

**MINUTES  
BOARD OF APPEALS  
Monday, July 21, 2014  
City Hall, Room 604  
5:30 p.m.**

**MEMBERS PRESENT:** Don Carlson, Thomas Hoy and Rob Marx

**MEMBERS EXCUSED:** Bob Maccaux

**MEMBERS ABSENT:** John Bunker

**OTHERS PRESENT:** Paul Neumeyer, Susan Srenaski, Greg Hilbert, Steve Gries, Bryan Boettcher, Noel Halvorsen, Jeff Johnson, Cheryl Renier-Wigg, Dan Teaters, Pete Borremans, Dina Borremans, Dan Eichsteadt, and Keith Lenss

D. Carlson called the meeting to order and asked the Board if anyone needed to abstain from voting. All stated no. He asked if any members had gone out to the properties. T. Hoy stated he was at all properties except for Item #3. D. Carlson stated he went to Items #4 and #6. He then asked if anyone spoke to anyone regarding the variance requests. All replied no.

**APPROVAL OF MINUTES:**

Approval of the June 16, 2014, minutes of the Board of Appeals

A motion was made by T. Hoy and seconded by R. Marx to approve the June 16, 2014, minutes of the Board of Appeals. Motion carried 3-0.

**NEW BUSINESS**

1. Susan Srenaski, property owner, proposes to replace an existing driveway in a Low Density Residential (R1) District at 1015 South Ridge Road. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709, setbacks for parking areas, Section 13-1705, residential driveways.

Susan Srenaski – 1015 S. Ridge Road: S. Srenaski stated she wants to replace her existing cement driveway. She presented a letter of support from her neighbor as she is close to the property line.

D. Carlson confirmed with S. Srenaski that she was here for a variance because her driveway is too close to the property line where the current driveway exists. S. Srenaski stated that was correct.

P. Neumeyer stated there are actually two variances being requested. The first is reducing the side setback from 2.5 ft. to 0 ft. and the second to allow driveway parking in front of the house.

D. Carlson stated and confirmed the current driveway is nonconforming and that she wants to include the parking spot in front of the house.

T. Hoy asked if the driveway was nonconforming because they would be parking too close to the sidewalk.

P. Neumeyer stated yes and the issue is parking in the front setback and therefore is not a legal parking spot according to the ordinance.

D. Carlson asked S. Srenaski how important the area is for her. S. Srenaski stated that when she has company they would park there as her driveway is very narrow.

P. Neumeyer asked S. Srenaski if she thought her driveway was about 10 ft. wide between the house and the property line. She stated that was correct. He then asked if the additional spot was 18 ft., in which she stated yes.

R. Marx stated he would agree to grant the variance to replace the existing driveway without the illegal parking spot.

D. Carlson stated they can put a condition on the variance and have her remove the extra parking spot.

T. Hoy stated that past practice has been if something has been grandfathered in, we have allowed them to continue that practice.

R. Marx stated he would amend his previous motion and would agree to grant the variance to repave the driveway only and can keep the illegal parking spot until deemed unacceptable by the city, at which time it must be removed.

D. Carlson asked P. Neumeyer at what point would the city deem the parking spot unacceptable. P. Neumeyer stated it would depend if there is a complaint called in on the property.

T. Hoy stated he would agree to the variance of both the illegal spot and the driveway.

D. Carlson informed S. Srenaski that there are two motions on the table regarding the variance.

R. Marx suggested they table the motion for one month to receive more opinions from other board members and would withdraw his previous motion

A motion was made by R. Marx and seconded by T. Hoy to table the variance for one month.

S. Srenaski asked why the driveway can't be left the way it is and just be repaved.

P. Neumeyer stated that she is reconstructing her driveway and all current zoning codes must be met. Currently parking is not allowed in the front setback.

Motion carried 3-0.

2. Stephen Gries, Gries Architectural Group, Inc., on behalf of Fox Communities Credit Union, property owner, proposes to construct a structure in a General Commercial (C1) at 1820 Main Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-810, Table 8-2, floor area ratio, Chapter 13-1706(a) maximum width of a commercial driveway.

Steve Gries – 500 N. Commercial Street, Neenah: S. Gries began by stating they want to reduce the FAR from .103 to .083 and not .087 as originally requested. They are also asking to deviate from the maximum width of a commercial driveway from 30 ft. to 46 ft. The reason for this request was the concern for exiting the property during peak traffic hours. The purchase of the additional property was to help with the flow of traffic for their customers in and out of the parking lot as there is a high volume of traffic.

A brief discussion ensued with no objections to the request.

A motion was made by R. Marx and seconded by T. Hoy to grant the variances as requested. Motion carried 3-0.

3. Brian Boettcher, Quick Signs, on behalf of Broadway Enterprises, property owner, proposes to install a pylon sign in a General Commercial (C2) District at 1112 South Military Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code Section 13-2010, Table 20-2, minimum under clearance.

Bryan Boettcher – 525 S. Military Avenue: B. Boettcher stated they are requesting to deviate from the minimum under clearance of 10 ft. The standard corporate pylon sign to be installed has a pole cover and is the same width as the sign and it does not have the 10 ft. under clearance. The sign does not pose a hazard as it is over 100 ft. away from the building and driveway as well as 10 ft. off of the property line.

A brief discussion ensued with the question of additional signage being allowed on the shroud. B. Boettcher informed commissioners that they would be willing to not place additional signage on the pylon sign. There were no other objections to this request.

A motion was made by R. Marx and seconded by T. Hoy to grant the variance as requested subject to the shroud containing no additional signage. Motion carried 3-0.

4. Jeff Johnson, Greater Green Bay Habitat for Humanity, property owner, proposes to construct detached single-family homes at 722 Crooks Street, 728 Crooks Street, 1030 Stuart Street, and 410 North Oakland Avenue, all properties are located within a Low Density Residential (R1) District. The applicant requests to deviate from the interpretation provided by the Zoning Administrator regarding Chapter 13-1602(a) (3) residential uses.

Jeff Johnson – 811 Packerland Drive: J. Johnson stated they are requesting to build single story homes in areas that primarily have two-story homes. A brief background was given as to when Habitat for Humanity started building one story homes with basement bedrooms vs. two-story homes. The main reasons for this is cost, safety of the volunteers and faster building times. He stated it was earlier this year when they were informed they needed to tie their homes into the architecture of the neighborhoods where they have lots. They have no issues with this, however, they do have lots that have been purchased over a year ago and are in areas with two-story homes. They are requesting permission, on the lots they already own and that are in two-story neighborhoods, to build single story homes with the understanding that we will be much more aware of the need to blend in with the height and the other requirements of their homes in the future.

D. Carlson asked P. Neumeyer if they are to grant a variance request as well as providing a possible judgment interpretation in which he made. He asked if height was a main concern with these homes.

P. Neumeyer stated that was correct. He stated these four particular sights were based on four site plans that were submitted and did not fit the surrounding neighborhoods. Height was the main factor as well as other architectural aspects.

D. Carlson addressed the other board members by stating this is not a variance request. This is a judgment on their part regarding P. Neumeyer's decision in interpreting the zoning code. It is their job not only to grant variances but to provide some official determination of their judgment of P. Neumeyer's decision. It is important to understand that even though they don't have a policy and don't create ordinances, the decision they make on this will essentially be part of the ordinance.

J. Johnson stated it would be helpful if they could take a look at some of the neighborhoods where they have built the single story homes where it is primarily two-story homes. He feels they blend in very well and it adds adversity and attractiveness to the neighborhoods.

D. Carlson stated he did go out to a few houses. He then asked P. Neumeyer if those homes were in compliance before he had the opportunity to pass a judgment.

P. Neumeyer stated there have been some issues recently with some homes going in that were not following the ordinances. This gave the opportunity to change our process and to become more involved in the site plans.

Cheryl Renier-Wigg – 626 S. Jackson: C. Renier-Wigg stated she runs the Neighborhood Division for the City of Green Bay and has a great working relationship with Habitat for Humanity. She feels that recent decisions that Habitat has made to build single story homes has been a little problematic for them. It is not only P. Neumeyer's determination regarding this decision. It does include Planning staff and the Neighborhood Division. There are a multitude of mixed neighborhoods; however, there are just some neighborhoods where a one-story home just does not fit. She showed pictures of houses built by Habitat to include 1.5 story and two-story homes. The Neighborhood Division has offered help with funding to build bigger homes to fit the neighborhoods. Not only are these homes a build for families, it is also a build for the neighborhood.

Noel Halvorsen – 817 Doty Street: N. Halvorsen stated as a homeowner, he would like to see the new homes coming into the area stay within the same characteristics as what is already there. He would like to see the zoning code requirements enforced.

Dan Teaters - 806 Crooks Street: He stated as a homeowner in the area he strongly hopes the board supports the character of the neighborhood and not allow the one-story home.

J. Johnson stated they will comply with the City regarding any decisions that are being made. He again stated they were just made aware of the change regarding the character of the neighborhood and again these lots had been purchased before they were aware of the neighborhood issues.

D. Carlson stated there are many areas throughout the city that have neighborhoods with one and two-story homes. He is wondering why these in particular are being singled out.

P. Neumeyer stated in these particular neighborhoods, there were mostly 1.5 to two-story homes and no single story homes.

R. Marx stated he does appreciate what Habitat does and the impact of single family vs. 2-story homes in regards to safety and cost. However, in certain areas he does understand the right to preserve the look of a neighborhood. He is in support of the City being able to determine what fits a neighborhood.

T. Hoy also agrees that the city should be able to determine what fits into a neighborhood to keep the character.

D. Carlson also agrees.

A motion was made by R. Marx and seconded by T. Hoy to concur with the interpretation made by the Zoning Administrator related to Chapter 13-1602(a)(3). Motion carried 3-0.

5. Peter & Dina Borremans, property owners, propose to remove and replace an existing detached accessory structure in a Low Density Residential (R1) District at 958 Redley Court. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, maximum size of a 2<sup>nd</sup> detached accessory structure.

Peter and Dina Borremans – 958/960 Redley Court: Peter Borremans gave a brief background regarding the property. He stated they are asking for a variance to raze their current garage at 958 Redley and build a new 484 sq. ft. garage and making the second accessory building over 150 sq. ft. The current garage is not large enough for a car and storage. The new garage will allow for storage as well as a vehicle. All setbacks and impervious setbacks will be met. He also stated that this property has always been a duplex even though it is in an R1 Zoning District.

D. Carlson asked P. Neumeyer if the property was zoned differently if that would make a difference regarding the size of the accessory structure. P. Neumeyer stated it would not. He then asked P. Borremans if he was asking for a variance for the setbacks. P. Borremans stated no, just for the larger garage.

A brief discussion ensued with no objections to the request.

A motion was made by T. Hoy and seconded by R. Marx to grant the variance as requested. Motion carried 3-0.

6. Daniel & Amanda Eichsteadt, property owners, propose to construct a detached accessory structure in a Low Density Residential (R1) District at 2626 Appian Way. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709, setbacks for parking areas, Section 13-613 (c), general requirements.

Dan Eichsteadt – 2626 Appian Way: D. Eichsteadt stated they are here to request a variance to build a 24 x 36 ft. detached garage. The total square footage of the attached garage and the detached garage will exceed the square footage of the living area. He stated they like the look of not seeing any vehicles parked in the driveway and keeping it clean.

D. Carlson asked P. Neumeyer if the variance is needed because of the size.

P. Neumeyer stated that was correct. If you add up the accessory uses including the attached garage, that has to be less than the first floor principal dwelling space.

D. Carlson stated he disagreed with P. Neumeyer and the interpretation of the ordinance where it is just the first floor space that is counted and not any other floors.

A brief discussion ensued. R. Marx commented that the accessory garage was too big and is undecided. T. Hoy stated the lot is rather large and the garage would be concealed with the privacy fence. D. Carlson also stated he was undecided.

A motion was made by T. Hoy and seconded by R. Marx to approve the variance as requested. Motion carried 3-0.

7. Keith Lenss, property owner, proposes to construct a single-family dwelling in a Low Density Residential (R1) District at 500 South Huron Road. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, building setback requirements.

Keith Lenss – 3173 Warm Springs Drive: K. Lenss stated he would like to build a handicapped accessible home on the corner of Huron and Windland Drive and would like the house to face S. Huron and place the driveway on Windland Drive. He is asking to deviate from the 25 ft. rear yard setback. He is requesting a 7 ft. 2 in. on the side of the garage and 14 in. on the back of the home.

R. Marx asked K. Lenss if the variance is granted, how far is it from the furthest back facade of your building to the neighbor's lot.

K. Lenss stated on his garage side it would be 17 ft. 10 in. to the lot line.

A brief discussion ensued with no objections to this request.

A motion was made by R. Marx and seconded by T. Hoy to grant the variance as requested. Motion carried 3-0.

A motion was made by R. Marx and seconded by T. Hoy to adjourn the meeting at 7:15 p.m. Motion carried 3-0.

Meeting adjourned.