

MINUTES
BOARD OF APPEALS
Monday, November 17, 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, Jessica Deal, Mark Valentine, and Tom Kaye

D. Carlson called the meeting to order and asked if any members had gone out to the properties. All stated no. 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.

APPROVAL OF MINUTES:

Approval of the October 20, 2014, minutes of the Board of Appeals

A motion was made by R. Marx and seconded by T. Hoy to approve the October 20, 2014, minutes of the Board of Appeals. Motion carried (5-0).

OLD BUSINESS:

NEW BUSINESS:

1. Mark Valentine, property owner, proposes to construct a detached accessory structure (greenhouse) in a Low Density Residential (R1) District at 3026 Nicolet Drive. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, maximum size of a second detached accessory structure.

Mark Valentine – 3026 Nicolet Drive: M. Valentine stated he is here to get a variance to place a 30 ft. x 12 ft. greenhouse on his property. The variance is needed because the greenhouse, with the size as requested, would exceed the maximum size of a second detached structure. The greenhouse would be located on the east side of his 5+ acre property. The homes along Nicolet Drive would not see the greenhouse as the property is sitting at a higher elevation than the other homes and will sit behind a row of trees on his property. The homes on Church Road would be able to see the greenhouse. The greenhouse will run north and south.

D. Carlson asked if he has an alternative location for the greenhouse as he is concerned about exposing the neighbors on Church Road to a view of the greenhouse that they may not have anticipated. M. Valentine asked D. Carlson what his suggestion would be on where to place the greenhouse. D. Carlson stated he could place it to the east and north of the house. M. Valentine stated he didn't think a greenhouse that size would fit in that spot; he would have to reduce the size of the greenhouse. He stated he could place a row of trees on his property along Church Road to block the greenhouse view.

D. Carlson then asked P. Neumeyer how close is this property to being Rural Residential (RR). P. Neumeyer stated that his property line to the east is the boundary for the RR District. The properties to the West, along the Bay front, and to the South are R1, but the rest of it is the RR District.

R. Marx asked P. Neumeyer if this is more of a temporary structure than a permanent one, what are they granting a variance for, and can the structure be placed anywhere. P. Neumeyer stated this is considered a secondary structure, and you are allowed two on site. The first structure can be up to 1000 sq. ft. and he already has a 2-stall garage. He is allowed a second accessory

structure of 150 sq. ft., which the greenhouse will exceed that requirement. The variance is for a second structure to exceed the maximum size. R. Marx clarified that the applicant could build a greenhouse up to the 150 sq. ft. and not need a variance, in which P. Neumeyer stated that was correct.

G. Babcock asked P. Neumeyer what the size of the garage is and what the maximum size is for the first detached structure. P. Neumeyer responded that it was about 300 sq. ft. and you are allowed up to 1000 sq. ft. He then asked about attaching the greenhouse onto the garage. M. Valentine stated that is something he does not want to do.

J. Challe asked P. Neumeyer if they grant the variance, is there a limit as to how big the structure can be. P. Neumeyer stated that they can put a condition on the variance to specify the size of the structure. R. Marx stated since the structure is a "temporary" structure, can he take it down and build a garage in its place. P. Neumeyer stated no, that would be considered a new project and he would again have to apply for a variance. The variance is just for the greenhouse.

M. Valentine asked how far off the property line can he be since he has changed the orientation of the greenhouse from West and East to North and South. P. Neumeyer stated 4 ft. M. Valentine was asked if he would consider reducing the size of the greenhouse. He stated he would rather not as he has already purchased the materials for the 30 ft. x 12 ft. greenhouse.

Tom Kaye – 3035 Nicolet Drive: He stated he lives across the street and was here tonight to see what M. Valentine was proposing. He stated he was concerned about water run-off from the greenhouse as his property sits lower than M. Valentine's home. After hearing what was being proposed, he is no longer concerned and approves of the greenhouse. He feels this would fit into the area quite nicely as there are other farm fields in the area.

J. Challe asked if the neighboring properties were notified of this meeting. P. Neumeyer stated that was correct, properties within 100 ft. of the subject site were notified.

A conversation then ensued between board members. J. Challe asked what the distance was between the greenhouse and Church Road. D. Carlson stated about 250 ft. J. Challe suggested they put a restriction on the size of the structure. D. Carlson stated if they grant the variance, the applicant would have to build as requested in the application. He also feels the greenhouse is a little unsightly, but knows it is temporary. D. Carlson went over issues to think about for granting the variance including the size of the lot and the fact that it is on the border to an RR District.

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

P. Neumeyer did inform the applicant, M. Valentine, that the variance is good for only one year and he would need to start construction within that time frame.

A motion was made by R. Marx and seconded by T. Hoy to adjourn the meeting at 5:56 p.m. Motion carried (5-0).

Meeting adjourned.