

**MINUTES**  
**BOARD OF APPEALS**  
**Monday, June 15, 2015**  
**City Hall, Room 604**  
**5:30 p.m.**

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

**MEMBERS EXCUSED:** Rob Marx

**OTHERS PRESENT:** Paul Neumeyer, Jason Geurts, Michaela Geurts, Bonnie Boyd, Matt Hogan, Sandie Markiewicz, Bill Goessl, and Travis Zimmerman

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 except for the North Ashland property. He asked if the members had spoken to anyone regarding the variance requests. All stated no.

**APPROVAL OF MINUTES:**

Approval of the May 18, 2015, minutes of the Board of Appeals.

A motion was made by T. Hoy and seconded by G. Babcock to approve the May 18, 2015, minutes of the Board of Appeals. Motion carried (3-0).

**NEW BUSINESS:**

1. Property Life, LLC, on behalf of Jason Geurts, property owner, proposes to construct a fence and detached garage within a front yard setback in a Low Density (R1) Residential District, located at 2535 Parkwood Drive. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-521 fences, Section 13-615, Table 6-4 front yard setbacks.

Jason & Michaela Geurts – 2535 Parkwood Drive: J. Geurts presented his appeal to the Commissioners. He stated he would like to construct a fence and a detached garage. The fence is needed to keep people from cutting through his back yard that are coming off the trail, keep his family safe while playing in the back yard, and to block the view of some utility boxes. He is asking for a 6 ft. fence in the front setback, only on the side closest to the roadway, Fawn Lane, and a 3 ft. fence around the rest of the property, for which a variance would not be needed. He stated that he does not want to upset anyone in the neighborhood by building a garage. The main reason they will need another building is to store a vehicle and personal items that belongs to a relative.

A letter of objection was received from the property owner at 2545 Parkwood Drive. They indicated that there were private deed restrictions on the property as part of the recorded subdivision plat preventing the detached garage and fence.

D. Carlson asked P. Neumeyer to explain the variance that is required for this request. P. Neumeyer stated that this issue is the height of the fence and the placement of the garage within the front yard setback.

D. Carlson asked J. Geurts what he would do if his variance was not granted and what the reason is for the variance. J. Geurts stated that he would put up a 3 ft. fence and bring it in closer to the house. He would like a fence because he wants to deter any outside traffic from coming through the backyard, and have an out building to store personal items.

A discussion then ensued between the applicants, P. Neumeyer and Board members. G. Babcock asked P. Neumeyer for clarification regarding the fence variance and wanted to know if J. Geurts placed a 3 ft. around the yard if he would be compliant. P. Neumeyer stated that was correct. G. Babcock asked J. Geurts why the 6 ft. fence is needed. J. Geurts stated it was strictly for privacy, so people walking along Fawn Lane can't see in their backyard. D. Carlson then asked about the detached building, and if it was smaller in size if a variance would be needed. J. Geurts stated that was correct, he would not need a variance if the structure is less than 1000 sq. ft. D. Carlson stated the issue is not the size of the building, but the setback, as the building will be facing Fawn Lane, which would be considered the "front" yard and not a side yard. D. Carlson then asked if the second driveway was an issue. P. Neumeyer stated yes, unless he made a circular drive.

D. Carlson then summarized the variance issues to include: a structure that is not too big, being put in the wrong place with a driveway that shouldn't be there, surrounded by a fence that is too high.

Bonnie Boyd – 2539 Parkwood Drive: B. Boyd stated she lives just to the west of the Geurts' residence. She informed board members why she purchased their home 26+ years ago. She stated she is against the fence in their yard for the fact that they wanted to take out her retaining wall to put up the fence and that it would block her view.

A conversation then ensued between board members. D. Carlson asked P. Neumeyer if there was some consideration on how Fawn Lane plays into some future plan in the area. P. Neumeyer stated a possibility would be to vacate the street or eliminate the street; however, it will take time to look into this request.

D. Carlson stated he is not prepared to grant any of the variances for several reasons. The first one being that he can "pull back" the building, he does not approve of them taking advantage of Fawn Lane for the second driveway, and the fact he wants two different sizes for the fence and that the 3 ft. is sufficient for the foot traffic issues. G. Babcock agreed with D. Carlson, but asked what he meant regarding "pull back" on the building. D. Carlson stated to put the building in so it is within the required front yard setback. T. Hoy stated he also agreed. He stated that if they deny the variance, he could still install the fence and building, without a variance, just on a smaller scale and different spot.

A motion was made by G. Babcock and seconded by T. Hoy to deny the variances as requested. Motion carried (3-0).

2. Matt Hogan, Kadant Grantek, Inc., property owner, proposes to widen an existing driveway area in a General Industrial (GI) District at 607 Liberty Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1706 nonresidential drives.

Matt Hogan – 1248 N. Buchanan Street: M. Hogan stated they would like to widen an existing drive as exiting trucks are causing safety issues due to the size of the current driveway. They are proposing to widen the driveway an additional 28 ft. and removing a portion of their fence. The trucks currently have to make a sharp left hand turn and an immediate right hand turn to reach the scales before and after loading. Their business does not have a truck scale and is renting the scale from the business across the road.

A discussion then ensued between board members. Both G. Babcock and T. Hoy agreed there was a hardship and both are in favor of the variance. D. Carlson agreed.

A motion was made by T. Hoy and seconded by G. Babcock to grant the variance as requested. Motion carried (3-0).

3. Cover Rentals, LLC, property owners, proposes to repair and replace an existing driveway in a Low Density Residential (R1) District at 321 North Ashland Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709, side yard setbacks.

Sandie Markiewicz – 1566 W. Mason Street: S. Markiewicz stated when they purchased the property, they were not aware of the violations for the property. A few months later a letter was received with a list of all the violations. All issues have been resolved except for the driveway. They have been notified that the driveway needs to be replaced. When they came in for the permit, they were informed they were too close to the lot line and had to request a variance. Their plan is to replace the driveway exactly where it is located now, which is 2 ½ ft. away from the lot line

D. Carlson confirmed with S. Markiewicz that they will be replacing the driveway exactly how it is now. She stated that was correct.

A conversation then ensued between board members. T. Hoy suggested that they grandfather in the existing driveway lot line and let them upgrade the property. G. Babcock agreed and stated it would look better. D. Carlson agreed.

A motion was made by G. Babcock and seconded by T. Hoy to grant the variance as requested. Motion carried (3-0).

4. William T. Goessl, property owner, proposes to expand an existing garage in a Low Density Residential (R1) District at 1150 Elmore Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-613(c), general requirements accessory uses and structures.

Bill Goessl – 1150 Elmore Street: B. Goessl stated he would like to build a larger shed for storage. He informed board members that he requested a variance last year, which

was approved, to build a shed. He has since changed the plans and would like it larger than originally requested, hence the reason for the variance. He is looking to add an additional 6 ft. to make it a total of 34 ft. instead of the original 28 ft. as requested.

D. Carlson asked what the hardship would be to allow the variance to be granted. B. Goessl stated he is worried that there wouldn't be enough space for the items he needs to store. He also added that his house is very small and they have a very narrow lot. D. Carlson asked if the current variance was still active. He stated that it was.

A conversation then ensued between board members. G. Babcock asked T. Hoy if there was a reason for not granting the now additional 6 ft. in the original request. T. Hoy stated at that time the applicant only asked for 28 ft. and that a few more ft. should not be a problem. There is also a 6 ft. fence around the backyard that hides the shed from view. All board members 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 (3-0).

5. Travis Zimmerman, Alliance Construction & Design, on behalf of Tom Matuszak, Pit Row Humboldt, property owner, proposes to remove and reconstruct a convenience store with fuel islands in a Highway Commercial (C2) District at 2590 University Avenue. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1706 nonresidential drives, and Section 13-810, Table 8-2, front yard setbacks.

Travis Zimmerman – 1030 Orlando Drive, De Pere: T. Zimmerman stated there are two variances that are being requested. The first is to construct a parking lot up to the property line. The parking lot will be blacktop with concrete curb and gutter. The second is regarding the driveway. There are currently two driveways. The driveway closest to the University Avenue intersection would be closed and the second one, along University Avenue, would remain open but expanded to 40 ft. to allow tanker trucks to enter and exit the refueling area safely.

A conversation then ensued between the applicant and board members regarding the plans for the convenience store/gas station to include the retaining wall, curb and gutter, and green space.

G. Babcock stated he does not have an issue granting both variances. T. Hoy and D. Carlson agreed.

A motion was made by G. Babcock and seconded by T. Hoy to grant the variances as requested. Motion carried (3-0).

**ELECTION OF OFFICERS:**

Discussion and action on the annual election of officers, per the City of Green Bay Board of Appeals, Rules of Procedure - Chair, Vice-Chair

D. Carlson postponed the election of officers until all board members are present.

A motion was made by G. Babcock and seconded by T. Hoy to adjourn the meeting at 6:27 pm. Motion carried (3-0).

Meeting adjourned.