

**MINUTES  
BOARD OF APPEALS  
Monday, November 18, 2013  
City Hall, Room 400  
5:30 p.m.**

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

**MEMBERS EXCUSED:** J. Reck

**OTHERS PRESENT:** P. Neumeyer, M. Cuene, S. Bieda, P. Hagerty, M. Fadroski, P. Bredael, and P. Martell

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, #3, and #4. D. Carlson stated he did not visit the properties. He then asked if anyone spoke with anyone regarding the variance requests. All replied no.

**APPROVAL OF MINUTES:**

Approval of the October 21, 2013, minutes of the Board of Appeals

A motion was made by R. Marx and seconded by T. Hoy to approve the October 21, 2013, minutes of the Board of Appeals. Motion carried.

**NEW BUSINESS:**

1. Tonya Wagner, Mau & Associates, on behalf of Broadway Enterprise, Inc., proposes to construct two, two-way drives along the 7<sup>th</sup> Street right-of-way, located in a Highway Commercial (C2) District, 1112 South Military Avenue. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1706 (e) (1) distance between drives.

Steve Bieda – Mau & Associates-400 Security Blvd: S. Bieda stated they are requesting a variance to have two driveways closer together than what is required. They want to shift the access point farther to the west so it aligns up with the driveway access point for the carwash. They are improving the situation by moving the access point right at Military Avenue and shifting it down. Although it will be moved closer to the minimum on 7<sup>th</sup> Street where there is less traffic, they feel this is a better situation.

D. Carlson asked if the City of Green Bay had previously requested to have them move the eastern driveway because it's so close to Military Avenue.

P. Neumeyer stated there is a problem at 7<sup>th</sup> and Military and it is really difficult turning in and out of those driveways. Staff suggested they move the driveway further west. In moving it further it does create another problem. The driveways would be closer together, hence the variance request needed. Staff suggested it would be a better situation to move the driveway away from the intersection.

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

2. Monica Fadroski, property owner, proposes to construct a new single-family dwelling within a 100-year floodplain, AO/AE Zone, located in a Low Density Residential (R1) District at

2635 East Shore Drive. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-1330(a) Standards for development in the flood fringe areas.

Steve Bieda stated that he was representing Monica Fadroski. They are requesting a variance from the current fill requirement for building a home in the floodplain. As there is not enough room on the lot as required, they are asking to deviate from the ordinance. They are asking to fill out to the retaining walls, which would be 2 feet from the property line.

D. Carlson asked if this was for new construction on an empty lot.

S. Bieda stated that was correct. He stated the lot size was in total 70 feet and the structure being built is 42 feet.

J. Bunker asked if there was a building on the lot now that has to come down.

S. Bieda stated he didn't think so.

P. Neumeyer stated there was a garage currently on the lot.

Pat Hagerty-2637 East Shore Drive: P. Hagerty asked how much this was going to affect the drainage per property with another elevated property. He stated that there are two properties that have the lateral elevations and in the spring there is standing water for approximately 3 weeks in the backyards. He wanted to know what was going to be done to resolve this situation.

S. Bieda stated they could place the drain tile next to the wall to allow the water to pass from the front to the back, where it's a lower elevation, out towards the bay. He stated that they would list this as a condition of the variance. The drain tiles should help alleviate some of the standing water.

J. Bunker stated that he finished a house where he placed a catch basin in the yard and had all the down spouts hooked up to the catch basin so that there would be no standing water at all, and with all the rain, there have been no problems with standing water.

Ald. Moore stated his primary concern is the standing water. He recommends that this request have a condition placed regarding some type of drainage system, catch basin, or drywell. He stated he does not see any problems if this condition would be placed on the variance.

A motion was made by J. Bunker and seconded by R. Marx to approve the variance as requested utilizing drain tiles and catch basins and route all down spouts to the bay. Motion carried 5-0.

3. Phil Bredael, The Remodel Shop, on behalf of Dave & Cris Engel, property owners, proposes to remodel an existing single-family dwelling and construct a detached garage within a 100-year floodplain, AE Zone, located in a Low Density Residential (R1) District at 2615 East Shore Drive. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-1330(a) Standards for development in the flood fringe areas.

Phil Bredael – The Remodel Shop: P. Bredael stated the lot for 2615 East Shore Drive is 60 feet wide. The house currently has 10 feet on the east side, 20 feet on the west side, and the house is 30 feet wide. They are seeking a variance to allow them to stay with the 20 feet on the west side and 10 feet on the right side so that they can taper one foot of fill from one foot above flood level back down to the original ground level at 584 feet. They would also put in a drainage ditch on the west side and on the east side and put in an 18” block wall and start from 587 feet and taper to the 18” block wall. Also, they are asking to build a 26’x36’ garage in front of the home rather than the back due to the views it would impose on the homeowners and the neighboring property. After turning in the variance request, they learned of a high pressure gas line that travels through the property 13 feet off the lot line and goes out to 13 feet from the house and branches out to the neighboring houses. After much discussion with WPS, and being informed that the trees on the lot are protected, they cannot find a viable way to relocate the line without coring through the base of some of the trees.

D. Carlson asked if this would interfere with where the garage would be located.

P. Bredael stated that it would and proposes shifting the garage slightly to the left or west side of the lot. There is an 80 foot setback from the roadway to the garage. There will be an addition of eight feet to the front of the house and 12 feet to the back of the house. The house will be lifted to 589 feet with flood levels at 586 feet. They also want to bring down the siding 24 inches to the foundation and taper the soil up from there.

D. Carlson asked if the same drainage issue will apply in this case.

P. Bredael stated that the lot does slope down in the front and this will allow for drainage to the ditch in front of the house.

D. Carlson asked P. Neumeyer what the variance was for the second structure.

P. Neumeyer stated that it was the secondary structure being in front of the primary structure.

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

4. Mark Decoster, Hanrahan Properties, LLC, property owner, proposes to pave an existing gravel drive in a Low Density Residential (R1) District at 1013 North Clay Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-609, Maximum impervious coverage.

Chris Heim – C. Heim Enterprise, LLC, contractor, stated he is representing Mark Decoster on this matter. The property at 1013 North Clay Street is a condemned property and the existing driveway is all gravel and covered in grass. The City Parking Ordinance states you cannot park on the grass, even though the driveway is gravel, it looks like grass. In fixing the foundation of the house, gravel was on the driveway and weeds were pulled so it looked like a driveway, however, this altered the look and now the driveway has to have poured concrete or blacktop. Parking is needed for potentially both sides and the only place to put it is where the existing driveway is now on the south side. The driveway will be two and a half feet off of the property line. It was suggested by Inspection staff to move the apron of the driveway so a mud path would not be created.

Ald. Moore stated he has no problem with the variance being requested as the property has been cleaned up.

R. Marx asked why there can't be a standard 18 foot wide apron.

C. Heim stated he did not see a problem with that. He stated that the apron is solid and actually does not need to be replaced; however, to give it a clean look, a new apron would be appropriate.

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

5. Mike Jaeckel, property owner, proposes to reduce the length of a required and approved fence for buffering in a Special Purpose Residential Light Industrial (S-RLI) District at 1133 South Broadway. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-2107(b)(1), required screening for nonresidential uses that abut a residential use.

No representation was present for Item #5. It was suggested to table the item for 30 or 60 days.

A motion was made by B. Maccaux and seconded by R. Marx to table the request up to 60 days. Motion carried 5-0.

A motion was made by J. Bunker and seconded by R. Marx to adjourn the meeting at 6:01 p.m. Motion carried 5-0.

Meeting adjourned.