

In the Matter of the Appeal of:
TRANSCENTER FOR YOUTH, INC., PETITIONER

Case No. 33117

Premises:

3628 W. PIERCE ST.
A/K/A 3628 W. PIERCE ST. 2; 3628 W. PIERCE ST. 3; 3628 W. PIERCE ST. 1

The above matter was heard before the Board of Zoning Appeals of the City of Milwaukee on May 8, 2014, based on an appeal from a determination of the Commissioner of City Development of the City of Milwaukee dated March 27, 2014, of a request for permit to occupy the premises as a secondary school for 100 students 7th - 12th grades, operating Monday - Friday 8:00 a.m. - 4:00 p.m. A decision of the Board was rendered on May 8, 2014. The decision and the minutes were filed immediately thereafter in the office of the Board of Zoning Appeals pursuant to Wisconsin Statutes, 62.23(7)(e)3.

IT IS FOUND:

That the Plan Examiner from the Department of City Development properly denied the request to occupy the premises as a secondary school for 100 students 7th - 12th grades, operating Monday - Friday 8:00 a.m. - 4:00 p.m.

Variances are required by the Milwaukee Code of Ordinances for the following reasons:

295-803-1

A secondary school is Not Permitted in an Industrial-Heavy District.

The Board of Zoning Appeals concluded, after receiving the Notice of Appeal and Application for Review from the petitioner, and after due notice to the parties in interest, and having heard the evidence of the petitioner, interested parties, and the City of Milwaukee, and being fully advised in the premises,

IT IS CONCLUDED:

Based on the testimony heard by the Board, that the proposed Variance Under Section 295-803-1 of the Milwaukee Code of Ordinances is consistent with:

1. Preservation of Intent.
That the variance would not be inconsistent with the spirit, purpose and intent of the regulations for the district in which it is requested.
2. Exceptional Circumstances.
That exceptional, extraordinary or unusual circumstances or conditions apply to the lot or intended use that do not apply generally to other properties or uses in the same district, and the variance is not of so general or recurrent nature to suggest amendment of the regulation.
3. Preservation of Property Rights.
That the variance is necessary for the preservation and enjoyment of the same substantial property rights which are possessed by other properties in the same district and same vicinity.
4. Absence of Detriment.
That the variance will not create substantial detriment to adjacent property, and will not materially impair or be contrary to the spirit, purpose and intent of this chapter, or the public interest.

- 5. Hardship.
That the alleged difficulty or hardship is not self-imposed nor is it based solely on economic grounds.

provided that the following conditions are complied with,

IT IS ORDERED AND DETERMINED:

On the basis of the Findings, Conclusions, and the record herein, that a Variance to occupy the premises as a secondary school for 100 students 7th - 12th grades, operating Monday - Friday 8:00 a.m. - 4:00 p.m is hereby granted.

Subject to the following conditions:

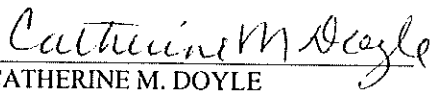
- 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
- 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.
- 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
- 4. That signage must meet the signage standards of s.295-805 of the Milwaukee Zoning Code for IM zoning districts.
- 5. That warning, parking and other regulatory signage associated with traffic control in school zones be installed as required.
- 6. That the petitioner obtains an occupancy certificate by having all required inspections, complies with current State commercial building code for Educational occupancies and complies with all zoning conditions and building code requirements prior to occupancy.
- 7. That this Use Variance is granted for a period of fifteen (15) years, commencing with the date hereof.


That this Variance is subject to revocation upon a finding that these conditions have not been fully complied with.

Any one aggrieved by the decision of the Board may appeal to the Circuit Court within thirty (30) days of the date hereof.

Dated May 14, 2014.

BOARD OF ZONING APPEALS


 CATHERINE M. DOYLE
 Chairwoman


 LINDSEY ST. ARNOLD BELL
 Secretary