

MINUTES
BOARD OF APPEALS
Monday, October 20, 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, Keri-Jane Smits, Ald. Tim De Wane, Ald. Tom De Wane, Cheryl Walczyk, Paul Rose, William Goessl

APPROVAL OF MINUTES:

Approval of the September 15, 2014, minutes of the Board of Appeals

A motion was made by R. Marx and seconded by T. Hoy to approve the September 15, 2014, minutes of the Board of Appeals. Motion carried (5-0).

D. Carlson called the meeting to order and asked if any members had gone out to the properties. T. Hoy stated he had been out to Agenda Items 1-4. D. Carlson stated he was at all five properties. He then asked the Board if anyone needed to abstain from voting. All stated no. He asked if anyone spoke to anyone regarding the variance requests. All stated no.

OLD BUSINESS:

1. 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. This item was tabled at the September 15, 2014 meeting.

Kerri-Jane Smits – 1120 Lawe Street: K. Smits thanked the members for granting the variance for her driveway and dividing her variance into two separate variances. She did bring back measurements for the patio area as requested. The patio area is 30 ft. from the house to the city sidewalk and 10 ft. 3 in. wide to the driveway, 13 ft. 7 in. diagonal, and 8 ft. 7 in. by her sidewalk. She presented the board with some additional designs to prevent parking in the patio area. All she wants to do is be compliant with the zoning code.

Ald. Tim De Wane stated that this is his district and he does not have any objections to the patio area. He believes this will add character to the already unique neighborhood. He stated there is support from several other Aldermen regarding this request. He submitted signatures of three Aldermen in support of the request, C. Wery, R. Scannell, and D. Nennig. He also stated that Ald. G. Zima, Tom De Wane, and A. Nicholson were also in support.

Ald. Tom De Wane stated he understands this was created for safety reasons. He stated it does look nice and decorative.

D. Carlson confirmed with Ald. Tim De Wane that a majority of the Aldermen were in support of the request. He responded yes.

D. Carlson confirmed with P. Neumeyer that his main concern regarding this request was the area being used as a parking spot. P. Neumeyer stated that was correct. D. Carlson asked if that was the only concern. P. Neumeyer stated yes, and that the board needs to determine if this is part of the driveway or actually a patio and how to distinguish between the two since there is no real physical separation.

A conversation then ensued between board members. D. Carlson does not see a problem with granting the variance request.

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

P. Neumeyer asked if parking would be allowed. They stated no. He suggested a condition be placed on the motion that the patio area is not to be used for parking.

J. Challe amended the motion and T. Hoy seconded to grant the variance as requested with the condition that it will not be used for parking. Motion carried (5-0).

NEW BUSINESS:

2. Cheryl Walczyk, property owner, proposes to reconstruct a detached garage in a Low Density Residential (R1) District at 401 12th Avenue. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-609, impervious coverage.

Cheryl Walczyk – 401 12th Avenue: C. Walczyk stated she wants to construct a 20 ft. x 28 ft. detached garage, which is about the same size as the old garage. The site plan was denied because there was not enough green space. She did share with the board where she would be adding green space after the garage is built.

P. Neumeyer stated the current ordinance states you must have not more than 50% impervious surface. The lot is a very long and narrow lot and does not leave much room for green space.

D. Carlson stated that the applicant has a total of 3,896 sq. ft. of impervious coverage and is allowed 3,048 sq. ft. R. Marx asked why improvements were allowed over the 50%. P. Neumeyer stated the improvements were most likely done prior to the current zoning ordinance.

A discussion ensued between board members. There were no objections to the request.

A motion was made by R. Marx and seconded by G. Babcock to approve the variance as requested. Motion carried (5-0).

3. Paul Rose, Green Bay Area Builders, on behalf of Valerie Marcks, property owner, proposes to replace existing garage and driveway in a Low Density Residential (R1) District at 1425 Gross Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, side and rear yard setback.

Paul Rose – 1172 Ashwaubenon Street: P. Rose stated he is here on behalf of the owner, Valerie Marcks; 1425 Gross Street. The applicant has a 14 ft. x 22 ft. garage with a slab directly to the right of the garage, and would like to expand the garage. The driveway will also be replaced as it is not in good condition. The variance is needed because the side and rear yard setbacks are not met.

A discussion then ensued. There were no objections to the variance.

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

4. William T. Goessl, property owner, proposes to expand a detached accessory structure in a Low Density Residential (R1) District at 1150 Elmore Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-613 (c), accessory use subordinate in size to the principal use.

William Goessl – 1150 Elmore Street: W. Goessl stated they are asking to add on to their shed.

D. Carlson asked if they are building a new shed or adding on to the existing shed and if this would then make their accessory building larger than the primary dwelling. W. Goessl stated they

want to add to their current shed and yes, it would make the accessory building larger than the primary dwelling.

D. Carlson clarified with P. Neumeyer that the total square footage of the modified shed is larger than the square footage of the house. He stated that was correct and that the total square footage for all accessory buildings had to be less than the principal dwelling.

D. Carlson stated to the board that he feels this particular section, 13-613(c) has unclear verbiage and does not agree with it. He thinks the garage and the 2nd floor of the residence (if there is one) should be counted as part of the principal dwelling and not just the 1st floor of the dwelling. P. Neumeyer stated that is a common practice in determining the relationship of the principal structure and the accessory structure.

J. Challe asked the applicant how many square feet he is over. W. Goessl stated he is over by approximately 264 sq. ft.

A discussion then ensued. R. Marx stated he does not have an issue with this request as it is a narrow lot and the main dwelling is less than 1000 sq. ft. There were no other objections regarding the variance.

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

5. William & Wanda Sieber, property owners, propose to construct a new single-family dwelling within a 100-year floodplain, AE Zone, located in a Low Density Residential (R1) District at 3351 Beach Lane. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1330, standards for development in the flood fringe areas. This variance was previously approved by the Board of Appeals on September 17, 2012.

William & Wanda Sieber – 1773 Keehan Lane: W. Sieber is asking to deviate from side yard setbacks. The current setback is 15 ft. on each side of the house and if built according to code, their house would only be about 20 ft. wide. They are asking for an 8 ft. setback on the street side to make their garage 34 ft. wide and 10 ft. on the bay side for a 30 ft. wide home. She stated the prior buildings on the property were 6 ft. away from the property line and for the new construction have added an extra 2 ft. of space. They are working with the neighbors to the north and south of their property regarding flood zone issues. There will be a retaining wall and storm water drainage plan in place on the south side of the residence.

D. Carlson asked P. Neumeyer for clarification as to what is needed with this variance. P. Neumeyer stated it is not the setbacks of the structure from the property line, but about the fill for the base flood line. The base flood is 588 ft. and they have to be 1 ft. above that and 15 ft. out and around the structure. This creates the flood protection island around the structure. This is based on FEMA requirements. They do not have the lot width to do that and that is why they are putting up the retaining walls and drainage system.

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

A motion was made by R. Marx and seconded by T. Hoy to adjourn the meeting at 6:29 p.m. Motion carried (5-0).

Meeting adjourned.