on the Premises constitutes the operation of a social service facility, which requires a special use pursuant to section 295-133-5-a of the Zoning Code.

In reviewing various provisions of the Wisconsin State Statutes, we have not been able to identify any specific provisions which relate to social service facilities that the Board should take into consideration when rendering its decision. Chapter 46 of the Wisconsin State Statutes addresses social services generally but does not appear to be applicable to the Program, inasmuch as it applies to state operated and various state sponsored programs. Chapter 50 of the Wisconsin State Statutes, which was discussed by the Salvation Army in its supplementary Memorandum, likewise does not appear to be applicable in this instance. Chapter 50 applies generally to the licensing of various types of social service facilities, however, there is no indication that the Program has secured any specific state license or that such a license is required pursuant to Chapter 50 of the Wisconsin State Statutes. In its Supplemental Memorandum, the Salvation Army takes the position that it is neither a "community-based residential facility" nor a "community living arrangement." Accordingly, the licensing requirements of Chapter 50 would not appear to be applicable in this instance.

In summary, it is our opinion that the subleasing of individual apartment units within the Premises by the Salvation Army does is a permitted use under the Zoning Code. However, in our opinion, the inclusion of counseling services on the Premises brings the Program within the

Craig H. Zetley

4

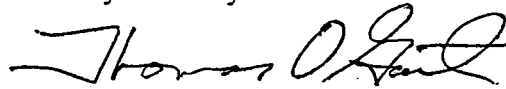
May 17, 2000

definition of a social service facility. Accordingly, to the extent that the Salvation Army proposes to provide the types of services included within the definition of a social service facility on the Premises, they must secure a special use from the Board of Zoning Appeals.

Very truly yours,



GRANT F. LANGLEY
City Attorney



THOMAS O. GARTNER
Assistant City Attorney

TOG/kg
Enclosures
30615

295-7-3

3. ACCESSORY USE: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same site or development site with the principal use.

200-08-28

28. DWELLING UNIT means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking and eating of meals.

295-7-51

51. DWELLING UNIT: One or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one family, for cooking, living and sleeping purposes.

295-7-164

164. SOCIAL SERVICE FACILITY: A facility operated by a public or nonprofit organization which provides services such as training, counseling, health or the distribution of food or clothing.

SUBCHAPTER 10
MULTI-FAMILY RESIDENCE DISTRICTS

295-130. Districts Established. For the purpose of regulating and restricting the use of land in the city of Milwaukee, 12 multi-family residence districts are established and numbered:

1. R/A/85.
2. R/A/125.
3. R/B/40.
4. R/B/60.
5. R/C/40.
6. R/C/60.
7. R/C/85.
8. R/C/125.
9. R/D-2/40.
10. R/D/40.
11. R/D/60.
12. R/D/85.

295-131. Purpose. Multi-family residence districts are intended to provide a wide range of sites for single, 2 and multi-family dwellings in the various portions of the city.

295-132. Permitted Uses. The following are permitted uses in multi-family residence districts:

2. RESIDENTIAL. a. Single-family, 2-family and multi-family dwellings, except as provided in s. 295-133-2-c.
- b. Family day care homes.
- c. Convents.
- d. Family group shelter care facilities.
- e. Small group shelter care facilities, subject to s. 295-14-1.
- f. Foster family homes.
- g. Small foster homes, subject to s. 295-14-1.
- h. Community living arrangements for not more than 15 persons, subject to s. 295-14-1.
- i. Dormitories.
- j. Residential hotels in R/A/85 and R/A/125 districts.
- k. Bed and breakfast establishments of not more than 2 rooms or within 600 feet of each other and subject to s. 295-14-11.
3. CHURCHES AND SCHOOLS.
 - a. Churches.
 - b. Elementary and secondary schools.
 - c. Colleges.

sheeter law defined

d. Transmission towers accessory to elementary and secondary schools, subject to s. 295-14-17-c and provided that any such tower does not exceed 2 times the district height limit or 150 feet, whichever is less, and is set back from all property lines a distance at least equal to the height of the tower.

4. PUBLIC AND QUASI-PUBLIC.

- a. Governmental structures, excluding transmission towers, not detrimental to the character of the district.
- b. Public parks and playgrounds.
- c. Telephone central offices.
- e. Libraries, art galleries and museums.
- f. In R/A/85 to R/C/125 districts, transmission towers that do not exceed the district height limit, subject to s. 295-14-17-c.

6. OFFICES. Membership organizations in R/A/85 to R/C/125 districts.

11. AGRICULTURAL. Farming, truck gardening, nurseries or greenhouses, without retail sales.

16. SIGNS. Signs, subject to subch. 7.

17. ACCESSORY. Accessory uses which are not detrimental to the residential character of the neighborhood by reason of the emission of odor, smoke, dust or noise, or the open storage of materials or equipment, including but not limited to:

- a. Not more than 2 roomers.
- b. The parking of motor vehicles, in compliance with subch. 5.
- c. Motor vehicle repair, service or maintenance on a lot used for residential purposes, subject to s. 295-14-19.
- d. Home occupations.

295-133. Special Uses. The following are special uses in multi-family residence districts:

2. RESIDENTIAL. a. More than one principal building on a lot if:
 - a-1. The lot is in single ownership.
 - a-2. The lot is at least one-half acre but not more than 5 acres; and
 - a-3. The buildings are used entirely for permitted residential purposes.
- b. Large group shelter care facilities, subject to s. 295-14-1.
- c. Community living arrangements, subject to s. 295-14-1 as follows:
 - c-1. For 15 or more persons.
 - c-2. Those determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.

295-134 Zoning

d. Two-family or multi-family dwellings on a lot having less than 3,600 square feet and an average width less than 30 feet.

e. Rooming houses.

f. Fraternities and sororities in R/A/85 to R/C/125 districts.

g. Bed and breakfast establishments up to 8 rooms and subject to s. 295-14-11.

3. SCHOOLS. Day care centers.

4. PUBLIC AND QUASI-PUBLIC.

a. Community centers.

b. Commercial uses in public parks and playgrounds.

c. Transmission towers that do not exceed 2 times the district height limit or 150 feet, whichever is less, subject to s. 295-14-17-d, except towers permitted under s. 295-132-3-d and 4-f.

5. HEALTH AND SOCIAL SERVICES.

a. Social service facilities.

b. Nursing homes.

c. Health clinics.

d. Hospitals and sanitariums.

6. OFFICES. Any residential building or building originally constructed to accommodate not more than 2 families and located in R/A/85 to R/B/60 districts and used for professional offices or business association offices, except those in which a business is actually carried on in the offices for profit or merchandise is sold at wholesale or retail, and except health clinics. No structural additions or enlargements or exterior alteration changing a residential appearance of the buildings to a business or commercial appearance shall be permitted.

8. MOTOR VEHICLE. A parking structure limited to the parking and customary servicing of noncommercial motor vehicles, provided:

a. The setbacks required in s. 295-134-1 and 2 are provided.

b. Such off-street parking structure is limited to off-street parking use only.

c. There is compliance with such other conditions and safeguards as may be deemed desirable by the board to protect adjoining properties and the character of the neighborhood.

10. ENTERTAINMENT AND RECREATION. Commercial hotels in R/A/85 and R/A/125 districts, subject to s. 295-14-4.

295-134. Lot Requirements. The following lot requirements apply in multi-family residence districts:

1. FRONT SETBACK. a. In the R/A/85 to R/C/125 and the R/D/40 to R/D/85 districts, the front setback shall be averaged in accordance with s. 295-13-2 but shall not exceed the district's maximum setback distance established in par. c.

b. In the R/D-2/40 districts, the front setback may either be 25 feet or averaged in accordance with s. 295-13-2.

c. In the following districts, the front setback shall not exceed:

District	Maximum Setback Distance (ft.)
R/A/85 to R/B/60	15
R/C/40 to R/C/125	20
R/D/40 to R/D/85	25

2. SIDE SETBACK. a. Except as provided in pars. b. to e., the side setback shall be:

District	Setback (ft.)
R/A/85 to R/B/60	6
R/C/40 to R/C/125	5
R/D-2/40 to R/D/85	6

b. In the R/A/85 to R/B/60 districts:

b-1. For each additional story height up to and including 8, the width of each side setback shall be increased 1.5 feet. For each additional story over 8 the width of each setback shall be increased one foot.

b-2. For any additional 20 feet, or major fraction thereof, of structure length greater than 100 feet, the width of the side setback shall be further increased one foot.

b-3. On a lot having a width of 40 feet or less at the time it is placed in an R/A/85, R/A/125, R/B/40 or R/B/60 district, the setback of 6 feet on each side of the structure may be reduced at the rate of 3 inches for each foot the lot is 40 feet or less.

c. In the R/C/40 to R/C/125 districts:

c-1. For each additional story above 2, the width of the side setback shall be increased 1.5 feet.

c-2. For each additional 10 feet of structure length beyond 50 feet, the width of the setback shall be further increased one foot.



CITY OF MILWAUKEE
 RECEIVED
 '00 MAY 15 AM 11:34
 OFFICE OF
 CITY ATTORNEY
 Board of Zoning Appeals

Marina

Chairman
 Craig H. Zetley

Members
 Henry P. Szymanski
 Catherine M. Doyle
 Scott R. Winkler
 Roy B. Nabors

Alternates
 Georgia M. Cameron
 Donald Jackson

Secretary
 Daniel A. O'Callaghan

AGENDA

May 25, 2000

PLEASE TAKE NOTICE THAT a hearing will be held before the Board of Zoning Appeals of the City of Milwaukee on Thursday, May 25, 2000 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	10th	22486 Variance <i>-for dismissal</i>	Lavon Hazel Lagrone Request to construct an addition to the existing Type 'A' restaurant without the required parking	3879 N. Teutonia Av.
2	17th	22933 Extension of Time	Schnell Price, Property Owner Request to comply with the conditions of decision No. 22373	4801 W. North Av.
3	1st	22964 Change of Operator	Linda Washington, Property Owner Request to continue occupying the premises as a day care center	4365 N. 27th St.
4	4th	22575 Special Use <i>-for dismissal</i>	SR Bodies, LLC, Property Owner Request to occupy the premises as a parking lot	703-11 E. Kilbourn Av.
5	2nd	0 Special Use <i>-for dismissal</i>	Alphabet Street, Inc. Willie Banks, Property Owner Request to occupy the premises as a day care center for 100 children; ages 6 wks - 12 years	7526 W. Fond du lac Av.

Board of Zoning Appeals, Hearing on Thursday, May 25, 2000

<u>Item No.</u>	<u>Ald Dist</u>	<u>Case No. Type</u>	<u>Case Information</u>	<u>Location</u>
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4:30 p.m. - Consent Agenda

Items Scheduled for approval on the Consent Agenda

No oral testimony will be taken on these items.

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.

6	8th	22958 Dimensional Variance	Jesus Marin, Prospective Buyer Request to convert the premises into a four unit building	2400 S. 12th St.
7	8th	22961 Use Variance	Laura E. Ruiz, Lessee Request to occupy the premises as a nail salon (personal services)	2635 W. Burnham St.
8	9th	22959 Special Use	Wisconsin Auto Title Loans Kenneth Wayco, Lessee Request to occupy the premises as a title loan agency	6865 N. 76th St.
9	10th	22875 Special Use	Mabell Burrell, Property Owner Request to occupy the premises as a day care center for 60 children, infant to 12 yrs., 24 hours per day	4122 W. Fond du Lac Av.
10	11th	22941 Dimensional Variance	Jon and Debbie Konings, Property Owner Request to install an air conditioning condensor in the side setback	3374 S. 37th St.
11	12th	22932 Special Use	Jose Zarate, Property Owner Request to continue occupying the premises as a type 'A' restaurant and expand into the existing building to the south	625 S. 5th St.
12	12th	22938 Special Use	Blessed Hope Assembly of God Rev. Grant W. Lawson, Property Owner Request to continue occupying the premises as a church	1501 W. Lincoln Av.

Board of Zoning Appeals, Hearing on Thursday, May 25, 2000

<u>Item No.</u>	<u>Ald Dist</u>	<u>Case No. Type</u>	<u>Case Information</u>	<u>Location</u>
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4:30 p.m. - Consent Agenda (continued)
Items Scheduled for approval on the Consent Agenda
No oral testimony will be taken on these items.

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.

13	12th	22947 Special Use	Ranch Community Services, Lessee Request to occupy the premises as an adult day care center	611 W. National Av.
14	12th	22955 Special Use	Day Care Services for Children, Inc., Lessee Request to occupy the premises as a day care center for 468 children, ages 6 wks. to 12yrs., from 6 a.m. to 6 p.m	647 W. Virginia St.
15	13th	22884 Special Use	Jensen Auto Sales Inc. Jeff Jesen, Lessee Request to occupy the premises as a motor vehicles sales facility	6280 S. Howell Av.
16	13th	22919 Special Use	Canadian pacific Railway c/o Construction Resources, Inc., Property Owner Request to install a transmission tower and equipment shelter in excess of 80 ft	6127-R S. 6th St.
17	13th	22930 Dimensional Variance	STN, LLC, Property Owner Request to construct an addition to the rear of the existing truck terminal which is within 500' of a residence	4866 S. 13th St.
18	14th	22953 Dimensional Variance	Mary M. Mc Donald, Property Owner Request to construct a garage without the required front setback	1416 E. Russell Av.

Board of Zoning Appeals, Hearing on Thursday, May 25, 2000

<u>Item No.</u>	<u>Ald Dist</u>	<u>Case No. Type</u>	<u>Case Information</u>	<u>Location</u>
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4:30 p.m. - Consent Agenda (continued)

Items Scheduled for approval on the Consent Agenda

No oral testimony will be taken on these items.

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.

19	17th	22943 Dimensional Variance	Jerry W. Reaves Sr., Property Owner Request to occupy the premises as a church without the required parking	2401-03 N. 36th St.
20	1st	22966 Special Use	Day Care Services for Children, Inc., Lessee Request to continue occupying the premises as a day care center for 96 children, ages 6 wks. to 12 yrs., from 6 a.m. to 6 p.m	2812 W. Fairmount Av.
21	2nd	22927 Special Use	Rose Patterson, Property Owner Request to occupy the premises as a day care for 75 children, ages 4 weeks to 12 years, from 5:00 AM to 12:00 midnight	7526 W. Fond du Lac Av.
22	2nd	22935 Special Use	David, Toni, and Lorese Howard Prospective Buyer Request to occupy the premises as a day care center for 40 children, ages 3 wks. to 12 yrs., from 6 a.m to 1 a.m	7484 W. Appleton Av.
23	2nd	22952 Special Use	Sqaure One, Inc., Lessee Request to occupy the premises as a type 'A' restaurant with a drive through facility.	6050 W. Fond du lac Av.
24	3rd	22907 Dimensional Variance	Mike Lalonde, Property Owner Request to construct a porch on the front of the existing building	1602 N. Humboldt Av.
25	3rd	22923 Use Variance	Jay Curtiss System Parking Inc., Lessee Request to occupy the premises as a commercial parking lot	2419 E. Kenwood Bl.

Board of Zoning Appeals, Hearing on Thursday, May 25, 2000

<u>Item No.</u>	<u>Ald Dist</u>	<u>Case No. Type</u>	<u>Case Information</u>	<u>Location</u>
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4:30 p.m. - Consent Agenda (continued)
Items Scheduled for approval on the Consent Agenda
No oral testimony will be taken on these items.

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.

26	3rd	22940 Special Use	Closet Classics Linda Flynn, Lessee Request to continue occupying the premises as a resale shop	1531 N. Farwell Av.
27	4th	22969 Special Use	County Clare, Ltd. Rip O'Dwanny, Property Owner Request to construct a 10'x16' addition to the existing hotel	1234 N. Astor St.
28	5th	22110 Special Use	A&A Petroleum, Inc. Khalid Ahmed Request to continue occupying the premises as a motor vehicle pumping station and car wash	7609 W. Capitol Dr.
29	5th	22949 Special Use	Michael H. Coon, Lessee Request to occupy the premises as a motor cycle repair facility	8302 W. Lisbon Av.
30	6th	22928 Special Use/ Variance	I Thessalonians M.B. Church Marie Shaw, Lessee Request to occupy the premises as a church	915 W. Burleigh St.

Board of Zoning Appeals, Hearing on Thursday, May 25, 2000

<u>Item No.</u>	<u>Ald Dist</u>	<u>Case No. Type</u>	<u>Case Information</u>	<u>Location</u>
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4:30 p.m. Public Hearings

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.

31	8th	22730 Special Use	St. Luke's Medical Center, Property Owner Request to construct a new expansion for admissions and out-patient surgery	2900 W. Oklahoma Av.
32	8th	22896 Special Use	Ramon Arteaga, Property Owner Request to continue occupying the premises as a motor vehicle sales facility	1601 W. Becher St.
33	9th	22918 Resubmission Request	Damaund Smith, Property Owner Request to resubmit an application to the Board to occupy the premises as a Community Based Residential facility (CBRF) for 8 adults	3412 W. Rohr Av.
34	9th	22873 Special Use	Inspired Kingdom Evangelistic Ministry Cassandra Holley, Lessee Request to occupy the premises as a church	6063 N. Teutonia Av.
35	10th	22916 Boundary Ext. / Variance	Yeshiva Elementary School, Property Owner Request to construct an addition to the existing elementary school and expanding into adjacent lots	3447 N. 51st St.
36	10th	22936 Special Use	Steve Wilson, Lessee Request to occupy the premises as a motor vehicle repair facility with a car wash	3300 W. Burleigh St.
37	10th	22566 Special Use	Thomas E. Smith, Sr., Property Owner Request to occupy the premises as a hand car wash facility	1102 W. Atkinson Av.

Board of Zoning Appeals, Hearing on Thursday, May 25, 2000

<u>Item No.</u>	<u>Ald Dist</u>	<u>Case No. Type</u>	<u>Case Information</u>	<u>Location</u>
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5:00 p.m. Public Hearings

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.

38	11th	22945 Dimensional Variance	Donald Kompas, Property Owner Request to construct an additional dwelling on the premises	6416 W. Ohio Av.
39	13th	22934 Dimensional Variance	Thomas A. Plevak & Joan M. Plevak, Property Owner Request to decrease the lot width from 75 ft. to 70 ft. creating a 5 ft. width lot shortage at the premises	2241 W. Mallory Av.
40	15th	22946 Appeal of an Order	Nancy L. Kohl, Property Owner Request to appeal the order of the zoning inspector	8201 N. 107th St.
41	16th	22550 Use Variance	3 S of Milwaukee, Inc. Steven S. Salaja, Owner Request to construct a parking lot on the premises to be used in conjunction with the existing tavern	5826 W. St Paul Av.
42	17th	22880 Special Use	The Guest House of Milwaukee, Inc Holly Gardenier, Exec. Director, Property Owner Request to occupy the premises as a social service facility and rooming house	1233 N. 13th St.
43	17th	22857 Special Use	Miracles of Creation Learning Center Frida Russell, Lessee Request to occupy the premises as a day care center for 50 children, ages 6 wks. to 12 yrs., from 6 a.m. to 6 p.m. Mon-Fri	1218 W. Walnut St.

Board of Zoning Appeals, Hearing on Thursday, May 25, 2000

<u>Item No.</u>	<u>Ald Dist</u>	<u>Case No.</u> <u>Type</u>	<u>Case Information</u>	<u>Location</u>
5:30 p.m. Public Hearings				
<u>Please note that each item scheduled for a public hearing has been scheduled for approximately five to ten minutes.</u>				
<u>If an item takes longer than its allotted time, the item may be adjourned to the next available hearing date.</u>				
44	17th	22887 Special Use/ Variance	SG Properties LLC, Property Owner Request to occupy the premises as a rooming house for 8 people	1007 N. 14th St.
45	17th	22963 Special Use	SG Properties LLC, Property Owner Request to occupy the premises as a rooming house for 8 people	1009 N. 14th St.
46	17th	22905 Use Variance	Repairers of the Breach, Inc. Ms. MacCanon Brown, Property Owner Request to occupy the premises as a social service facility	1331-33 W. Vliet St.
47	1st	22117 Use Variance	Phillip Epple Affordable Auto Salvage, Property Owner Request to continue to occupy as an auto salvage yard	4485 N. Green Bay Av.
48	1st	22911 Special Use	National Muffler, Brake, and Tire Sales Request to occupy the premises as a motor vehicle repair facility	5740 W. Fond du lac Av.
49	1st	22369 Use Variance	Roolie L. Youngblood Request to continue occupying the premises as a contractor's shop and yard	4232 N. Teutonia Av.
50	1st	22785 Use Variance	Charles Powell, Property Owner Request to continue to occupying the premises as a trucking and construction business with the storage of trucks and equipment	4642 N. Teutonia Av.
51	2nd	22920 Dimensional Variance	William Worgull, Property Owner Request to construct a 2nd fl. dormer and 3rd fl. dormer at the rear of the premises adding attic space	4946 N. 56th St.

Board of Zoning Appeals, Hearing on Thursday, May 25, 2000

<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 Hearings

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.

52	2nd	22894 Special Use	Community Financial Service Center Prospective Buyer Request to occupy the premises as a financial institution	7601 W. Hampton Av.
53	3rd	22960 Use Variance	Summit Square, Inc.; Tim Hiller, Property Owner Request to construct a duplex on the premises	2203 E. Ivanhoe Pl.
54	4th	22598 Appeal of an Order	The Salvation Army, Inc.; Major James Frye, Lessee Request to appeal an order by the Department of Neighborhood Services	3120-28 W. Wisconsin Av.
55	5th	22931 Special Use	James E. Ellis, Lessee Request to occupy the premises as a car wash and auto detailing	8332 W. Lisbon Av.
56	7th	22805 Special Use	The Three Amigos' Learning Center Victoria L. Stepter, Property Owner Request to occupy the premises as a day care center for 19 children, ages 6 wks.- 13yrs., for 24 hours	2868 N. 27th St.
57	7th	22868 Special Use	Tanya Lewis, Lessee He Cares Christian Child Care Center Request to continue occupying the premises as a day care center for 26 children ages infant to 6 yrs., from 7:00 a.m. to 5:00 p.m	4634 W. Burleigh St.

Board of Zoning Appeals, Hearing on Thursday, May 25, 2000

<u>Item No.</u>	<u>Ald Dist</u>	<u>Case No. Type</u>	<u>Case Information</u>	<u>Location</u>
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6:45 p.m. Public Hearings

Please note that this item scheduled for a public hearing has been scheduled for approximately thirtyv minutes.

58	3rd	22808 Special Use/ Variance	Daniel J. Katz, Property Owner Request to continue occupying the premises as a rooming house	2537 N. Farwell Av.
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7:15 p.m. Public Hearings

Please note that this item scheduled for a public hearing has been scheduled for approximately thirtyv minutes.

59	6th	22822 Use Variance	Continental World Wide Prospective Buyer Request to construct and occupy the premises as a motor vehicle pumping station and convenience store	2100 N. Holton Av.
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7:45 p.m. Public Hearings

Please note that this item scheduled for a public hearing has been scheduled for approximately thirtyv minutes.

60	6th	22818 Special Use	Wal-Mart Real Estate Business Trust Randy Crossno, Lessee Request to occupy the premises as a department store	401 E. Capitol Dr.
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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, 841 North Broadway, Room 1010, Milwaukee, WI 53202.

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

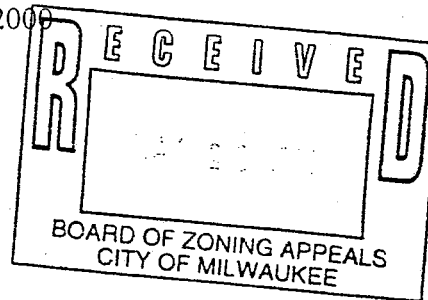
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May 19, 2000

William H. Alverson, Esq.
Godfrey & Kahn, S.C.
780 North Water Street
Milwaukee, WI 53202-3590



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CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN

Assistant City Attorney

Re: 3120 West Wisconsin Ave.; The Salvation Army, Inc.

Dear Mr. Alverson:

Enclosed for your consideration is a copy of a legal opinion issued by this office in response to a request from the Board of Zoning Appeals. It is our understanding that the application of the Salvation Army has now been scheduled for consideration by the Board of Zoning Appeals during the course of its May 25, 2000 meeting under agenda item 54. I am also enclosing a copy of that agenda for your consideration.

Please call me if you have any questions or comments concerning the enclosed opinion.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. O. Gartner', written over a large, stylized, cursive flourish.

THOMAS O. GARTNER
Assistant City Attorney

TOG:bal

Enc.

c: Mr. Dan O'Callaghan
Mr. Harry Stein

30696