

In the Matter of the Appeal of:
WHO'S MILWAUKEE LLC, PETITIONER

BZZA-16-00426

Premises:
1007 N OLD WORLD THIRD ST

The above matter was heard before the Board of Zoning Appeals of the City of Milwaukee on December 8, 2016, based on an appeal from a determination of the Commissioner of Neighborhood Services of the City of Milwaukee dated September 16, 2016, of a request for permit to allow a wall sign that exceeds the maximum allowed area. A decision of the Board was rendered on December 8, 2016. 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 Neighborhood Services properly denied the request to allow a wall sign that exceeds the maximum allowed area.

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

295-705-7-b-3-a

A wall sign with a display area larger than 50 square feet shall be a type A sign.

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 Special Use under Section 295-705-7-b-3-a of the Milwaukee Code of Ordinances is consistent with:

1. Protection of Public Health, Safety and Welfare.
That the use is designed, located, and operated in a manner so that the public health safety and welfare is protected.
2. Protection of Property.
That the use, value and enjoyment of other property in the neighborhood will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use.
3. Traffic and Pedestrian Safety.
That adequate measures have been or will be taken to provide safe pedestrian and vehicular access.
4. Consistency with Comprehensive Plan.
That this special use will be designed, located and operated in a manner consistent with the city's comprehensive plan.

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 Special Use permit to allow a wall sign that exceeds the maximum allowed area is hereby granted.

Subject to the following conditions:

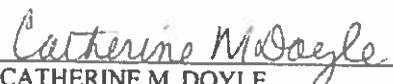
1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That the applicant has no outdoor banners or other advertising except signage that has been approved and installed according to the requirements of a sign permit.
5. That no prohibited signage be displayed at the location per code section 295-407-9.
6. That the sign receives approval from the Milwaukee Historic Preservation Commission.
7. That this Special Use is granted to run with the land.

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


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

Dated, December 15, 2016.

BOARD OF ZONING APPEALS



CATHERINE M. DOYLE
Chairwoman



JEFFREY THOMAS
Secretary