MINUTES
BOARD OF APPEALS
Monday, October 21, 2013
City Hall, Room 400
5:30 p.m.

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

OTHERS PRESENT: P. Neumeyer, P. Witek, S. Bertrand, A. Higgins, J. Hoban, D. Phillips, T. Kelley, K. Kelley, S. Backus

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. T. Hoy stated he visited the property for Items #2 and #5. D. Carlson visited the properties for each variance request. D. Carlson then asked if anyone spoke with anyone regarding the variances. All replied no.

APPROVAL OF MINUTES:
Approval of the September 16, 2013, minutes of the Board of Appeals

A motion was made by J. Bunker and seconded by J. Reck to approve the September 16, 2013, minutes of the Board of Appeals. Motion carried.

NEW BUSINESS:

1. Evie Saharsky, Jones Sign Company, on behalf of St. Elizabeth Ann Seton Congregation, proposes to replace an existing wood sign in a Low Density Residential (R1) District at 2771 Oakwood Drive. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-2016(b) & (c), religious institution and place of worship signage, setbacks and sign height.

Paul Witek, 2970 Fleetwood Drive – He explained that they are trying to replace an existing wood sign along the roadway. The area where the sign will go is a heavily wooded area. They want to replace the existing sign mainly for visibility. The new sign will have the same look but slightly taller than what is allowed. This will allow for more landscaping around the base to incorporate the wooded lot behind the sign. He also explained that the setback is less than 15 feet from the property line and would like to keep the setback. The new sign would then be 15 feet from the curb.

Scott Bertrand, Jones Sign Company – He stated he had additional photos that he took today.

D. Carlson inquired if the request was for two variances; one for the height of the sign and the other for the setback. He asked if there were any changes with the base. S. Bertrand stated no.

J. Bunker asked how far from the curb the sign will actually be placed. He asked P. Neumeyer what the ordinance was, to which P. Neumeyer stated 15 feet.

S. Bertrand stated 16 feet.

A motion was made by J. Bunker and seconded by J. Reck to grant the variance as requested. Motion carried 5-0.

2. William & Jessica Hoban, property owners, propose to construct a 10-foot x 16-foot lean-to located in a Low Density Residential (R1) District at 1027 S. Van Buren Street. The

applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, setbacks between buildings and rear yard setback, Section 13-509 permitted setback encroachments.

Jessica Hoban, 1027 S Van Buren Street – She stated her husband could not make the meeting and Andrew Higgins will be answering questions and explain their variance request. She stated that they had to tear down the old shed due to the wall and roof caving.

Andrew Higgins, 1027 S Van Buren Street – He stated they are requesting a variance regarding a shed that was torn down and to be replaced at 1027 S Van Buren. The setback required is four feet for the rear and are asking for a three foot setback. The shed was in violation as it crossed the property line. One wall of the shed was the back wall of the neighbor's garage. With the variance, the new shed will be entirely on the property and functional to their needs. The house was built before the current ordinances were put in place.

A motion was made by J. Reck and seconded by R. Marx to grant the variance as requested. Motion carried 5-0.

3. Doreen Phillips, Phillips Development, property owner, proposes to replace an existing driveway in a Low Density Residential (R1) District at 1215 Gross Avenue. 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.

Dorren Phillips, 1213 Gross Avenue – She stated she is asking to replace her current driveway. Her driveway is very close to or on the lot line and if she complied with the current ordinance, her driveway would not be usable.

D. Carlson stated he was out to the property and that the driveway is as the applicant stated. The driveway needs to be replaced and he did agree that the driveway was within inches or right on the lot line.

P. Neumeyer asked if there was a condition with the variance.

J. Bunker stated that as long as the new driveway does not dam up water.

D. Carlson stated the driveway should be okay judging by the altitude of the current driveway.

A motion was made by J. Bunker and seconded by R. Marx to grant the variance as requested provided there is no damming of the water. Motion carried 5-0.

4. Thomas & Kathleen Kelley, property owners, propose a 12-foot addition to an existing garage in a Low Density Residential (R1) District at 2650 Shag Bark Lane. 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.

Kathy & Tom Kelley, 2560 Shag Bark Lane – Kathy stated that her current garage is too small for two vehicles and they want to add a 12 foot garage to their existing garage and take out the existing cement slab that is currently there. They also want to add to a frost wall at the rear to improve an existing retaining wall that they had to already replace. The new garage will not be right on the property line and will continue to allow the fire department to have access if needed. They are requesting to go from an eight-foot setback to a six-foot setback.

D. Carlson stated there was room on the side of the house if there was a safety issue.

A motion was made by J. Reck and seconded by J. Bunker to grant the variance as requested. Motion carried 5-0.

5. Shawn & Sarah Backus, property owners, propose to remove an existing garage and construct a new 20-foot x 22-foot detached garage in a Low Density Residential (R1) District at 1122 S. Irwin Avenue. 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 setbacks.

Shawn Backus, 1122 S Irwin Avenue – He stated the property was bought in March and the existing garage is in rough shape and needs to be replaced. The current garage is 14x22 and is quite small. They are requesting to build a 20-foot wide garage and in order to build they would have to come within one foot of the property line. The current ordinance is four feet for the side yard and four feet for the rear yard.

D. Carlson asked if the setbacks were four feet to the rear and two feet on each side and how far he wanted to back into the setbacks.

S. Backus stated he wanted to go two feet to the south and two feet towards the back and possibly all the way to the back lot line.

D. Carlson asked S. Backus if he is requesting to go as back as far as he can and eventually all the way to the lot line, and a couple feet on the left side where there will be one foot allowed for the lot line.

S. Backus stated that was correct. He wanted to maintain the driveway layout and would not have to adjust the apron of the driveway.

J. Reck stated he would be reluctant to go right to the lot line; however, he was okay with the setback for the side of the garage, but not the back of the garage. He felt it should come off the minimum of two feet.

J. Bunker stated that would be two feet from the foundation and not the roof line to the property line.

D. Carlson agreed and stated that the setback for the back of the garage needed to be looked at. He stated the proposal from the left side of the table is two feet in and two feet in. He observed at the property that the existing garage would be inappropriate for a two stall car garage, as it is a very tight lot. He feels it is appropriate for the property to be able to have a two stall car garage.

A motion was made by J. Reck and seconded by J. Bunker to grant the variance with a two foot variance on the side yard, a one foot variance on the rear yard, the downspouts be directed away from the neighbor's property, and the roof line does not go over the property line. Motion carried 5-0.

A motion was made by J. Bunker and seconded by B. Maccaux to adjourn the meeting at 6:11 p.m. Motion carried 5-0.

Meeting adjourned.