

MINUTES
BOARD OF APPEALS
Monday, August 19, 2013
City Hall, Room 604
5:30 p.m.

MEMBERS PRESENT: D. Carlson, B. Maccaux, J. Reck, R. Marx

MEMBERS EXCUSED: J. Bunker

OTHERS PRESENT: P. Neumeyer, D. Mangless, D. O'Brien, N. Flores, S. Treml, D. Truckey, C. VandenHouten, B. Batal, B. Galvin, A. Miller, D. Warnke, G. Corsten, Ald. Tim De Wane, Ald. J. Warner, P. Mattern, G. Gierczak

D. Carlson called the meeting to order and asked the Board if anyone needed to abstain from voting; all replied no. He asked if any members had gone to the properties or talked to anyone regarding the requests; all replied no. D. Carlson stated he spoke with a resident regarding Item #4, and he also visited the properties for each variance request.

APPROVAL OF MINUTES:

Approval of the July 15, 2013, minutes of the Board of Appeals

A motion was made by J. Reck and seconded by R. Marx to approve the July 15, 2013, minutes of the Board of Appeals. Motion carried 4-0.

NEW BUSINESS:

Item #6 was discussed prior to Item #1.

6. William & Ann Galvin, property owners, propose to replace an existing garage and driveway in a Low Density Residential (R1) District at 1244 Emilie Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-615, Table 6-4, side yard setback, Section 13-1709(a), setbacks for parking areas.

Four letters from nearby property owners were distributed to the Board in support of the variance request.

Bill Galvin, 1244 Emilie Street – He said the garage and driveway were grandfathered in when he purchased the property. The existing garage is only large enough for two vehicles; there is no storage room for other items. He is requesting a variance to replace the existing driveway, which is broken and buckled. When it rains or snows, water pools against the house. The garage is located very close to the house, and it is a hardship getting vehicles in and out without hitting the house. The proposition is to enlarge the garage and move it back about 10 feet from the original location. A variance is needed because the garage and driveway are too close to the property line.

D. Carlson said during his visit to the property he noticed that the applicant's and the neighbor's houses were very close, and he asked if the neighboring property was in setback compliance. B. Galvin said the neighboring property was not.

J. Reck asked if the extension of the driveway was presently made up of gravel. B. Galvin said it was cement up to the existing garage.

D. Carlson asked if the applicant's intention was to put the new driveway where the old one is. B. Galvin said it will cover exactly what exists now; it will not be wider.

D. Carlson asked if the strip of grass between the applicant's and the neighboring driveway would continue to be maintained. B. Galvin said it would.

Ald. De Wane said he supports the project and feels it will be an improvement to the property.

J. Reck feels the plan makes sense, especially since the garage and driveway are already in the setback area.

D. Carlson commented that it seems two variances are being requested – one for the driveway width into the setback area and one for the garage.

A motion was made by J. Reck and seconded by R. Marx to approve the request to replace an existing garage and driveway in a Low Density Residential (R1) District at 1244 Emilie Street. Motion carried 4-0.

1. Dan Mangless, property owner, Gandrud Chevrolet, proposes to pave within the front property line located in a General Commercial (C1) at 1000 Auto Plaza Drive. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-1709(a), setbacks for parking areas.

Dan Mangless, 2146 Swanstone Circle, De Pere – He is requesting to extend into the setback to expand the auto body paint shop and allow for vehicles to pass next to the shop to reduce street traffic.

D. Carlson asked if the hardship for the variance was putting up with tight turn space around the shop or not building the extension of the shop at all. D. Mangless said they would most likely have to move the paint shop to a remote location, or all of the cars would have to enter the street instead of staying on the property.

D. Carlson visited the property and exited the parking lot to the south. He is concerned about the visibility around the corner and hopes it wouldn't get worse with the improvements. D. Mangless said the area wouldn't be used for parking; it would be used for access only.

J. Reck thinks what the applicant is requesting is consistent for the corridor and feels it is a workable solution for expansion.

D. Carlson stated Auto Plaza Drive is a relatively busy traffic area and is still concerned about visibility around the corner.

R. Marx agrees it could be an issue if the owners allowed parking in that area. He wondered if the Board could stipulate that the area couldn't be used for that purpose. D. Carlson responded that the Board could stipulate that but wondered how it would be enforced.

D. Carlson asked D. Mangless to explain again the hardship. D. Mangless said the shop would be expanded, and the remaining area would be used for staging cars. It would be very tight to use that access.

D. Carlson asked if the applicant thought about expanding another portion of the building. D. Mangless said the other side is the metal shop. Currently the building is set up where the paint storage is near the paint shop, and if the building was expanded in a different way, the paint would not be as accessible.

A motion was made by J. Reck and seconded by R. Marx to approve the request to pave within the front property line and mark the area "no parking" located in a General Commercial (C1) at 1000 Auto Plaza Drive. Motion carried 4-0.

2. Nicholas Flores, property owner, proposes to construct a detached garage in a Low Density Residential (R1) District at 820 S. Baird Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-615, Table 6-4 side & rear yard setback; Section 13-613(c), general requirements.

Two letters from nearby property owners were distributed to the Board in support of the variance request.

Nicholas Flores, 820 S. Baird Street – The request is for a variance to the setback requirement to the west and south borders to be one foot instead of four feet. It is a small lot, and he would like to keep the garage a safe distance away from the maple tree. The second portion of the request is for the garage to be larger than what is currently required for the "house to garage" ratio. However, in the near future the home will be expanded and then the ratio will meet the code requirements.

R. Marx wanted clarification that the garage overhang would be one foot away from the property line. N. Flores said it would be one foot from the property lines to the west and south.

D. Carlson asked the applicant what the hardship would be if the Board granted the variance for the side setback but not the rear – basically building a shorter garage. N. Flores said the deep garage was requested to fit their vehicles, a work area, garbage and recycling containers, etc.

D. Carlson commented on the future home expansion, clarifying that the garage would still remain detached. N. Flores said that was correct.

J. Reck responded that he agreed with the variance to the side yard setback because of existing property conditions, but he disagrees with the rear yard setback variance.

N. Flores asked if he was able to build the same size garage staying within the required four-foot rear yard setback, in essence moving the garage closer to his house. The Board agreed this was an option. The other option would be to build a less deep garage or some combination of the two.

A motion was made by R. Marx and seconded by J. Reck to approve the request to construct a detached garage in a Low Density Residential (R1) District at 820 S. Baird Street with a two-foot side yard setback and the square footage exceeding that of the principal structure and to deny the rear yard setback variance request. Motion carried 4-0.

3. Chris VandenHouten on behalf of Scott Tremel, property owner, proposes to construct a detached garage located in a Low Density Residential (R1) District at 3394 Haven Place. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-615 (c)(1), accessory building placement; Section 13-1705(d)(1) maximum number of driveways.

Pictures were distributed to the Board of the home, proposed site, and a neighboring property.

Chris VandenHouten, E176 County Road S, Luxemburg, represented the applicant. The variances requested are less than required front yard setback due to the proposed garage being placed in front of the applicant's existing home and more than one 1-way driveway. There is an abandoned driveway on the property.

J. Reck asked the applicant about the topography issues listed in his request. He wondered if the valleys prevent the new driveway from connecting to the existing driveway. C. VandenHouten said a culvert would need to be placed in the applicant's front yard to drain the water. It would be very costly as the area would need approximately eight feet of fill.

Dan Truckey, 3292 Haven Place – He lives next door to the applicant to the east. The home in the neighborhood to the south is for sale for \$500,000. The properties in the area are very nice. There were some encroachment issues on his property from the prior owner of S. Tremel's property, and those issues still exist. He said the applicant has seven and a half acres of property; a garage does not need to be built in the front of the house. There is buildable land behind the house. He is against the variance to put the garage in front of the home.

J. Reck said he has more issue with the request for a second driveway than with the garage.

D. Carlson said he has more of an issue with the garage than the second driveway. It is a rural lot where there is a reasonable expectation of those living in this area that homes will have large garages. He feels S. Tremel created his own hardship by placing his pond where he did. However, connecting the driveways seems to be a hardship because of the low spots between the two. He is in support of the variance request because the area is rural.

A motion was made by J. Reck and seconded by B. Maccaux to approve the request to construct a detached garage located in a Low Density Residential (R1) District at 3394 Haven Place. Motion carried 4-0.

4. Barbara Batal, property owner, proposes to expand an existing parking area located in an Office Residential (OR) District at 328 S. Chestnut Avenue. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-1709, setbacks for parking areas, Section 13-1714, surfacing.

A representative spoke on behalf of Barbara Batal. He said there was always driveway access to the back door, and Barbara has always parked there. She is disabled, and the back door is handicap accessible. Current renters living next door have contacted the City regarding the situation. Barbara is requesting a variance to enlarge the parking area.

D. Carlson said the property has no garage, and the back door entrance is through an alley. Almost half of the yard is gravel. Since most properties in the area look the same way, he is in favor of the request.

Ald. Warner gave his support of the request and asked the Board to approve it.

J. Reck feels the hardship requirement has been met in this case. The solution seems right for the individual.

A motion was made by J. Reck and seconded by R. Marx to approve the request to expand an existing parking area located in an Office Residential (OR) District at 328 S. Chestnut Avenue. Motion carried 4-0.

5. Phil Mattern, on behalf of Gary Gierczak, property owner, proposes to attach a garage to an existing two-family dwelling located in a Low Density Residential (R1) District at 471-473 Edelweiss Drive. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-604, Table 6-2, side yard setback.

Phil Mattern, Classic Renovations, represented the applicant. G. Gierczak would like to build a garage attached to the duplex on the south side of the property. The variance request is for a reduction in the side yard setback requirement from eight feet to four feet. The proposed garage would be two stalls and would be the same size as the existing garage.

Gary Gierczak, owner of 471-473 Edelweiss Drive – He explained how he would like his tenants to have their own garage for parking and storage space. Each side of the duplex would have a garage and direct access by driveway to Edelweiss Drive.

D. Carlson asked if the applicant considered building only a one-stall garage. G. Gierczak said he thought it would be more aesthetically pleasing to build a garage that matches the existing.

R. Marx asked if the proposed concrete patio was to code. P. Neumeyer said it was.

D. Carlson said the neighbor is pretty close to the south. He is concerned because the applicant's property is two or three feet higher than the neighbor to the south. There might be infringement of rights of the people to the south from additional activity on that side of the building. He is not convinced the applicant has a need that overcomes that concern.

J. Reck feels building a second garage is a nice amenity for tenants, but there doesn't seem to be a hardship for the request.

A motion was made by J. Reck and seconded by R. Marx to deny the request to attach a garage to an existing two-family dwelling located in a Low Density Residential (R1) District at 471-473 Edelweiss Drive. Motion carried 4-0.

7. Justin & Amy Miller, property owners, propose to expand an existing driveway in a Low Density Residential (R1) District at 3480 Wiggins Way. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709(b)(1), setbacks for parking areas, Section 13-1705(a), maximum driveway width.

Amy Miller, 3480 Wiggins Way – She is requesting an extension of the existing driveway and wants to park a camper next to the garage instead of in the driveway. The hardship is accessing the garage to park vehicles when the camper is in the driveway blocking the door.

J. Reck asked how close the neighbors are to the property line. A. Miller thought approximately six feet.

Dawn Warnke, 3481 Wiggins Way – She supports the request and feels the camper would be an eyesore in the driveway.

D. Carlson said the existing driveway is constructed of gravel with a timber siding. He appreciates that the property owner wants to improve it.

D. Carlson is concerned because the hardship was created due to the applicant buying too large of a camper.

A motion was made by J. Reck and seconded by B. Maccaux to deny the request to expand an existing driveway in a Low Density Residential (R1) District at 3480 Wiggins Way. Motion failed 2-2.

A motion was made by R. Marx and seconded by B. Maccaux to approve the request to expand an existing driveway in a Low Density Residential (R1) District at 3480 Wiggins Way. Motion carried 3-1.

8. Gary T. Corsten, property owner, proposes to retain an existing parking area and surface material in a Varied Density Residential (R3) District at 905 Day Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-1709, setbacks for parking areas, Section 13-1714, surfacing.

Gary Corsten, owner of 905 Day Street – He stated the existing driveway is gravel, and he would like to be able to park four vehicles on it.

D. Carlson asked if the applicant would consider paving the gravel area. G. Corsten said not at this time.

J. Reck feels it would be a hardship to downsize the gravel area to be in compliance.

A motion was made by J. Reck and seconded by B. Maccaux to approve the request to retain an existing parking area and surface material in a Varied Density Residential (R3) District at 905 Day Street. Motion carried 3-1.

A motion was made by J. Reck and seconded by R. Marx to adjourn the meeting at 7:08 p.m. Motion carried 4-0.

Meeting adjourned.