

MINUTES
BOARD OF APPEALS
Monday, May 19, 2014
City Hall, Room 604
5:30 p.m.

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

MEMBERS EXCUSED: Rob Marx and Bob Maccaux

OTHERS PRESENT: Paul Neumeyer, Jessica Deal, Ald. Joe Moore, Diane Mielke, Steven Mielke, Bryan Boettcher, Michael Cuene, Tonya Wagner, Kent Hutchinson, Dan Theno, and John Jeanquart

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 out to the properties. J. Reck stated he did visit the properties for Items 3 and 5. T. Hoy stated he was at the property for item 5. D. Carlson stated he went to the properties regarding Items 1 and 4. He then asked if anyone spoke with anyone regarding the variance requests. All replied no.

APPROVAL OF MINUTES:

Approval of the April 21, 2014, minutes of the Board of Appeals

A motion was made by J. Reck and seconded by T. Hoy to approve the April 21, 2014, minutes of the Board of Appeals. Motion carried.

NEW BUSINESS

1. Steven J. Mielke, property owner, proposes to widen an existing driveway in a Low Density Residential (R1) District at 1731 Preble Avenue. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709, setbacks for parking areas.

Diane and Steven Mielke – 1731 Preble Ave: D. Mielke stated they were here to ask for a variance to widen their driveway. The setback required is 2.5 feet from the side lot line and they are asking to reduce the setback to zero. Due to the fact the neighbor's yard is higher than their driveway, water puddles up in the driveway and causes ice to build up and is becoming a safety issue.

D. Carlson asked if they were going to expand all the way to the garage.

S. Mielke stated no, just to the back door.

J. Bunker asked if they were going to replace the whole driveway or just to the back of the garage.

S. Mielke stated no, just to the door at the back of the house, not to the garage, and out to the sidewalk.

Ald. J. Moore stated he did speak to both P. Neumeyer and S. Mielke. He understands there is a need for a setback being that you have a 13 inch differential to come up flush. Something does need to be there so there is not a drop-off; whether it is some kind of curb or landscaping. He also wanted to bring to the Board's attention that when a new home is relocated or built in the flood plain, there is typically a 30 inch grade difference between what might be on each side of the neighbors. Drainage could become an issue as more homes are moved / built in the area. A policy may need to be devised for this issue. He is in favor of this request.

J. Bunker suggested widening the driveway to the property line and placing a retaining wall or concrete blocks on top of the concrete so it will not shift or move.

The applicants did not have issue with this change.

A motion was made by J. Bunker and seconded by J. Reck to grant the variance with the condition of adding a retaining wall to address the grade changes. Motion carried 4-0.

2. Bryan Boettcher, Quick Signs, on behalf of Broadway Enterprises, property owner, proposes new corporate signage in a Highway Commercial (C2) District at 1010-1019 South Military Avenue. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-2010, Table 20-2, maximum number of signs per building.

Bryan Boettcher – 525 S. Military Ave: B. Boettcher stated the request tonight is to put all three properties together regarding the remodeling project on Military Ave. They are here regarding the signs for the front of the building. The current ordinance states you can only have one sign on a wall facing one street. Plans are included. This is a large multi-use building that deals with a variety of services and they need the means of identifying the different services. There was a variance recently approved for a similar request.

D. Carlson stated we have an ordinance that doesn't quite fit what the business needs and is comfortable granting the variance.

J. Bunker stated they are not asking for an oversized sign. He does not have an issue with the request.

J. Reck does not see an issue with the request.

A motion was made by J. Reck and seconded by T. Hoy to grant the variance as requested. Motion carried 4-0.

3. Tonya Wagner, on behalf of Michael Cuene, property owner, proposes to remove existing pavement and repave an existing parking lot in a Highway Commercial (C2) District at 1109 South Military Avenue. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-1821, interior lot landscaping, Section 13-810, Table 8-2, maximum impervious coverage and front yard setback, Section 13-1706(e), number of driveways.

Tonya Wagner – 400 Security Blvd: T. Wagner stated after construction began the pavement started to fail. There are currently a couple of inches of asphalt and 1-2 inches of gravel base, which is not standard construction. M. Cuene wanted to be able to replace the whole parking lot and do it correctly and up to current construction standard. In order for them to do this, it bumps into the green space requirements and meeting all the setbacks. If they actually put the islands in the parking lot as required it would reduce the parking stalls by 100. Their original plan submitted, in which they had taken out a little of the landscaping, was rejected. They were informed by P. Neumeyer that they should try and meet some of the other setback requirements. They have reduced their pavement area by 32,000 square feet. If they were to set the parking up per City Ordinances, they would lose an additional 27,000 square feet of pavement.

Michael Cuene – 1010 S. Military Ave: M. Cuene stated he looked at what his parking needs are based on various components during the last three years. He stated he could potentially use up to 400 parking stalls. If green space and islands need to be added, it would reduce the parking. Employees are parking on side streets due to lack of space in the parking lots.

D. Carlson stated he sees the need to replace the driveway, but, there are variances because of the interior landscaping and setbacks and impervious surface. To do just what a normal business man would, you are tripping off a bunch of other things that cause you to have harm to your business.

He asked P. Neumeyer if the variances they are talking about here talk about site review plans, are we in a part of the ordinance regarding this, are they talking about getting CUP.

P. Neumeyer stated it is not a zoning issue. The site plan reviews are part of the standard process we do for commercial and industrial type projects.

D. Carlson stated that Table 8-1 implies that they need a CUP for the parking lot. He asked P. Neumeyer if that was correct.

P. Neumeyer stated the principal use is the dealership itself.

D. Carlson asked if at this point of the review City departments have made it more or less conditional and if they can get the variances that are entailed by that plan, then it's OK with the city.

P. Neumeyer stated everything is on hold until they go through this process.

D. Carlson asked if the site review would have anything to do with the consideration of recent remodeling in the Military Ave area.

P. Neumeyer stated no.

D. Carlson stated he was a little concerned because the site plan review is fine but all these variances are needed and forces them to provide the last part of the site plan review. He has an issue with the request because the business is in an area that is designed for all of the issues that the zoning entailed and never the less now asking for variances.

T. Wagner stated one of the issues is that if we were just resurfacing, we could do this. However, because the material that is there is not current construction standards it would fail much quicker than if it was built with the standard construction material.

M. Cuene stated the only option he would have if this was denied is to ask T. Wagner to go through and explore what it would be like for him to piecemeal without replacing all of it. He would carve up a square and replace it one square at a time.

J. Bunker stated piecemealing the lot does not make sense.

D. Carlson stated the problem is an economic hardship and we are required not to consider economic hardships.

J. Reck stated he disagrees and that a hardship is a hardship, economic or not.

J. Bunker stated that yes he can go out and piecemeal it and keep doing so and not get the variance. The hardship is the cost and mess it would create. Let him get it done all at one time and get it done right. If everyone had to do the green space as the City would want it, there would hardly be any buildings in the City of Green Bay. That is a hardship to him.

J. Reck stated this is not a new issue for the board.

D. Carlson stated he does know that; however, what bothers him here is that this is South Military and they have made a definite attempt to spruce up the neighborhood. This area is specifically zoned for this type of business and the first thing that happens is that they come here and ask for a variance.

J. Bunker stated they will always need a variance when you go from something that has been there for a long time and then try to redo something and the ordinance has changed and not the business.

M. Cuene stated it will take him four to five years to piecemeal and do the lights properly.

A motion was made by J. Reck and seconded by J. Bunker to grant the variance as requested in Section 5 of the application.

T. Hoy stated when we look at the configuration of what they have and where they are going to, it almost turns it into a grandfather perspective. He is requesting to do an upgrade to basically the surface area to an existing property. He is in favor of the request.

J. Bunker stated he is spending a lot of money to make Green Bay look a lot better, and to do it over a 4 – 5 year period is ridiculous.

M. Cuene stated that if he could make the green space work he would. However, there are issues he needs to consider like safety issues, snow removal, snow storage, workman's comp issues, traffic flow, and visibility. He does not believe anyone will be disappointed with the green space they will be providing.

T. Wagner stated they will be providing green space along Military Avenue. They have removed pavement that butted up against Military Avenue.

D. Carlson made clear the variances before them this evening: Interior Landscaping, Impervious Surface requirements, preexisting driveways that are too close together; and Setbacks.

Motion carried 3-1 (Opposed D. Carlson).

4. Kent Hutchison, property owner, proposes to construct a deck on the front of a home located at 1633 East Mason 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 13-604, Table 6-2 front setback.

Kent Hutchinson – 1633 E Mason St: K. Hutchinson stated they have just purchased the property and would like to put in a 10x16 deck in the front of the house. Due to the orientation of the garage it limits them to having a deck in the back yard. The only viable option of having a deck to an entrance is in the front. The hardship is the orientation of the garage and the position of their house, which is a corner lot, and it restricts the construction of a deck anywhere from the house. This would increase the value of the house and help with beautification in the area.

D. Carlson asked if he was the new owner of the property and if he put in the garage.

K. Hutchinson stated he is the new owner and the garage was already there. The garage is about 5½ feet from the house.

D. Carlson stated that during his visit he observed there is a little extra front yard due to the turn onto Mason Street. In looking at the photo provided, you can see a home further into the setback calculation than the rest of the houses. He asked if it was the setback calculation that was hindering him from this being done.

K. Hutchinson stated that was correct.

Dan Theno – 621 Schwartz St: D. Theno stated he is the president of the Oak Grove Neighborhood Association. He wanted to express that he was supporting this request.

T. Hoy stated he has no issues with the variance.

A motion was made by J. Bunker and seconded by J. Reck to grant the variance as requested. Motion carried 4-0.

5. 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 (south of Lombardi Avenue and west of South Broadway).

The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-1821, interior lot landscaping.

John Jeanquart – 2357 West Mason St: J. Jeanquart stated that Georgia Pacific (GP) would like to repave a semi-tractor trailer parking lot located north of Joannes Street and west of Broadway Street. The plan is to put asphalt over the existing gravel surface. The hardship would be having semi-tractor trailers turn around in a parking area with islands for green space hence the reason for the variance.

T. Hoy asked if this space would always be used for trailer storage.

J. Jeanquart stated that was correct.

J. Reck stated the green space requirement does restrict the movement of the trailers. He supports the request.

J. Bunker stated that because they are putting in a retention pond and building a berm to make it look better, he does support the request.

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

OFFICER ELECTIONS

D. Carlson stated the rules and procedures state that once a year they will select officers for the following year.

J. Bunker nominated D. Carlson for Chair and J. Reck for Vice-Chair.

J. Reck stated he cannot be Vice-Chair as his term is expiring and he is not renewing his term.

A motion was made by J. Reck and seconded J. Bunker to select D. Carlson as Chair for the Board of Appeals. Motion carried 3-0 (D. Carlson abstained from voting)

A motion was made by J. Bunker and seconded by J. Reck to select T. Hoy as Vice-Chair for the Board of Appeals. Motion carried 3-0 (T. Hoy abstained from voting).

A motion was made by J. Bunker and seconded by J. Reck to adjourn the meeting at 6:22 p.m. Motion carried 4-0.

Meeting adjourned.