

MINUTES
BOARD OF APPEALS
Monday, May 18, 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, Dennis Behnke, Leticia Salazar & Family, Randy LeDocq, John Maas, James Bressers, Dave Perret, Tom Hinz, Greg Brockman, Dave Angst, Colleen Moran, and Shaun Dolan

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; however, he did not revisit properties under old business. He asked if the members had spoken to anyone regarding the variance requests. All stated no.

RECONSIDERATION:

1. 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, and Section 13-1705(a) residential driveways.

Dennis Behnke – 1860 St. Agnes Drive: D. Behnke stated he was here last month regarding expanding an existing driveway. He stated it was mentioned that if he goes all the way to the lot line, that he should take it all the way down to the road and put an apron in there. D. Carlson stated he will need to put the apron in and that he was approved for the 25 ft. at the property line and 30 ft. at the curb and were not going all the way to the property line. He stated he now wants to go to the property line as it will give him more room to get around the vehicles. D. Carlson asked if he wanted it out to the property line for his convenience. He stated he wanted cars to stay on the concrete for Packer game day parking and was worried about mud. R. Marx verified that the width between the garage and the property line was 9 ft. D. Behnke stated yes. R. Marx asked P. Neumeyer if the side yard setback was addressed last month. P. Neumeyer stated it was not on the original application and the applicant was not aware he could apply for such a variance and that is why he is here tonight as the site plan at that time, the side yard setback was compliant. D. Behnke stated he did speak with his neighbor and he didn't have an issue going out to the lot line as long as it didn't affect his property.

A conversation then ensued between board members. R. Marx stated he feels this is more excessive than what would be required and feels the 8 ft. driveway is reasonable

and therefore is against the variance. T. Hoy agrees with R. Marx and to keep the decision from last month's variance. G. Babcock also agreed that going to the lot line was a little excessive.

A motion was made by R. Marx and seconded by T. Hoy to deny the request and reaffirm the variance decision from last month. Motion carried (4-0).

OLD BUSINESS:

2. 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.

Leticia Salazar – 1694 Fiesta Lane: L. Salazar's husband and son stated the expansion is needed because there is not enough parking and they have been getting a lot of parking tickets due to the lack of parking. The work has already been done and they are now being told that the driveway is too wide. D. Carlson confirmed that they have the extra width on the sides but not at the curb cut and they would like to get approval for the extra concrete and to get a wider curb cut. They stated that was correct. D. Carlson stated that two variances are needed, a retroactive variance on what was done and curb cut.

A discussion ensued between the applicants and board members. The discussion detailed what work was already done. D. Carlson then asked P. Neumeyer if a variance was needed for the curb cut. P. Neumeyer stated no, just for the front and side setbacks as a 25 ft. curb cut allowed. The major issue is the parking in front of the front door. They have a single car garage and can expand up to 8 ft. on either side of the main garage door, as long as it is not directly in front of the front door.

D. Carlson stated their decision is based upon whether they will strictly adhere to the ordinance or react to the situation. R. Marx stated his one concern was they approved a variance similar to this; however, the applicant had to move the front door. T. Hoy stated his main thought is the work is already done and that it is done well. D. Carlson does agree with T. Hoy and the fact that it's a small lot with a one car garage.

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

3. 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.

D. Carlson stated that item #3 has been withdrawn by the applicant.

NEW BUSINESS:

4. Randy LeDocq, on behalf of Pamperin Rental III, LLC, property owner, proposes to expand an existing building in a Highway Commercial (C2) District, located within

the 100 year floodplain at 1120 Radisson Street. The applicant requests to deviate from the following requirement in Chapter 13-1330(c) commercial uses.

Randy LeDocq 2816 Nicolet Drive: R. LeDocq stated they submitted a variance request to use an existing building and add on to it rather than building a new building at 1120 Radisson Street. The existing structure was built in 2005 and was built to the flood proofing elevation of 2 ft. above the base flood elevation. In 2009 a new flood elevation ordinance was adopted. The building is roughly a half foot too low and does not meet the new flood plain elevation standards. The DNR suggested they get a variance to build the expansion at the current level. If the variance is granted, the DNR does support the fact due to extenuating circumstances they would not take exception to granting the variance. The hardship would be that they would have to knock the structure down as the structure cannot be an unlevel structure for a Subway shop. To build a brand new building higher to meet flood plain proofing would be harder to blend with the parking requirements and other building and businesses around the area.

A discussion then ensued between board members and P. Neumeyer regarding the FEMA flood standards and the changes in the standards since 2009. D. Carlson asked how this issue came before the BOA. P. Neumeyer stated it is a standard within the zoning code. The board members agree there is a hardship here in having to tear down the entire building for a half foot of elevation.

A motion was made by R. Marx and seconded by T. Hoy to grant the variance as requested. Motion carried (3-1) (No – D. Carlson).

5. James Bressers, property owner, proposes to expand an existing driveway area in a Low Density Residential (R1) District at 1701 Fourteenth Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1705(a) residential drives.

James Bressers – 1701 Fourteenth Avenue: J. Bressers stated he would like to add a concrete slab onto the side of the garage, which would make another lane, and would like to straighten the driveway out to the road. This would make it 36 ft., which is the width of the garage at the sidewalk, and then do a corresponding apron. He is asking for the same set up as his next door neighbor. He collected letters from neighbors around him and they are not against the project. He feels it is a hardship to keep driving at an angle to into the stalls of his garage and would like to drive straight into the driveway.

D. Carlson asked how much of a hardship would it be if the denied the variance. He stated he is tired of cutting up his lawn driving across it and wants it to be a little more convenient and to store his car trailer.

A discussion then ensued between board members. A concern mentioned was the length of the driveway from the garage to the sidewalk, the size of the lot, and the angle in which he has to pull into the driveway. R. Marx asked if the 36 ft. curb cut is warranted. Due to the fact that he will not be encroaching on his neighbors behind him, they don't see any issue in granting his variance.

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

6. Dave Perret, Perret Homes, on behalf of Tom & Ursula Hinz, property owners, proposes to construct a single-family home and detached garage in a Low Density Residential (R1) District at 2819 Nicolet Drive. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1705(a) residential drives, Section 13-615, Table 6-4 front yard setbacks.

Dave Perret – 1100 Velp Avenue: D. Perret stated he is looking to build a home at 2819 Nicolet Drive and there are a few challenges with this property. It is the garage that they are having issues with fitting it within the setbacks. T. Hinz explained that the previous owners did have a variance granted for a house and garage. The variance was granted and the garage could be built within the front set back with a wider driveway. T. Hinz bought the property with the intentions of building using the same dimensions as approved for the variance. However, due to not being able to sell their house, the variance has expired. They are now ready to build and asking for the same variance as presented before.

A conversation then ensued between board members. All were in agreement of the request.

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

7. Greg Brockman, property owner, proposes to pave an existing gravel drive in a Low Density Residential (R1) District at 3304 Nicolet Drive. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709, side yard setback.

Greg Brockman – 3304 Nicolet Drive: G. Brockman stated he would like to pave an existing gravel driveway and stated the driveway is the original driveway from when the house was first built around 1892. He would like to pave it due to issues when it rains; the water washes the gravel to the end of the driveway. By paving the driveway it will also improve the appearance of the home and the kids can ride bikes and play. He has spoken to the owners of the property next to him and they had no issues with him paving up to the lot line.

G. Babcock asked where his existing lot line is located. G. Brockman stated up to the end of the existing gravel. He then asked if he was planning to expand the driveway. G. Brockman stated no, just wants to pave the existing driveway up to the lot line.

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. Motion carried (4-0).

8. Paul Wenninger, United Building Systems, on behalf of Dave Angst, property owner, proposes to expand an existing parking lot in a General Commercial (C1) District at

1456 Main Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-810, Table 8-2, front yard setbacks.

Dave Angst – 1456 Main Street: D. Angst stated he is the owner of Green Bay Upholstery and bought an additional parcel and wants to add another store front and an additional doorway. They want to extend the asphalt to the building and add an additional handicapped stall and five additional parking spaces; however, they need to have 15 ft. of green space. If they keep the green space the way they have it, anyone using the handicapped parking would have to travel an extra 65 ft. to use the handicapped entrance. However, removing the green space will allow them to place a handicapped spot where the green space was and there would be less distance to travel to the handicapped entrance.

A conversation then ensued between board members. R. Marx stated he did not have an issue with the request. T. Hoy and G. Babcock both agreed.

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

9. John Moran, property owner, proposes to install a driveway in a Low Density Residential (R1) District at 512 Elmore Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709(b)(1) side yard setback, and Section 13-612, impervious surface.

Colleen Moran – 1216 11th Avenue: C. Moran stated they bought the lot at 512 Elmore and there is no driveway. It is a very small lot and they are requesting to put in a driveway.

A conversation ensued. T. Hoy stated that the lot is extremely small and there are not many choices where a driveway can be placed. P. Neumeyer then submitted a letter from Joseph Kummerer, property owner of 516 Elmore. He stated he is not opposed to the variance, however, has concerns regarding water runoff and future snow removal if he sells the property.

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

10. Shaun Dolan, property owner, proposes to expand an existing driveway in a Low Density Residential (R1) District at 1020 Crawford Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709, side yard setback, and Section 13-1705(a) residential drives.

Shaun Dolan – 1020 Crawford Street: S. Dolan stated he is looking to widen his driveway and put in an additional walkway down the side of his house to clean it up and make it more accessible. He does not have dimensions for the walkway. He would like to run it out from the lot line to the edge of the driveway, approximately 7 – 7.5 ft. His hardship would be that he has two full-size vehicles, a boat, a camper, and would like to maximize every inch of his property that he can. He did point out that his neighbors next to him

have their driveway right up to the lot line. He has verbal acceptance from his neighbors but nothing in writing.

D. Carlson asked S. Dolan why he needed the driveway to the lot line and why not utilize the 2.5 ft. setback. S. Dolan stated it would be easier to move vehicles around the driveway and to possibly park his boat or camper in that spot.

A motion was made by T. Hoy and seconded by G. Babcock to grant the variance as requested with the condition of a taper to the sidewalk with a 45 degree cut. Motion carried (3-1) (No - R. Marx).

APPROVAL OF MINUTES:

Approval of the April 20, 2015, minutes of the Board of Appeals.

A motion was made by R. Marx and seconded by T. Hoy to approve the April 20, 2015, minutes of the Board of Appeals. Motion carried (4-0).

A motion was made by R. Marx and seconded by T. Hoy to adjourn the meeting at 7:05 pm. Motion carried (4-0).

Meeting adjourned.