



MINUTES OF THE ZONING & PLANNING BOARD OF APPEALS

**MONDAY, JUNE 18, 2018, 5:30 PM
CITY HALL, ROOM 310**

A. ROLL CALL.

I. Members: Don Carlson - Chair, Greg Babcock - Vice-Chair, Thomas Hoy, Tommy Everman and Noel Halvorsen

Alternate: Vacant

Members Present: Don Carlson, Tommy Everman, Thomas Hoy, Excused: Gregory Babcock, Noel Halvorsen

Others Present: Ald. R. Scannell

Don Carlson inquired if anyone had gone out to the properties. Thomas Hoy and Tommy Everman replied they did not. Don Carlson inquired if anybody needed to abstain from voting. Thomas Hoy and Tommy Everman replied they did not. Don Carlson inquired if any Members had spoken to anyone regarding the variance requests. Thomas Hoy and Tommy Everman replied they did not.

B. APPROVAL OF THE AGENDA.

I. Approval of the June 18, 2018, agenda of the Board of Appeals.

Moved by Tommy Everman, seconded by Thomas Hoy to approve. Motion carried.

Yes- Don Carlson, Thomas Hoy, Tommy Everman, No- None, Abstain- None

C. APPROVAL OF MINUTES.

1. Approval of the May 21, 2018, minutes of the Board of Appeals.

Moved by Thomas Hoy, seconded by Tommy Everman to approve. Motion carried.

Yes- Don Carlson, Thomas Hoy, Tommy Everman, No- None, Abstain- None

D. REGULAR BUSINESS.

1. Salvador Nieto Ortega, property owner, proposes to expand an existing driveway in a Low Density Residential (R1) District at 1618 Harold Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709(a), front yard setback (Ald. K. LeFebvre, District 6).

Moved by Tommy Everman, seconded by Thomas Hoy to deny the variance as requested. Motion carried.

Yes- Don Carlson, Thomas Hoy, Tommy Everman, No- None, Abstain- None

2. Jeff Austin, property owner, proposes to widen an existing driveway in a Low Density Residential (R1) District at 1681 Kennedy Drive. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709, front yard setback and Section 13-1705, driveway widening beyond the garage opening. (Ald. J. VanderLeest, District 11).

Moved by Thomas Hoy, seconded by Tommy Everman to grant the variances as requested. Motion carried.

Yes- Don Carlson, Thomas Hoy, Tommy Everman, No- None, Abstain- None

3. Phil Jennings, Creative Sign Company, on behalf of the Green Bay School District, property owner, proposes to install a wall sign in a Public/Institutional (PI) District at 1601 Dancing Dunes Drive. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-2015 size and number of building signs (Ald. J. Brunette, District 12).

Moved by Tommy Everman, seconded by Thomas Hoy to grant the variances as requested. Motion carried.

Yes- Don Carlson, Thomas Hoy, Tommy Everman, No- None, Abstain- None

4. Mike Pfeifer, on behalf of Beautiful Savior Lutheran Church, property owner, proposes to install a second driveway in a Low Density Residential (R1) District at 2160 Packerland Drive. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section

13-1706, multiple drive spacing. (Ald. J. Brunette, District 12).

Moved by Tommy Everman, seconded by Thomas Hoy to grant the variance as requested. Motion carried.

Yes- Don Carlson, Thomas Hoy, Tommy Everman, No- None, Abstain- None

5. PRK Construction, on behalf of Dale and Mary Cenefelt, property owners, propose to add a new garage and laundry room to their existing home in a Low Density Residential (R1) District at 1809 St. Agnes Drive. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, side yard setback (Ald. J. VanderLeest, District 11).

Moved by Thomas Hoy, seconded by Tommy Everman to grant the variance as requested. Motion carried.

Yes- Don Carlson, Thomas Hoy, Tommy Everman, No- None, Abstain- None

6. Larissa and Jacob Schreiber, property owners, propose to install a fence in a Low Density Residential (R1) District at 735 Northern Avenue. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-521 (a) (1) fence height (Ald. R. Scannell, District 7).

Moved by Thomas Hoy, seconded by Tommy Everman to grant the variance as requested. Motion carried.

Yes- Don Carlson, Thomas Hoy, Tommy Everman, No- None, Abstain- None

7. Steve Bieda, Mau & Associates, on behalf of Dennis Hecker, Dennisons Investments, LLC, property owner, proposes to construct a multiple-family dwelling and related accessory structures in a Varied Density Residential (R3) District at 522 Clement Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4 front yard setback, Section 13-1709, setbacks for parking and Section 13-1813, setback from street for trash collection (Ald. C. Stevens, District 5).

Moved by Tommy Everman, seconded by Thomas Hoy to grant the variance as requested. Motion carried.

Yes- Don Carlson, Thomas Hoy, Tommy Everman, No- None, Abstain- None

8. Steve Bieda, Mau & Associates, on behalf of TMD Properties, property owner, proposes to install a driveway for a multiple-family development in a Varied Density Residential (R3) District at 2540 University Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1705 maximum driveway width (Ald. C. Stevens, District 5).

Moved by Tommy Everman, seconded by Thomas Hoy to grant the variance as requested. Motion carried.

Yes- Don Carlson, Thomas Hoy, Tommy Everman, No- None, Abstain- None

9. Sarah Peters, Jones Signs, on behalf of the Green Bay Packers, City of Green Bay, property owners, proposes to install a temporary sign/banner in a Public/Institutional (PI) District at 1265 Lombardi Avenue. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-2014 temporary signs (Ald. C. Wery, District 8).

Moved by Tommy Everman, seconded by Thomas Hoy to grant the variance as requested. Motion carried.

Yes- Don Carlson, Thomas Hoy, Tommy Everman, No- None, Abstain- None

10. Robert Clark, property owner, proposes to construct a detached garage in a Low Density Residential (RI) District at 1560 Proper Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, front yard setback/distance between structures and Section 13-1719, number of enclosed parking spaces (Ald. C. Stevens, District 5).

Moved by Thomas Hoy, seconded by Don Carlson to deny the variances as requested. Motion carried.

Yes- Don Carlson, Thomas Hoy, No- Tommy Everman, Abstain- None

11. John Zimanek, property owner, proposes to expand an existing driveway in a Low Density Residential (RI) District at 1705 Murphy Court. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709(b)(1), side yard setback (Ald. M. Steuer, District 10).

Moved by Thomas Hoy, seconded by Tommy Everman to grant the variance as requested. Motion carried.

Yes- Don Carlson, Thomas Hoy, Tommy Everman, No- None, Abstain- None

12. Brad Carpenter, BC Real Estate Investments, property owner, proposes to add a front porch to a principal dwelling in a Low Density Residential (RI) District at 531 Third Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, front yard setback (Ald. B. Johnson, District 9).

Moved by Thomas Hoy, seconded by Don Carlson to grant the variance as requested. Motion carried.

Yes- Don Carlson, Thomas Hoy, No- Tommy Everman, Abstain- None

E. INFORMATIONAL.

F. ADJOURNMENT.

Moved by Tommy Everman, seconded by Thomas Hoy to adjourn. Motion carried.

Yes- Don Carlson, Thomas Hoy, Tommy Everman, No- None, Abstain- None

VERBATIM MINUTES

- The board appeals to order. We will start right now. We've got three members so we have a qua rand. I guess at this point we should decide whether we want to approve the agenda. I don't know what it means if we don't. But so I'll accept any motions there.

- Motion to approve the agenda.

- I'll second.

- All in favor. Take your vote.

- Alright.

- Alright, so there should be a vote. We're gettin' there.

- We'll do a voice for the agenda.

- Alright, sounds good. Okay, we'll move on the approval of the minutes from the last meeting in May. Any comments or questions regarding the minutes. If not, we can have a motion to approve.

- I make a motion to approve the minutes of the last meeting.

- Second.

- All in favor.

- Aye.

- Aye.

- Alright, that's taken care of, so gentlemen. Were any of you out to see the properties that we have before us tonight?

- I was not.

- I was not.

- Nobody, nobody, nobody, nobody, alright. Did you speak with anyone regarding the requests before us tonight?

- I did not.

- I did not.

- Nope, nope and nope. And at this point, do you believe you will lead to accuse yourself from any of the items that we are voting on tonight?

- No.

- No.

- If you change your mind, you can. That's not the final decision, alright. Are we ready to roll?

- I am in.
- You're in.
- Yes.
- Trying to approve the minutes here. Do we have a voice vote for approving minutes?
- Yes, I'm sorry.
- Okay, good. Alright, without further ado, I guess we can get going, are the Ortega's here? Item number one? Alright, that in advance, move on to number two.
- Hold on.
- Oh, there you go. We're set.
- Do we sit here?
- Yup, have a seat. Okay if you can make your case for why you believe you need a variance on what you're proposing. Alright, I got ya, you're at Harold. You got, you wanna put some space in your driveway to the side for parking.
- Yeah.
- Alright and the argument that you're making is that you need space to move parks, to park cars. There's just not enough room, you've got. I guess I'm doing the talkin' for ya. But you've got a narrow driveway and you wanna get some more space.
- Yes.
- Without having to do the shuffle, alright. I understand, you guys have any questions?
- Based on the photo, it appears that the parking space that they are proposing is going to block the primary front entrance to the home.
- Was that explained to you that that is a concern that we have?
- Yeah.
- It's been explained to us more than once that there are good reasons why the city has proposed the ordinance that they have. So we will have to take that into consideration. Do you have any questions, Tommy?
- The only thing I was just gonna clarify is that part of what you guys were expanding on one of the things is a patio, correct, that is not for parking, is that correct, but the parking itself, so in this document here, the expansion that you're talking about here from a parking perspective goes and it starts and ends with the door, correct?
- Yup.
- So we've really got two things that you're asking for. There's the widening of the driveway and then the patio on the front. We may consider those separately.
- Yeah, this is all for that one, that's the only thing. We need space for parking there.
- So in this picture here, I don't know, is that one available, so what you're putting in is the expansion of the driveway this way as in line but also concrete for concrete patio?

- Yes.
- Correct. Is there a variance opportunity with the patio or just the expansion?
- I don't think the patio presents a problem, it's more or less in conjunction with the driveway expansion.
- Yeah so there really isn't a various need regarding that.
- Yeah, okay.
- Alright, do we have any questions of the applicants so far, alright, you can have a seat. We'll talk this over amongst ourselves, thank you.
- Thank you.
- Yeah. This is the problem that we have with a lot of these now. The door's on the wrong side of the house. Yeah I don't know, I guess at this point. We've been through this enough times that I think I know which way I have to consider my vote.
- Yeah. So is there an opportunity, like an educational opportunity prior to us getting these appeals and saying like the city council has pretty much guided and directed this is what it is and they still have the opt in to appeal but I mean.
- There's a separate choice to apply. We do talk to them at the counter if we have a chance. Sometimes they just come in blindly. But if we do talk to them, try and let them know but we don't wanna give them any indication that maybe it's approved or denied, they still be able to apply.
- You're kinda caught in the middle there.
- Yeah, each case is unique but we do have some knowledge of some past comments from police and firemen and their thoughts as well.
- Yeah, okay. I mean, motion denied the variants as requested.
- I'll second.
- We have a motion made by Mr Everman, seconded by My Hoy to deny the variants requests of the Ortega's on Harold Street, further discussion. All in favor.
- Aye.
- All in favor of the motion, say yes.
- Aye.
- Aye. And we vote yes, okay.
- Just so you're aware, we're kinda of in a bind on this. The city has made it very clear that there are good reasons for the reason they have the ordinance so we're going to be inclined to vote against any variants requests that put parking in front of the main door. So that's the reason why we're denying your variants. You got it?
- I will move the front door.
- That is a solve.
- That is the position they're in, alright, we'll move onto the next item.

- Around the corner.

- Already back to here. Mr Austin, is he here?

- Evening gentlemen.

- Hello.

- Evening. So can you make your case for the variance you made?

- Simply we have a, we bought a camper 25 years ago. We put a small camper pad in. It's in front of the house, that pretty much shows it. We bought a slightly larger camper about three months ago and my request is to put the extend the width of the camper pad about a foot and I was going to ask that it bring it up about 15 feet but I was told that we would need to bring it all the way up to the street so it's basically to extend the concrete from the back of the existing camper pad to the street and to widen the existing pad by a foot. We can't put it very realistically in the back of the front offset because our back yards drops about eight and a half feet from the front yard to the back. And I'm told that we need the gentlemen I was talking to said we would need about, I think it's three feet between any concrete and the property line and the distance between our house and the corner of the next house is 16 feet so it would be, if you split the property line in about in half, the concrete, if it was nine feet wide would extend into the neighbor's property. So basically we're hoping to be able to extend the camper pad so both wheels will fit on the concrete 'cause it's about 18 inches wider and about four feet longer than the smaller camper that we had previously. That's pretty much it.

- Okay. Is that the situation, Paul, that he has to go all the way. He can't just make his existing pad a little bigger?

- I don't think that's the case here, no. He could go down where the sidewalk section would be and you could widen out about 25 feet but it's not a requirement, you could taper it back in.

- That was my original.

- That was the way you understood it, that you needed to go all the way to the street.

- Yeah. The gentlemen I was talking with, Chad, who was extremely helpful, I first sent him a diagram extending this about seven to nine feet so it'd be easier to back the trailer in but he said as far as he understood, we would have to take the concrete all the way to the street, if I'm able to get the variance and don't have to put that much concrete, that saves me money, I'm a happy person or should I say a happy camper, no pun intended.

- Alright, so your situation is that you have a pad now. You have a camper now, with the older camper you had a situation where you parked it out there regularly.

- And it was smaller, fit on the pad very nicely. The wheels didn't stick off to the side.

- Right, now you've got one that probably if you leave it with that pad, you're going to have some ruts or mud there, you're not gonna be able to put it maybe there at all, the problem is you got a bigger camper so you need a bigger pad.

- Yes sir. That wraps it up very nicely.

- But you still are proposing to park things in the front set back, just so I understand the situation. This is something you've done in the past.

- Yes, I'm not sure when the current ordinance was put in place but we bought a camper 25 or 26 years ago. We had the small pad that you see there put in place. We parked the camper there for years. And the gentlemen I was talking to also noted that we left it parked past November and we got a citation for parking it over winter but I understand that ordinance is now resided so we, anyway, that's neither here nor there. But yes, we have parked it on that area for quite some time.

- Well the interpretations of the ordinance, we'll leave to Paul and his planning staff. We will try to interpret as we understand the ordinance to your request.

- Sounds fair.

- So I guess if maybe I'm the only one that's concerned Paul but he doesn't really need to go to the street. But he is nevertheless proposing something that is in the front set back.

- Well the whole issue is he is widening the driveway two feet beyond, more than two beyond the garage door. That's where the key issue here. So he could widen the drive down to 25 like it's shown but it's not critical, it could stop somewhere short and have to be tapered back into the driveway.

- Okay so everything he's proposed is okay except he's going outside the two feet?

- Right, so the way around that typically is you'd go back behind the set back in a parking spot and leave behind the set back to the side of the building if you had enough room to do that. I don't know if he does here or not.

- Nope.

- Okay, okay.

- Plus as I mentioned, from the front of the house where the garage is to the back of the house which I believe is 31 feet, there is a seven to eight foot drop 'cause we have a walk out basement. And the landscaping is, we're at the tail end of a subdivision and they basically backed in all the fill and then tapered.

- Okay. Questions, Tom or Tommy?

- Just to clarify that what's under consideration is with respect to the set back variants, we're not dealing with anything with respect to a camper being parked in front of the building, right?

- Yeah, I mean, you're asking the question that I. 'Cause it has two variances which is basically to indirectly approving parking in the front yard. We were talking about this last meeting, right? We had a couple variants of the same thing. That parking in the front, they were widening the driveway.

- Because it has a lean to the parking spot on the set back, that's one, the other one, it's widening beyond the garage door more than two feet.

- Right, yeah. I understand, I don't have any questions.

- You understand, do you? Sir, if you could have a seat, we'll.

- Thank you.

- We'll deliberate quietly amongst ourselves. So this is another one we've seen before.

- Yeah. This one presents, for me, 'cause I've been more of a stickler, I think, against things like this. But because doing on the side, I'm not there so I don't know if that's accurate but being able to go on the side and a slope on the side of the house to me, is a hardship on how landscape is that he can't go on the side of the building to make the thing park on the side, forget the width for a second. Even if he had the width, parking it on the slope is probably not great so I'm more apt 'cause I feel like the landscape is.

- We've granted variants in the past with respect to the topology of the landscape.

- Correct, yeah.

- Okay, I'm okay. This is a situation where there's been a pad there obviously, as he shows, there's been a pad there. There's been a practice of parking something there. The neighbors are not gonna surprised. They should be, if anything, they'd be happy about it.

- Well, he included that in here where he said his neighbors are.
- Yup. So I think we're in agreement. A motion would be in order.
- Make a motion to approve the variants as requested.
- Second.
- Okay. We have a motion made by Mr Hoy, seconded by Mr Everman to approve the variants as presented to us regarding the property on Kennedy Drive. Further discussion, all in favor?
- Aye.
- Aye.
- Then we vote yes.
- Oh, you're good.
- You got your variance.
- [Man] Can I ask one question, do I, can I apply for the building permit now?
- Yes.
- Just to clarify for him though, he can revise his plan though and not go all the way to the front, correct?
- Sure, sure.
- So remember you were saying about not going all the way to the front, I would partner with him again and look at what you actually should do 'cause you don't actually have to go all the way to the street so it'll save you, you'd be a happier camper.
- [Man] Thank you gentlemen, appreciate it.
- You're welcome.
- Next we have Mr Jennings.
- I'm a tag along.
- Very good.
- This is Diane Stelmach, Principal of Martin Luther King Elementary.
- Okay.
- Hi.
- What we have here is a sign, an additional sign because it's got some writing on it. Basically what it is is the logo of the Martin Luther King Elementary now with insignias of their engineering aspects that they teach, a lot of the Green Bay schools, schools all over the state are now going specialty schools and Diane and her staff created a new logo that we're gonna cover up the decorative drive it on the gables. This would be just a aluminum covering of that drive it, not illuminated, it won't affect the neighborhood in any way, shape or form, it's just gonna add a nice touch to the school, is what it's gonna do.
- But.

- But it has more lettering, it has lettering on it. I was told that if it didn't have lettering, it'd be no problem, it'd be considered art work. But the school does want, it doesn't have the full name, the Martin Luther King Elementary, it just says King Elementary on there. What's the bottom say, Children's Center for Engineering.
- Okay. Makes sense to me. But I'm one, so you guys have any questions regarding this.
- Just what's the specific variance?
- Two of 'em, number of signs on the building, one per street corner and the size is no greater than 32 square feet so if those are being exceeded.
- Got it, so if it's smaller, we're good.
- From one perspective, sure, there's still the number of signs.
- Right. But I'm saying from the lettering being an issue is because of the size but if it was shrunk, the lettering would be okay?
- No, basically what we're doin', see the covers on the gables, those black circles, that is just drive it material. We just wanna cover that up. We were thinking of doing both at one time. Then the school said, no, we just wanna do the one at their main entrance where this is.
- Yeah, yeah.
- So which one is that, is that the left or right side?
- That would be the north side, the left side as you're lookin' at the school, yes.
- I'm confused.
- You're doing the same side on both.
- No, just one.
- When we did this, when we originally did this artwork, we had two of 'em up there and they decided just to do the one and we're only gonna do the one on the left side of the school.
- Towards the main entrance.
- So then they're okay regarding the number?
- I still think there's other signage.
- There is. There's some letters in the middle between the two gables.
- Oh yeah, gotcha.
- Non illuminated, aluminum letters.
- Got it, okay.
- Even though it's announcing that it's the school, it's the sign.
- Yes.
- Questions, I think we've got it. If you could sit down, we'll deliberate amongst ourselves.

- Thank you.
- It's not intrusive at all.
- No, I think it makes it.
- I think it's fine.
- Yeah.
- Alright.
- Motion to approve.
- I'll second.
- We have motion made by Mr Everman to approve. Variants requested regarding the sign at Martin Luther King School, Mr Hoy has seconded that motion. Further discussion, we shall vote on the motion. All in favor.
- Aye.
- Aye.
- You're good.
- Thank you.
- Thank you.
- Just for the benefit of the audience, we recognized that sign ordinances are difficult. And we are inclined as a group generally to be relatively tolerant of proposals regarding signs unless they are very obstructive or obtrusive or generally not very good, next item. Would be Mike Phipper. Beautiful Savior Lutheran Church.
- Mike is my name, Mike Larson, I'm a Chairman council of the church.
- Okay. If you could explain to us what you need and why you need it.
- Okay, we've for over a year now have been trying to expand, if you look at the top part, see our parking lot which is on the south side of the building, we've been trying to expand the parking lot to go up the hill, straight in line with the parking lot that we now have, the little area with the little grassy part there at the top center, we were, our initial plan, was to move all the dirt to the north and just level it off and put a parking lot, it would still slope down a little bit but we would be pretty level with the land topography. Well that was deemed wet land by the DNR so we can't go that way so our second proposal was to keep the parking lot as we had initially proposed but the middle area there now is a bio retention area which would collect the water and then it would exit piping to the east so it wouldn't mess with the wetland. Well, to do that, we had to change the topography of the parking lot and we had to come down because everything now flows to the middle to that elongated h that you see there. Everything flows to the middle from all directions and then still exits to the east. In doing that, the slope, coming from the street on the south side, I can't think of the name of it right now where our second drive would be, if we put it under the normal guidelines, we would have a drive that would be challenging in the summer, impossible in the winter to get down to the parking lot. So people, the company who has been doing the work for us moved it as far to the east as they could but it is less than the required distance where you can have two driveways. There's currently one, as you can see, right on the end there, the other one about, there's one on the right end and then the new one is where you see the cut in the middle. If we move it too much further to the left, we'd have to have chains on your car in the winter to probably get in there. It's not a residential area, there's houses across the street but the driveway would really only be used on Sundays around church services, every other business there could very well be handled by the current driveway which is further to the east. So we're asking for mainly safety reasons where we could move it.

- That's the variance, the only variance is the driveway.
- The spacing.
- The fact that there's two driveways and they're too close together.
- Less than 200 feet.
- If we can't have this, we already have incurred an additional \$50,000 approximately because we can't move it north. We have to do a new design. Our next option could possibly go north but then we're incurring even more cost than what we already have.
- Okay, questions, Tom or Tommy? Okay sir, if you could have a seat, we will talk it over.
- Thank you.
- Thanks. Makes sense to me.
- The concern is safety. So this has been looked at by traffic people.
- We did receive the comment from traffic engineering.
- Okay so we have an ordinance that says they want the driveway, if you're gonna have two driveways, they have to be a certain number of feet apart and principally that's because of safety and visibility.
- Whether it be multi family, commercial or industrial, they have to have that space in order to have two driveways.
- Right, okay, for my purposes I believe that the topography of what they're proposing seems to be a reasonable solution considering. But it's up to you guys, what do you guys think on that?
- The extenuating circumstances too are, the limited number of days it's gonna be used. It's not a daily through part.
- It's gonna be real busy on Sunday and that's about it.
- [Mike] Another issue is with the parking lot there, right now the streets are filled there every Sunday. We're growing.
- Oh yeah, right.
- [Mike] And we can't accommodate everybody in the current parking lot.
- That's good. Okay if we, I think we're in agreement.
- Yeah, motion to approve.
- I'll second.
- Motion made by Mr Everman, seconded by Mr Hoy to approve the variance as requested by Beautiful Savior Lutheran Church on Pecaline Dr, further discussion, all in favor.
- Aye.
- Aye.
- You're good.

- Okay. I understood this was also gonna go to the council for approval, to the full council or no.
- No.
- So we're good.
- Right, back to getting the site plan approved and then getting the building permits.
- Okay, thank you very much.
- Next is Mr and Mrs Cenefelt, PRK Construction. Here come up and make your case.
- So as you can see by the paperwork, we're looking to, for a variance on the side yard set back. There was a drawing that I had given, there you go, had it drawn out to add on, create a two stall garage and a laundry in the back so basically it's to exceed the side yard set back and I guess our case would be Dale and his wife, Mary have been there 35 years. They don't wanna move, Dale is a Vietnam veteran, is disabled and there's musical cars as they get older is getting more difficult and there's grandchildren there periodically, moving cars creates a safety issue in their opinion as well but the biggest thing is that they could both get inside in the winter. And it's not getting any easier for Dale to get out and scrape cars and move cars and that kinda thing for the four months out of the year, 12 months really but winter is getting difficult for 'em so. I don't know if you wanted to add anything to that, Dale.
- So the issue here is that the widening of the garage essentially to create a two stall garage puts you too close to the lot line. And the set back should be.
- Six feet.
- Six feet and you're at.
- We're asking to go to three.
- Three, okay. What do your neighbors think?
- The neighbors are on the side of me doing it. They're all for it.
- Okay.
- Years ago we were gonna do that and for some reason, it got approved but the contractor passed away and we never did it. And now we're older and we like the neighborhood and we wanna stay but with the two vehicles and stuff.
- So your intentions of a few years ago may have waited to long and now there's an ordinance change.
- Correct, yup, yup, yup.
- The issue that we have before us really is of the widening of the garage, not necessarily, there's no concerns with the laundry room and additions in the back. Questions Tom or Tommy?
- And, yeah, I mean, my question was answered.
- Yeah, that was my concern about the neighbors, that's all.
- Who I'm sure you know well because he's been there for a long time too.
- He always says do what you gotta do. And I told him, I says you're gonna be getting a letter. Okay and the day I got mine, she was out there waving at me.
- Okay well I think we know what we need to know so thank you and you could have a seat, we'll talk about it.

- Six feet, I didn't know it was six feet.
- Single story, six feet. A story and a half or higher would be eight feet.
- Doesn't make sense.
- It's part of the principal structure, so.
- That's true, that's true.
- I think the case was made especially because the neighbors, this is obviously somethin' that's been thought about before, it's been discussed I'm sure, between both neighbors, no reason to think there's any coalition on the fact of what he's doing with the other neighbors so looking at this.
- We're not going to lot line here, you still got three foot.
- Three feet.
- Yeah.
- Is it six feet because of a safety concern?
- No, it's just a standard zoning you might find.
- But it's not like a fire code, like it's too close to their building, so.
- No, just for simple separation from property line.
- Make a motion to approve the variance as requested.
- I'll second.
- Okay, we have a motion made by Mr Hoy, seconded by Mr Everman to approve the variance requested for the Cenefelt's on Saint Agnes Drive. All in favor?
- Aye.
- Aye.
- You have your variance.
- Thank you very much.
- Thank you.
- Okay so the paperwork will go right to inspection then when we pursue permits.
- Yeah. Follow up with the inspector and with your plans approved, you'll need a permit.
- Okay, thank you for your time.
- The Schreibers are next. And Alterman Scanell, you've made it so you can have a chair, I understand that Mr Scanell is already waiting on us. We'll let him speak.
- Larissa emailed me and explained the situation and that some things that has to happen and they, of course, were following the rules and that we put a path to you and to me, it just makes a lot of sense. The last storm we

had was, my mother's cedars are also pretty sad lookin', I don't know what it is about cedars but they did not handle that storm very well.

- That snow storm.

- Yeah, yeah. So there's somethin' already there and they just wanna replace with a fence that I think will look a lot better than what's there. And there's problem with the neighbors or anything.

- [Larissa] No, my neighbors actually wanted to cut the trees down before I moved into the house until they realized they were mine.

- So they'd be happy.

- They would be ecstatic.

- Okay so the situation is you've got an oddly shaped lot, like a bowl, to say and you've got some very old cedars performing a screening function that perhaps they've seen better days.

- They have, yeah.

- So your solution however, runs up against an ordinance how?

- Height.

- Height, yup.

- So you're basically creating a wall on the side.

- Majority of this is just because of the trees, correct?

- Well this is man made feature so it's a different circumstance.

- Right but what I'm saying is right now the trees are acting as that.

- Yes. You can see it in that photo on the right. But there are other options for a fence if we set back.

- Making it shorter.

- Right, three feet solid, four feet, 50%, five feet, 80% are the options that are there.

- So given that you had some other options available for the fence, how did you arrive at?

- [Larissa] I wanted the privacy fence. I have two dogs and they don't like people. They like to bark and then I have kids as well. And that street right there itself is really really busy. So I'd like to have that privacy fence because Elmer, that's like main drive for Elmer, Elmer Elementary. And people don't like to drive very slow on that road.

- So your argument then is that you've got this screening. You've got this privacy that you've had from the trees. You'd like to reproduce it with a fence but the fence is too big and it's too tall. It's too close but you need a tall fence because you've got various things that you need a tall fence.

- [Larissa] Right and I have a son who loves balls. So they would go flying over a three foot fence easily.

- Okay but your neighbors have been made aware of this.

- Correct, yeah.

- And at least as far as they've told you, they're far happier with the thought of a fence than with the cedars.

- [Larissa] Correct, yeah, we had it all planned out last year to get the fence, I had the company come down. And I went to go get my building permit. I'm a first time home owner so I didn't know there were big rules and regulations. And they were ecstatic to get this fence. They couldn't wait 'cause the trees on their side of the house are actually all dead. There's no leaves or anything on them. So it would honestly make our neighborhood look really nice.

- Where is this fence that I'm looking at? Is that the one that's curving towards the house right now?

- [Larissa] It's curving towards the house. I did not put that there, that was there.

- So this right there is the one that's going straight to where the nine and the six are.

- Yeah.

- And how tall is that fence?

- That's a six foot fence.

- But that is okay because it's not against the set back, you're saying.

- It's illegal.

- Oh that one, oh.

- We were, when I came to get there, they're like oh that's not supposed to be there, I also have a gate, a six foot gate. So if you go on the, there's that fence and then the trees. There's a gate right here that meet up with these trees.

- Yeah, there's a picture of the gate that matches the fence.

- Yup.

- Okay.

- [Larissa] We didn't put that there either. To my understanding, the owners before us had a camper that backed into the back yard. That's why the gate was there.

- Not your classic rectangular lot.

- [Larissa] It's an awful lot. I wish I would've known better before I bought it. But we love our house, so.

- It's unique.

- Yup, unique. I think I used that filling out my papers.

- You're on display, that's the principal issue. Questions Tom, Tommy. Mr Scanell, any thoughts with respect to traffic concerns with what's there?

- No, no, I don't think that would be an issue. I haven't talked to Dave Hansen about this at all but I think, I don't think he'd have any other information without really studying it but from having knocked that area often enough and everything, I don't think it's gonna be an issue, the trees are already there and tall and traffic has adjusted to that. It's never been an issue.

- Okay, you guys can have a seat, we will deliberate.

- Thank you.

- Thank you.
- There's one other thing I could mention too is that a six foot fence would be no less than seven and a half feet off the street, and they've chosen to go right to the property line, that creates a wall. There's no separation, there's no green space. There is an exception so to speak that allows a six foot fence to be on a corner side yard posted at seven.
- Okay. This is one of those situations where it's not a corner lot.
- It's a corner lot most definitely. And it's more spread too, kinda spread the fencing here on top of the sidewalk and no green space or separation and the ordinance has a provision that allows some intrusion into the setback but still some green space.
- So you're saying where it says 50, you basically go 42 and a half and then draw a line and then we're good at six feet.
- Well obviously you can go seven and a half feet off the interior side, the side lot so right now the fence is showing right basically on top of the sidewalk.
- Yeah, so that line that's like this, if it comes in.
- Seven and a half feet.
- Six feet is okay.
- Yes.
- And then if it goes right to the lot line, they can do three feet.
- Three feet solid, right.
- Is that because it's the front of the house? Is that why?
- Well, the front is probably based off the address of the front door and where it's oriented.
- There's no back yard really.
- I would treat 735 as the front and Columbia would be the corner side, the rear would be to the south and then the anterior side. So where the fence is, there's on a corner side.
- My thought is like if it was in the back of the house, it wouldn't be an issue, correct, to be six feet.
- It would still have to be outside the set backs. Except to the side or the rear. The problem is we're talking about the front yard. We treat the front yard like the corner side.
- Correct. But she doesn't have a back yard.
- She doesn't have a back yard.
- That's the problem here.
- Yeah. It's a funny lot and if you took seven and a half feet off, there wouldn't be much left so she'd have to either go shorter or more transparent and then we get in the question of it's a busy street.
- There is a point, there is an alternative in the code, they've chosen not to pursue for reasons. That goes back to the issue of hardship and whatnot and why they can't comply.

- Yes and then you also were saying that there was, is there like three feet and six feet, is there a middle ground you were saying as well, what's that?

- Right, so you can be back seven and a half feet and be six feet and then it tapers down. You can be about three feet solid in that set back is seven and a half feet, could be four feet, 50% open. Or it could be five feet, 80% open.

- Got it.

- So the idea is to maintain some transparency in that fence. This now would create 100% impervious fencing along that line.

- Have you, where did she go?

- Here.

- Did you consider going back further, if you lose some back yard area, back yard area but then it would be coded correctly.

- If we went back, it actually only leave me with this tiny little area and it wouldn't be big enough for my kids to play in, it wouldn't, honestly, it wouldn't fit my tiny little swing set that I have. It's just the way that it's positioned. The tree's angle so it makes my back yard a v almost. So if we were to set it back, I wouldn't have any yard.

- Is that the garage on the bottom?

- [Larissa] Yes.

- That's crazy, the driveway's going through the lot line.

- The reason why you didn't wanna go with the six foot tall fence in that position but more open and that was what did you say it had to be, Paul?

- At six feet, where she wants it would be. Six feet at the seven and a half feet. So seven and a half feet off the right of way.

- So there's no way she can put other than a three foot fence, that's all she could put where she wants to put it.

- Three choices, it's three foot solid.

- Three foot solid.

- Four foot 50%. Or five feet, 80%.

- 80% open.

- So you're talking about a split rail fence. You're talking about a chain link fence. If she wants a chain link fence on there.

- Okay, any questions?

- I'm okay.

- It's the lot, it's a weird lot.

- The lot just kinda.

- The trees are there anyway.

- You sure that you're across the space she wants to use for the dogs and the kids. I just don't see the harm in that.
- Just to make sure Paul, she could put a fence, six feet tall where she wants to put it but 80% open.
- Five foot.
- For a six foot fence, you have to be seven and a half feet off.
- Period, period.
- For five feet, you could do 80%.
- I got it.
- So it's six feet that it tapers down to that three foot or four foot or five foot, just gets more open.
- So that we have the variance of a cyclone fence verses a solid fence and if we've got pups and you've got a high volume of traffic, there's gonna be a difference between a see through and solid.
- I guess I'm just thinkin' that if you're in that neighborhood or drivin' through that neighborhood or walking through that neighborhood, you as a pedestrian would prefer to see a solid fence instead of a six foot and five foot cyclone. That's not so good either.
- Well if you got dogs on the other side of it, I don't think you mind the fence.
- Right.
- Alright.
- Well it just lends itself to being a traditional picket fence.
- Three foot solid fence.
- Yup, that's what serves the purpose of keeping the dogs in, puts the visibility back at some points. I'm just saying the code offers a variety of options.
- Right, right.
- It shows a number.
- Yes, I understand and I'm okay with it. So a motion.
- Yeah, based on the ordinance support and development, we are gonna make a motion to approve her variance as requested.
- I'll second.
- We have motion made and seconded by Mr Hoy and Mr Everman to approve the variance for the Schreibers on North Avenue. All in favor?
- Aye.
- Aye.
- You're good.
- [Larissa] Thank you so much.

- I would, I can't if.

- In this situation.

- Otherwise.

- Me and you disagree all day long and it's over.

- Okay, item number seven, Nieto Mau and Associates. Mau and Associates, Mr Nieto.

- Good evening. I'm John Leroy with Mau and Associates. The property developer, a little background at what is looking to go on happening here. So Mr Ackerman has been working with the city the past few months ago, I had developed a multi family project here that was on Clemmins Street and as you can see along the eastern part of the property, there's some old hardware right there which is a part of Rothy. They've been negotiations the past few months. There's been, I need to go ahead and have some sort of emergency vehicle access that goes around the entire property site for the future apartment complex. The initial thought of people was to go ahead and put a drive entrance to go connect on the unimproved part of Rothy to connect that to the improved part of Rothy. The problem that's there though is Rothy stops a couple hundred feet short of the northeast corner of the property and just doesn't go any further because it's a giant hill right there.

- It's a giant what?

- It's a hill right there. In relation to the next gen item for University Heights at Bear Creek, the apartment projects goin' up right there, they too explored that option of going ahead and placing a drive to Rothy but also it's just too much of a barrier right there. So because of the landscape and the need for the emergency exit over the course of the past few months, Mr Ackerman now and DPW and planning were discussing possible ways to go ahead and make this work for the unimproved area of Rothy so initially the idea was floated about to go ahead and have a street vacation there but that turned into the best idea for everybody would be to go ahead and place a road closure right there. So as part of the negotiations with that, there was a zoning ordinance 2-18 that was approved that allowed for the development of the driveway that acts as an emergency loop that probably would not be much actual usage of that loop in the future to go into what would be the closed part of Rothy Avenue, the unapproved part of Rothy avenue. Part of the give then for the city in return is to allow for curbing in the eastern area to allow potentially a sidewalk to go in with a trail connection down to Bear Creek Trail which is to the south to allow for a trail connection. So with all this in mind, the property as far as the drive and the trash as part of the zoning ordinance are allowed to go ahead and be into that eastern area. With that, down in the south eastern corner of the property, there is a proposed accessory building and the side yard set back is what we're asking for the variance request. Along the southern property line, where we're going up against the park itself, it's the traditional setback to the east, we are asking for a three foot setback. It's a number that was agreed upon by the parties back in the, when we tried to figure out what the best way to go with this, to go up against the closed Ralphy Avenue, that streets not gonna be used, been improved and it will be south and west of the future drive that goes around the property.

- I think you did a very good job of explaining it but I was too slow to understand it. Can we go back?

- I was gonna say if you understood it, I know I didn't, you're good.

- We don't have a photograph.

- Yeah, we don't have the photo of the lot.

- No, okay, so yeah, right now.

- So if you could make sure I understand where Rothy is.

- Yeah, you can't see it right here. That's how far it's unimproved. So Rothy itself, the actual right of way, you can see the end of the right actually. That's the improved part of Rothy. Rothy has an actual right of way goes, extends to here. It extends to nothing 'cause there's no road there. It's Bear Creek Parkway, it's nothing. So as

part of the negotiations and the zoning ordinance 2-18, that has to become closed. So it's still city owned but it's a closed street. And part of their agreement was to go ahead and allow for give and take where Packer would go ahead and build the drive into the closed section but then have grating and curbing to allow for a future trail connection back to Bear Creek.

- Okay so what do you need the variance for, what's the variance needed, is it just the three feet on the Rothy property, Rothy setback?

- It's encroachment into the setbacks and then the placement of the trash enclosure, proximity to the right of ways, so right of way is still there, all the zoning departments still apply even though they have some pliability, that doesn't trump the zoning requirements.

- Okay but apparently there's been a fair amount of discussion of city planning on this.

- Yes, we were involved in the closure and the discussion about paving it and the right of way.

- Okay, I'm perfectly agreeable to having us cause a part of that, I just wanna make sure I understand what has sort of already been agreed to that we may need to provide some final approval 'cause that's where we stand. We've got an encroachment and a right of way on a street that doesn't exist.

- It may never exist.

- There we go.

- But it could.

- Well, never say never. But it's an engineering challenge if I'm not mistaken.

- The city never did anything with it. And then when I had come in, I thought well I can do this. Oops, open mouth, insert foot, it's almost impossible.

- You can't go any further south now.

- But the point is that this right away leads to parking at Bear Creek and the zoning requirements are there for a steady purpose, in this case, meaning that encroaching on the right if we had no set back. So it'll still apply.

- Got it, I'm okay with this. Any further questions? You guys could have a seat, we'll talk it over.

- Thank you.

- This.

- That's it.

- Plus then the trash collection.

- Right and the setback for the detached structures must be 55 feet.

- Where's the detached structure?

- Lower right hand corner.

- Right up against the park.

- Got it.

- So again, if someone was concerned about the proximity of those two park ways, you might wanna maintain this. There could be a trail through lower street at some point. I'm not sure when that would occur but again, it's kind of a public aesthetic.

- Yup but we know what was there. It was a construction, basically got to be Geiser. Basically was gravel there when I'm lookin' at it. So that's neither here nor there. I'm okay with what's being proposed.

- I motion to approve.

- I'll second.

- Alright, Mr Everman came through and made the motion to approve the variance request for the property along Bear Creek Parkway and Mr Hoy has seconded that. Do we have any further discussion, all in favor, say aye.

- Aye.

- Aye.

- We're good.

- Thank you.

- Is there two items on the agenda for them?

- No, that's next door.

- So I guess we better get to that one. We've gotta sign one. Sarah Peters, Joan Simon, or am I jumping the gun here?

- Yeah.

- I'm sorry. I'm sorry you guys.

- I'm in again.

- Alright.

- Sorry to cut you off, I just saw two. Alright, now we're onto the other part.

- Just to the east.

- Yeah.

- So the variance request here is for the drive entrance to the north that is essentially the extension of Liedman, private drive though that is existing right now. Where we are asking for the drive to be 37 feet wide with 25 foot radius and it be an 84.6 approximately foot opening onto University Avenue. This varies from the typical driveway for a complex itself or a private drive. The reason why we are asking for this is because of the volume and the function of this drive itself. This will act as the main street into the large development that is about 300 plus units when all is said and done. Currently right now, there are units already being built for what could be student housing and other housing as part of the first phase of this development so we'd like to go ahead and have this road be more of a typical street like design because there will be buses, garbage trucks, plenty of larger U-Haul type moving vehicles that would go to the property itself and this is the main drive entrance. There is a second drive to go ahead and be completed and go east west to Rothy but that's, as you can see, secondary drive, or emergency type. This is the main access point to the large overall development.

- Yeah, that entrance way was for trucks and monster vehicles for years and years and years. I'm surprised that it would be, but I guess it was never really developed as anything other than a plain old driveway.

- Well I think it's in the redevelopment of that site be treated as a new development. Therefore it doesn't meet the code. So I think they're basically keeping the curb returns.

- I think what's there, that's what I was gonna say.

- Right.

- The nature of the lot itself wasn't wide enough to go ahead and make it into a public road right there, just private drive and goes next to the property but the intent is to go ahead and make it seem like you're actually on a normal road rather than going ahead and trying to hop on University with a narrow drive entrance with a school bus or a line of cars that wanna go outta there.

- Visibility's tough enough there as it is. So I understand this, I'm for it, you guys, any questions?

- Yeah, it's a good move.

- Thank you. Alright, I know we're in byline agreement on this one. So somebody motion.

- Motion to approve.

- Second.

- Alright it's been moved and seconded to approve the variant's request for the TMD Properties, is that the correct way to present it, all in favor?

- Aye.

- Aye.

- You're good. Now we have Joan Simon. Apparently we don't have Sarah Peters here at all.

- Sarah is not available today. I'm going to be taking her place.

- I'm sure you'll do just fine.

- My name is Aaron and with me today is Eric Zeise.

- Senior Project manager dedicated to all things Packer.

- Alright, that's the way it seems, okay. What do you need to do and why do you need to do it?

- So we're proposing additional temporary signage on the west side of Linbal field place of Ridge. And it seems as though there are four sections of this temporary sign ordinance that we are not compliant with and that's why we are asking for this variance.

- And I would add that variance has been granted for one manner already.

- Yeah, we see that.

- Yup, so we've completed that banner. Do we have a picture? But the response has been very positive and they have 100 seasons branding on Onida and then also Lambardi but they don't have anything on Ridge basically title town and so the intent was to add some visibility there, some parking lot banners and things but this would be basically title town and this is what has been approved and installed already to date, this was approved prior.

- What you're proposing is pretty much the same thing.

- It's the same thing and actually it is slightly smaller than the original that was granted to comply with some of the anchoring and attachments so we've worked good engineering, we wanna make sure that we're limiting penetrations into the facade and we're coordinating attachment to mortar joints.
- Questions, Tom or Tommy? I think we understand this. We gotta talk about it to one another. Okay gentlemen, if you have a seat, we'll talk it over.
- I'm makin' sure they got all four sides.
- Yeah.
- I think we would be exposing ourselves to ridicule if we did not approve this, we've already approved one.
- Motion to approve.
- Second.
- Okay motion has been made by Mr Everman, seconded by Mr Hoy to approve the request for a variance regarding the sign on Packer Stadium. All in favor?
- Aye.
- Aye.
- You're good.
- Thank you gentlemen.
- Hmm mmm. Okay, Robert Clark. Good evening.
- Neumeyer, I talked to you several times, I just kept hearing the name Paul, so I just thought.
- Now you got a face to the name.
- Exactly.
- Okay. What do you wanna do?
- Put a garage back in the existing spot that the garage was. Tore it down because it was gonna fall into the neighbor's yard, neighbor's garage, was actually touching their garage at the time when I bought it and we tore it down. And now we'd like to put it back up. There's the old picture of what was there. It was actually touching his garage. It was leaning so badly.
- So your proposal, you're just gonna put it back where it was.
- That is correct.
- You're not gonna go any closer. It's just the same.
- Exact same garage.
- Street view of it demolished.
- It looks like.
- Yeah, it's just leaning, if you look at it, it's leaning right on it. And so.
- So they've got a side yard and a rear yard variance issue.

- Front yard set back issue, 55 feet.
- Okay.
- And the distance between the accessory building and the principal building and there's two stalls inside, right, that was part of the original request but that's no longer needed so the issue is the applicant's also made a request for additional use permit. So this is the first stop to see if he can get the part that's required for the use.
- Okay, yeah, this is the one where you've got a duplex.
- It is a duplex now, I bought it. I bought it as a duplex, it's been a duplex since 2007 and in the city, ya know, stopped by and said that it's no longer a duplex so I bought it as a duplex. You know what I mean, everything was in my knowledge, yeah, yeah, my knowledge, it was a duplex.
- That is an additional use.
- Yes, that is correct.
- It's our understanding that one of those units was vacant for more than a year so therefore, they have to come back to get the conditional use permit.
- As a duplex.
- Right. So the criteria there is that you have to have two spaces per unit, four spaces. And two of 'em are gonna have to be closed. So the issue when it comes down to it is being able to reinstall that garage creates those two issues set back and additional use structures. So this is a critical decision as it would reflect on the City, if it's not granted, then the chance is it's not going to see. It would remain a single family use.
- Is it in the city's interests? Has the city, would the city like this to be a duplex?
- I guess that recommendation hasn't been rendered yet. There's other factors we have to look at as far as saturation and I guess, we haven't done that full research. It's coming up on July 9th. So this is somewhat, giving you the back story but it's also independent as well, this is a variances of hardship and why this is.
- So you bought some property that you expect, you had hoped to be able to develop further as a duplex.
- It was already done, yeah, everything was actually done. There's two meters, there's two gas meters. There's two electrical boxes, everything's there for the two, the duplex and so when I bought it, then, I had already signed agreements with people to move in and then I was told that that was no longer the case, it was no longer a duplex.
- So if we deny the variance.
- They don't have the parking of a duplex.
- They don't have the parking.
- Correct.
- If this were to revert to a single thing while it was vacant for over a year.
- That was never done, though, correct, it was turned back into a single family as far as I understood it.
- Our information again, was one of the units was vacant, has lost it's performance status so the fact that it went back to a single family, right now as a single family.
- So one of the units was vacant, not both of them.

- It was a never a normal single family residence.
- I think it was designed, probably occupied initially as that but several structures were made to convert it legally or illegally, we can't speak to this point but it was not conforming and it does not conform to standards as documented by our inspectors. So that's why the applicants doing this as part of the process.
- So would there have been preview when the electrical was broken in two, I mean, you would need inspectors?
- I don't know the infrastructure there. They could've shared services and created two units. I don't know if they're legal but I guess if it does fit the condition, you'll have to go through it. But code would be.
- But you were saying that there are two meters now.
- There are two electrical boxes, two gas meters and two different water heaters but the water is one.
- But they'll separate those services. That's not a full indication of the use of the property.
- Okay so the inspectors didn't look at that after it was public service to display. Public service could just do this work.
- I think they could support this.
- Without view by the city.
- I think so, but again, I don't know that the unit was ever properly converted. So we're on the side of it was not.
- But it had an additional use permit before.
- That's what I was gonna ask, so it did. So when you say it was vacant for a year and it lost its, what did it have prior?
- There were, it probably was a two family use. I can't confirm that it was legally converted. Again, a lot of structures, big and small were converted to two family, three family, four family units, not meeting code so this was captured as an enforcement issue where it was found to be not co compliant.
- Did you tear down the garage when you bought it just because it was falling apart?
- Because my neighbor asked me too, he was like can you take that off my garage?
- His garage was helping support it.
- Exactly.
- So you tore it down but then by tearing it down to then rebuild the garages is where all this came back out?
- Then they told me to get the conditional use permit, I have to build a garage back. They're forcing me to build the garage back so that then I can get my conditional use permit.
- Got it, that makes sense.
- Gotta have two covered spots.
- That is correct.
- That's what the argument.
- That makes sense.

- Or a single family, one covered spot.
- So we're in a position here of being the initial approver instead of as we were in some of the others, the last one they need before they go forward.
- Right, it's hard on that side of it. It's simply a timing issue but again, still the variance.
- Right, okay. But just so the applicant understands, we're not the final approval.
- I understand, this is just the stand of it for me.
- Yes, we could probably go down on it right now and you're not gonna be able to do much of anything that you wanted to do but just because we approve it doesn't mean.
- Correct.
- Still doesn't mean.
- Yes, that is correct.
- So what we'll consider just on the basis of the whether there's a good enough argument in our mind for the variances that you think you need. And it's up to you to get whatever you need for occupancy and various things.
- We have a spectator who wants to talk to us.
- Yes, would you like to talk?
- Yes.
- Please, come on up.
- Emily Ysebaert, Y-S-E-B-A-E-R-T, 1569 Propers Street. I've live in the neighborhood for 18 years. The unit that he's talking about has been used as a single family, a two family for a variety of, when they had tenants, they sometimes had a two family. When they couldn't find tenants, it was a one family. The owners both passed away, the house became vacant. It was vacant for almost two years. And then was purchased, it became, as you said, it was non conforming, it lost it's ability to be a two family at that point based on the city ordinances or whatever it is, it became our one, zone residential, single family, Mr Clark purchased the property without doing his do diligence and assumed it was a two family just because it was set up as a two family. He found out from the city that it wasn't. He moved tenants into the property, went after the city notified him it was no longer a two family. He moved people into both units and then fought with the city about the single family zoning. So he's been through municipal court about this. I mean, I'm a neighbor that's lived there.
- I haven't been to any court.
- There's a citation in municipal court.
- I'm telling you, this is the first time I've seen anybody.
- Anyway, we'll let the lady make her.
- I'm sorry, I just wanted to stand clear.
- I've had discussions with the inspector where he was informed by Mr Clark that tenants have been living on the property when the electricity were disconnected, I've been working with the inspection department about the property because of the state that the property's in. The CUP that he's asked for, the Conditional Use Permit, I don't believe the city supports it. I know the neighbors don't support it. This is the only property in that block that

would be a two family. Everything else is single family, owned by the people living on the property. So I have a concern because if you approve this, I feel like the city may then feel like they have to approve something and it's not something that's good for the neighborhood. This house is on top of another house. There's, I don't know that the yard in the back, the yard is a very odd shaped yard. It zig zags behind the house and goes way back while, like he said, the garage, if there's a two stall garage there, it's right up against the other neighbor's property, a single family, a single garage would be fine because there'd be plenty of space but if you put a two stall garage, it's gonna butt up right against the neighbor's garage.

- When this was owned by a previous owner, was that owner occupied or was it a rental?

- It was owner occupied but they often would have rental or people staying in the upstairs. But it was owner occupied in the lower half.

- And now the difference is gonna be that this is gonna become a rental property per se.

- Correct and I think the reason, I think for probably at least a year before the wife died first, the husband died second. Probably a year prior to the wife leaving, the wife passing away, they had no tenants. I think they had difficulty with tenants coming in and out. So they stopped having tenants after a while and it was just them in a lower unit.

- Is there a garage currently?

- No, we took it down to help the neighbor.

- We can go back.

- I was gonna say there was a picture.

- No, I remember that. I'm just saying, so there's not a second structure that has parking, so this is the only garage that is on the property.

- Correct.

- But if there was a garage there in general, it would fit no matter what, correct, based on the requirements?

- There'd be some challenges potentially.

- Just based on the lot and how close the houses are together.

- Definitely the front yard set back. Maybe not the distance between structures but maybe the front yard.

- What's the normal code between, is that the six feet?

- Three feet.

- Help me understand again, why was the other one six feet and this one three feet again?

- Well that was to a property line. This is between two existing structures or a principal and accessory structure.

- Got it.

- Okay.

- Alright. Well this was very interesting, ma'am. I appreciate your input.

- Good context.

- And I'm sorry.

- Go ahead.

- And I'm JoAnn Piepenbur, and I'm the President of Three Corners neighborhood where this property exists and I speak on behalf of our board, we are definitely not in favor of this. So I, everything that Emily has said, it would be redundant for me to repeat.

- Okay, so the position of the neighbors and indeed your neighborhood organization would be opposing the idea of this being a duplex?

- Yes.

- So it's a question of use is what your concern is.

- Yes.

- Okay.

- I have an issue with the cramming a garage in between another garage 'cause I live two houses away from this property.

- There's really only room for a single stall garage in there.

- So sorry, the one that was demolished, is that considered two or one?

- Two.

- The one on the right, is that a single or a double?

- Single, maybe a stall and a half.

- You can fit two cars in that one, that's crazy.

- Not in that one.

- The one on the left?

- The one on the left, sure.

- Wow.

- Yeah, that's probably a 16 foot opening.

- That's tight.

- It was there when I got there, when I bought the place. The reason I did move, I have moved tenants in is 'cause I was threatening to get sued by the tenants 'cause I already had legal documentation saying that they were gonna move in and then I was told to that it was now a single family.

- Do you currently have two tenants?

- That is correct, I do not hide that. I've said that from the beginning. I have actual contracts with two tenants. And that was done before Scott Nelson ever came to my property and I have proof of that. And that's where we stand as it was bought as a duplex. It was fixed up as a duplex, it was now, it's not rented and then I stopped. She mentioned the condition of the home. It is not by any means done. I just didn't know where to go. I'm waiting to find out what to do.

- Who is Scott Nelson?

- He's the housing inspector.
- Housing and Zoning.
- Housing and Zoning, okay. Well it puts us in a difficult position. A more difficult position than I had thought initially.
- It does and I just wanna give the background information for your knowledge that there's something else going on with another committee but again, the focus again is on.
- Can we defer? Can we bunt and put ourselves behind it?
- Well I think it's gonna be chasing your tail then. 'Cause I think the Commission is gonna wanna know if they sufficient parking because that's a criteria you would use for possibly approving it. So this just happens to be the first stop of the process.
- See, the way it's been presented to us, notwithstanding what the property and the neighbors have said, the way it's been presented to us is that this is being planned as a duplex and it's just a reconstruction of a garage.
- That's all it is. If you wanna call it a single family, you can. If you wanna call it a two family, I guess we could too. But it's still an issue of front yard set back. It's an issue of distance between the structures. Those issues.
- But we don't call things, we don't call things a single family or a two family. That's not our purpose.
- Right. In some sense, you wouldn't, but you might like to have knowledge of the use but it's not really critical. It's more a dimensional issue.
- No, I get it.
- And a relationship to the hardship, whatever that means.
- At the end of the day, all we're looking at right, their argument, I get it, but that has nothing to do with what we're looking at. We're looking at setbacks, things like that. So even if it's a single car garage, we still have some problems, correct?
- I think so, yes.
- Right. So if we wanna remove ourselves from everything, we can vote on the idea of the variances and stuff like that, my concern is there seems a lot of energy. This is my concern, energy behind this being the first step. I think determining what this is going to be, we make variances for garage set backs, things like that. But if we're, if this is used as some sort of chip in terms of like well, the variances have already been approved, the parking's been approved so therefore, it leads credence to a larger argument, I don't necessarily feel comfortable.
- I don't agree with that at all.
- I feel like it should be the other way first.
- Right but then again our staff's gonna ask do you have sufficient parking and like well no, I don't have sufficient parking because I need a variance.
- Fill me in on what, let's say that we approve the variance requests, then what's next?
- Most likely, July 9th, the CUP request for the two family at the planning commission.
- And that's when the neighbors come back and do it again.
- Multiple.

- So the question I guess I have is because of the what's in limbo, I guess, it's a single family, it's zoned single family, can you consider it as building a single family garage, a one stall garage, you said you'll still have variance issues, can you consider it that way or are the variance issues with the two stall the same as the variance issues with the one stall?
- I don't think so because then the side set back wouldn't be a problem if it was a single, correct? It's the front that would be only the issue, correct?
- So this is a case where it has to be a two stall garage. There has to be two spaces enclosed.
- For it to be a duplex.
- Right, for duplex. It has to have two other spots probably stacked right behind it, four total, to meet the two units but you're right. If it's treated as single, maybe just need one enclosed and one behind it. You still probably need a variance for that front set back because it's just too close.
- Yes, it's a dimensional issue because of the property, the way it is. It goes like this and then it goes like this.
- And I think that's how you have to view it. I think it's, again, like any other request you view, there's a hardship and you have to look at circumstances and not so much the use, just trying to give you the background again for your edification.
- I have no problem with the front set back. I'll just say that.
- Yeah, no. I think the issue here is basically revolves to the three feet.
- Yes. I'm not sure how clear it is on the side set backs. I guess, impervious coverage, those are things that I think he's got sufficient room for the set back on the south side. It's just difficult to see what everything else is going on there.
- There's three, right, it's the front, the side and the back that are all in variance issues, correct?
- The side, yes.
- Not the back.
- Not the back, if there's four feet there, that should be sufficient but there's pretty much zero feet on the property.
- The way we have it according to the drawing is 10 feet here and four and a half feet here. That's probably four and a half feet to the next garage.
- You're saying that if you build it the way you want, it would be basically two and a half feet, 2.3 feet.
- I will only put it back exactly the way it was.
- No, I know.
- I don't know what.
- It says 2.3 or two feet, three inches.
- Okay, yes, that is correct?
- So three feet is code. So we're looking at eight inches?
- Seven.

- It depends on the width of the lot, if it's less than 60, then two and a half.
- Right, nine inches to make it three feet.
- This is two feet, three, the distance between the garage and the house, is that correct, sir?
- It's, I believe that measurements been put there as well. That, I think is fine, that measurement is the actual distance from the house to the garage is correct. The only one that I was aware of was next to the other garage and I didn't realize the distance from the street but Paul was just saying that, I didn't know that.
- Is that correct, Paul?
- Right. So he's putting detached accessory structure real close to the lot line.
- Do we know what that measurement is?
- I don't have that accuracy. We have to rely on the applicant to provide it.
- And you don't know the distance between the lot line and the side structure, this is saying from the house, 2.3 inches from the house or two feet, three inches. I don't see it, it's close. It's shorter than three feet.
- You guys have any further questions?
- When you mentioned that there were some legal issues, could you elaborate a little bit more about that?
- Well, I looked on the Circuit Corp website and there's a citation, he was cited by the city because he had two tenants in a single family residence.
- Which is this, that's this, that's what we're trying to resolve is this, so yeah, I did get cited when Paul, when Paul, I mean, excuse me, I keep saying Paul, sorry, I meant when Scott Nelson called me up and asked me, he goes is there two tenants there, I said yes there is, I didn't wanna get sued. I go they have actual contracts with me and it was before you had given me the notice and I go they moved in a week after you had given me the notice, they had already had a two month, it was signed two months beforehand and that's when he goes, okay, I will have to cite the property and I go I understand, until it's all worked. Yeah, until it's worked out.
- You haven't been to court for it.
- Nothing.
- That's what you were saying earlier.
- Yeah, yeah. I've never done anything with it because this is what we're in the process of.
- Ma'am, do you wanna take the floor?
- Well, I was just looking to see if I have the emails from Scott because Scott contacted me from because he knows I live in the neighborhood. And I had talked to him about this and one of the neighbors had come to me to complain about the fact that this gentlemen was saying well, I'll just sell it to some dope dealers as a single family and I mean, the neighbor told me that he felt pressured to go along with what was going on because he was threatening to sell it.
- Somebody was saying that or I was saying that because I never said that.
- Well you also just said you received no citations from the city when I said you had municipal charge.
- I'm sorry, I didn't know what that meant.

- So I was just trying to find the email because Scott Nelson had to go to the utilities to prove when the house was vacated because this gentleman was arguing the fact that the tenants had been there for some time and I understand the tenants were also saying that. And there was no way because there was no utilities to this house so I just, I mean, you guys have to decide what you have to do, I'm okay, if you would normally approve this, I understand that, I don't have any problem with that because you're really looking at, like you said, hardship, is this a normal thing, I'll be going to the July 9th meeting as well, JoAnn will be at the July 9th meeting.

- And all of the other neighbors there too.

- So we'll have neighbors there to argue the fact that we're not happy about this. We don't want this property, we don't want this a duplex. We want it to be a single family. It reverted back to single family. We were happy to have it revert back hoping someone would buy it as a start up home. We don't even need to get into the other issues that go on with the property because that's not what you're here to decide, you're here to decide whether he should get the variance or not, so.

- Well I'll tell you what my argument is. I will deny, and the reason I will deny is that the zoning for that facility is single family. And so it would be my initial assumption that that's a single family house. And you would be arguing then, why you need a two stall garage with those many variances for a single family residence and I would, my position and I'm not these two guys, my position would be that you have sufficiently given me enough justification to grant the variance in that regard, I would not, I wouldn't initially, and it's up to these two guys, we're not the committee, my initial would be that I would assume that you've got a duplex and use that as a basis for deciding whether you have enough hardship, I would assume that you've got a single family residence and then is it a hardship.

- They removed the CUP though which is a conditional use permit.

- I would assume, my justification for deciding on the variance would be to come with the assumption that it's a single family residence. And you're basically arguing to rebuild your garage with the variances that you need as if it were a single family residence, not as a duplex. So I will not pre assume in my decision of the variance that you've already are a duplex. I will be coming from the basis of whether the hardship that you presented to me and these guys have different opinion, whether the hardship presented to me is sufficient as a single family residence to do the two things that you're proposing. Close to this garage, close to the house, that's my decision, I just wanted these guys to know and there's three votes. Have we got the questions, I kind of editorialized that. Any more questions of the applicant or the neighbors?

- I'm gonna call two things into play, okay. I've always been an advocate of grandfathering people who have something there and replacing it with something better, okay, what the other side of the coin is in the very recent past, there was a request for a variance on Maple Street where the guy wanted a two stall garage. He was updating the property and the lady who was living next door felt that the next garage was too close to her garage and we denied that based on the lady who had been a long time resident there as well as how close one garage was gonna be to the next. I listened to the people from the neighborhood associations. That carries a great deal of weight with me as well as the person who is a long time resident as opposed to a person who unfortunately kinda got took with respects the economic output considerations because you know you're gonna make more money on a two family than you are on a one family, that's a give in. And that's probably been factored into can I afford to put a new garage up, right, this whole business of this zoning thing cycles me back to siding with the folks who have lived in the neighborhood and will continue to be there. So I'm leaning on the deny based on the folks here.

- And I've been there for 57 years.

- Can we make two conditional approval denials?

- What are you proposing?

- So let's say your argument, I still think bunts the best option. So what you're saying in order to move forward on either way is they have to answer the question about parking. I have no problem with the front set back, right? No problem with that, if it's approved as a single unit, then he doesn't have to come back and get an approval for the front set back so can we make a conditional approval for the front set back if it's approved as a

single family and then we can focus on the deny the other one or ask conditional for example, your argument about going too close to the property. The one on this side.

- That is.

- The neighbor.

- No, that's the house. That's the house.

- This is your house here, right?

- Maybe I got it wrong. Yeah, I'm sorry. Yeah, I'm sorry.

- So your point about it being too close and denying it because the neighbor was too close. If we said okay cool, this person asks this person do they care about it encroaching on their property.

- I'm going with two thoughts, okay.

- Sorry, real quick, 'cause I agree with you that we have, if it was there already, we have been very, hey, someone's taking something down and they're putting it back better, we've been very, fairly consistent about that, right?

- Yes.

- Could I just say you may wanna ask whether he'll put the garage back up if he can't have the two family. He probably will not be building a garage. If it does not get your CUP, are you still building the garage?

- I would probably still build the garage.

- So you'd build a single family garage then?

- We don't necessarily.

- Two car garage. I don't know if there's a difference between a single family garage and a duplex garage.

- But he's saying.

- I don't know if there's a difference.

- If he can move forward.

- I guess I just have you guys look at the screen and in the criteria used in proving the variance or not. I think you have to look at the item as it's presented and again, is there a hardship, there's an encroachment on the property line, does that effect the property rights of another individual and their ability to maintain their property or the applicant to maintain their property so I think you have to keep it focused on request and it's a dimensional issue.

- You see the closeness to the building in my mind too may be something you'd accept for a single family situation that you wouldn't wanna accept for a non owner occupied dual rental situation.

- I'm trying to take that completely out of my mind. I don't care, right, all I'm worried about is front set back, we all really don't care about that. It's the side set back that we're talking about now.

- There's two, there's the side and then there's too close to the building too.

- The one next to the building is correct distance according to what I measured.

- It's close, the problem is three feet.

- Yeah, there's three feet.
- To his house as a detached garage or three feet from the lot line?
- Between buildings on the same lot, three feet. To the lot line would be two and a half feet.
- So he's good on the lot line, it's too close to his house.
- I don't know, I think on the lot line, I think he's right on top of the lot line.
- No, well, we don't need to. If we deny the variances for the two close to the building or too close to the side lot line and just approve the variance for the.
- Front set.
- Front set back just because it's narrow. We can approve one variance and deny the other two. I would be inclined to do that.
- I'm just trying to figure out if he gets, he comes back and he has to get another approval for something based on it getting approved, say they it's okay to go duplex, they've got enough to consider yeah, there's a potential for solving that duplex issue with a small variance, nine inches is what we're talking about, nine inches off. We've approved variances larger than nine inches. So it's nine inch off, I don't care, so all I'm trying to think is I don't care about duplex. I just care am I approving nine inches and 20 inches off the front or 20 feet off the front lot line, that's it. And you're saying that the hardship has not been for the two car garage is where your stance is you're saying the two car garage, based on it being a single use is not proven himself to have enough evidence there.
- Tommy with due respect.
- Well yeah. If you guys are one way.
- If you're, you should probably make a vote then.
- I make a motion to deny the request.
- I won't, not all of 'em, I won't.
- I'll second Tom's motion. So we have a motion before us made by Mr Hoy, seconded by me to deny all of the variances requested by the applicant, fair enough, further discussion. All in favor.
- Aye.
- Aye, okay, two to one, you failed under the variances.
- Understood, I'll just now have to go through the lawyer and get a grandfathered in, that's all. Alright, have a good day guys.
- Thanks, thank you.
- Thank you.
- Yes.
- Where do we sit, Mr Clark was the one number 10 so we have Mr Zimanek.
- Do you need someone to sit in?

- He's probably like you can leave now.

- Sir.

- Yes.

- You need a variance?

- Yes.

- What would you like to do and why would you like to do it?

- I am currently waiting to do my driveway and stuff 'cause I had a home fire back in 2017.

- Oh yeah, this is the one that was burned.

- Yeah, so a few things changed there. Well regardless of what changed there, there's the garage was held 10 feet off of the lot line for the property line between my neighbor and that was partially because speaking with my other neighbor, the contractor needed access to the back and stuff for digging and all that stuff. And I spoke with my neighbor, he's like if they wreck the lawn or whatever, that's fine because we agreed that we'd fix it and all that stuff for the excavation and then speaking with Rob, my neighbor, I asked him if he had a problem with me going right up to the lot line to make it 10 foot slab on the side for parking when I have my utility trailer in town which is I pull with my dually and that is wider than your typical vehicle and it's not really feasible to park it on the side there and then at the same time, my neighbor, he was saying that he was looking at replacing his shingles and stuff on his house this year so with 10 foot wide slab, he would've been able to access around the back of his house without tearing up his portion of lawn to which I agreed to him that I got no problem with you comin' through, usin' it, I can bring my trailer, save you dumpster costs or whatever, labor, from dumping your shingles out, carryin' 'em from the back and over the top so I'm, from what I understand, I would have to stay two and a half feet off the property line. I'm asking if I can go zero, right up to it.

- Okay so the house burnt down. Have you reconstructed anything?

- Oh, the house is rebuilt, yeah.

- The house is rebuilt.

- Yeah, I'm waiting to do landscaping and the driveway, the cement.

- And your argument is that you've got reasons to want to park things alongside of your garage and the width is such that you would have to go all the way to the lot line.

- Correct without doin' damage to the garage because of the eve, the low eve, maneuvering the vehicle in there and stuff.

- So in one situation, you're getting parking off even in front of your drive so you could possibly otherwise put your parking in front of the garage. I would imagine the neighbors may appreciate it more if you parked along the side.

- Well the other thing too is at the corner, there is a fire hydrant so kinda limited to with the length of the truck and the trailer.

- Where's the fire hydrant?

- Oh yeah, there's a fire hydrant probably right about there.

- Oh, alright, how convenient, yeah. Okay so you got, your argument that you've got a win win here, you've talked to your neighbor, he thinks.

- He'll benefit from it.
- He's fine, you're fine. Why would we not be fine?
- I don't know.
- Other than the defense of the ordinance, questions Tom or Tommy? Do we know what we need to know? Okay sir, if you could have a seat, we can deliberate. I'm okay with this one.
- I'm okay with this.
- There's a negotiated settlement between the neighbors.
- Your turn.
- I make a motion to approve the variance as requested.
- I second.
- Did you wanna say something, Paul?
- Just that neighbors change through the years and the encroachment on property lines creates issues for us down the road because people call in and say well why is that person driving on my lawn.
- I was gonna ask you about that after the meeting.
- So again, it's a hardship issue, I don't know. There's not, there's no private agreement here for access. This creates a neighbor conflict.
- Well not necessarily, once we grant the variance, it's good so there may well be a concern of a future neighbor but that future neighbor has no standing because we've made that decision and we've made it in this property.
- What if there is no agreement with the current property owner either that there is some?
- Well, that's what I was gonna ask because I'm the newest one on the board. But I feel like early on when I came on board, we had something similar where there's a shared space in between, this is exactly the same thing.
- Shared driveway.
- Yeah, there's like a shared driveway between but I don't know if it was conditional or they presented it but they had an agreement with each other.
- That's a requirement in the variance, that they obtain shared access agreement. I'm not saying that applies here. I'm just saying that when you go to zero, you're encroaching basically on someone else's property. That goes back to the point of the property rights. It's part of the variance.
- Do we wanna stimulate that he has to get a consent from his neighbor?
- Yes. But I feel like we should probably discuss that moving forward 'cause we take people's word that their neighbors are okay with things.
- [Man] Well he received a letter in the mail.
- And he's not here.
- And the other thing too if I was to build a detached garage in the back yard, how would I access it, I'm just throwin' a variable out there, ya know?

- What would it be again, was it three feet again?
- Two and a half feet.
- Two and a half feet. Could you get a car through at seven and a half feet?
- [Man] A car you could but I mean, a dually.
- The trailer.
- A pick up truck dually with the dual rear wheels and the flare fenders is wider than your typical pick up truck.
- I would just say that my concern here in granting the variance is that as I alluded to the equipment that the applicant has is probably best parked there instead of some other way. If I were a neighbor, I would want it there rather than some other place. So I think this is in the interest of all of the neighbors to have the variance here.
- We had a second so motion to approve, I seconded.
- Yes, we're ready to vote if you offer an additional chance to discuss it.
- Yup, I didn't know if we had to redo that.
- Okay no, we'll call the question then. We've had a motion and we've got a second. So all in favor?
- Aye.
- Aye.
- Thank you gentlemen.
- You're welcome.
- Have a nice evening.
- You too.
- Do I have to hit save, okay, I wasn't sure. It's a little bit slow, alright. The long suffering Mr Carpenter.
- Long suffering.
- Yes, the last person always gets that.
- Oh. I thought maybe you knew my ex wife. Sorry, just joking.
- That's a good one. You won the repartee. Alright, what do you want to do and why do you wanna do it?
- Okay so I've got a single family house. I purchased this as a renovation and planning on selling it to the tenant that I rent it out to now. The front entrance of the house, as you can see here, is accessed by a very small four by six front porch if you will or deck to go in the front door. This winter, during a snow storm, somebody apparently who was intoxicated, drove off the road and took out steps and the railing to that current deck. Yeah, way off, they missed the road by a lot. But anyway.
- That's impressive.
- Yeah, of course they took off. But in figuring out what I was gonna do with repairs and insurance and all that kinda stuff, the tenant was in the process of securing her financing to buy this property from me asked if you've gotta fix this thing anyway, I'd really like to have a porch out here that I can actually use, that I can actually sit

outside and enjoy my front house so I got some quotes and some ideas where she explained what she wanted to a contractor and applied for the permit to fix this and found out that it becomes a set back issue because the new porch is now 20, six by 16 so it's much larger than 25 square feet which I think is what allows your variance from the set back. So the current deck is exactly four by six so it was built to meet that requirement. The new proposed deck is basically the width of the house for the most part, I have some sketches here if anyone wants to see it but.

- I think we have that. I'm just trying to figure out, where's the house?

- I attached it too.

- You're coming out six feet.

- We're coming out six feet but the stairs are now actually coming off the side of the house.

- Exactly, the stairs are now going to the side.

- So it's actually getting further away from the street because right now, if I just rebuilt it as is, I'm eight and a half feet from the front of the house between the decking and the stairs, now I'm only gonna be six feet but the deck's gonna go pretty much the length of the house.

- Got it.

- So it's better access for her. She can go right from the driveway up her stairs. She gets the deck that she wants and actually gets further away from the street.

- What they're constructing within the front sector.

- Correct.

- Didn't we have something similar to this like two meetings ago?

- Yeah, we approved it.

- Yeah, we did.

- I said no.

- Yes you did.

- You remember?

- I do remember.

- Didn't approve the hardship.

- The good news is you're.

- I think Tom's a little younger than me. Enough that he has a much better memory than I do.

- My perspective on this is the existing porch is within the rules, okay, what I'm looking at the porch. When you count the stairs, the net on the end, your stairs are pointing up this far. The net on him is actually, he's only going out two more feet where with the stairs he's probably actually three feet beyond that plus I think I'm old fashioned, as you can tell, you got somethin' goin' across the front, it's like an old style, is this gonna be a flat or is there gonna be a roof on this porch?

- No, it's just, the overhang over the entrance is gonna stay but it's gonna be open for the rest of it.

- So it's gonna be more of a deck then.
- Yes it is with railings so she can sit outside and have her coffee.
- And ya know, four feet wouldn't do it. You're not gonna be able to put a card table on a four foot deck.
- Exactly what we talked about.
- Yeah we talked about it, in this case, you could put a five by five with the existing stairs and you'd be good and I agree with Tom's argument that you're only going out one more foot and you're moving the stairs to the side. That seems like a pretty good break to me.
- My other option is to rebuild what was there right now and now I go out, I'm eight and a half feet from the edge of the house towards the front and my new deck is only six feet.
- But wasn't it last time like an aesthetic thing because you're building, it doesn't match the neighborhood kinda thing and there was supposed to be a 25 thing because it's like a stoop, it's an entryway into the area that those houses were built in. That's what we were talking about last time 'cause the deck, you could build on the back of the house. No problem, but on the front, aesthetically you're building a porch if you will. I love porches by the way, I said no. I bought a house with a porch so I could have one.
- Motion to approve the variance as requested.
- You guys. It's gettin' late.
- Did you wanna second that or did you want me to?
- You second it.
- Okay, I'll second that motion, we have a motion made by Mr Hoy, seconded by me to approve the variance for Mr Carpenter for his property on 530 Third Street. All in favor?
- Aye.
- Aye.
- Opposed?
- Nay.
- Alright.
- Sorry.
- You don't have to apologize. You are what you are, you won, two to one.
- Thank you gentlemen.
- Yeah. So do we have any administrative stuff that we need to take care of or now to adjourn?
- If there's informational yet in the agenda, I don't believe unless Paul has anything.
- There's no items.
- There's no items.
- Motion to adjourn.

- Second.
- All in favor.
- Aye.
- Aye, we're done. Do we need to vote on that or was that good enough?
- That's good enough.
- Oh, we don't need to vote on that?
- We voted but we don't need to say yes.
- Oh, vote on the system.
- She'll take our word for it so we're done.
- So when we're done, I have some questions.
- We're done.
- We had no information items, just non type, these folks who requested the variance on Maple Street, like 141 or something where they were tearing the house apart, they're having an open house June.