

MINUTES
BOARD OF APPEALS
Monday, April 20, 2015
City Hall, Room 604
5:30 p.m.

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

MEMBERS EXCUSED: Bob Maccaux

OTHERS PRESENT: P. Neumeyer, Gary Vande Hei, Sue Vande Hei, Joan Behnke, Dennis Behnke, Thomas Stascak, Jason Arcand, Nicholas Flores, and Mike Zimonick

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

APPROVAL OF MINUTES:

Approval of the February 23, 2015, minutes of the Board of Appeals.

A motion was made by R. Marx and seconded by G. Babcock to approve the February 23, 2015, minutes of the Board of Appeals. Motion carried (4-0).

OLD BUSINESS:

NEW BUSINESS:

1. Gary & Susan Vande Hei, property owners, propose to construct a new single-family dwelling in a Low Density Residential (R1) District at 1282 Ridgedale Court. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, rear yard setback, Section 13-615, Table 6-4 front, side and rear yard setbacks.

Gary & Susan Vande Hei – 1140 Hickory Drive: G. Vande Hei stated they purchased the lot and would like to construct a single family home to replace a home that was destroyed by a fire. He explained that the lot is an odd shape and impossible to place a home on the lot without having to ask for a variance. They are asking to deviate from front, side and rear setbacks for the main dwelling and garage.

A conversation then ensued among the board members. There were no issues and all agreed with the request.

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

2. Dennis & Joan Behnke, property owners, propose to expand an existing driveway in a Low Density Residential (R1) District at 1860 St. Agnes Drive. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709, side yard setback, Section 13-1705(a) residential driveways.

Dennis & Joan Behnke – 1860 St Agnes Drive: J. Behnke stated they would like to add on to their existing driveway. They want to make their property look better, be better handicapped accessible, and safer. Due to the size of the lot, a variance is required to get the size driveway they are requesting.

D. Carlson confirmed with the J. Behnke that a variance is required as they want to come within a foot and a half of the property line and would not need one if they stayed within two and a half feet. She stated that was correct. He asked if their plan was to bring the driveway all down to the sidewalk, or taper the driveway. She stated they plan on bringing the driveway all the way down to the sidewalk for reasons mentioned above. D. Carlson stated the driveway cannot come straight out to the sidewalk per the ordinance and needs to be tapered.

A conversation then ensued between board members.

A motion was made by R. Marx and seconded by T. Hoy to grant the variance as requested with the condition an additional curb cut is not to exceed 25 ft. at the sidewalk and 30 ft. at the curb. Motion carried (4-0).

3. Leticia Salazar, property owner, proposes to expand an existing driveway in a Low Density Residential (R1) District at 1694 Fiesta Lane. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1705(a) residential driveways.

No one appeared for this item.

4. Wayne W. Franzen, Franzen Family, LLP, property owner, proposes to utilize an existing building in a Highway Commercial (C2) District located at 1125 Hobart Drive in a manner where the accessory use is larger than the principal use of the property. The applicant requests to deviate from the following requirement in Chapter 13-804(b) use restrictions.

P. Neumeyer stated the applicant for Item #4 was unable to attend the meeting and requested a delay.

A motion was made by R. Marx and seconded by G. Babcock to table the Item #4, at the request of the applicant, and to table Item #3 until the next Board of Appeals meeting. Motion carried (4-0).

5. Thomas Stascak, property owner, proposes to expand an existing driveway area along a public alley in a Low Density Residential (R1) District at 731 Mather Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1705(c) (3) alley drives.

Thomas Stascak – 731 Mather Street: T. Stascak stated he has an alley drive and the driveway to his garage and to the back of his fence is 25 ft. in length. He does not have enough parking for all vehicles and is always having to move vehicles around and park vehicles on the lawn. He is requesting a variance to make the driveway wider as the maximum width is 30 ft. and would like to add 18 ft. to the driveway.

G. Babcock asked T. Stascak if there was anywhere to park in the alley way. T. Stascak stated that there was not. He also stated that he does not have a front driveway. G. Babcock asked how many cars will be parking at the house on a regular basis. T. Stascak stated four and he can park three cars now, but it is a tight fit.

A discussion then ensued among board members. T. Hoy commented on what he saw when he went out to the property. There are no issues with the request.

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

6. Jason & Marissa J. Arcand, property owners, propose to expand an existing driveway area in a Low Density Residential (R1) District at 1735 Tenth Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1705(a) residential drives.

Jason Arcand – 1735 Tenth Avenue: J. Arcand stated he is looking to widen his driveway. He presented to the members a letter from his neighbor, who would be affected with moving the driveway out to the lot line. He would like to extend his driveway right up to the lot line because they are currently backing up onto their grass and creating ruts. This will also improve the look of his property and neighborhood.

D. Carlson then noted that the letter presented by J. Arcand was from Tammy Rupiper at 1729 Tenth Avenue. He read the letter into record, which had no objections to the request. He also stated for the record that this is not a common driveway. He asked J. Arcand if he was proposing to go to the lot line and he stated that was correct. J. Arcand stated that the fence posts will be right at the lot line. T. Hoy stated he was not going to comment on placement of a fence as there are other ordinances regarding fences and he is here tonight for a variance to expand his driveway. T. Hoy suggested he talks to someone regarding permits for the fence.

A conversation then ensued among board members. All were in agreement to the request.

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

7. Nicolas Flores, property owner, proposes to construct an addition to a single-family dwelling in a Low Density Residential (R1) District at 820 S. Baird Street. 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.

Nicholas Flores – 820 Baird Street: N. Flores stated he wanted to make a correction. He stated his lot is approximately 53 ft. wide and not 60 ft. as originally drawn. He also corrected that it is the side yard setback, as they want to get closer to the lot line, and not the rear yard setback as stated in the agenda. He stated they have two small bedrooms and the bathroom upstairs and the stairs are getting more difficult for him. They would like to construct a 526 sq. ft. addition to the home that will have two larger bedrooms and a bathroom.

D. Carlson confirmed that they are asking for a 4 ft. side yard setback instead of the required 8 ft. setback as they have a two-story house. N. Flores stated that was correct. He also asked if any of the neighbors have any issues with the addition. N. Flores stated no and the property is well isolated from the neighbors with shrubs, trees and a privacy fence.

A discussion then ensued between board members. All were in agreement with the request.

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

8. Michael G. Zimonick, property owner, proposes to construct a detached accessory building in a Low Density Residential (R1) District at 2476 Hemlock 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.

Michael Zimonick – 2476 Hemlock Court: M. Zimonick stated that he had been keeping items in his mother's garage and they now need to sell her house and is looking to build a garage on his property. He presented a signature page from his neighbors supporting his request. He then gave a brief history on the property. M. Zimonick stated there are a row of trees at the end of his property, at Manitowoc Road, that will act as a barrier.

D. Carlson stated that the limit for an accessory structure is 1,000 sq. ft. and if he cut the dimensions by 2 ft. a variance would not even be needed and asked why he chose this particular dimension. M. Zimonick stated he does need the 36 ft. because his boat is 35 ft. in length. He stated he could go 26 ft. but just thought 28 ft. was a little larger. He stated his mother had a 36

ft. x 26 ft. garage and everything just fits in the garage. He stated that 2 ft. of width would give him a little more room. It is not a necessity, but more of a luxury.

R. Marx asked if there is going to be a driveway to get back to the garage. M. Zimonick stated that is not a garage that will not be used on a daily basis. He stated there is a gravel driveway he will access for the time being. At this point he only wants to get the stuff out of his mother's garage to sell the house.

M. Zimonick stated he would like to be able to store all of his items in one space and not have to rent storage places all over the City. The garage will also give him a little more privacy behind his pool as well.

T. Hoy was out at the property and stated that those driving on Manitowoc Road would have no issues. The fact that he brought in a signature page does show that he does respect his neighbors.

G. Babcock stated that it is a very big lot and he does not have an issue with the request.

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

T. Hoy stated he wanted to make a comment regarding the question, "did anyone speak to anyone regarding the variance requests" asked by D. Carlson at the beginning of the meeting. T. Hoy stated he did speak to P. Neumeyer regarding 1694 Fiesta Lane.

D. Carlson stated that it is his impression that you can always talk to the staff regarding variances. The question is more related to talking to the applicants and neighbors. P. Neumeyer agreed.

D. Carlson then asked P. Neumeyer to share the comments regarding the Fiesta Lane request. P. Neumeyer stated that it should be treated like any other variance that comes in. The fact that the work is already done should not be used as a hardship.

A motion was made by R. Marx and seconded by T. Hoy to adjourn the meeting at 6:30 p.m. Motion carried (4-0).

Meeting adjourned.