

MINUTES
BOARD OF APPEALS
Monday, February 23, 2015
City Hall, Room 310
5:00 p.m.

MEMBERS PRESENT: Don Carlson - Chair, Thomas Hoy - Vice-Chair, Rob Marx, and Greg Babcock

MEMBERS EXCUSED: Bob Maccaux and Justin Challe

OTHERS PRESENT: Paul Neumeyer, Jose Tabares, Joaquin Tabares, Kevin McCann, Renee St. Laurent, and Craig Hanson

D. Carlson called the meeting to order and asked if the members had spoken to anyone regarding the variance requests. All stated no. He then asked if any members had gone out to the properties. T. Hoy stated he went to all properties. He then asked the Board if anyone needed to abstain from voting. All stated no.

APPROVAL OF MINUTES:

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

A motion was made by R. Marx and seconded by G. Babcock to approve the November 17, 2014, minutes of the Board of Appeals. Motion carried (4-0).

OLD BUSINESS:

NEW BUSINESS:

1. Joaquin & Jose A. Tabares, property owners, propose to expand an existing two-family dwelling in a Low Density Residential (R1) District at 1865 Deckner Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, rear yard setback.

Joaquin and Jose Tabares – 1865 Deckner Avenue: The Tabares brothers presented their site plan to the BOA Commissioners regarding the expansion to their home. The petitioners are asking for a rear yard setback of 10 ft. rather than the required 25 ft. D. Carlson clarified with the petitioners the issue is they are too close to the rear lot line of the property. They stated that was correct and pointed out that their next door neighbor is right on the lot line. D. Carlson asked how many families live in the dwelling. They stated two, one upstairs and one downstairs and they are expanding the upstairs by adding a dining room, a second bathroom, and a rec room. The expansion will be placed above a garage which will be added as well. They stated there would be no changes to the front of the home, just the back of the house. The neighbors are in agreement with this request.

D. Carlson asked if the home has always been a two-family dwelling. They stated yes, and that the home was built as a two-family according to their neighbor. D. Carlson also inquired about the extra signatures on the bottom of the application. They stated the signatures belong to their neighbors and were showing their support for the project.

A conversation then ensued between commission members. D. Carlson stated the argument here is that this is an existing building on a very small lot with a large front yard setback. In order to add an addition to the upstairs a variance is needed to reduce the rear yard setback to allow

for the addition to the very small upstairs. R. Marx stated that if the house was pulled forward to match the front yard setbacks of the other houses around, there wouldn't be an issue for the rear yard setback. He does not see an issue with the request. G. Babcock and T. Hoy agreed.

A motion was made by R. Marx and seconded by T. Hoy to grant the variance as requested. Motion carried (4-0).

2. Kevin McCann, property owner, proposes to build a detached garage in a Low Density Residential (R1) District at 1142 South Jackson Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, rear yard setback.

Kevin McCann – 1142 S. Jackson: K. McCann stated he is here to ask for a variance to deviate from the rear yard setback from 4 ft. to 2½ ft. The garage is old and in poor condition. The new garage will be placed where the existing garage is now, which is 2½ ft. from the lot line, and 4 ft. wider. The area behind the garage is not usable and they would like to keep the 2 ½ ft. setback. The neighbor next to them has no objections to the request.

D. Carlson asked K. McCann if the basis for the argument is that the 2½ ft. setback has existed from many years and the setback should be grandfathered in. K. McCann stated the difficulty for them complying with the current setback is that they would be losing some of their usable space and they have a small lot. They can comply with the required setback; however, it would create a little more work and planning to replace the garage and moving everything forward 1½ ft.

A conversation then ensued between commissioners. D. Carlson stated this is more of a grandfathering issue rather than a variance request. The garage has been there for many years and the only reason they are here is because setback requirements to build a new garage have changed. T. Hoy stated he agrees with the grandfathering.

A motion was made by G. Babcock and seconded by T. Hoy to approve the variance as requested. Motion carried (4-0).

3. Renee St. Laurent, Lamar Advertising of Green Bay, proposes to remove a billboard from the property located at 301 Mather Street and is seeking a 6-month extension to relocate the billboard within the city limits beyond the one-year requirement found in Chapter 13-2013(j)(3)(b.).

Renee St. Laurent – 1800 Scheuring Road, De Pere: R. St. Laurent stated that according to the ordinance, Chapter 13-2013(j)(3)(b.), they have a one-year time limit to take down a billboard and put up another billboard in a new location. A wrecking permit was purchased on 03/25/2014, and the billboard was removed. They had a site to relocate the billboard; however, the State would not approve the permit due to the difference in setback line definition between Lamar Advertising and the State. Due to this delay, their timeline was pushed back and everything was delayed. She is here tonight to request a 6-month extension so another location can be found due to the State denying them their original permit.

D. Carlson asked R. St. Laurent when the State notified her of the denial and when she had originally applied to the State. R. St. Laurent stated she was notified four weeks ago of the denial and applied with the State two months prior to being denied. Locations for billboards are becoming harder to find due to rules and regulations set by the State and cities.

A conversation then ensued between commissioners and P. Neumeyer regarding the code requirement and process to obtain a permit for a billboard. There were no issues with the request.

A motion was made by R. Marx and seconded by G. Babcock to grant the variance as requested to extend requirements for 6-months. Motion carried (4-0).

4. Troy Hoekstra, Green Bay Hotel Partners, LLC, proposes to construct a 77 unit Staybridge Suites Hotel at 1004 Brett Favre Pass within a Planned Unit Development (PUD). The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-810, Table 8-2, impervious coverage and Section 13-1719, Table 17-2 off-street parking requirements.

Craig Hanson – St Cloud, MN: C. Hanson stated he is the Attorney for the Green Bay Hotel Partners, LLC. They are proposing to construct a 77-unit Staybridge Hotel attached to the Brett Favre Steakhouse. Staybridge Hotel is a product of IHG (InterContinental Hotel Groups). They are requesting two variances; the first one is for impervious surface coverage. The impervious surface maximum is 80 percent and they are currently at 100 percent impervious coverage as it is a parking lot. They are asking to get a variance for 90 percent impervious coverage. The second variance would be for parking. At this current time they are short 22 parking spaces as required by the Chapter 13-1719 of the Green Bay Zoning Code. The applicant has secured up to 50 additional parking spaces from the adjoining property owner, Badger State Brewing Company. He doesn't believe they need the original 72 additional parking spaces because those at the restaurant will be staying at the hotel and second there would be a timing issue between the hotel and restaurant and when the restaurant is open and closed.

R. Marx asked if the shortage of parking includes the leasing of the extra spots, in which C. Hanson responded yes. C. Hanson stated that by putting up the hotel; it will be taking away the excess parking the restaurant has. R. Marx confirmed with P. Neumeyer that by granting the variance they don't need to find the extra parking spaces. P. Neumeyer stated by granting the variance, it will be exempt from securing the 22 parking spaces.

D. Carlson asked what the Plan Commission's thoughts were regarding the request. P. Neumeyer gave BOA commissioners a synopsis of what took place at the Plan Commission meeting on 02/09/2015. The Plan Commission felt that the parking and impervious coverage issues would best be addressed by the BOA due to its dimensional nature.

T. Hoy asked P. Neumeyer what would happen if the owner of the property they are leasing the parking from decides they no longer want to rent their property. P. Neumeyer explained the agreement is bound by the site plan and a lease would be required as part of the approved site plan. However, if the property owner does not renew a lease, the applicant would be required to secure additional parking elsewhere or they will be in violation of the variance.

R. Marx asked what the hardship would be if they were required to secure all parking requirements. C. Hanson responded by stating that the other property did not want to give up all its parking, which left them with the shortage of 22 parking spaces and don't believe all the spaces are needed. The cost of renting all the parking spaces would be too costly. G. Babcock asked how many total parking spaces will there be without the 22 parking spaces. C. Hanson stated 204 parking spaces with the variance.

D. Carlson asked P. Neumeyer if the hotel is consistent with the City's Comprehensive Plan for development in this area. P. Neumeyer stated yes. D. Carlson confirmed with both P. Neumeyer and C. Hanson that the variance for parking is to reduce the parking requirement by 22 parking spaces. They both stated that was correct.

A representative from the Hilton Garden stated they are concerned that the easement road, located behind Brett Favre Steakhouse, would be obstructed and unusable due to the parking from the new hotel. C. Hanson stated the easement road would still be open and parking will not

interfere with the easement. She has no objections to the project and thinks it is a great addition to the area.

A discussion then ensued between commissioners and P. Neumeyer regarding the easement. They all agreed the 22 parking spaces would be a sufficient reduction. R. Marx then asked if they were granting them up to 100 percent for impervious coverage. T. Hoy stated that they were adding some green space and bringing impervious coverage down to 90 percent. D. Carlson stated that they would grant what they are proposing, which is approximately 90 percent, which still requires a variance. A conversation continued regarding the impervious coverage percentage that they will be placing on the variance.

A motion was made by G. Babcock and seconded by T. Hoy to grant the variance as requested with the following conditions:

- a. The site does not exceed 90% impervious coverage
- b. Reduce required parking by 22 spaces
- c. Approval of standard site plan review

Motion carried (4-0).

A motion was made by R. Marx and seconded by T. Hoy to adjourn the meeting at 5:44 p.m. Motion carried (4-0).

Meeting adjourned.