

**MINUTES**  
**BOARD OF APPEALS**  
**Monday, April 21, 2014**  
**City Hall, Room 310**  
**5:30 p.m.**

**MEMBERS PRESENT:** Don Carlson, Jim Reck, John Bunker, Thomas Hoy,

**MEMBERS EXCUSED:** Rob Marx and Bob Maccaux

**OTHERS PRESENT:** Dan Lindstrom, Paul Neumeyer, Kim Flom, Al Kolb, Darrel Milquette, Michael Smith, Joe Kummerer, Jeff Johnson, Jeff Schlag, James Fuller, Elizabeth Paape, Vicky Wanner

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 all properties except for Item #1. D. Carlson stated he did visit all the properties. He then asked if anyone spoke with anyone regarding the variance requests. All replied no.

**APPROVAL OF MINUTES:**

Approval of the March 17, 2014, minutes of the Board of Appeals

A motion was made by J. Reck and seconded by J. Bunker to approve the March 17, 2014, minutes of the Board of Appeals. Motion carried.

**OLD BUSINESS:**

**NEW BUSINESS:**

1. Allen Kolb, property owner, proposes to replace an existing attached garage in a Low Density Residential (R1) District at 1240 Roscoe Street. 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, Section 13-613(c), general requirements accessory structures.

Al Kolb – 1240 Roscoe Street: A. Kolb stated he would like to remove an existing garage and build a larger garage. There is limited access to the rear of the property and uses his neighbor's property to bring the boat trailer into the rear of his lot from the street. The new garage will have a drive thru and will allow him access to the back of his lot from the street. A larger and wider garage will make entering and exiting easier, much safer, and more convenient. Public access for police and fire will not be compromised.

D. Carlson asked if the issue was that he needed two more feet of variance. The code states six for a side yard setback and you are proposing four to have a little wider garage. He also asked if he has spoken to his neighbors.

A. Kolb stated that was correct. He has spoken to his neighbors, especially the neighbor to the right as he is the one giving permission to use his property to bring his trailer from the street driving onto his property.

J. Reck asked if he was planning on keeping the existing building as his workshop.

A. Kolb stated the building in the rear, yes.

J. Bunker asked what the width of the lot was.

P. Neumeyer stated 76x126 feet.

D. Carlson stated he was out at the property. All of the access is there on the right and there is nothing of your neighbors that is even close to the lot line.

A. Kolb stated he removed a fence before he put up the shed. He never reinstalled the fence.

D. Carlson asked A. Kolb why he believes he needs a variance garage that is a little wider.

A. Kolb stated for himself and his wife, they have 2 full-size vehicles. He stated parking is tight. After the first vehicle parks, you cannot gain access to that vehicle unless the 2<sup>nd</sup> vehicle parks pulls back out of the garage.

D. Carlson asked how wide the existing garage is.

A. Kolb stated 18 feet.

D. Carlson stated he did not understand regarding the measurements of the garage compared to that of the house. He asked P. Neumeyer if that could be explained.

P. Neumeyer stated in looking at the sum of the accessory uses, and even though the garage is attached, it is still considered an accessory use. You calculate the attached garage and detached accessory uses, relative to the principal dwelling, and the accessory uses are larger in size. We want the principal dwelling to be larger than all accessory uses combined.

D. Carlson asked J. Bunker why an 18 foot or 20 foot is a minimum garage needs.

J. Bunker stated like A. Kolb stated, there is no room to park two vehicles side by side, there is just not enough room. He stated he doesn't see a problem with the variance.

D. Carlson stated it is not a very wide garage. He thinks putting in a new garage does make sense.

J. Reck stated he does not have an issue with the structure size and is still comfortable with the four foot setback.

J. Bunker made a motion and seconded by J. Reck to approve the variance as requested. Motion carried 4-0.

2. Darrel J. Milquette, property owner, proposes to build a new detached 30' x 40' garage in a Low Density Residential (R1) District at 1706 Brentwood Drive. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, maximum size accessory structure, Section 13-613(c), general requirements accessory structures.

Darrell Milquette – 1706 Bentwood Drive: D. Milquette stated he would like to replace his existing garage with a larger garage. However, the garage he wants to build is 30x40, which will make it bigger than the house. He would like a larger garage for the vehicles, camper, and snowmobile that has been parked in his driveway. The lot is big enough for the garage, and he does not want to build an extra shed. He did present statements from his neighbors on both sides of him.

D. Carlson asked if he was proposing the 1200 foot shed, and keeping your garage.

D. Milquette stated no, the garage is gone. He would like a decent driveway back there so that he can back out his vehicles.

D. Carlson asked D. Milquette if this is a hardship for him if the garage was smaller than 30 x 40.

D. Milquette stated it would be a hardship if something got left out and stolen.

D. Carlson stated he was asking for a variance on the size and if you were a little bit smaller you wouldn't need a variance.

D. Milquette stated he would go no less than 30 x 35 feet in size. However, the lot size is big enough for the garage.

J. Bunker asked P. Neumeyer what is the legal size a garage can be without a variance and a second accessory structure.

P. Neumeyer stated up to 1000 square feet for the first structure and 150 square feet for the second structure.

J. Bunker asked if the applicant is requesting an extra 50 square feet to be put on his lot rather than having two buildings.

D. Milquette stated he is asking to have one building to save money and have 50 extra square feet.

P. Neumeyer stated that the second structure is normally a shed or gazebo type structure. Accessory buildings are not usually combined.

J. Bunker stated that having the one building would look cleaner and nicer for the neighborhood and made more sense to him.

P. Neumeyer stated that they also have to look at the accessory size and the size of the house. The issue is the house is now smaller than the accessory structure.

J. Reck stated the front on the lot is relatively smaller than the back of the property.

D. Carlson stated if they were to grant the variance, we would have to decide essentially his deviation from the requirements of the code is not significant.

J. Bunker stated that the only thing they might want to add is that if he would have to come and get another variance for an out building unless one of the conditions would be that he would not be able to have another out building on his property due to the size of the garage.

J. Bunker made a motion, seconded by J. Reck to grant the variance as requested with the stipulation of obtaining another variance for any other out buildings. Motion carried 4-0.

3. John Jeanquart, on behalf of Georgia-Pacific Corporation, property owner, proposes to remove existing pavement and repave an existing employee parking lot in a General Industrial (GI) District at 1919 South Broadway. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-1821, interior lot landscaping, Section 13-1706, maximum nonresidential and multifamily driveways

John Jeanquart – 2357 W. Mason Street: J. Jeanquart stated he was working with Georgia-Pacific for an employee parking lot. Georgia Pacific has 1700 employees, 200 daily contractors, and about

9,000 visitors a year. The parking area is located on the East side of Broadway between Lombardi Avenue and Liberty Street. They propose to remove the existing fence along Broadway Street and the deteriorated pavement. They are asking for a variance to eliminate the interior landscaping as required and to take the above non-standard driveways (actually worn out intersections) and round the edges. The reason they want to do away with the landscaping, or hardship, is due to contaminated soil at the old Wisconsin/Michigan Auto. The DNR has closed the site with the condition that it remains capped. It gets to be difficult to put in interior landscaping as the DNR does not want surface water going into the ground water potentially taking any of the contaminants down into the ground water. They are trying to maximize employee parking and keeping employees from having to cross Broadway as there has been several incidents. Snow removal has also become an issue and this is a 24-hour facility.

D. Carlson asked if they were to deny the variance, what would be their path.

J. Jeanquart stated he wasn't sure what the path would be. They would be out of regulation with the DNR. They may come back and tell us that we have to remove all the contaminated soil. He doesn't really have an answer to that question. He stated this is truly a hardship.

J. Reck asked if they are essentially redoing what already exists and if that the 25 foot cut on the driveway entrance already exists.

J. Jeanquart stated that was correct. However, the driveway is a little longer than 25 feet and we are just modifying it and want to round the curb and make it more accessible and that is where the variance comes in. This is technically the old intersection of Lombardi and Broadway and is not really a driveway.

P. Neumeyer stated a standard two-way drive is 25 and 35 feet. He said he is not sure about the rounding as typically they just put a taper on the drives. It is really the width they are looking at.

J. Jeanquart stated that Georgia-Pacific does have an area for green space.

D. Carlson asked J. Jeanquart if he was hoping the green spaces would negate them from having the interior landscaping in the parking lot.

J. Jeanquart stated that was correct. In this case they have limited parking that is always full. They only time it is not full is on Saturday and Sunday. The reason they are doing the parking lot is because it is becoming for hazard for their employees and this is really a maintenance thing.

J. Reck stated he was comfortable with the variance especially with the DNR hardship compliance issue. As far as the curb cut goes, that is just common sense.

D. Carlson stated we are asked repeatedly for variances for landscaping. They are not in the position for changing the ordinances. In this case the hardship is clear.

J. Reck stated the DNR issue trumps what we are looking.

J. Bunker stated it would be different as if this was a new building; however, we were looking at an older building and need to take the safety issues into concern.

J. Reck made a motion and seconded by J. Bunker to approve the variance as requested. Motion carried 4-0.

4. Michael Smith, property owner, proposes to place a driveway along the home at 520 Elmore Street, located within a Low Density Residential (R1) District. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-609, maximum impervious coverage, Section 13-1709, setback for parking areas.

Michael Smith – 3509 Spyglass Hill Drive: M. Smith stated he is looking to remove a driveway apron on N. Maple Avenue and create a driveway on Elmore Street at a property he owns at 520 Elmore Street. When the property was originally built there were aprons put on both sides of the property but no driveways and according to the ordinance, you cannot park on a driveway apron. He is looking to put an extension on the driveways and then close up the curb on the other side and so the tenant has a legal place to park. He is proposing a six foot wide driveway from the side walk, which will allow a vehicle to park, and one foot from the fence. The hardship is there is no place to park according to the ordinance.

M. Smith stated he talked with P. Neumeyer regarding his site plan. He and Paul did make modifications to the site plan.

J. Reck asked when the City informed the tenants they can no longer park there.

M. Smith stated he has had the property for only 6 months and this had been directed to the previous owners.

J. Bunker asked if his plan was to eliminate the apron on Maple Avenue.

M. Smith stated that was correct. He is asking for a variance of a foot and a half from the fence or the lot line as the ordinance is two and a half feet from the lot line.

D. Carlson asked if he has spoken with his neighbor.

M. Smith stated he had not been able to reach them.

D. Carlson stated J. Kummerer was the neighbor and for the record, he knows and worked with Mr. Kummerer for almost 30 years. However, he can put that aside for the discussion.

Joe Kummerer – 715 St Croix Circle: J. Kummerer stated he understands the property owners concern and what he wants to accomplish and has no objections of him accomplishing what he wants to accomplish. However, as owner the property immediately to the east at 516 Elmore Street he has two concerns. First concern is that the driveway does not come onto his property. This can be remedied by not changing the existing driveway apron. If M. Smith agrees that the lot line runs the eastern edge of the existing driveway and apron he would have no problem. His second concern is rain water run-off from his driveway going onto his property. He assumes he will pitch it so water won't run towards his (M. Smith) house, which means it will run towards his property and doesn't want his property all mucked up.

D. Carlson stated one of the situations they get into with these is making the pitch for a joint driveway. Many times that seems to solve two problems instead of just of one. His suggestion was to make one driveway and both have use of the joint driveway.

J. Kummerer stated he did not want to do that.

J. Bunker asked M. Smith if he was replacing the sidewalk.

M. Smith stated no and that the driveway will set up against the sidewalk.

D. Carlson asked M. Smith if he had any concerns his neighbor has raised.

M. Smith stated no and that his neighbor's concerns were reasonable. He did not know that the fence was not actually the property line.

J. Reck stated this is definitely a hardship with no place to park. He stated he was glad the neighbor was here to help with the discussion.

J. Bunker stated to M. Smith that if he replaces the sidewalk with the driveway and pitch it, that the water runoff will go directly down the driveway and his apron and then it will not run onto the neighbor's driveway.

M. Smith stated he was OK with that solution.

A motion was made by J. Bunker seconded by T. Hoy to approve both variances with the condition that the old sidewalk be replaced to center pitch the driveway.

D. Carlson asked M. Smith if he was in agreement with this motion. M. Smith stated that he was.

Motion carried 4-0.

5. Jeff Johnson, Greater Green Bay Habitat for Humanity, proposes to construct a new single-story dwelling located in a Low Density Residential (R1) District at 824 Grove Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-604, Table 6-2; front/corner side yard setback for an infill lot.

Jeff Johnson – Habitat for Humanity: J. Johnson stated they buy condemned or razed houses and build brand new houses on the property to help revitalize neighborhoods. The City approached Habitat for Humanity with 824 Grove Street. They have not closed on the lot, but already have a family who would like to relocate to this property from University Avenue. They had been told there were a couple of issues that had been brought to their attention and therefore here tonight to request two variances. The first being the setbacks and the lot is a corner lot. The houses on Grove Street have a setback of 18.2 feet and they can match that at on the Grove Street side. However, on the Day Street side, the average setback is 25.2 feet and they are proposing 19.4 feet from the right-of-way. If they were to move it back to the 25.2 feet, they would be right on the south lot line. They feel there is no choice but to request a variance to put the Day Street setback at 19.4 feet. The other issue is that the original proposal for an attached garage. The garage would be 20.9 feet from the east lot line and the requirement is 25 feet. The city asked for a detached garage, which can be done. However, the neighbor would prefer to see an attached so that the garage is not so close to his lot. They too would prefer the attached garage as it is more cost effective.

D. Carlson stated there is a little discontinuity in the code where you can put a detached garage closer to the lot line then you can a detached garage.

J. Johnson asked why they can put a detached garage within four feet and that an attached garage has to be 25 feet. The answer they got was that the statute has been on the books for a long time.

D. Lindstrom stated placing a detached garage closer to a neighboring property line is much less imposing than placing an entire structure. Therefore the detached garage being subordinate to the primary use of the property has less of an impact close to the property than an entire structure.

J. Johnson stated with an attached garage in the city today, you can be six feet off the side lot line it's a ranch style home.

D. Lindstrom clarified that the six foot setback he referenced is for the side yard. However, they are proposing a garage on Day Street perpendicular to the main structure that is facing Grove Street. So the setback in question is actually the rear setback from Grove Street and not the side of the garage.

D. Carlson stated that if we deny the variance they would not be able to build on the lot.

J. Johnson stated that was correct.

James Fuller – 1448 Day Street: J. Fuller stated he lives at the adjacent property at 1448 Day Street. He stated the house that was at 824 Grove Street was an eye sore and is glad to see it gone. The garage that was there was farther away than the proposed detached. It is impossible to keep snow cleared and is a nightmare for him. The house they are proposing would not have any green space at all. They are planning to put a family of 6 in the house and if the garage is attached to that house, at least they will have some place to play other than my driveway. He spoke with the neighbor at 822 Grove and her concern is that they will be too close to her. His other concern is the size of the lot. He would like to see the house kept six feet away from 822 Grove and his lot line; he would be OK with the house being there.

D. Lindstrom stated Ald. J. Moore contacted the Planning Department regarding the detached garage and stated he was opposed to this. However, he was not sure of his opinion regarding the attached garage.

J. Johnson stated Ald. J. Moore left him a message that stated he had called the Planning Department in support for the attached garage concept and the entire project.

D. Lindstrom reiterated that Ald. J. Moore's opposition was specifically for the detached garage.

J. Reck made a motion seconded by T. Hoy to approve the attached garage and setbacks requested with the condition of needing a new variance for impervious surface. Motion carried 4-0.

6. James & Elizabeth Paape, property owners, as a result of a request from City of Green Bay Inspection Department, are required to pave all existing parking areas at 414-416 Mather Street, located within a Low Density Residential (R1) District. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-609, maximum impervious coverage, Section 13-1709, setback for parking areas, Section 13-1714, surfacing.

Elizabeth Paape – 729 Bucks Lane, Sobieski, WI: E. Paape stated they have owned the property at 414-416 Mather for about 20 years. The driveways have remained the same over the years and the past fall, they have become a concern. The tenants on the west side of the house were recently ticketed for parking. The hardship would be the tenants upstairs do not have a place to park as they can no longer park where they have been parking for the past 20 years. The lower tenants have parked along the north side of the house and the upper tenants have parked along the west side of the house. The tenants have 1 – 2 cars. She understands the ordinance exists; however, it just appears to have been a concern as of late.

D. Carlson asked if the variance request is a reaction to a citation from the City.

E. Paape stated yes, that the tenant was ticketed and us receiving a notice from Inspector Nelson. In working with P. Neumeyer, no one really seemed to understand why they got ticket.

D. Carlson asked D. Lindstrom if he could explain the reasoning for the complaint.

D. Lindstrom stated again he can provide a little bit of input. He stated the inspectors are directed to look into complaints that come in from the public or other departments within the City. Inspectors cannot go out and look for complaints. He really is not sure where the complaint came from. Obviously the petitioner was there regarding the gravel parking as it is not a paved or an all-weather surface. As a result of parking over time property has a mix of gravel and grass as a parking surface that was flagged by a complaint.

D. Carlson stated he understood this to be an issue. It is not so much a question of not being able to park there.

D. Lindstrom stated the variance is for several items and an impervious surface.

D. Carlson asked the applicant if she was asking for a variance because her tenants are being ticketed or because as the property owner have not provided an all-weather surface for them to park on.

E. Pappé stated the issue came from parking. She was not aware that it was mandated and was going to be fined for the issue of impervious parking. It was in the notice for those 3 areas there was a concern, but no one came forward and stated I had a certain date to put down asphalt or concrete there. We have always had the gravel. She has been trying to get an understanding of why. She will do anything that needs to be done in order for the tenants not to be ticketed. However, if this is done, she doesn't want any back lash or other citations because they are parking on the north side of the house because of a setback or some other issue.

T. Hoy stated that based on the way other parking is in the neighborhood and the fact they are trying to conform to the available space he would think they should have the ability to grant the variance.

D. Carlson stated he was also out at the property. He stated he looked around to see how much other gravel parking there was around the neighborhood. He did not see a lot. To the extent of the issue that she had not paved the area, he agrees with the City. However, he also agrees with the others that a place to park is needed. We would potentially structure the variance to such extent that we can combine it as parking.

Vicky Wanner – 3489 Finger Road: V. Wanner stated she owns the property at 412 Mather Street. She stated they have the same problem. She is fine with them doing what they need to do to have parking. However, was concerned with how close they were going to do their driveway up to our house and what the driveway was going to be made out of as they stated they were going for a deviation from not being asphalt or concrete.

D. Carlson stated that was how he understood it as well. However, after listening to the applicant tonight, he does not get the same sense she is opposed to paving the driveway. He asked if she understood the neighbor's concerns.

E. Paape stated she is not against paving. The parking issue was on the west side and not the north side. It is to her understanding that the north side just needs to be paved; however, she will do whatever it takes to be compliant. She thought she just needed to make sure that the parking on the west side was turned into a parking area.

J. Bunker stated that he sees three variances not four. If they are going to black top to the property line, which is 13 feet and barley enough room for a parking spot, front yard setback, impervious surface, and a variance to park as it is not in front of the front door.

D. Carlson we have 4 variances now here tonight.

(E. Paape and commissioners were huddled around the map working on a structuring a variance suitable for the tenants and addressing concerns of the neighbor)

J. Bunker made a motion, seconded by J. Reck to grant the variance as requested, except section 13-1714, with the condition to construct a driveway from five feet north of the south street facing facade to the north property line and from the west property line to 2.5 feet west of the east property line.

D. Lindstrom asked for a 2<sup>nd</sup> reading of the motion.

D. Carlson stated they would draw a diagram for the applicant and the Planning Department and J. Bunker's motion will coincide with the diagram.

Motion Carried 4-0.

A motion was made by J. Reck and seconded by T. Hoy to adjourn the meeting at 7:00 p.m. Motion carried 4-0.

Meeting adjourned.