



MINUTES OF THE ZONING & PLANNING BOARD OF APPEALS

**MONDAY, APRIL 15, 2019, 5:30 PM
CITY HALL, ROOM 604 - THE HARRY MAIER ROOM**

A. ROLL CALL.

I. Members: Don Carlson - Chair, Gregory Babcock - Vice Chair, Tommy Everman, Noel Halvorsen and Jim Hutchison

Does anyone need to abstain from voting? Who was out to the property? Did you speak to anyone regarding this variance request?

Members present: Jim Hutchison, Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Excused:

Noel Halvorsen stated that he was at one of the properties and will need to abstain from voting for Agenda Item #9. No one else needed to abstain from voting or went to any of the properties. All stated no to speaking with anyone regarding the requests.

Also present: Ald. Veronica Corpus-Dax and Ald. Kathy Lefebvre

B. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the April 15, 2019, meeting of the Zoning & Planning Board of Appeals.

Moved by Gregory Babcock, seconded by Tommy Everman to approve the agenda and move agenda items 2 and 3 first followed by agenda items 4 and 6 per the request of Ald. Veronica Corpus-Dax and Ald. Kathy Lefebvre due to the Common Council meeting they needed to attend. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

C. APPROVAL OF MINUTES.

1. Approval of the minutes from the February 18, 2019, meeting of the Zoning & Planning Board of Appeals.

Moved by Tommy Everman, seconded by Jim Hutchison to approve the minutes. Motion carried.
Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

D. REGULAR BUSINESS.

Agenda items 2 and 3 will be presented first, followed by agenda items 4 and 6.

1. Tom Katers, ISG, on behalf of Williams Bahcall, Inc. (dba Russel Metals), property owner, proposes to expand an existing structure in a Business Park (BP) District at 825 Hinkle Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-908, Table 9-2, impervious coverage, side yard setback and Section 13-1706(a), driveway width (Ald. J. VanderLeest, District 11).

Returned to regular order of business as the Alderpersons needed to leave the meeting. There were three variances needed for this item. Board members voted on each variance separately.

Moved by Noel Halvorsen, seconded by Gregory Babcock to grant the variance regarding driveway width. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

Moved by Noel Halvorsen, seconded by Tommy Everman to grant the variance regarding the side yard setback. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

Moved by Noel Halvorsen, seconded by Gregory Babcock to grant the variance regarding impervious coverage. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

2. Romero Coleman, property owner, proposes to construct a shed in the rear yard of a property in a Low Density Residential (RI) District at 1337 Alpine Drive. The applicant requests to deviate from the following requirement, General Ordinance (GO) 28-91 highway setback (Ald. V. Corpus-Dax, District 2).

Moved by Noel Halvorsen, seconded by Jim Hutchison to defer the item to staff for additional information regarding the 50 ft. setback. Motion carried.

Yes- Don Carlson, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- Gregory Babcock, Abstain- None

3. Joel McKeefry, property owner, proposes to add a third stall to an existing attached garage in a Low Density Residential (RI) District at 1347 Alpine 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. V. Corpus-Dax, District 2).

Moved by Noel Halvorsen, seconded by Don Carlson to approve the variance as requested. Motion failed.

Yes- Don Carlson, Noel Halvorsen, No- Gregory Babcock, Tommy Everman, Jim Hutchison, Abstain- None

4. Frank and Judy Kraft, property owners, propose to replace an existing detached garage in a Low Density Residential (RI) District at 2459 East Shore Drive. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615(c), location of accessory building, maximum size second structure (Ald. K. Lefebvre, District 6).

Moved by Gregory Babcock, seconded by Noel Halvorsen to approve the variance as requested. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

5. Christopher Jandrain, on behalf of MOBETA, LLC, property owner, proposes to retain two existing detached garages in a Low Density Residential (RI) District at 621 South Clay Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615(c), maximum size second structure (Ald. B. Galvin, District 4).

Moved by Noel Halvorsen, seconded by Gregory Babcock to approve the variance as requested with the condition that the driveway on the north side of home not be used. Motion carried.

Yes- Don Carlson, Gregory Babcock, Noel Halvorsen, Jim Hutchison, No- Tommy Everman, Abstain- None

6. Richard Fisher, Fisher and Associates, on behalf of Contract Transport Services Real Estate, LLC, property owner, proposes to construct a new building and make site improvements in a Business Park (BP) District at 1634 Cofrin Drive. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1706(a), driveway width (Ald. K. Lefebvre, District 6).

Moved by Gregory Babcock, seconded by Noel Halvorsen to grant the variance as requested. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None,

Abstain- None

7. Garritt Bader, on behalf of DJG West Mason, LLC, property owner, proposes to construct a building in a General Commercial (C1) District located at 2415 West Mason Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-810, Table 8-2, front side yard setback (Ald. J. VanderLeest, District 11).

Moved by Noel Halvorsen, seconded by Tommy Everman to approve the variance as requested. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

8. Sharon Bolles, TLC Sign, on behalf of the Green Bay School District, property owner, proposes to install wall signs in a Public Institutional (PI) District at 314 South Baird Street. The applicants request to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-2015 size and number of building signs and Section 13-2005 (d), maximum size (Ald. B. Galvin, District 4).

Moved by Noel Halvorsen, seconded by Jim Hutchison to approve the sign variances as requested. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

9. Tim Denissen, on behalf of NeighborWorks Green Bay, property owner, proposes to construct a seven unit, multi-family building in an Office/Residential (OR) district at 1261-1267 East Walnut Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-707, Table 7-2 impervious coverage and Section 13-1820(a), landscape buffer (Ald. B. Galvin, District 4).

Noel Halverson recused himself from this agenda item.

Moved by Gregory Babcock, seconded by Jim Hutchison to approve the variance as requested with the condition that transitional yard buffer requirements are met and an effort is made to maximize overall green space on the site. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Jim Hutchison, No- None, Abstain- Noel Halvorsen

E. INFORMATIONAL.

I. Discussion on the training attended by Board Members on February 13.

Discussion regarding training held on February 13, 2019, for the Board Members. No action taken

2. Date of next meeting: May 20, 2019, at 5:30 p.m.

F. ADJOURNMENT.

Moved by Board Member Gregory Babcock, seconded by Board Member Don Carlson to adjourn. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

VERBATIM MINUTES

- We'll call this meeting to order. Board of Appeals, we can listen to various requests tonight. First of all, for the folks up at that the table did any of you go out to visit any of your property before tonight?

- [Men] No.

- I visited one of them but that's because it's affiliated with my workplace so I'll be recusing myself from that.

- Alright. That gets into the question about whether anybody anticipates not voting on any issues and Noel, you're anticipating what?

- The last one on the agenda I think, Paul?

- [Paul] Yep.

- So I didn't hear any others, did anyone speak with anyone regarding the requests before us tonight?

- [Men] No.

- Alright, we will consider the agenda, and I understand that there may be some requests from the people here that we change some of the items order?

- Yes.

- [Veronica] I'm here for two and three, so if we could just bump those up, because we have council at six.

- Yes, I understand that.

- [Kathy] And I'm here for four and six.

- Alright. Are the gentlemen at the table amenable to that change?

- [Men] Yeah, no problem.

- Alright then what I suggest we do is take Alderperson Corpus-Dax's number two and number three first, and then we can go on to the other two and then they can be on their way. And then we'll get back to the schedule. If we're okay with those changes a motion would be in order, I guess to satisfy the record.
- I make a motion to approve the agenda with the modifications and order.
- Alright. Do we have a second?
- Oh sorry, seconded.
- All in favor?
- [Men] Aye.
- Let's talk about the minutes from the last meeting. Which was way back in February.
- I make a motion to approve the minutes from February 18th.
- I'll second.
- Okay, it's been moved and seconded that we approve the minutes from the February 18th meeting, all in favor?
- [Men] Aye.
- Alright let's get into item number two right away, Romero Coleman, you're at 1337 Alpine.
- [Romero] Yes sir.
- Could you come forward and make your case.
- Good evening.
- Good evening.
- My name's Romero Coleman and I live at 1337 Alpine Drive. I just basically wanna put a shed in my backyard, because I have way too much stuff in my garage and I just don't have the room for it. So I have an area in my backyard that's approximately perfect, like right there, that would be a perfect spot for 12x18, 12x20 shed. With a concrete base to it.
- Okay.
- That's pretty much it.
- Have you considered moving it forward enough to not trigger the variance request?
- Sure, whatever the stipulations are, I will gladly accommodate you guys.
- [Joel] Ro, what's he's asking, can I talk or no?
- Yeah this is my neighbor Joel.
- Sure, why don't you come up here Joel, 'cause you're right next.

- What he's asking Ro, there's that 50 foot variance so what he'd be asking just so you know, is for you to put it right here.
- No, no, that wouldn't work for me. Especially with my fire pit being located where it is.
- Right, but that's where it would be if you chose to put your shed in a place that didn't trigger the variance.
- Oh I see. So what if I want, so I wouldn't be able to move it forward at all from where it's indicated right here?
- Not within the 50 feet, that why,
- So it would have it that's the only area where I would be allowed to put it. Is that what you're saying?
- Yeah, the ordinance as I understand it is a 50 foot set-back from the, wherever the road takes.
- Just like a third of the depth of that lot.
- Yeah so right now what it is is there's a fence line here to the highway. Our land ends two and a half feet from that fence line, so 50 feet from there, this being my house so I know the reference, is just about to the corner of his fire pit.
- Okay. That's what we're here to consider, sir, is whether or not you have sufficient justification to overrule the requirements of the ordinance.
- What about the other side of the yard?
- Well on the other side of the yard I don't have a problem with that as well, but I don't wanna interfere with my neighbor's property line as well, Because I have a bunch of old wood that I just use for my fire pit right here. But I was under the understanding when we bought the house that these trees are state property.
- Yeah no, I was thinking a little farther off on the other side.
- 50 feet up on the other side.
- On this side?
- Yeah, right.
- As long as it doesn't interfere with my neighbors property, I don't have a problem with it.
- [Men] Okay.
- Any other questions for the applicant?
- What's the offset for, I'm not clear what the offset's for.
- Yeah, let's,
- 50 feet for the highway.
- What's the provenance,

- That's highway 43.
- I-43 is it?
- Well all interstate highways intercept at 56, standard.
- From the property line.
- Right of way line, correct.
- So the right of way line is their back property.
- Correct.
- Okay.
- But this was initiated in some way that I'm not familiar with. Or maybe it was just presented to the board in a way that I'm not familiar with. It's not in chapter 13 is it?
- Yes, 13.173.
- It was in there at one time, but it's a longstanding ordinance, so it was not included in the update files.
- And what was the basis by which the city decided they had to put this ordinance in?
- I'm not sure if it was a request from the DoT or not, I mean, kinda predates my time here. It's probably provides some protection from their property line for any sort of expansion potentially in the future or maintenance, I guess.
- Did I just hear you say it's not currently in the zoning code?
- Right, it's a current ordinance, that is not,
- Oh, it's separate from--
- It should be included in the zoning code, but it's not currently in the code.
- But it's still an adopted ordinance, it hasn't, it didn't get lost in revision or something like that, okay.
- No, nope.
- Okay.
- It's still an ordinance in effect.
- Is the amount of feet significant as it relates to the highways? Is that what, is that?
- I don't know if it's an arbitrary number or if that's a typical number that we find on--
- Yeah but what's the reason related to like highways such as I-43 that have a setback such as that. Do you know the policy behind that?

- I can't speak for the DoT, it's probably to protect again, their longterm interest in any sort of expansion and acquisition.
- Okay, okay.
- I can't put anybody's reasons down. I suspect you're right, that they wanna preserve the notion that they could expand it or someday put another lane in, or something in the future. Yeah well, whatever they wanna do and then they don't wanna have to contend with people that have wonderful structures put up and that. There wasn't any qualifications to the type of structure or, I mean if the applicant wanted to put in a concrete slab pad, nothing else, if he wanted to put basketball hoop or horseshoes or whatever back there, he couldn't do that.
- Because it depends what would require a permit. This requires a permit, so we could issue a permit for that.
- It has been petitioned before on that same street and granted six houses down.
- I saw that. I couldn't remember that, but, my memory goes between meetings.
- So yeah, that's how you won't be able to see that unless that can be moved.
- This one right here?
- It's down a ways.
- It's four houses down from the last one you can see.
- Right here, this one?
- Yes sir. Yes sir.
- It's a rather substantial building too.
- Yeah, yeah.
- Both of which were made and designed to fit the architect of the house per the other guidelines of that size.
- And also it's the land from the fence line down to the interstate, that's a sloped, sloped property. That's a sloped area. So how would you accommodate, how could you calculate what's 50 feet inside the fence from a sloped area.
- We do it from the plan view from the air, you know. So it's just the line to the line, not the angle.
- It's the lot line, we'd assume that the meaning is the lot line.
- We just look at the world as being flat in that case.
- Just like they lied to Columbus too, right.
- That's quite a distance from the roadway to the property already, you know. It's not like the travel lanes from the highway are sitting right on top of these properties.
- You know not to, not to speak for him, but a big thing that we run into too, the way that these lots were designed with the graded pitch from here to our house creates a canal through the back. You can see the

waterline of where it beats down the yard. So what it is it's graded back from the highway as not to flush too much water at the highway but it's graded back from your house as not to flood your basement. So what that does is it creates this water canal that we put up with, give or take 10 days a year. So not speaking for him, you are setting it up to end that in a way.

- I see, I see you're saying there's a, it's been graded to create sort of a swale in the middle there.

- Yes, exactly. Where it goes down and meets right here and then it just goes...

- Snow melt, you know what I mean. But it is something that I'm already going to have to take care of if I get my, you know what I mean. So just food for thought.

- Okay. Do you have any more questions for the first applicant before we get to the second one? Sir you can have a seat if you'd like here, or you can have a seat back where you were.

- Nah I'll just sit back here.

- Okay.

- Thank you, appreciate it.

- And your case, sir.

- Yep, so my house,

- Is this the same agenda item or is it two and three together.

- Yep.

- Got it, okay.

- [Romero] Yeah we're right next door to each other.

- So I'm the third house from the top, being this house right here. So I also have that 50 foot variance. I had fooled around with the idea of building a shed like roll work wood shed, but that 50 foot variance and the size that I was looking for, I thought it would be easier and smarter economically, I guess, for turn on the sell if I ever were going to to just add a third stall addition to it. The rules with that, obviously, six feet off your neighbors lot line, and that would still have to fall within that 50 foot variance. So what I was looking to do is I contacted a contractor we were looking to put on a 12 foot addition, which is standard for third stall of garage, I mean it's a matter of inches. So right now to Ro's lot line, I roughly roughly have 17.5 inches. I would need 18 inches to be 12 feet to my, 12 feet plus the six to my neighbor's lot line. And I mean it's a matter of inches, you know maybe it's 17.3, maybe it's 17.7 but that's why what I was asking for is something like a foot, you know with Ro's permission, to be, so I would be, the building is still gonna be for all intents and purposes five and a half feet off the neighbors lot line. I just need that permission to be a little closer.

- Okay so the variance, the ordinance is six feet, Paul?

- Single story.

- Now one of the aerial photographs it looked like there was something parked outside of your garage already. Maybe not in that one, but one of the several aerial photographs of this area I've looked at. Do you normally park anything on the side of, that side of your--

- Not anymore, what you were seeing, so in that driveway right now is a 30 foot camper and I mean, I guess for when the, I don't own the camper anymore, but when the aerial photo came over was probably in between camping weekends. I would put it on the, I mean nothing stationary, by far. I guess the biggest thing I run into is I have a company vehicle and then we have two other cars, a child you know, snowboard and all that stuff. The garage is just at it's limit. And to be honest with you, a shed for me, and the woodworking tools and everything I have just wouldn't be able to accommodate I guess what I was hoping to do with my getting old vehicles out of the rain and wind and hail and whatnot. And then also add house value for years to come, I guess.

- Okay so let me characterize this, the gentleman at the top of, or at the middle of those three, has had a request to put a shed in, which he needs a variance for the 50 feet. You have accommodated the 50 feet, but you need one foot on, one foot of variance essentially, approximately, maybe less, on the side because you wanna get five feet instead of, you will only come within five feet but you need to be six feet, is that roughly where we are here? So one's a side yard variance and one is kind of this new rear yard variance because if there weren't a road there the city wouldn't have an objection to what he's proposing. Other than,

- We'd just file the ordinance.

- If there wasn't a highway there.

- If there wasn't a highway there.

- No there would not be a 50 foot setback, I can say that.

- Yeah, would we have like a 25 in the back?

- 25 is standard for a rear yard, yes.

- So he'd be, even if he didn't have a highway in the back here, we'd still probably be talking about this.

- Potentially, sure.

- At least according to,

- Well, no. I mean if it's a detached, you can go within four feet of the rear and side lot lines.

- Okay.

- Principal building could go back no closer than 25. In this case, any structure cannot go within that 50 feet.

- Mine being attached has the six foot, not the four foot.

- So you have a two car garage already?

- That's correct.

- SO you're wanna put third stall in there, is that right?

- Correct, correct.

- And conveniently, the gentleman who would be perhaps the most affected by you impinging into the setback is here tonight for another reason.

- I mean, I see the conclusion you might be drawing, but in all honestly, this started,

- No, no, I'm saying it's convenient for us.
- I would have gone a different way.
- Well that's good, that's good. Any other questions for the, either of the applicants?
- This one specific one, you said you don't need a foot, you need something physically less?
- So I located my lot line post here, front line post here, and in the wind I drew a string. 150 feet, so that string line 150 feet, then I took minus 12 feet from my soffit, or minus 12 inches for my soffit, plus the 12 foot addition would meet my soffit line, based on construction type. I need 6 feet from my neighbor's lot line, and rough, holding a tape to that blowing line, was 17.5, 17.7, I also used the tools on the website, which I can draw a line on the website that says 18.4 to 17.2, so I mean I didn't wanna stand up here and say it's exactly six inches and then I'm out of, I'm seven inches. 12 feet, or 12 inches would be, I would be.
- So you know approximately, but you can't tell me exactly.
- I can't.
- It's just a little bit, regardless right.
- My contractor asked me to come here and ask first before we were gonna go through all, because then I'm assuming I would still have a city worker come out to approve the plans as, you know what I mean.
- What if you didn't get the variance, would you still build the garage?
- I would move.
- What's that?
- I would move.
- You wouldn't build it the one foot less?
- No I wouldn't.
- Did you measure to the soffit or to the face of the building?
- Less the soffit. So I measured from the face of my house, less the soffit, because--
- So what is the distance from the face of your garage to the lot line, I guess.
- Give or take 18 inches.
- A total...
- Er, 18 feet.
- [Men] 18 feet.
- Yeah so less than eight and a half, 10 inch soffit, that's where I'm drawing that 17.5.

- Right, so, the overhang, for our setbacks we're concerned about the face of the building, right. Soffits can overhang into the setback area, I don't know if that sheds any light or not. So we're not measuring from soffits at all. Measure from the face of the walls.
- Okay 'cause my contractor thought it was from soffit to lot line.
- No you can have that encroachment in a setback. It can't go over the lot line, but you can encroach into the setback, so to speak. We want that principal building to be no closer than six feet.
- Try to avoid putting four foot eaves on your house there right, now, or your neighbor might...
- We're gonna attach it and just have a--
- [Romero] Sure, just not
- No I mean, I guess I think it would still be close.
- You may be talking about very conservative plea for a variance.
- Literal inches. I just wanted to make sure I had all my ducks in a row before we start.
- Which is good, but I wanna make sure we're clear 'cause now I'm confused, 'cause it's very gray, from the wall, considering now that you have from the wall to the property line, are we talking three inches? Are we talking a full foot? I mean, or is it we don't know, it could be anywhere, and we're just asking for a foot because it could be anywhere within that.
- To be honest, especially with the new rules I can't give you, I measured a month ago. I know I came from my house to that line.
- Yeah.
- And I'm pretty sure that was 18 feet.
- And how much do you need? Forget the distance, how much are you looking to add on to your building?
- 12 feet, so that would be, that's set, but--
- There could be a six inch on the other side, depending on how the wind was blowing that moment.
- Yeah and we're trying to, I mean, it was for, to be safe than sorry.
- I don't think we're good enough to take care of six inches, so I appreciate that you came in and tried to do it as safe as possible. So I understand where you're coming from. Any other questions? Okay, if you could have a seat sir, and we'll gloss over it. Alderperson, did you care to have any say on any of these?
- [Veronica] I haven't had any objections from any residents in or around that area.
- Okay, great. Your thoughts, gentlemen? I think we can consider both of these together, but we do not need to if you wish to consider them individually, item two is the shed in the back and item three is the new stall to the garage.
- I feel like we should discuss them, they're very different to me.

- They are, they are. Let's talk about number two then, the first one, which is the highway 52.

- For me it seems like there's a compromise that he's willing to do of moving it to different part of the yard that might fit within the 50 yard setback. There's not a hardship that we've talked about and defined, that's been defined to have it in that specific location so I feel like there's a solution already kind of percolating to move it somewhere else as long as it's in that 50 foot setback, it doesn't have to go in that specific area so for me I'm probably a no on the first one. The second one, it's fairly gray for me, so I'm looking for other comments and other people to help me gather my thoughts there, I don't have a strong opinion one way or the other, it's so small and a lot of moving parts.

- Okay well let's think about Mr. Coleman's situation first and you're skeptical of the need for the variance.

- Correct, yep.

- I would agree, I think there's just there's another option, you know, there's a place where he could put it, it's not a big shed that he's looking for and the other side of the yard, see if there's a way to comply. You know there's not a hardship that he is able to demonstrate, so I dunno.

- [Romero] I'm sorry to interrupt, but my only question is what would you consider a hardship?

- Well if you couldn't put that building anywhere else and the ordinance is such that you wouldn't be able to do it anywhere else we'd consider that because of the makeup of your property.

- [Romero] Okay alright, thank you. Like the gentleman said, I am going to, if it don't work on one side I'll gladly move to another side.

- Okay Noel or Jim, thoughts?

- I couldn't be in agreement because there is the enunciation that he was willing to work with the site so I would tend to say that the hardship is not such that there's nowhere else to go.

- I've got a whole bunch of thoughts on this that I'm struggling with in different ways and one is we've got a 30 year old ordinance saying we need 50 feet off of the highway where we don't want people building at all but we don't really know why? And if it's worth keeping, I don't know if that was the state saying, you know, or the feds saying impose this and we're gonna tie your highway money to that, or if that was like something that somebody read it one time in a planning journal and then they imposed it on ourselves and said yeah that's good planning practice in case that right of way needs to expand someday, we don't have somebody say but I just built this great shed here and now you're gonna tear it down or whatever, right. So part of me wants to answer that question before I act on this. Like if the highway department said no we don't need 50 feet off of there, look at how big that right of way is, and we got plenty of room to expand the width of those lanes if we ever need it, go ahead and let somebody build there. Then I'd be like yeah, let's do this, and while we're at it let's change the ordinance, right. So that's my first reaction to this. Which would say let's table it and get that answer. The second reaction is with the neighbor building what he's proposing to build here, with the extension to that garage, I would go jeez, could ya tuck the shed right on the other side of that lot line from that extended garage and now you've got two new buildings built kind of right next to each other and is that maybe less impact overall and you can still get it to comply with the 50 foot setback. That's another thought that I've gotten. But anyway I'd be happy with getting more answers on that 50 foot setback and understanding how critical it is to the public's health and safety and wellbeing before I tell a guy he can't build because of it.

- I think that's where I am too, because I would like to hear, in all of our ordinances we do have an explanation of why this ordinance basically is what it is, whether it's public need or whatever, but we haven't really been told on this one. We can speculate. I hate to push it forward, but at the same time I'm, it just seems like it's so

out of the ordinary to have a strange reason like this. I can see it happening 40 years ago when the road was there and there were no houses there and people said well you know, fine let's do that.

- What does that process look like Paul, if we wanna refer it to council, is that a council thing?

- No I can just contact the DoT and get their thoughts, and we don't notify the DoT it's part of this process, necessarily, it's our ordinance so to speak, so I guess I can do more research and find out--

- And if we hear from them that they'll die on the sword over it then we've got a different idea of what their thoughts are.

- If for example they may say something like well there may be a small shed or something, we meant that we didn't want any darn garages or houses or that kind of thing.

- For further guidance from them.

- We need further guidances to, is anything allowed in that setback, or is nothing allowed, or how emphatic are they.

- Right, if Mark respects with he training again the permit ruined issue. You can put your playground and stuff back there, you can do gardening and things like that, but structures are a different story.

- It's a big chunkier lot that you're not able to do stuff with given that normally, like you said, this could be within four feet of that rear lot line if we didn't have the highway behind it. I think that's a big enough deal to try and get a little bit more information about it.

- I do too. If it could be resolved with just a simple question to the DoT. You know, hey explain this, let us know what the provenance and whatever of this type of ordinance is and we could make a better decision. But we do have two nos and I'd like to--

- I would agree with the assessment just stated that I would vote for that also.

- You'd like to hear some more.

- I would like to hear some more.

- I'll move that we table item two until we learn a little bit more about the ordinance and the justification for the 50 foot setback.

- I second.

- Okay, we have a motion on the floor to push forward our consideration on the Coleman shed until we get further resolution explanation of the roadway variance, or the roadway ordinance. Further questions, comments, all in favor?

- [Men] Aye.

- I'll vote nay.

- Okay, four to one. Mr. Coleman, we're gonna think about it.

- [Romero] Okay, fair enough.

- We'll think about it for, until the next meeting probably. I think we can figure out. Okay now let's talk about the next one, the garage side. Mr. McKeefry would like to put an extra stall in his garage. He may or may not need one foot of grace to do it exactly the way he would like. Any thoughts?

- Is there a way to get more, I mean I feel like we're sometimes in this position a lot so what is that, again for me, what is that process to get more exact so we know what we're approving?

- You could ask the applicant for survey information I guess, if you wanted to go that far, depends on your comfort level, but you could request that. The city won't verify that, I mean that's something a private party surveyor would have to do.

- And our understanding was it's fairly gray at certain points, it can be complying and at certain points it could be six inches. Is that what you guys took away?

- Yeah.

- As presented to us, he is proposing that he wants to have, he'll be five feet from his neighbor's lot line, and he needs to be six, so he's here for variance. As presented to us, I believe that is the way it was presented to us, he's looking for a foot. He may not need any of this, he explained, if we have this uncertainty, but we're always gonna have this type of uncertainty so. I would rather we try not to quibble about inches if we are in this situation.

- Yeah no, I agree. I'm just trying to understand for me. It seemed like now the eaves or you know, whatever, the roof, was now always measuring from here. So the question then for me becomes do we even need a variance? Or are we granting it just in case so he doesn't have to come back. I guess that to me is the question we're asking right now.

- That is a very good way to put it and for my purposes, I would grant the variance, for just that reason. It's close and like as I said, the main affected party is here listening to all this.

- No I mean, the only counterpoint after our training and everything we went to is that the decision leaves and stays with the property, not with the property owner, so neighbor might move, the next neighbor might be upset. For me that is important for now, but long term effects we're supposed to make decisions not based on the individual but the property itself.

- You stated it very well. Any other thoughts, Jim, Noel, Greg?

- I think I'm leaning a no, just because of the amount of space he already has with the garage and to me it seems like he should still be able to comply with the ordinance and still have the ability to create garage space of some sort. I don't see the hardship with the makeup of his lot there.

- Your angle would be that it looks like the gentleman could comply. Let's put the onus on him to comply. Alright that's fair enough. Noel, Jim?

- Paul do you know what the width of a standard garage stall is?

- Could be eight, could be 10. They tend to vary. I don't know what he has on his house currently.

- I mean he's talking a 12 foot wide garage addition, and I understand anytime you're mobilizing to build something it's costly, you wanna maximize what you're building, but if the standard garage stall is eight to 10 feet wide, we're already going two to four feet wider than that to create then this need for a variance that is maybe a half a foot or something like that, so yeah it's a little bit of a struggle for me finding that, that urgent need for it. But I'm a little on the fence I guess.

- [Joel] Can I raise a question?

- Yes you may.

- [Joel] So when you say eight to 10 stall, do you mean eight foot garage door, or full size? Because the average garage door is eight to ten on a third stall, which is correct, but you need 16 inches on each side of that for building size. So the average car is six feet, you open each door two feet, that's eight feet. So interior size, you need to be greater than,

- Right but you're still, if you take the eight, and you add the sixteen on each side, you're still less than 12 foot, so your six inch wiggle starts to fall out.

- [Joel] 36 is three feet, plus eight is 11, so it's 11 feet.

- Yeah so, but you're talking 12 foot, so there's the, you know. I mean it's, you know what I'm saying. If we're that close, and the standard could get you there, then maybe you know, we go standard. Again, I'm not you and I don't know exactly what, how you're planning to use that additional stall.

- Sir, you have a thought?

- Sure, I'm Rick Fisher with Fisher & Associates Architects. So when I do designs for garages, normally if I'm providing a third stall the minimum door size I would recommend is 10 feet because even if you have a nine foot door it's very difficult to fit, oftentimes the third stall is for a trailer rather than a vehicle. So if you have a standard width maximum snow mobile trailer, if you have nine foot door, you have to be able to hit the weatherstripping on both sides to get it in. So normally if I'm designing a door I design at 10 feet, even if you minimize the structure on each side it gives you a hole big enough to fit, cause you can always swing to one side, but I think that the 12 and half foot dimension would probably make the most sense. You know so it's other, it's not just a car, it's everything.

- Alright, okay. I'd like to call a question, I don't hear a complete sense that we can resolve this without being

- My comment is, I wish I knew in a little bit more detailed measurements, simply because I think if we're voting a yes, we're actually voting for a maybe needed. Versus coming in and saying I need four inches exactly. I'd almost be willing to go a six inch measurement versus a foot, if someone's that close and you're gonna move I know it goes with with the, but we're granting like a foot for a maybe. And I just don't feel right doing that.

- Do I hear three nos? We're not voting yet, but.

- I'm a no. I don't know if you'd I think you basically said that, but I'm not one to speak for you.

- I'm where Jim's at, is like if I had more concrete information I feel like I could jump on one side or the other. It's very gray to me right now and I would love to see like okay, are we granting six inches, four inches, is it a full foot. And then, you know, if we just say oh yeah I gave him a foot, just because he, so he didn't have to come back, to me, the next person walks up, it's hey give me three feet, just because I potentially need three feet. I don't necessarily know if that's what I feel is our role. For me, so that's why I'm more leaning to no. But if we wanna say hey, come back with more exact measurements so there's not another payment to another file and say hey let's move this back off to one more month if he's willing to get more exact measurements and come back and say okay it's exactly four inches here, or no it's a full foot, knowing that the roof line is not the thing, it's the wall, and being able to get that information, that would make me feel much more comfortable knowing what I'm approving from variance rather than, maybe. I'm thinking long term future on what my vote represents and I don't want people coming, oh I need, I might need eight. And then they take three.

- Sir I hear at this point without taking it to a vote, you lose. Are you amenable to putting the information together for coming back for another time to explain to us how your one foot maybe's is something a whole lot more exact?

- [Joel] I guess my fight to that would be, to get the concrete evidence that you guys are looking for I would have to have my land surveyed. That guy probably knows more than me what's a rough survey cost? \$300?

- Could be.

- So I'd survey my land for \$300 and then I come back with that concrete information, and, come back with the concrete information and the gentleman, Greg, he in general doesn't approve of the six, the variance in general. You know whether I was asking a foot, five feet, six inches, his vote was no in general. So if I come back with that \$300 bill, present the information, and then I hear no again, I'm now out another \$300, 75, 375, almost \$400 just for a maybe. I'm only one of five. So you need to convince three.

- It's still a very crucial vote, correct?

- But sir, in all honesty, you're the one who also said you'd move if you didn't get the variance, so.

- [Joel] Well, the issue is--

- The cost of moving is pretty exceptional too.

- [Joel] I guess. I mean what I'm running into is I have a 50 foot variance off the back that I have to play into. I have a six foot variance off the side that I have to play into. I don't wanna move. I bought this house at a foreclosure and this house is gorgeous. I've done all the inside work myself, it's phenomenal. And I'm paying on a \$140,000 house. Like, I have the deal of a lifetime here. I don't want to move. But when I talk to a contractor, what I consider a reputable contractor, he informed me that he average third stall is 12 feet. So I did the best if my knowledge, for free, to get a metal detector, find my pins, to pull a string, to get you the information and to the best of my general knowledge, I was able to find the 17.5. Now yes, it was on a windier day, that's why, yes we're here kind of over a gray area and I fully understand where you guys are coming from. I guess my biggest thing is that I fully agree that Ro could be gone tomorrow, and then the new guy comes in, he's like why is it a foot too close, the thing I would scuttle with that is if it was detached, it could be four feet from your neighbor's lot line. So I could build a shed not attached to my house four feet from his lot line would actually be closer than what I'm proposing now. But what I'm proposing is attached to the house adds value to the house, adds value to the street, it's going to be the same design and everything of the house, I'm not looking to cut corners any way on that. I'd fully be going, obviously with pulling permits and all of that. What I was looking for is, yes a gray area foot, I apologize that I was not able to get better information than that. What I was looking for is, come here, present the information to you guys based on the 12 feet that my contractor drew up, and yes I can't guarantee that if it ends you know, right here, will it be six inches.

- Well that's where we are, and I guess I needed a sense from you. If you'd like us to vote, we'll vote.

- I move we approve of the variance as requested.

- As placed before us. Okay. Okay so we're considering the McKeefry variance request as it's been presented before us. Do we have a second?

- What's that?

- Do we have a second? Noel has moved that we grant the variance. I will second it, sometimes I can. So we have a motion before us, moved and seconded, that we approve the variance as Mr. McKeefry has presented it to us. All in favor?

- Aye.

- Aye.

- All opposed?

- Nay.

- No.

- You're done, you did not get your variance.

- [Joel] Sounds good.

- I wanna make sure you understand that we're not the alderpeople that made the ordinance and there's a limited amount of things that we can take into consideration and apply to a variance.

- Well hopefully there's still a way you can make it work, somehow.

- [Joel] Thank you guys, appreciate your time.

- So we're gonna jump forward to, is is four and five? Four and six?

- [Kathy] I'm four.

- We'll go to four anyway.

- [Kathy] Can't, I'm gone now.

- She's gone. Alright, we'll go back then. Item number one, Mr. Katers.

- Very good, My name's Tom Katers, with ISG, Dave Van Shindel with Russel Metals, and then John Schamwal's with ISG. So to start you off, we have three variances that we are requesting afor this evening, and first one is a driveway, yeah there you go. First one is driveway width. So from the first page there, I just wanted to show that is our proposed layout. North'd be face up in this direction here. So essentially west side here. What I wanted to show on this one is essentially with our driveway's width variance that we're requesting it is that a semi travel barely makes it. At the proposed width. So with the semi travel for this property with the expansion that we're looking for with the project, this is gonna be a common entrance, gonna happen anytime, so they, so there would be a nice requirement to allow that. The second page, then goes to some of the problem areas. You can take a half hour and look through aerials throughout the city, and you can see properties where businesses have trouble staying within the city's ordinance for driveway width. This is a business beside an industrial park and it was kind of cool, since I got to watch over the last couple years, they try for the first couple to try and make that entrance, and repeatedly, are having to redo their entrances with grass, it turns into mud. So this is their latest attempt at trying to evolve. You can see from the widths their width's on Lowell, and they have to curb are 47 and a half feet, and then at the property line are a little better than 60. And then also around Ontario it's at 47 feet of curb line. So, and then the last page there, this property is the Little Rapids Corporation just north of our facility, and you can see that that, fairly wide here as it looks here is it's 40 at the property line, 51 at the curb, but you don't see the spillover, you don't see the mud, you don't see the gravel. Whereas is if you look right across the street, the 55 51, you can see that that

has a city standard variance width but they've added gravel, they've added some type of media there, and they probably have to annually, 'cause you're gonna run gravel out on the roads, you're gonna tear out the grass, there's gonna be mud transferred onto the roads, into the parking lots, that sort of thing. At this facility it's, we're attempting to keep a nice clean facility. We're trying to get away from having to go with a smaller entrance drive and then tear it up with the tires of the semi trailers as they come through. So that is our first request.

- Okay now again, they have, the ordinance did get modified a bit. So what, what is the requirement then that the ordinance imposes?

- For commercial, industrial, and truck deliveries, it's 25 at the property line, on the right of way line, and 35 at the curb line.

- We're essentially asking for another 10 for each one.

- You wanna explain what the reasoning was, I know we've seen numbers of traffic people.

- For not changing the ordinance?

- Yeah, for why the ordinance is per the way it is. The one line I do remember is that there's a reason that you can't have a driveway width that's too wide.

- I 'spose you could, you know we talked about this at the board level, some months ago I think, and we talked to the planning commission, who chose not to change the ordinance at that time. And they feel there was a significant amount of variance requests regarding that over like a six or seven year period so we chose not to support a change of the ordinance. So instead they're kind of dealt with on a case by case basis. So commercial industrial drives are kind of grouped together and in certain cases industrial drives have to be widened but there's an appeal for consideration that's urgent.

- Well the argument the applicants have made is that this road is a little bit narrower many roads that, really access roads. None of that was considered in, it was considered, but none of that was considered grounds to change the ordinance.

- At this time.

- We have a lot of semis come in and out.

- All our deliveries are with semis, we have 14 trucks of our own, we ship out half a million pounds a day.

- We got a lot of semi traffic.

- There's that much going out, and if there's that much going out there's definitely semis coming in.

- So are we gonna discuss each one of these altogether, are we gonna do each one standalone and act on them separately, how do you wanna handle it Mr. Chairman?

- We can consider that, if there's two, I think you've got two here right?

- Three.

- There's three? Okay we can consider them all but let's let the applicants.

- Present all three of them, first?

- Yep, present them all first. I think I understand this one. So why don't we go on to the next one.
- The next one is building setback. Current building setback for the property is 15 feet required. We're asking to come inside of that by five feet, so we're asking for 10 feet. 10 feet actually is the existing building setback that currently sits there. Per what you were provided in your memo, to keep roof lines, to keep structure, to keep that similar from existing to proposed. It makes good sense to keep the line running rather than meet the jog. A lot of the with us facility, they have two truck travels that run through the building so to keep the structure itself columnine. So that sort of thing, keep those in the same spot. One of them is actually, one of the drive throughs is fairly close to land, it's actually between these two lines here.
- There's two there on that side.
- There's two there, there's one here, I'm sorry, these are the center lines of each one.
- So to add to the hardship portion of it, right now I believe you guys have storage that would like to be continued alongside that end. Another piece to consider is when semis pull in, there's a need for a little bit more clearance on that side so they're not hitting the building line or chance to hit the building line. So that little bit of the expansion there would also be appreciated.
- Questions on this explanation?
- So you're saying the addition, the 10 foot, the variance on the setback is to actually have the, to match up with the original building, which is also 10 feet off of the...
- Correct, it's 10.2, is the existing.
- For whatever reason. Maybe you got a variance, maybe you didn't.
- I'd be willing to bet that it predates probably, I think that the last one was in like '74, so.
- That's easy enough.
- What about the next one. Variance number three.
- So being that I'm good at drawing, Okay this I just took a little bit of time to... The last one that we have for you is the impervious surface coverage. The requirement for they business park development is this 70% with maximum. And we are, we're looking to make that 80. A like industrial, or like I guess like Walmart, if you look at the second page there, the second page shows you the business park is basically the the yellow which I apologize for the terrible print. The red is Walmart and Festival, those are different requirements on their own. The rest is basically the business park that we all are supposed to be abiding by that percentage. Again, as we mentioned, that goes along with the driveway is is we have an impervious surface that we need enough of to be able to have semi travel in and through the facility. Stage some parking, well that sort of thing. Basically, I took a little time and checked to see what everybody else was in the area because there were quite a few that looked like they were over and obviously you can see that all of the ones that I targeted, other than one, are over on the requirement. Some of them pretty substantially. So with that we are looking at 78% is as I proposed.
- Okay and then a question I get for you on this one is you're including a settlement pond in the upper left hand corner.
- Correct.

- And I realize that that's required for reasons other than this ordinance is requiring.
- Correct.
- But the ordinance's purpose is to consider having enough green ground to take the runoff and let soak in, that's the way I understand it anyway. Have they accomplished that with what they've done? Does the ordinance give a break if they're gonna collect it all and let it go in a--
- Not from the green space requirements. The impervious coverage I think you're asking about. They're two separate, I guess they're separate.
- We do meet storm water requirements that are required by the engineering division. For the property.
- Right, but they propose 70 30, they still got to meet storm water standards, it's just they put up something that doesn't comply. Doesn't necessarily impact the storm water directly.
- Would that pond not make up the 22% then, could that pond area be accounted?
- Probably be considered green space.
- The pond is considered green.
- Sure.
- Is that the way you considered it?
- For this purposes, yes.
- So the 78 assumes it all, all that extra stuff.
- Whatever's in green, pretty much.
- But I mean in some sense, the rationale for impervious surface requirements anywhere is about storm water management, not just about the aesthetics of the landscape, right. They go hand in hand, but in an industrial park, maybe that could be looked at a little differently.
- That's where I was going. I do have another question for you, on the picture that shows the original, I presume as it is now, there is kind of an arc of trees that runs through that. Can you explain what that is, what it was, why you guys selected to leave it in place?
- That was a set of railroad tracks we used to get rail cars in. We never done that for a long time and it just, there was no way to cut it, so it just like grew up in the tracks. The tracks are gonna be taken out.
- And you can see a similar arc on the adjacent property.
- Yep, yep, I saw those too, and I thought okay it's probably railroad tracks, but at the same time I couldn't figure out why you left it there.
- Well there's always the chance of puttin' it back in one manager would, you know, comes in.
- Did the current owner of the property, did he always have that extra space up there? I mean, or did you guys, the owner buy that extra parcel so that he could make his expansion.

- No we always had,
- They always had that. So it was always held in reserves, so to speak.
- Yep, and the railroad tracks .
- So the pond is new.
- Correct.
- Designed to capture the entire site now, to kinda re-engineer it so to speak?
- There currently is very little stormwater management to the property.
- And so you're upgrading that.
- Without question.
- Further questions? Alright, thank you for, thank you for standing that period of time, I could have asked you to sit down, but I apologize.
- We're engineers, we sit all day.
- Yeah.
- There you go. That's a good attitude. Thoughts, gentlemen?
- Well I have a thought, it's a comment on measurements taken nearby. As someone sitting on this board, the fact that they're higher for whatever is not good for your case. Just so you know. Because it's like telling me there's a problem here. So just giving you some feedback on what you gave us.
- It was a consideration of mine, because I don't wanna question ordinance, necessarily, even if you have it for a reason. Like I say, basically that's kinda what I just wanted to show with that first one, is to see that we're trying to stay in our confines the best way we can.
- Right, and I understand.
- We wanna grow the business, it hasn't grown in a very long time, by providing some semi parking, by providing the semi traveler. We're really not leaps and bounds adding something that we're not gonna be utilizing.
- No I like the pond, the fact you're addressing stormwater runoff is excellent. But I'm just giving you feedback.
- It was curiosity on my end as well. I wanted to understand. Cause some of them looked pretty impervious, so. And I was curious.
- Okay gentlemen, we have three variance requests before us in this, we wanna take them one by one. Let's talk about the truck, the driveway in way.
- I think this is something that we identified as a problem in the code as it stands for this district. And although we asked it to be considered at plan commission and the planning department said no it's, just isn't worth the squeeze, we don't have enough of 'em to warrant changing the zoning ordinance, but let's put it in the parking lot for the next overhaul of the code, maybe.

- Right in that there will be in consideration parking. We'll get another look at it.
- But I think we have been consistent on the notion that hey when you're an industrial park and you got semi trucks coming and going, you gotta have a reasonable accommodation for them in the driveway, and I think they've made their case for the variance on that one, I'm in support.
- I really like the thought too, that demonstrates.
- Yeah it shows that they can, that wider driveway they can get in there safely without crossing into oncoming traffic in order to get the turn.
- Right, so I agree.
- Alright, let's vote on that one so we can get that one out of the way.
- I move to approve the first variance as requested.
- Okay.
- I'll second it.
- Okay we have a motion made to approve the first variance that's been asked for on this piece of property regarding the driveway width, all in favor?
- [Men] Aye.
- Five-zero. Alright, one down. Next request that he had concerning the 10 feet versus 15 feet. Well, Jessie's hoping that this is all gonna wash off and it'll be one big vote for
- 'Cause mine's not poppin' up the whole meeting. You guys normally have to pop up and record it?
- This is the first one that popped up for me.
- Oh really?
- I haven't even considered that yet, sorry Jessie. I know that we're supposed to follow the rules here. 10 feet instead of 15 feet. And it's, can you give us a little history, is it likely conceivable that there wasn't an ordinance of such back then that is now?
- Well we call it a business park, right, but this is a business park standard from the 60's and 70's, which is much different than our current standards, so we're tryin' to kind of retrofit requirements in our current code to development that occurred 50 60 years ago, so that's why there's this kind of rub against the ordinance.
- I think forcing a five foot jog in a building to comply with the new setback requirements is, yeah it doesn't make sense. And that we're imposing a hardship then I think.
- If they were gonna build a new building and they wanted that, that might be a different story. It's an existing building, the notion of grandfathering in this particular instance, I support.
- I would move that we approve the second variance as requested.
- Second.

- Moved and seconded that we approve the 10 versus 15 feet on the back lot line variance request. All in favor?

- [Men] Aye.

- We got that one done. I think that was a five- O. Let's talk about the last one regarding the, concerning about the impervious surface.

- I think the fact that this, that there's other, you know this is business park zoning district, but light industrial and general industrial districts allow for 80% impervious surface, they're talking about 78%, you know, up to 80, and the mitigation that they're adding with the stormwater retention, I think this is another area where maybe we've got a little bit of a mismatch between what we're asking for in one part of the code versus another part of the code and I'm gonna support this.

- Yeah, that, exactly. That's the exact same reason I have the same opinion. Looks like the spirit of the ordinance, at least in the sense of an industrial park

- And I think they're certainly improving the landscape of that lot, when we saw the air photo of just scrub and gravel and miscellaneous vehicles, that this is a lot better looking, you know site plan overall, I think and it's worth supporting. So I move approval of variance three as requested.

- I'll second it.

- All in favor?

- [Men] Aye.

- Five-zero. Okay, if Jessie wants to give us an option to vote for five-zero on all three of 'em

- I feel so left out.

- Thank you for your time.

- Thank you gentlemen.

- Okay, we've done one, we've done two, we've done three. I guess we go to number four. The Krafts on East Shore drive.

- Hi, I'm Judy.

- Hi, have a chair and make your case. You may.

- Thank you. Well we've got a, probably about a 50 or 60 row garage, it's 20x20, and oh that's my new drawing down, and it simply is just not functional. I can no longer lift the solid wood door, and it's too low to be able to have, a new door put in, the garage's had it's day. And that's the new garage, that's my drawing. Anyway, what we're hoping for is a 24 wide, which I mean is standard today. I know our neighbor across the road has got a 24. And that's my driveway. But anyway, the length I'm asking for, the garage part should be 30 long. And then the addition in the back, which would be a continuation on that wall is for a garden shed. The land between the garage and the road is all garden. 'Cause I do a lot of gardening, I have a lot of stuff. And I'm hoping to keep it separated from the rest of the garage. Put stairs in the back so we have rat resist, like our neighbor, we have neighbor two doors away that has a storage area above, and I desperately need that. So anyway, the area is, would be kind of done at the line, maybe about a half a foot over. We can't go any closer to the house because

that's a 30x35 foot, very expensive dog kennel. It's got retaining walls six high, down to the laser that I did, it was 22 42 yards of So consequently just simply trying to have a normal garage, 20x20 is not normal, not for what our needs are, for living there for so long. So the house itself is not in a flood zone, the garden and the garage is , so we'd be elevated, and so is the driveway, we wanted an angle. So that would be provided for, and. Oh and the building on the side, we have a building off of the side towards the front of the house, that actually was a summer kitchen that the owners that we bought it from had that. And the fireplace in there. We've not used it, that gives us, if we add up the square footage of the garage, of this, and the square footage of that shed, which we probably in time, I would like to be able to reduce that down, literally shorten it up, but that gives us 120 square feet over. But we have a lot of land, you know, we've got 100 feet of footage, and I think about 125 So that's what we're requesting.

- Paul, are we talking about the shed on the side?

- No we're talking about the, oh.

- Replacing the garage.

- Yeah but are we talking about the shed on one of the variances?

- Counts in the calculation I guess.

- If you could explain the variance considerations that we have here.

- Right, so you're allowed to detach accessory structures. The first one can be up to 1000, second one can be no greater than 150 square feet, and also the building position in front of the principal dwelling.

- But is the garage implicated on the size? Is that one of the considerations we're having?

- Right, I guess we kinda take which is first.

- But isn't that compliant with the thousand?

- It is, but then the shed.

- The second shed is 244.

- That's just over the thousand.

- But which is not compliant, even with the 880 square foot garage, isn't it?

- It's the number and the size, you're allowed two, and there's the same square footage for each one.

- And I have 120 extra square feet on the property.

- But I thought a second structure was limited to 150 square feet regardless.

- It is.

- So with existing garage, Right, but if they were coming to ask to build a 244 square foot shed, we would be saying no, or they would be needing a variance. But it's an artifact of how somebody else used this property, either prior to us.

- We bought it 44 years ago, I think, and it was there.

- Yeah and I think the other thing is here too, in terms of the garage and the front yard setback, that's we're all up and down here because of the site.
- The front yard, we've gone through all of this before. I mean, this is the make up of that land there.
- And the land, as I said, between the house addition there, that extra four feet, is over.
- And you can't park in that existing summer kitchen?
- Oh god, no.
- So it's not a garage.
- We did have a garage door put on it because that's where we put the lawnmower.
- That's your gardening shed.
- Yeah , exactly it's like a shed.
- Garden shed slash summer kitchen.
- And stuff, yeah, yeah. And shelter for stray cats.
- I bet most people younger than me don't know what a summer kitchen is.
- That's right.
- But essentially what your argument is is that hey I wanna make a bigger garage.
- That's right.
- And then the city's saying, well you've already got too many. To me this is a second garage that you wanna make, or a garage that you wanna make a little bigger.
- That's all it is.
- And it's not ridiculously bigger, and it's conforming to the common standard garage dimensions.
- And it's gotta be in the front because--
- That's the land that she's on right now.
- Yeah try to, there's no way.
- Well you've heard from Noel and me. Thoughts about it on this end of the table?
- If someone could, I'm lost. I'll be honest. Basically we have a garage that she's trying to expand. How big is the garage built, how big is the current garage, and how big is the new garage?
- The current garage is 20x20, it's a baby garage, and then the next one will be 24 wide by, the garage per say, would be 30 feet.

- And let's take that shed off the table for a second right now. If she was rebuilding that garage as she wants with all of the extra additions that are on it, the stairwell, all the different things, she's good.

- Except for the front yard setback.

- Well yes.

- Which might be like a, you know what I'm looking at F, forgive me, but I just wanna show you something. By look at their garage, it's--

- Yeah I meant, I didn't mean setback, I meant actually the, that it's in the front of--

- I'm just saying for the second variance, the accessory structures, so the garage itself on it's own would be fine. But because there's this other thing that exists and predates her, that is what's triggering what she wants to do. If that was gone, no problem.

- Well we still maybe have an issue with being in the front.

- Well the front, yeah taking that one off the table too.

- But and the thing is, so we'd be saying in effect, that not only that you can't do it with that accessory building, we'd be saying, yeah you can't have a garage that is proper current acceptable modern garage that has a door that you're able to open, or even purchase to replace the one that's there, without tearing down another building on your property that predates your ownership of that property. And I think that's again, that's the sort of situation in our implementation of the rules that is, I think creating a hardship for the petitioner.

- Correct, but the question I had is, I feel like you had mentioned that you were going to do something with that structure?

- Once we get some storage in the garage that's decent, then I would actually like to shorten that shed up perhaps even redo it in a smaller vein, you know keeping the fireplace, but then shortening it so that it would be compliant and not as, not with the same footprint.

- Are you willing to commit to that?

- I plan to, yes, because the windows are, it's beyond concealing, it's time.

- Is the decision not to do them both at the same time since you've got people at your building, is it a financial,

- Well she explained that she's got stuff back there, she's gonna build a bigger garage with proper storage.

- Move everything, and then.

- Yeah, yeah.

- She may wanna keep the fireplace arrangement, but she's proposing a smaller building, indeed one that would come very close to perhaps meet the ordinance.

- And I can't tell you exactly the date right now, I just wanna get through this, my husband had a stroke a couple years ago, so you know I'm doing it all, so we've got a contractor coming from Andyville, and he does wonderful work and so he's--

- He's available.

- Yeah, he's a good guy, good friend. And he's sought after in Milwaukee and all over the states, so.
- I don't have any other questions for the petitioner. I'm inclined to support it as it is requested, I mean I understand what she's proposing to do in the future but I don't wanna tie her hands to that.
- I make a motion to approve.
- Second.
- Okay a motion's been made and seconded to approve the variance for this item. All in favor?
- [Men] Aye.
- You've been granted. Thanks for the omen, I had a perfect streak going there.
- Yeah I know, I had a good one.
- [Judy] Thank you gentlemen.
- You're welcome. That was a five-zero?
- Anyway, I can't, I don't see any bullets so sorry.
- Yeah I gave up too.
- That's okay now. Anyway, we won't let that interfere with our progress. Let's see, I guess we've wandered our way up to the 621 South Clay Street property, Mr. Jandrain?
- Here.
- Could you make your case.
- Yeah I'm Chris Jandrain, my wife and I are the sole members of MOBETA, LLC. We're real estate investors, and I wanna operate 38 rental units in the city of Green Bay, and another 13 or so outside, in the surrounding area. And we're requesting approval to retain a garage which was planned to be moved under project 69700. So after preparations were made by pouring a new driveway and slab for the garage, the contractor examined the garage structure further and determined would be too risky to move the original garage, and refused to do so. A different garage was brought onto the site to fulfill the contract, and this resulted in two garages on the property. And this being the case, I would like to retain both garages.
- And to do so, you need some variances.
- The variance, only really variance is maximum size of the second structure at 150 square feet. So original garage would be the smaller accessory building, it's at 435 square feet. The newer garage is 527 square feet total, for both with, it complies with 13-615 C4, no more than 30% rear covered by accessory structures, so I'm at 19.4% on that. Total garage space with two accessory buildings at 962 square feet does not exceed the ground floor square foot of the house, which is 1054. The total square footage of both accessory buildings does not exceed the maximum size of a first structure at 1000 square, that's table six. And it conforms to all of the required setbacks and it conforms to the number of structures allowed which would be two.
- Okay.

- Well put.
- Well there you have it.
- So why are we here?
- I count some issues before you.
- Okay so the hardship's making conformity unfeasible or unnecessary. The ordinance doesn't allow me to enjoy the use of my garage space, which was retained due to contractual issues. I bought and paid for the asset when I purchased the property, I paid extras for the contractor to move a different garage on site to fulfill his contract. And the cost to build the same garage space new would probably be between 15 and \$20,000, whatever, the hardship is at, if the original garage building must be removed, then I'm destroying property value, you know, potential property value that's already there. I've already restored the original garage to a certain level, and further renovations are planned if the variance is granted. I've painted the original garage to match the new siding color of the house, I've spent about 2000 so far for the original garage renovation and painting. Hardship would be that if the building must be removed, I lose the sunk of the 2000 or so dollars that I've put into it already.
- And an additional hardship would be the financial responsibility to raise the original garage if the variance is not granted, so the estimated raising and restoration costs three to five thousand. If the variance is not granted, the city of Green Bay and Brown County would endure the hardship of reduced property value and thus lower tax space.
- You sound a little confused yet you were prepared to raise the original garage?
- No I was just gonna remove that original garage and place it where the relocated garage is now. What happened, he found a donor, my contractor, like I say he was under contract to move that garage, he found another garage that had to be removed from a different property and placed it on my site.
- Because he thought it was better, it was safer to move that one than to move an existing one.
- But the original garage is still perfectly functional garage and who doesn't like to have garage space?
- Is the old driveway, was the old driveway on the other side of the house?
- Yes.
- Is it gone?
- The current cut is still there, I've reseeded it, but it hasn't really taken since I've done that. And I wasn't under the requirement to remove that original curb cut, so. And actually the other property, the other home right next to me there, they're sort of like a shared driveway area, so they would tend to use that same curb cut anyway.
- So I guess what I'm trying to understand though is is there a driveway that exists that is gonna continue to exist that should be pictured on here, on that drawing? Are the tenants gonna park, are the tenants gonna use two driveways on this property to serve both of those garages, I guess what I'm trying to get to.
- It depends I guess on the future use of the house. Right now I'm renovating that house, and um.
- They're only entitled to one driveway cut. Per tax property,

- So regardless of what we do here, that other driveway's gonna go away.
- And what is, so when you say go away, you mean just reseed it and--
- Yeah,
- 'Cause I didn't really have a requirement prior to close up the curb cut, even though that garage was gonna be moved over. But as you say, that's fine if that's gonna be required.
- I don't think we're saying he has to replace the curb cut we're saying he's gotta not use and get rid of that driveway.
- He would have to abandon the drive.
- Yeah, and I'm talking about really between the sidewalk and the garage on the north side of the house. That's gonna be yard, that's not gonna be another driveway.
- Okay.
- You know what I'm saying?
- Yeah, that was the original, that was planned and it's gonna be reseeded.
- You'd referred to an original project with a project number.
- Yes.
- Yeah what did that, I don't understand what that was.
- Well that project was, well it included building a new driveway and it also--
- And was that just a building permit or?
- Yeah, there was a building permit to construct the new driveway, pour the slabs for the relocated garage, and then move the original garage to the new slab.
- We don't normally see that.
- We wouldn't've seen it 'cause there was no variance required, so the project number that you're talking about is a --
- Right, there was no variance required for that one. Like I say it was just, because it would have been an unsuccessful attempt, or the contractor refused to move that structure, you know, because he thought it was too risky.
- And so then this just becomes a 435 square foot outbuilding shed, storage whatever.
- Correct.
- And they're just the, one of them happens to be the wrong size. Everything else is okay. Setbacks, square footage, impervious surface. It's just that instead of being 900 and 100, they're.
- Yeah, I don't have any other questions for the petitioner.

- Questions, Greg, Tommy, Jim? Okay sir, if you could have a seat, and we will deliberate.
- Okay I've got a really goofy suggestion, I think crystallizes this for me as a yes. And that is, if he put a five by 10, or five by 7.7 foot six inch tube connecting these two structures in the backyard, if he connected them physically into one building, he's still under the square footage, and he's good to go for one garage. He could call it one garage with his virtual, could put a pergola between the two of them of something, and call it good. So for my perspective, the big there here is I didn't wanna have us contribute to another driveline on the other, on both sides of the house. If this is just gonna be some sort of a, an odd building in the back of an old lot, like we've got all over town, and it's not the primary garage and the total garage is underneath the square footage of the principal structure, I'm inclined to say yes to it.
- Yeah, I am too.
- I'll move to approve the variance as requested.
- I'll second it.
- Okay we have a motion made and seconded to approve the variance as requested for the.
- Can I add a stipulation? And let's just say, and that the communication clarifies that there will be no driveline on the north side of the house.
- Second again.
- Okay and this is moved and seconded for the property for the variances requested for 621 South Clay Street. All in favor?
- [Men] Aye.
- All opposed?
- Nay.
- Okay, you're opposed, four-one, you have your variance.
- [Christopher] Thank you.
- Next is Richard Fisher, I think that's the next one, sorry.
- Yep, that's right.
- Obviously I'm incapable of using the agenda if it's been modified. Alright, sir, you can make your case.
- I'm Rick Fisher, I'm with Fisher and Associates architects, and I've been working with CTS on the North side of town to reconstruct their yard. So currently they have two adjacent lots and they have been operating at conditional use that requires we leave 30% green space, we've gone through an updated condition of use for our new design, so what we're doing is we're combining the, it's a much larger project than what we see here, this is just a small little piece that I'm covering for the variance board. So we've got a all new facility, they're changing their entire fleet of trucks from diesel power to compressed natural gas, so on the right side of the site they're, we're putting in a compressed natural gas system where the trucks essentially plug in to a natural gas pipeline that fills them overnight. Our next phase after that is to reconstruct the building 'cause under their current shop the flammable gasses all the way down to the floor, but when you have compressed natural gas

they all go up. So second phase is rebuild the building with a new structure. The current building sits in the spot where the stormwater management pond is. So that building will eventually come down, the pond will be built. We conform to all the other ordinance requirements, we meet the 30% green space requirement, what I'm here for a variance for is for our driveway widths. We've been through several different options, this facility maintains about 100 semi trucks, and they also own 1200 trailers that are dispersed throughout all of their customers. Essentially what they do is they own the trailers that everything gets shipped in. So if you're a customer they'll deliver a trailer for you, you fill it up, they pick it up and move it, and drop off another one. So this yard sees quite a bit of traffic, maintaining their fleet of 1200 trailers that are offsite, the ones that are onsite are for repair primarily. And then obviously the new tractors. So what we've been working on, several different iterations of the yard, essentially it becomes, we're trying to separate the tractor only use from the tractor and trailer use. Anyway it's counter clockwise travel for our trailers. We're trying to maximize the usable space so we can meet all the turning requirements for the trailers. But we realize that a majority of the trucks come from the left side of the site. Almost none come from the right. Currently they have a 40 foot wide drive location approximately where the driveway was located. The other one that looks like a drive is not, I think it's just gravel, it's one center drive, 40 feet wide. They have some congestion there obviously, because the driveway is relatively narrow. If you look at our attached current radius plan we had our civil engineer do a turning radius, and under the 25 foot requirement for the driveway width you have to cross over almost at the curb lane, curb lane at the other side, to make the swing into our drive. So we were requesting, since we now also separate the cars for the office from the yard vehicles, we'd like to widen our driveway width on the inbound side to 52 feet, so we could accommodate a car that's parked to be able to leave the site and a semi to get in. And then on the opposite side on the East side, we'd like to go I think it's requesting, is it 30 feet I think. Just to accommodate those left hand turners. So this is our option H design, I think, for the site.

- So you've been through a lot of 'em.

- Yep. And working with staff has been really really good, so we've had some really good discussions about how to get the site conforming and different options, and we've looked at a number of different options, and I think I was in four times with different ideas.

- So this is the minimally non-conforming plan.

- Yes, but we meet the green space requirement, which was the hardest thing.

- So you've got a made, you've torn down an old building, you've developed a completely new system on two lots now, and after all that your only variances are driveways?

- Yes.

- Good job. Okay, questions?

- Is there a sidewalk in front of this?

- No, there's no sidewalk here.

- I think we can deliberate, sir, if you care to take a seat, thank you.

- We just had this issue.

- Yeah, we just had it.

- I mean, that's--

- I'm good.
- Is that a motion Greg?
- That's a motion to approve.
- Second.
- Okay, it's been moved and seconded that we approve the variance request for the Contract Transport Services issue, did you wish to say anything Tommy? You were quiet, I didn't want to have it missed.
- No thank you.
- Okay the issue before us, all in favor?
- [Men] Aye.
- Opposed? Five-zero, you're good.
- Thank you.
- I would note to staff that at this rate, if you project a year out, we're gonna have 24 industrial driveway width variance requests
- We've had three requests so far, the average is 1.5, absolutely.
- Number seven, is that the next one, Mr. Bader?
- Yes.
- Property's on Mason Street.
- It's 7:03 officially good evening.
- Okay, good evening.
- Thanks for having me in for the request today is for a, I say a notch of a front yard setback encroachment that we make for a new building that will be placed right here in front of the existing building. I believe you may have in front of you a tri-image that I had sent along that kinda shows the well the all of the lot.
- Yeah,
- Meso I won't blame anyone else. But it's just, it's that little dogear up at this corner of the building within the 15 foot setback along the front which curves. So you can tell for instance here, there was no problem. Front rose higher, here dips.
- Just for the record, can you quantify the magnitude of that nick?
- In terms of footage?
- Yeah.
- It literally is about a foot by three and a half feet.

- Yeah it sounds like it gets down to 12.4 from the 15 required. According to--
- Property associates?
- Yeah, according to this document here, that you submitted for the request.
- Hire good people, right?
- Okay, so it's a foot or two.
- Correct.
- And this is the same sort of thing we've seen with curving roads in the past, too. They create an irregular setback that kind of screws up what you'd normally wanna be able to do with that site.
- That's it? This wonderful big project that you--
- What's that?
- I thought it was so cool.
- Well I think it is cool, we can talk about anything you want to, but.
- Alright well I'm sure that the people still waiting wouldn't appreciate that. Anyway, I guess I just point out that there's a great roundabout put in there. I go through that intersection several times.
- I'll say the very brief segment to that is anyone who has gone through there knows how awful that intersection is. The request today is really phase one of could be maybe a five phase plan, but working with Paul and other members of city staff would say could we make this flow better. So we start with the first stretch today, and we reserve lands to allow all this to happen in some fashion down the road.
- Okay.
- Smart.
- But I should also point out that this layout is conceptual. It's an opposition from our Department of Public Works and planning staff hasn't came this unofficially as a new street layout, so you have to take it for what it's worth. So it's a conceptual.
- I think we can look at the setback requirement off of the existing wheel here.
- I don't think this contributes to the factor.
- Is this the redevelopment of the property?
- Yes.
- I don't have any questions.
- Okay, any other questions? You could have a seat, sir, thank you. I'm good.
- Yeah me too.

- Statement for the record, second what Noel said, you see curved lots and square things with curves create hardships for land.

- Curvy lines on straight buildings don't necessarily go together.

- That's the definition of a hardship.

- Yep, that's what I'm here for, the dimensional kind of thing is exactly--

- I move to approve.

- I'll second.

- Okay it's moved and seconded that we approve the variance request for the property designated as 2415 West Mason Street for Mr. Bader, all in favor?

- [Men] Aye.

- Five-zero.

- [Garritt] Folks, thank you.

- Thanks Garritt, have a good night.

- Sharon Bolles, TLC signs.

- I'm here. I'm here on a totally different topic. Paul you have our drawing, are you able to put up? So I'm working with the Washington Middle School and the Washington Middle School for Arts, and we put a sign plan together. Some of it is interior, so if any of you have had our packet, obviously the interior stuff doesn't apply. And I can address any questions relating to the signage, I also have Cindy Olson, the principal from the school here with me, so if there are any school related questions she can field those as well. The school currently has two existing signs that you see over there to the left, existing sign one is on the side facing Baird Street over an existing entrance that just says Washington Middle School. And then existing sign two is on the rear side of the school facing a pretty good size parking lot back there. And now that there-- There's you know the middle school and that middle school for the arts, there's no current signage on the property that is notifying, informing people or the public or the community that this is there, or where to go for the middle school for the arts. So we have proposed, start with this is the sign, proposed sign number three. This'll face South Baird Street. And the variance we are requesting for this one is two, there's two parts to it. One to have two signs on the same elevation facing the same street frontage, facing Baird street.

- Of which this is one.

- This is one. The other one that you saw in that last footage too was this, it's very small, it might actually be hard for you to see it, it's a set of dimensional letters that say Washington Middle School against that brick they look like they're silver color tone, gray silver. That other one faces Baird Street. And this particular proposed sign number three is over the entrance to the new theater--

- [Cindy] Auditorium.

- Auditorium, okay. So we're also asking for a variance to exceed the limit set for a wall sign. These letters are pretty reasonable in size as you can see that the upper set of letters is one foot six, the bottom one is about a foot. The F there, or no sorry the H is about a foot tall. You know sir, they're not really exorbitant in size, it's

just that there's so many important letters, there's so many letters in this name that is why it's causing it to go over that square footage to spell all that out. So that's, those are two of the variances we're requesting tonight, and then the other two, because this is facing the parking lot in the back of the school, there's no street frontage, and therefore they're considered directional signs. We are directing people when they come to the school where to enter, where to go, for either a performance, or to see somebody, you know, a parent teacher conference in this department or looking for the right place. So that it's well indicated both on the front of the school and on the back of the school. Directional signage is limited to four square feet, Paul can correct me if I'm wrong.

- It's six.

- Was it six in commercial and four in residential? I dunno, but either way it's very small, very small amount. So we are requesting a variance to exceed the size for directional signage in this particular case.

- It's facing a parking lot?

- Mm hmm, it faces that parking lot where you see sign proposal location number two, there's where these would go. There's an overhang this kind of Google Earth view I'm not sure it even shows the overhang that there is above that doorway that these'll get mounted to. So those are the variances we're requesting just to help direct traffic, we don't want people wandering around the school, especially with security and safety needs that are required at schools today. You know, people just wandering around looking for the right place to go. We'll help out the security personnel, and also notify the community of what's there and the ability to send their student or children to this type of learning specifically. So any questions?

- Okay, do you have any questions gentlemen?

- No.

- Thank you for presenting your case well, thank you.

- It's facing a parking lot. You know, for the one and two. Three was very reasonable. And I think they're all very reasonable. I for one can appreciate having signs to tell me where to go.

- Me too, I'm confused all the time.

- As somebody who's wandered aimlessly in Washington Middle School looking for a particular place, I appreciate that as well. I think that in particular here too, we're talking about a really big building that has a lot of different exposures and has multiple uses in it. So it's not just one school, it's two schools, and actually in a sense if that auditorium had been proposed to have it's own identity separate from the school itself years ago, it would've been like a no-brainer to have you know, whatever, Memorial Auditorium or something like that, so. For me this is just one of those things where our ordinance just doesn't work for the institutional use that we're looking at here.

- Signs are tough. I suspect we're all in agreement, so.

- I move to approve the variances requested.

- I'll second.

- Okay, regarding the Washington Middle School variance requests, we have a motion made and seconded. All in favor?

- [Men] Aye.

- Opposed? You're good, five-zero.

- [Women] Thank you.

- Mr. Chairman item number nine on the agenda here is one in which, it's for an organization that I've got some directive role in, and a potential conflict of interest, so I'm gonna refuse myself for this one.

- Okay, very good, thank you.

- I'll step out while you work on this one.

- Okay, Mr. Denissen.

- Yes.

- He gave you reading, huh.

- Okay, so start with this satellite view. I probably should start with hardships first. Our building burned down. That's a big hardship. So that would be this building right here, burned to the ground. So what we're proposing is a new building, take us to the next picture, that's similar in footprint. We added a single stall garage to serve an accessible unit. We have a firm on board to help us with the accessibility tenants and how to exactly design it. And this is an accessible unit here. So we added the garage with setup for a rear entry handicap van and such. So we added a little space there, and we filled in some corners and things, and it's very similar in size, but One other hardship that we have is the existing, or that structure we lost, also did not conform to new rules of the day, it did not conform to the two rules in question here. The 10 foot buffer and the impervious rule. So it would be very hard to replace the structure, and conform to those two rules. So the other community hardship, not NeighborWorks hardship, but community hardship, there's a severe lack of accessible units in the city, and especially in original neighborhoods. Most structures in the original neighborhoods are built up off the ground and don't work well for accessibility, so we're trying to meet that need. So that one of the reasons the building grew just slightly. Another item that's public interest, this project hits almost all of our mission points that we would point to, it's revitalizing the neighborhood, which is one of our main goals as an organization. It's a beautiful building, it'll be very nice from the front. I did print these kind of rendering that we had done. But the front and one side of the building are shown on there. So that's a big part of our organization is revitalizing neighborhoods, and providing housing options. That's another part of our mission. And what we tried to do here with this structure's provide as many accessible units as we could in the footprint, and still have a project that's viable and can work financially. So there's a three bedroom, a two bedroom, and a one bedroom accessible unit in the first floor plan. It's also nice to have that in a rental situation, because then we can control the use of it, where if it's in other hands, it could be converted to non-universal design. People who don't need that type of situation may buy and inhabit it, so we feel it's nice to have control, so we can work with that community and provide housing for them.

- Okay I may be just slow to understand, you said that the original building burned down, was that NeighborWorks building?

- Yes.

- Already.

- Correct.

- So it wasn't that you've come in to redevelop a burned down site, this was your building all along.

- Right. Did it serve excessively challenged people?
- It did not, it had a ramp on it, but it wasn't a good situation because the interior wasn't designed that way. So there wasn't a lot of renovation done to the building before we got it, so it didn't really work very well for that purpose.
- Okay, so you've got, your argument is you're rebuilding the building roughly as closely as you can to the original footprint, you believe. The use will be, that is put to it with regard to the excessively challenged or not is new. But you had the building before, and it was used for other purposes inside your mission, so to speak.
- Correct.
- Now, Paul, as I understand it there's an issue with the buffer zone where the, maybe you can explain that.
- Yeah, so there's two--
- We've seen it once before at that property out on the bay. That's the only one I can remember.
- Yeah, there's two variances, this is an office residential zone, an OR, so there's a 60 40 mix as far as the impervious surface, so 60% maximum impervious, 40% green, that's one issue. The other issue is there's a transitional area that's required 10 feet along this property line here. So we've got a non-residential use parking lot joining a residential use, supposed to be a ten foot transitional area it's shown as three. So basically that transitional yard is to separate the non-residential use with a fence, hedge, or burr, some sort of landscaping to reduce headlight glare and other effects from the parking lot.
- If that would've existed if Neighborhood Works came back and exactly replaced the building with
- This existing line right here, this exists now. This is parking for--
- Yeah, so you were in terms of the ordinance as it stands today, you were not conforming at that point, right?
- Right, so the situation is it may have been a non-conforming structure, they could've rebuilt to the same footprint and same use within a year. They chose not to do that, they chose to instead--
- Oh I see.
- It's basically a reconstruction, a new construction.
- 'Cause they're going outside the bounds that triggered the other variance.
- Right, so it'd like a new site, as if nothing was ever there, so to speak.
- But they, this is a residential property.
- It's a mixed use district, it's office residential, so you can have a mix of office and residential together. Multi-family is a primary use in that district.
- Yeah, but,
- So it is residential to residential so to speak, but there's a non-residential component, which is the parking lot. It's not the use itself, it's the parking lot. Then that kicks in the 10 feet transition.
- And the need for the parking lot to the extent that it triggers this concern is?

- Well current law is a little different, and we actually need more parking spaces than we did before. So this is additional. Not all of 'em, but, some of them.
- Okay so you're caught between a rock and a hard place. One part of the ordinance says you need so many parking spots, and the other part says you've gotta have buffer.
- Right, so with the older structure maybe never even had parking requirements, it just had parking 'cause it needed to have parking. Now because it's a new site, so to speak, and you have to meet the codes which are the parking calculations up there.
- And the 22 foot dimension here, 22 foot dimension here, are new to the site.
- I understand that.
- One other thing I should point out, at all our new construction in the original neighborhoods really we try to point it towards universal design, accessible design. Because the renovations typically don't work, because all the homes are lifted up in the original neighborhoods. And it just doesn't work well. So all our infill new builds, our condo that we did last year and that's what we try to do. Because it's our opportunity to have universal accessible
- Questions?
- Just a question, comment, it seems like the design is being presented, for me, is presenting the opportunity to kind of just rebuild and reuse what you had before. Has there been another, since it's burned down, is there another opportunity to actually build something in this structure, in this lot that conforms, and there's no issues? It seems like, well this is what it was before, and so that's what we're gonna do, and that to me is what's--
- Part of that is financial I guess. We are, uh. Because it's an insurance claim to build something similar in size and dimension is prudent because the replacement cost works out way better than the anticipated replacement costs, so if you can mirror it to what you had, you get actual replacement costs versus perceived replacement costs. So that's one of the reasons we like to keep it the same size structure.
- But if you reduced the footprint of the actual building itself, would that help the whole situation?
- It would, I don't know if I could get to the impervious rule without doing something very drastic.
- Well that's what I'm getting at. It seems like the impervious is because of potential parking, right. And so, but that's because of how many units are being put in, correct? Am I understanding, I'm just trying to understand.
- If you had less units, it'd maybe be a different story. Five as opposed to seven, or six as opposed to seven.
- And this is, for me, because it's in residential, the impervious, I mean it's mix, I'm sorry it's mix. But the impervious is a little bit more important, considering the other ones we were talking about earlier today.
- Right, but that district does encourage higher density residential as well. So seven units is not uncommon, it's hardly the parking that's, in the site itself is maybe not quite large enough to support all that.
- Does the city have a recommendation?

- We do not, we just suggest the ordinance, I guess. The only question I have would be the transitional yard, if it was reduced, would there still be some sort of buffer, some sort of fence, or planting that'll mitigate that reduction space, I guess. I dunno if you have any plans, Tim, to put anything up there, or?

- We will. That's just the way we operate. I'd imagine it'd be greenery. This, we're not to that level of detail yet, but we'll get there. I didn't really think about what to do with that space. I kind of made an early submittal so I could define what the issues'd be, and then try to achieve those issues. So that was my game plan here.

- Now the garage is very important because it seems it adds to both issues.

- The garage is something that is the fancy of the folks innovative services. So they suggested that in weather and such it's just so much nicer to unload.

- Boarding, and loading, and unloading area.

- Right.

- Okay, gotcha.

- Paul were you suggesting the possibility of like a fence or something to block the lights?

- For clarification of my purposes, I think we've instilled and enforced what we could through the transitional year, whether that's a hedge or fence or something. I think think that the issue here for the variance is the dimension, it's 10 to three. We sort of require something to buffer that.

- Can we put a condition on an approval with that?

- Sure.

- Okay. I didn't know if that was outside our scope there.

- I just wanted clarification for my purposes.

- You can even qualify it as to accommodate We have power.

- I'd probably go with some sort of upright greenery instead of a fence, if that's kind of what I would--

- We would want impervious to sight, pretty much, so it'd be four to six feet in height or something. A hedge or a--

- What you said was that you're gonna enforce that as best you can, I think that's kinda outside the variance. Unless we--

- Make it a condition, right?

- We can condition if we'd like.

- But I also want it clear for the board that you're granting the variance, maybe just to eliminate it, or maybe you're under the impression you were eliminating it, but it's more I think a dimensional issue here, reducing the size. We can't put ain there, but we can still require plantings and the fence to mitigate that.

- I think we can qualify any that we give to reflect such concerns. I think this is a great idea, I mean you've got a lot that's too small for what you really wanna do but on the other hand, you're offering to have some new uses

put to a piece of property that otherwise could be not. You're filling a need, that's, raises a social good here that we need to encourage. I'm okay with what he proposed.

- I agree.

- Okay, me too.

- I don't necessarily agree with it.

- Go ahead, that's okay, go ahead. That's why I was looking at you.

- No I think, to me it seems like there's one thing that's happened, and we're looking at it as one thing that can happen. And again, I try to live in that space, this property, the history of it being something else previously, shouldn't be a bearing on what we're currently doing. We should be looking at this as a brand new construction. And I feel like the idea proposed is square peg, round hole. I love the idea and all, but it seems like the proposal is existing because, well this is what it was before.

- Well actually the proposal is quite a bit different than what it was before.

- Well with the layout of the lot, and the driveway.

- They may be trying to do more than they could, they should, but, remember they're trying to for insurance purposes they're trying to match as much square footage as was there. This is the way you explained it anyway. There's a reason why they're trying to put the square footage the same. The alternative would be basically, to just to sell the lot, and retry to put their, apply their mission to another piece of property.

- Can't you redesign the whole property completely differently, since there's nothing on it? And use the same square footage?

- To meet the current requirements, it would be very different. We'd have to do quite a bit to get to that level of ratio on the impervious. So is that the concern, the impervious part of it?

- I'm one vote, I'm always the guy. Just so you know from a board perspective, I'm probably a little bit more rigid than the rest of the board. So take my comments as what it is.

- If we built the same exact building back, insurance wise, it wouldn't conform. So that's.

- So one of our, kind of, I don't know what the right word is, mandates, is that just because something was non-conforming before, doesn't mean we should continue. So a lot of times people will come forward and say oh well there's 17, like he was saying earlier, there's 17 lots around me that are non-conforming. That's almost a negative, because it's basically showing that this has gotten out of hand. So either we need to look at the code, and make an adjustment to the code, or we need to stop approving these things, or ask ourselves why are we driveways, is a good example of it. And so, you know, earlier we were approving of the existing building they were making an extension, I think I voted in favor of existing buildings that are just trying to expand their building a little bit, and that five foot, building earlier as off by five feet, I've said yes to that before. This, I'm trying to look at it with very fresh eyes. And I think it's awesome what the company and the people do, I just, if you had let's say six units, would that change the parking versus seven?

- Yes that would change it by 1.5, right?

- Would any of these decisions, I guess is what I'm getting at, all I'm asking is if any of these tough decisions, would it get us closer to not having variances, or we're never gonna get close, no matter what we wanna do with this. Based on what you're trying to accomplish with the property.

- Yeah, we could design a different building that would have six. But we would probably be eliminating an accessible unit.

- Can I, I don't wanna be leader of this. Can I ask the board kinda where we, where are we leaning?

- Is he an outlier, or--

- I'm a yes.

- I'm a yes.

- I'm a yes, but I have the same concerns you have, teeter tottering just a tad.

- I think it's societally it's a great thing. And I think it's awesome, and it's a difficult situation to have what occurred. For me, all I'm saying is I appreciate it when people come and say like hey, here are the options we've explored, and this is the hardship, this is the thing that's gonna allow us to maximize our property. We've looked at A-B-C and D and this is where we are. And that's why there's a hardship, this property allotment only allows us to do A. To me I go, that's a hardship. They've explored all those options. From what I'm hearing it's hey this burned down, let's redo what we're currently doing, and that's gonna create issues. And the argument currently is well that's what it was before. For me, that's tough.

- What could they do with the setup of that type of operation they have, where they have so many tenants.

- I agree with that question, but I don't think that's our job.

- Well I'm just saying that the point is the impervious space, but you have to have the parking. So I don't know how you get around that, I think that's the hardship.

- Well you could build higher, you can create density and go vertical, that's another way of looking at it. But then that's another issue that--

- I mean if it was so many parking issues already, right we already have parking issues as families grow and expand, right. There's three or four. I would argue that that there's not enough parking on the lot for seven families.

- Well for this use, there's so much parking that's gonna, there's only gonna be three tenants in the building that are gonna drive. I mean the parking is right now. It's never gonna get used.

- But it's required because of the number of people.

- 'Cause you know who's already getting placed? Is that the idea?

- Well, the type of people they're gonna put in there they're mobility challenged, so there'll be a vehicle bringing them there, you know. But they're not gonna have a vehicle, they can't drive. But this person'll have a vehicle, and upstairs tenants'll have a vehicle. So it'll be three of the units that will have vehicles.

- And their visitors, I mean.

- Oh yeah, oh sure, their family, oh yeah.

- Okay so those parking lots in front will be used to some degree.

- Yeah, on occasion yeah they certainly will.

- Question.

- Sir.

- I guess I have a question, is street parking an option? As part of meeting the requirement?

- It could be.

- And then I guess, the other thing I see is that I could see where you could gain about 360 square feet of green space. By putting five spaces across the back and shifting the other row forward, it would make the corner of the lot green space. Right where your buffer would, where you'd want to have the buffer. So you could get an 18x18 green space there, or 21x21. And just, it'll make that, keep the circulation internal. I do this quite a bit.

- Rick is a great friend to NeighborWorks, he does a lot of work with us. I think he stayed here because of what was going on here.

- Who is, we're not a variance for parking, correct?

- You are.

- Like parking stalls?

- You could, sure. It's a dimensional standard like any other.

- So the inverse could be a proposal, is hey let's eliminate, he just confidently said, I need five slots.

- Based on a hardship, sure, I can enter a variance request.

- I don't need 16 stalls, I need six, and could be the variance, and that then allows them to make more green space and set the set back.

- With some justification, right. That you feel comfortable with.

- Well I'm just saying, that's the inverse of what we're talking about right now.

- You could go from 16 to 10 if you wanted, sure.

- What's the requirement they're meeting--

- [Gregory] It's easy with logic.

- Is it city, municipal, or is it?

- But again for the life of the structure, the use may change somewhere down the road, and then will there be enough parking. So those are things you'd have to weigh in.

- Well that's why I was asking right now, would you confidently say the people that are living in the lower level probably wouldn't need a car.

- There might be some comfort with the ownership of NeighborWorks, because they tend to own, buy whole properties. I don't they're in the market of buying and selling, I think they tend to hold up. Again it's all on a comfort level of what could be spun.
- Are we three yesses and one no? I'm just asking questions, that's all. I don't even know if I'm, I just think it's important we ask some of these questions.
- I've been trying to make sure I understand it too, because if I have three, then I'm gonna call for the question.
- Yeah, are you a yes?
- Or Greg can call the question if he'd like himself.
- I'll make a motion to approve the variance requested with the condition we add in the fence and shrub, you know the fence and greenery along the transitional area.
- Um I gotta question. Can we add in an approval the notion of increasing the permeable space as much as practical?
- Sure.
- Prior to finishing the design?
- That would be in our mission too.
- I would add that condition.
- I'll amend that motion to add that condition.
- Okay and I second it.
- Okay, we've got a motion before us and seconded to approve the NeighborWorks variance requests in total with some qualifications, which I believe Paul and Jessie understand. All in favor?
- [Men] Aye.
- Four-zero, you're good, thank you.
- Thanks.
- Should've grabbed my bag, I could've just gone home.
- We got two more items, we have um--
- I thought we were done.
- At least I was still wondering about this notion that I think we heard February 15th, which my gosh is so long ago now, I forgot. There was something about an administrative permit or something that kind of got us off the hook and put you guys on the hook again.
- It was about the handicapped stuff, is what it was.

- Well right, those are like things that I think the planning commission on council would have to review and approve.
- We could delegate administrator to make, have more authority so to speak. Or someone on staff to do that.
- Like industrial park driveway with widenings.
- But the issue that she brought up was, what was the issue?
- It was something about ramps.
- It dealt for those situations where there was--
- It's an individual use for that one property, and it sticks with-- And it's not a property decision, it's an owner decision.
- It goes with someone else, and there's a permit they get for a ramp or whatever.
- And it could go away. I mean we can flag that as an exception. This body
- We've had one of those, in my time here.
- We've had a couple.
- What we could do, then, is put it as a qualification in our approved variance.
- Puts you guys on the hook for making sure that the use expires.
- Right, right, it all comes back to the permitting and following up on that.
- I thought the most significant thing I took away from that is that other boards of appeals have staff recommendations as to whether or not there was a hardship, the determination of a hardship is valid, and a recommendation as to whether or not the board ought to approve or not.
- This one did too, eons ago, when I first came on. But there was some discussion that when you came on, you made it clear that you were here to not do what the previous person had done. That you weren't here to recommend or unrecommend, you were here to provide guidance to us.
- Right, some bodys do, staff does present reports and recommendations. Politically at that time with the transition, the previous administration would relay their points on variances and staff would in essence kind of argue and fight against the applicants, and that became politically not appropriate, I guess, I dunno. To my understanding. So my perspective, and I think our staff's perspective is I think the requests speak for themselves. The applicants come in, they make a case, they are supposed to describe their hardship, and talk through that with you. You being educated, understanding the circumstance, you'd make a decision based on what was presented, so. That's been the formatting, and that format could change. It's been a while, but we're always here to provide information. So if you need something, you should let staff know.
- Well I think generally you've been, at least as far as I'm concerned, fine as far as little eakels you may throw in as to what you may really think. And I do understand the concern that you and your administration may have with getting too one way or the other. You never say no either, you don't say we think this is a bunch of hooley, or this is the greatest idea, you guys are crazy if you don't approve it.

- But again, you are a court right, and I don't want staff to influence the court by nagging on you, I think having some written recommendation maybe is legitimate, and you enter that as testimony I guess, but you're not here to belabor points and I'm not gonna hammer you over the head and you're not gonna--

- Things are a lot different in other places.

- I just think about the tests for the hardship that we talked about at that training, even if there was just a check, check, check, and oh no check, sort of thing, might be initial start for us to go like, somebody looked at this, it didn't just hear this person pitching at the table, but somebody looked at this beforehand and read it against the ordinance consistently, and said it doesn't meet all the tests.

- Right, so this is right from our ordinance, this could be a box on each one, and then you have to check the box.

- But I mean, in some sense they do that already with their application, but you know, you have to again reason, is that a legitimate hardship? I guess that's always the challenge for the board, right. Is this even right?

- I think we've gotta amend our form to be more consistent with this.

- I think the two things that I have seen consistently since I've been on the board is from a functional, like how our meetings run, that I think we can make a change and speed up the process, and then two, making sure the people that are showing up understand what the process looks like. When I say the word hardship, and we say it to them, it's emotional, it's financial, those aren't hardships. And so being able to previously have them understand look, your presentation is about the hardship of what your intent is on your land, and how you land prohibits you from doing that, and making sure they understand that. Whether that's giving them this beforehand and saying that is your case you're making. Two, the functional piece of it, is I don't think they should be presenting their plan. To me, that takes up so much time 'cause they don't know what they're talking about. Whereas you speak a common language with us, so if there was a way that you could come in and say look, here's the situation, this is what they're trying to do, and you could do it significantly--

- Tom used to do that too. Tom had an opinion, but he also gave, he also laid out the whole story for us.

- The previous gentleman that was talking about the driveway, he so so innately, right, 'cause he's trying to give us care about what his project is, at the end of the day it was driveways. And we care about the driveway. And so if you were able to cut the fat out, and say look, this is who this gentleman is, here is the application, this is the plan, this is the issue, we're looking at this ordinance, boom. When, now you say, you say perfect.

- I disagree.

- Why is that a hardship. And then they present what their issue is.

- I appreciate hearing from the people. I think they, I disagree. I think you need to hear from them. Some of the stuff they bring up is irrelevant, true. But I like to hear their reasoning, I think it gives me good insight, and it gives them a say, they can walk away saying, I had my chance to talk.

- Well it's not like we're not giving them a chance to talk, they're presenting their case as to why the variance--

- I get it, but I'm just saying, people wanna make sure they had a fair shake at it, if they walk in and they can't do any talking.

- But I wanna make sure I'm very clear. He's presenting, here is the plan, here is the variances. So we're focusing on what the issue is.

- I think there's a middle ground that maybe we can talk about, and that is not that he's gonna present the whole case, that Paul can get up and say these are the three variance issues before us, boom boom boom.

- And then he can walk through the plan, this page shows this variance, here it is, this plan shows this variance, boom. So we're unpack, I get lost, I'll be honest. I feel very--

- I'm fine with that, I just wanna make sure the peoples have a chance to talk.

- 100%, but then they're presenting this, not the plan. I mean, earlier, I don't even know if there was a knowledge of what was being applied for.

- But staff can't like sketch up the plans, try to interpret what these folks are asking for, and then put something together, I mean I think that's. One of the things we've gotta look at I think, is, how much time it's gonna take to administer this. And so we should be careful to figure out maybe some steps that we can start to optimize, but you know the trick is with all of us, is we wanna start re-engineering these site plans when we do, we're close but we're not quite there. And we can't do that at the table here effectively, and certainly staff can't do that at preparation. I mean the best we can do is say, close but no cigar, do you want us to call the question tonight and vote no, or do you wanna table it for a month, and you can go back and draw another picture and come back, and maybe we'll say yes to that one.

- Right, so we try and coach applicants the best we can, they come into the counter, they talk to our staff, we say look here's the application, here's the information. It's kind of laid out for them what they have to do. And talks about some of these criteria. So they're made aware of this on the front end. Do they comprehend it, I don't know. But we try and work with applicants and get the site at best we can. Like the gentleman on, was it Alpine? You know, he just didn't have an accurate site plan, and you didn't have a comfort with that. You know, we can only get 'em so far and push 'em so far. But I mean, we have someone come in like a Rick Fisher who's a professional, they do that all the time. They can draw no problem.

- Yeah I think, and I gotta say for me too, looking at that list of things, I can in my head read through that and go, yep or no to a lot of the things that we see that I don't quite get to with the form as it's currently prepared for the variance application. Maybe one of the things we should look at is just retooling the variance application form to make it include explicitly these elements. To say, okay describe how this, some of these are written backwards, you know, or whatever, we have a, we wanna make them more plain English.

- I would agree, but you're still gonna get the response, the dog ate my homework.

- Yeah oh sure, they do, but the thing is if it's like how, what's the exceptional circumstance of your property or the lot, so that-- out in front on the ones on either side of it, and it's screwing up my setback, but in this case here you know, it's like, well it's just not big enough for my camper, you know. Well no, it can go like, no, that doesn't cut it.

- Well I think the applicants should be told very clearly--

- Hey, I like my camper.

- The board will ask them what they intend to do if they don't get a variance. Because that's a question we have to put to them, to really get it. And if they know in advance they have to have an answer for that.

- Why, I don't care?

- I wanna know what they--

- I don't wanna know that. 'Cause then all you're doing is asking them to raise the stakes and make it a threat. I'll move out, I'll move out of the city and pay my tax dollars to Bellevue.
- Well I always wanna hear what they intend to do if they don't get the variance.
- Well I phrase it differently, and as people may ask what are my chances of getting of getting the variance, I'm like, I don't know your chance sir, you have to go to the board and find out. But they like to see options. So if you have three options, they'd like to see that, that you've actually thought about it, and that helps educate them a little bit. So it's a different way of looking at it.
- That's a good way to do it, as long as they do it.
- It kinda forewarns them a little bit, and they gotta be a little prepared.
- I'm gonna wait for you outside, that's what I'm gonna do.
- Or the lists like this, they would start to question whether or not they have a chance.
- Exactly, right, the guys who's coming with one foot extra, just for the-- might start going, oh you know what, I think I'm gonna try and figure out how I'm how to this with an 11 foot wide addition instead of 12 foot wide.
- What is the fee?
- 75 bucks.
- For residential, 150 for commercial and industrial.
- It's a small price.
- It's worth it. We would suggest higher fees, but that's a council decision, so that's.
- Yeah the last two chairmans ago got it raised.
- It was only 25 or something.
- It was real low, and he was getting 30 or 40 variance requests a night.
- Yeah I think we could tier it, so that it's 10 bucks if you wanna expand a driveway in an industrial district, but it's \$500 if you want a--
- Third garage.
- For your camper.
- Yeah I'm sure that would float really well.
- Do you wanna look at a different format? I mean, we've kinda updated the application I think recently I guess.
- We don't want it to be overwhelming either, where it's like five pages, we can try and get it on one page I guess, has been our goal.
- Yeah or this might be two sides of one sheet, but.

- The sheet they gave us at that training had three boxes that had to check, and I think there was a fourth one as like an optional fourth box. I have it at home.

- And there's some standardized stuff that other communities have that we can tap into.

- 'Cause that was one of the things that I think was very eye opening to me, was that it had to check every one of those boxes, and if one of those boxes was a no, it's gone. And so this, when I read it, it starts to get into that verbage where I kinda start to gloss over and go aah I'll just take a chance and I'll gamble, and I'll speak to half of these if I quite understand them. That other thing was pretty straightforward I felt like. So I think there's getting something from a, I'm more of like a process, I tend the way of process thing, there needs to be something up front, whether it's a higher fee, or more language that explains this is what your case should look like, this is why you're coming for the board, it's a variance, these are the boxes that need a check, or read through this and make sure you can speak to this, 'cause they're gonna ask you about this, is important. I do, I still--

- And then maybe there's some aspect of our conversation becomes more of like, well you filled this form out, and you only checked two of these boxes, why should we even consider hearing this if this one isn't met, and this is a requirement of the code. And then you might hear something that is truly a compelling reason to vote.

- And I think for us, we fill in a lot of the homework a lot of times. And I don't think that's what we're here to do. So the homework should be done beforehand. TheY should be coming prepared as a court, to prepare to present their case. This is why this is super important, this is why I can't do it otherwise, and this is why, but I still stand by the fact, I'm not saying they can't speak, they're here to present their case. But every single time we do this, it's actually funny, we'll let them talk, and then, the majority of the time it's you, say Paul I'm a little unclear, can you walk me through A-B-C, you stand up and you walk through it, and everyone on the board goes like this, oh! 'Cause you describe it in a certain way. So if there's an overview of the case before you, hey we're listening to Paul versus the flag or whatever, and this is what the case is, great now make your case. I think that's gonna speed up the--

- The woman who came tonight with the garage between her house and the road, when she said-- I don't know if that would've made--

- I couldn't do that.

- What's that?

- I couldn't do that.

- But that's part of her case.

- Yeah but the thing is, and she might not have, you know some folks might not have thought to write something like that, but I gotta tell ya, for me it was like yeah, I get it, 'cause I've known, built, prop old garages, and you can't get a modern door on an old garage sometimes because they don't make the doors to fit anymore, and it's like okay, yeah replace the garage. And then that triggers other things in this case. But for me it was like, yeah you need a new garage.

- So on the planning commission we have staff that presents report recommendation. We get out in front, we go through the basics, where it's located, we have a map, the zoning, the, we get the basics of it. And I can do that for the board, if you wanna see something like that. But it's very factual things, not my opinion, it's just here are the facts.

- Yeah I think that would be helpful.

- And then you can invite the applicant up, you and Lisa, have been prepped a little bit, you can ask me questions before--
- You set the terms of the discussion.
- Right.
- Which is important because otherwise they'd wander off.
- Example tonight, the Washington Middle School, I'm at home thumbing through, and these people are super in-depth right, like in limited time to really try and dive in and understand some of this stuff, but then there was the six or three or four additional photos in there, and I'm like, okay well there's a door--
- There were so many there that we didn't need.
- Right, and so to be able to just say look, these are the pictures, boom boom boom, and you do such a good job when you're asked you go to the aerial, here it is, this and this, this is where it is, you point it out on the line. Sometimes I'm going, I don't even know, I don't even see where you're talking about right now.
- Sometimes applicants come up they flounder a little bit, because they're not used to public speaking, and they don't know where to start. So I mean, staff can start the conversation, if you have questions you can ask me, we can get the ball rolling. They can come up and embellish, I guess, from that point. Yeah we can do that.
- Let's try that anyway, to have a little more expansion of the role you play of setting the tone and setting the terms.
- At least I can point to a map and show you where it is, you can think about where is that again? And I can only--
- I think you, this is where you may not wanna go. May wanna also point out these are the issues you may wanna think about as you look at this variance request.
- Sure.
- So that we're reminded in case some of us, like me slow enough to miss the main point.
- Or there's a unique circumstance that isn't in the application that maybe the applicant didn't want to disclose, or didn't know about, we can share what we know.
- Like these questions, turning those into questions will get them to say some of that, 'cause it's a little bit more, 'cause we've got describe what unique physical characteristics affect this property which will prevent you from complying with the zoning ordinance, isn't saying the same this as number two up there. There's some different stuff. And there isn't this notion of the preservation of property rights except in to say that granting this will neither harm the public interest. But you know,
- I know that the code that we are given by the city council is a little different than the ones that we hear about when we go to the sessions with the people from
- Yeah I'd love to maybe talk about it over maybe a couple meetings, at the end of 'em like this, but to look at a revised application form that incorporates more of this explicitly and some of the stuff from the training we had. Like I love a checkbox thing that just kind of gets us to, are you barking up the wrong tree, Fred, or what?

- Yeah well item three is a big one, and you're right, we never heard anything like that from Number three I've never seen in any law. 'Cause I've read the, all those Ziervogel and all those kinds of things. I haven't seen anything on three. So three is to me, kind of unique.
- Is that the one that where people are leveraging well like certain times
- Well they can.
- Hey three doors down someone has this.
- Exactly.
- That's number three.
- I brought that up before. We have a charge from the counsel that is different than we're used to seeing from some of the ordinary legal roles. And a lot of stuff can fall into three unfortunately.
- But number five can kill 90% of the requests that come forward.
- Hardship's important.
- You know, oh you bought a boat.
- Well that's self-imposed!
- The contractor moving the property, I mean you made a great point, I love the points you bring up sometimes, 'cause you do this for a living, and you're like hey just attach two garages and you're under, and it makes me go damn, that makes sense. But that's not his plan right now, and to him--
- Yeah but that was just to illustrate that it would be ridiculous to say the two don't.
- And that's where I think sometimes you make me think, oh that makes total sense. But then I, but that I'm doing $2+2=4$ now, for them, right, and I don't necessarily know if that's what we're supposed to do, but on the same time I love it, 'cause it gets me to think differently, but for him to say, hey my contractor and I disagreed on this issue about this thing, it's gonna cost me \$9000,
- And to cite the building permit number, or other things that were completely irrelevant to the case.
- Right, took me a while to get on the same track with that guy, I was like yeah.
- So I think we've got some good stuff.
- So at the next meeting I can give a brief overview of the items as they come up, maybe that's a couple of minutes just an overview of the area, the property, the circumstance.
- And if you finish with what the variance request is, you give the facts, and then the last thing you do is what's the variance request, this is it.
- 'Cause we get lost in all these other things.
- It's very easy to get lost.

- I read the variance request, what it was, and I was waiting for it to come out, and I was like you, I was like I have no clue what's going on. And then you said it, I went oh.
- And I'll be honest too, the civic thing here, when-- the page loads, and you're like oh it went to page four!
- Maybe we better have it all printed out for us.
- That's not eco-friendly.
- That gets really cumbersome too.
- Well it's up to you guys.
- I dunno, I think this will do. Like here's the layout, here's the property, like that flow. Here's the property, this is the proposed plan, these are the variances. Like some three point structure. In that position of being unbiased, property location, proposed plan, here are the variances, like whatever that three step, and like had bullet point in your head, then you're just boop boop boop.
- And it could be probably less than a minute.
- Just one note though just in terms of, we're not recording this conversation as part of the minutes of the the meeting are we?
- We're on TV.
- Are we on TV, this is great.
- We are?
- Yes.
- 'Cause I mean this is kind of like a technical discussion, but when you go to the agenda item, and you've got the PDFs there, if you press and hold, then you can open it in a new tab. And so you could have all of your things as multiple tabs across the top here.
- I didn't know that.
- So you don't have to, you don't load still, or does it automatically load all of them as a PDF?
- Yeah, yeah so you can move back and forth between the different pictures or pieces as you need to, just with the different tabs. And then close them as--
- Click and hold, huh?
- Yeah.
- Didn't know that.
- But if you, I'm more of like, if it's a seven page page document, when you scroll and you go to page two,
- Page five is like 15 gigabytes.
- Right, it's just not fast.

- Anyway.
- Okay.
- So to summarize I'll do some staff presentations, and for information next meeting, and then I'll work on a draft for you guys to review about that incorporates this more as a checkbox, and we'll just chip away at it from there.
- And for the record, no disrespect to any of our petitioners in any of my comments this evening.
- You did fine, you were a big help.
- Are there any other takeaways that you wanna talk about or do you wanna keep this discussion going, I'll put this on as an item in the next one.
- We still have to do our board offices.
- I don't wanna talk about it tonight, but can we put it on the agenda, I did bring that up, and I don't know if that's something this board is I'll lose on this if that's where we're at, but that whole thing that came up with the Packers Stadium and not having it's own development plan, I know you and I were maybe on different pages with that whole thing of having council. We have a new mayor, some new council members, should there be, is that our place to make a recommendation to say hey, this should be looked at as having it's own development plan. I don't remember the phrase, again you guys are better at this than me. Most stadiums, because they're so outside of the normal things, they have their own code written for what they do.
- The elephant in the room.
- Correct, and when I brought it up last time, you had said this is the path of least resistance or whatever, it's \$150 thing, and you were okay with it.
- I can't remember what I said. I wipe my slate clean every time, so.
- Well it would take definitely parties to have that discussion at least a neutral agreement between Packers and the city can do that. I dunno if that would tie in other issues that are.
- But do we refer that to like council to say hey take that up, or is that like an alderman discussion.
- You know here's the thing, think about it from a petitioners perspective, now I recused myself from an item earlier tonight, I don't know exactly what the conclusion was other than you approved it with maybe some conditions. But you know one of the things that you could have looked at there, was hey should this be a planned unit development, and apply some of the stuff we're trying to do as an overlay zone, right. And that's always a choice to pursue that sort of thing when you're looking at some of these. But you can also look at, from a developer's perspective, what are you trying to get done, how big of a lift is it for that piece, and if it's like well it's this little thing here, or not so little thing, whatever it might be, versus coming up with a whole separate little mini zoning ordinance, specifically for this project, why don't we try this, and see if that flies. As opposed to going for a much more lengthy, cumbersome, difficult, potentially challenging process, when all you really need is a wider driveway, or you know that little thing. So I think that's up to us, if we're hearing something that's like this is, we don't get this, or this is too big, or this is too crazy, or this is, I can't see the hardship you're asking for because there's so many interconnected issues, and not act on it and push it someplace else.
- You were probably a property on Sitco last year, the year before the large,

- The big mansion, yeah.
- That was 2000 PUD, it came to the board twice, the board's like we don't wanna try that.
- Yeah, there's too much here, there's too many interconnected parts. You're trying to rewrite the zoning code for this property with a sequence of variances, rather than putting that all in one basket and then running it through on its own merits. And that goes through a different body that's filled with people who look at that sort of thing all the time, right.
- That was rare, but it worked out.
- I see they're constructing it now, so.
- So those are the two points I'll take away and we can keep the discussion going, I'll put it on for next time and we'll just keep chipping away at it 'til we can.
- Sounds good.
- Did we get anywhere with my Packer question, that's okay? Is that a, I'm alone on that?
- You were familiar with that.
- Basically they need a PUD. The Packers don't have one. It's literally considered its own commercial district right now. Like it's like a commercial development.
- You're under a public institutional zoning so, but there's so many complexities going on there that I don't think even capture all that.
- I'm just curious as to--
- That's something I guess you'd talk to an alderman about, you talk to the mayor, I dunno if this body would be the appropriate body necessarily.
- Its like the, is it like the state passing legislation that only affects first class cities, so that it's only Milwaukee? But they don't say Milwaukee?
- Okay.
- Yep. I think the answer to your question is, you are the only one. Alright, let's-- I'll second, all in favor?
- [Men] Aye.
- Thanks guys.