

MINUTES
BOARD OF APPEALS
Monday, September 15, 2014
City Hall, Room 604
5:30 p.m.

MEMBERS PRESENT: Don Carlson, Thomas Hoy, Rob Marx, Greg Babcock and Justin Challe

MEMBERS EXCUSED: Bob Maccaux

OTHERS PRESENT: Paul Neumeyer, Tom Schrader, Kerri-Jane Smits, Daniel Parsche, Stephanie Anderson, Dan Timmers, Ald. Joe Moore, Jeff Mencleski, Zachary Peters, Joe Mauel, and Ald. Tim De Wane

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 item #1. He then asked if anyone spoke to anyone regarding the variance requests. T. Hoy stated he spoke to the contractor, Chris Kidd, regarding item #4. D. Carlson stated T. Hoy sent an e-mail regarding the preexisting construction regarding items #2 and #6.

APPROVAL OF MINUTES:

Approval of the August 18, 2014, minutes of the Board of Appeals

A motion was made by R. Marx and seconded by T. Hoy to approve the August 18, 2014, minutes of the Board of Appeals. Motion carried 5-0.

OLD BUSINESS:

1. Thomas Schrader, property owner, proposes to expand an existing driveway or add a second driveway in a Low Density Residential (R1) District at 2506 Van Beek 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.

Tom Schrader – 2506 Van Beek Rd: T. Schrader stated the reason for the variance is because he cannot fit his camper in the driveway. He wants to put a driveway along the east side of the house. This will violate the ordinance of having two driveways off the same street. He would like to expand the driveway and park the camper alongside the driveway, but do to having a corner lot; it places him in the front setback of the property owner to the south. The only legal place for him to put in a driveway is off of Edgewood, which is a very busy street. He does have safety concerns backing a trailer into the driveway from the street. This will also allow for the trailer to be hidden from public view. He stated his neighbor to the east of him is OK with the plans.

D. Carlson asked P. Neumeyer to clarify the variance that is being requested. P. Neumeyer stated it is the encroachment into the front yard setback. Since property is a corner lot, it is treated as having two front yards.

D. Carlson asked P. Neumeyer if there has ever been a situation where the applicant has asked to put in two driveways for a single residence. P. Neumeyer stated this is rare.

P. Neumeyer stated he would like to point out that you are allowed a driveway cut per street front, you can't have two per street, but one per street. He stated there could be a drive off Edgewood back behind the setback there could be a parking pad that would be compliant and would meet the code.

T. Schrader stated that is the route they will go if the variance gets denied. However, this would cause an issue for the house to the south. The camper will be in plain view of what they would use as their backyard.

Alternative plans were talked about with the applicant that did not require a variance. Other issues included property line setbacks and side / front yard setbacks.

A conversation ensued. R. Marx stated he is not in favor of the second driveway off of Van Beek, however, after some of the other alternatives discussed, the applicant may be better off with the two driveways. D. Carlson agreed. It was suggested to condition the variance with a privacy fence. P. Neumeyer again reiterated the alternative plan made earlier that would meet the code, which would include a second drive off of Edgewood. D. Carlson stated since there is a plan that does not need a variance, they could deny this variance.

A motion was made by R. Marx and seconded by T. Hoy to deny the variance as requested. Motion carried (5-0).

NEW BUSINESS:

2. Kerri-Jane Smits, property owner, proposes to replace an existing driveway in a Low Density Residential (R1) District at 1120 Lawe Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709, setbacks for parking areas and Section 13-1705, residential driveways.

Kerri-Jane Smits – 1120 Lawe Street: K. Smits is requesting a variance to replace her existing driveway. She stated she was unaware of the 2.5 ft. set back along the property line for the driveway. The work is already completed and was done without a building permit.

D. Carlson asked K. Smits if she just replaced the existing driveway. K. Smits stated the driveway was just gravel and she replaced it with concrete. He asked if she had the concrete poured all the way to the lot line, she stated correct. He asked if her concrete contractor offered any advice. She stated he brought it to her attention and told them she was just replacing a driveway and did not investigate any further.

R. Marx asked about the parking spot that is next to the driveway in the front. K. Smits stated that is not a parking spot, but a patio.

D. Carlson asked P. Neumeyer is there was an issue with putting concrete in the front yard. P. Neumeyer stated yes. It is in conjunction with the driveway and is considered part of the driveway. D. Carlson asked what if it was just a really wide sidewalk. P. Neumeyer stated typical sidewalks are five ft. wide. R. Marx asked if would make a difference if she put up the wrought iron fencing. P. Neumeyer stated it could be interpreted as a patio, but generally, there is no paving in the front set back unless it is a sidewalk or a driveway. Ald. T. De Wane stated he did not see an issue regarding the “patio” if it will not be used for parking.

K. Smits was asked what the hardship is for her to need a variance. She replied that her lot is narrow and if the concrete was 2.5 ft. shorter in width there would not be enough room for her vehicle. D. Carlson asked K. Smits if the 9 ft. that was paved is from the house to the lot line. She stated that was correct.

A conversation then ensued. R. Marx stated the biggest issue he has is regarding the patio. The lot line issue is something that is straight forward to deal with. T. Hoy agreed. Ald. T. De Wane did say he spoke with several neighbors and they did not object to the project. D. Carlson then suggested the variances be separated into two discussions, one for the patio and the other for the lot line.

A motion was made by R. Marx and seconded by T. Hoy to grant the variance for the lot line setback requirement reducing it from 2.5 ft. to zero and addressing the front yard parking spot as a separate motion. Motion carried (5-0).

D. Carlson stated he is not prepared to accept P. Neumeyer's explanation regarding the patio. The area that has been paved does not necessarily mean it becomes a parking spot. He is receptive to the notion that it is a patio. R. Marx agreed especially if the wrought iron fence is added and be added as a condition of the variance. P. Neumeyer stated that any variance granted for the patio would run with the property. Even though they may use it as a patio at this point; who is to say it wouldn't be used as a parking spot in the future. He stated that there should be separation between the patio and driveway. R. Marx stated he could see that as the area deteriorates, he could see a new owner using the area as a parking spot. D. Carlson stated one thing they could consider is if they believe that this could be used as a parking spot and if the applicant believes she needs a place to put snow, we deny any variance request on this item tonight and she would have to take out some concrete. That would minimize her concrete removal but maximize her utility and sufficiently remove the notion that being a parking spot. R. Marx asked if there were any dimensions that go from the sidewalk to the front of the house. D. Carlson stated that it is 22 ft. 6.5 in. wide but is not sure of the length. T. Hoy asked how much of the concrete would be removed. D. Carlson stated at least 5 ft., which is the width of the sidewalk. Ald. Tim De Wane suggested conditioning the variance with a wrought iron fence all the way to the side walk.

R. Marx stated he would make a motion upon the presumption of a 15 ft. dimension from the front of the house to the sidewalk, that we would require a 5 ft. green space between the patio and the sidewalk allowing the remaining concrete patio to stay in the front set back and not requiring the fence at this time. The motion was not seconded. R. Marx then withdrew his motion.

J. Challe stated that since we do not know the depth of the concrete in the front that maybe this should be tabled for one month until dimensions can be obtained. R. Marx stated it is an option. D. Carlson stated he thinks it is a deferral, but agrees.

A motion was made by J. Challe and seconded by T. Hoy to table the patio space in front for one month until the exact dimensions are known. Motion carried (5-0).

3. Daniel J. Parsche, property owner, proposes a driveway expansion in a Low Density Residential (R1) District at 515-517 Kelly Jo Drive. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1705, residential driveways.

Daniel Parsche – 517 Kelly Jo Drive: D. Parsche stated he is asking for a variance to add on to his driveway. The work is already done and there was no building permit. He stated the hardship is due to his garage being on the smaller side, lack of parking space in the driveway, and the size of his trash receptacles. His driveway is short and therefore cannot park two vehicles in the driveway as he would be parked across the sidewalk. He would like to use his garage for storage and park his vehicle outside.

The applicant was asked why he put the concrete in before obtaining a building permit. He stated he did not have an answer. He was informed that if he had gotten a permit and made a few changes to his driveway plan a variance would not have been needed.

J. Challe asked D. Parsche what the extra part of the driveway used for now and if the rest of his driveway was being used. D. Parsche responded that the extra spot is used for his personal parking and there are other vehicles being parked in the driveway as well.

P. Neumeyer was asked what the width is for a single stall driveway. P. Neumeyer stated as little as 9ft. and up to 12 ft.

D. Carlson asked P. Neumeyer to explain to the board what the City Council had decided on regarding these types of cases. P. Neumeyer stated these types of structures are challenging because they have a shared driveway and single stall garages and does pose a challenge for parking. City Council did suggest that you could expand the driveway to create another stall, provided it is not in front of the front door. In this case, the new stall is in front of the front door. If the door was further over, there wouldn't be an issue. D. Parsche stated he was aware as it was part of the violations he had received. P. Neumeyer stated that City Council wanted to allow for some expansion, but didn't want to see the whole front yard paved.

A conversation then ensued. D. Carlson stated there are two variances here, the parking in the front setback and parking in front of the entrance to the home. R. Marx suggested that the front door be moved. D. Carlson stated he agreed that could work.

R. Marx then asked if there had to be another variance for the non-standard apron. P. Neumeyer stated that it is a part of this variance.

A motion was made by T. Hoy and seconded by J. Challe to grant the variance as requested.

D. Carlson stated he doesn't agree with the motion and will vote against it because they shouldn't adjust an ordinance the City Council guided them on. R. Marx asked D. Carlson if he would be more acceptable with the condition of moving the door. He replied yes. T. Hoy then withdrew his motion.

A motion was made by R. Marx and seconded by G. Babcock to grant the variance as requested with the condition the driveway is not in front of the front door and the existing entrance would have to be moved. Motion carried (5-0).

4. Chris Kidd, Kidd Construction, LLC, on behalf of Stephanie Anderson, property owner, proposes to construct an attached garage on an existing foundation of a former garage located in a Low Density Residential (R1) District at 805 South Clay 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.

Stephanie Anderson: 945 S. Quincy Street: S. Anderson stated she would like to put up a garage that is wider than her driveway. There was a garage on the property previously, but had been razed before she bought the property. The garage will sit where the old garage did, but would be 2 ft. wider for a total of 12 ft. wide and 3 ft. from the lot line.

A conversation then ensued. All agreed that the variance should be granted.

A motion was made by G. Babcock and seconded by T. Hoy to grant the variance as requested. Motion Carried (5-0).

5. Dan Timmers, property owner, proposes to construct a detached garage in a Low Density Residential (R1) District at 2352 Bay Beach Court. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-613 (c), subordinate size of the accessory use.

D. Timmers – 2352 Bay Beach Court: D. Timmers stated he is looking to add a 24 ft. x 30 ft. garage. The garage he would like to build is considered to be a second accessory building and will be larger than the main dwelling by approximately 470 ft.

D. Carlson asked Paul Neumeyer if it is just the size of the accessory building. He stated that was correct.

Ald. J. Moore stated that he is in favor of this request. His only concern is elevation and water drainage. He did talk to some of the neighbors and did not hear any objections.

D. Carlson read into record Chapter 13, Green Bay Zoning Code, Section 13-613 (c), subordinate size of the accessory use ordinance. R. Marx stated since there are no other variances required other than the size of an accessory building, and the main dwelling is a two-story home and not a ranch style, he does not have an issue approving this request.

A motion was made by R. Marx, seconded by J. Challe to grant the variance as requested. Motion carried (5-0).

6. Jeff Mencleski, property owner, proposes to construct a detached garage in a Low Density Residential (R1) District at 305 South Irwin Avenue. The applicant requests to deviate from the

following requirements in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, front and side yard setbacks, Section 13-609, impervious coverage.

J. Mencleski – 305 S. Irwin Avenue: J Mencleski is requesting a variance to build a garage on his property. There is no garage or driveway on the property. He currently has to share the neighbor's driveway. He did speak with the neighbors and there were no objections. He started work without a building permit and was ordered to stop work on the project. The base of the garage has already been constructed.

D. Carlson asked P. Neumeyer if the issue is the side and rear setbacks. P. Neumeyer stated it is the side yard setback and impervious coverage.

Zachary Peters – 619 Roy: Z. Peters stated he is one of the contractors for this project. He is in favor of this request and talked about the hardships.

P. Neumeyer stated there is actually a front setback issue. This is an interior lot and the front setback is 55 ft. Ideally the principal dwelling should be up front and the garage behind the house. The garage is being lined up flush with the house.

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

7. Joe & Jan Mauel, property owners, propose a driveway expansion in a Low Density Residential (R1) District at 2067 Wintercress Drive. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1705, residential driveways.

Joe Mauel – 2067 Wintercress Drive: J. Mauel stated they just wanted to expand their driveway. The driveway is not very wide and they would like to have a place to put snow in the winter and need an extra parking space or two for their other vehicles. They have not poured the concrete, but have it dug and ready for the concrete. They do not want to have the driveway to past the garage and down the side of the house as they have quite a bit of landscaping and would have to tear it out and it wouldn't look very nice.

R. Marx stated he is not in favor of this request, but does agree with the applicant regarding the look would be cleaner. He does have the option to create a legal parking spot even though it is not what he would like to do. D. Carlson agreed there is not enough of a hardship here to override the variance.

A motion was made by R. Marx seconded by T. Hoy to deny the variance as requested. Motion carried (5-0).

A motion was made by R. Marx and seconded by J. Challe to adjourn the meeting at 7:14 p.m. Motion carried (5-0).

Meeting adjourned.