



MINUTES OF THE ZONING & PLANNING BOARD OF APPEALS

**MONDAY, SEPTEMBER 16, 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?

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

Others present: Ald. Barb Dorff

Chair Don Carlson asked: If anyone need to abstain from voting, if anyone was out to the property and if they spoke to anyone regarding this variance request. All stated no.

B. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the September 16, 2019, meeting of the Zoning & Planning Board of Appeals.

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

C. APPROVAL OF MINUTES.

I. Approval of the minutes from the August 19, 2019, meeting of the Zoning & Planning Board of Appeals.

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

D. REGULAR BUSINESS.

Moved by Jim Hutchison, seconded by Tommy Everman to open the floor for discussion. Motion carried.

Yes- None, No- None, Abstain- None

1. Richard D. Horak, on behalf of Harpare, Inc., property owner, proposes to expand a parking area in a Low Density Residential (R1) District at 2209 Lakeside Place. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1705, driveway width at the property line (Ald. B. Dorff, District 1).

Moved by Noel Halvorsen, seconded by Tommy Everman to grant the variance for a for a second drive located on the south end of the property compliant with applicable zoning requirements. Motion carried.

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

2. Josh Harnowski, property owner, proposes to add on to an existing detached garage in a Low Density Residential (R1) District at 1418 14th. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, rear yard setbacks, Section 13-609 maximum impervious surface and Section 13-615(b)(2) total floor area of the accessory use (Ald. C. Wery, District 8).

Moved by Noel Halvorsen, seconded by Jim Hutchison to grant the variance for maximum impervious surface as re-submitted by the applicant. Motion carried.

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

3. Thomas Robles Robles, property owner proposes to construct a new detached accessory structure in a Low Density Residential (R1) District at 3720 Humboldt Road. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615 (c) Table 6-4, maximum size of accessory structures (Ald. B. Dorff, District 1).

Moved by Noel Halvorsen, seconded by rd Member Jim Hutchison to approve the variance as requested. Motion carried.

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

4. Karl Linsmeier, property owner, proposes to retain a driveway expansion and to retain a concrete pad for a detached garden shed in a Low Density Residential (R1) District at 2457 Leslie Drive. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, front and corner side yard setbacks and Section 13-1709(b)(1),

side yard setback (Ald. V. Corpus-Dax, District 2).

Moved by Jim Hutchison, seconded by Noel Halvorsen to grant the variance for the driveway expansion. The request for the detached accessory structure is denied and permits shall be obtained for work completed with the existing concrete pad being allowed to remain. Motion carried.

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

5. Michelle and Kendall Sontag, property owners, propose to retain an existing fence installed in a Low Density Residential (R1) District at 3003 Open Gate Trail. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-521(a)(1) fence height and setback (Ald. J. Brunette, District 12).

Moved by Noel Halvorsen, seconded by Tommy Everman to grant the variance as requested with the condition that the fence be moved to the back corner of the house as stated by the homeowners. Motion carried.

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

6. Steven M. Bieda, Mau & Associates, on behalf of Frank Jr. and Terri Hanold, property owners, propose a residence and site alterations within the AE District of the 100 year floodplain and Low Density Residential (R1) District at 3499 Nicolet Drive. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1330(a)(1) fill area (Ald. B. Dorff, District 1).

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

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

Moved by Jim Hutchison, seconded by Tommy Everman to close the floor for discussion. Motion carried.

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

E. INFORMATIONAL.

I. Discussion regarding revisions to the process and application for the Board of Appeals.

Discussion regarding the revisions to the BOA process and application. No action taken

F. ADJOURNMENT.

Moved by Noel Halvorsen, seconded by Jim Hutchison to adjourn. Motion carried.

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

VERBATIM MINUTES

- We're gonna start, Paul?
- Yes.
- We'll call this meeting of the Board of Appeals to order. First off, we will do a roll call tonight. I'm Don Carlson, the Chairman. Mr. Halvorsen?
- Present.
- Mr. Hutchison?
- Present.
- Mr. Everman?
- Present.
- And we'll vote that Mr. Babcock has an excused absence. Okay, do any of you need to abstain from voting on any of the issues before us this evening?
- No.
- No.
- No? Were any of you out to see any of the properties before us this evening?
- No.
- No.
- No, no, no? And did you speak to anyone regarding the variance requests before us this evening?
- No.
- No, no? All right. Think at this point the approval of the agenda is in order.
- So vote.
- I'll second.
- All in favor of approving the agenda before us tonight?
- Aye.
- Aye.

- Done. Approval of minutes from the last meeting.
- What was it?
- The minutes, minutes from the last meeting.
- Oh, approve it first. Did you ?
- Second.
- 'Kay, we had a motion made and seconded to approve the minutes from the August meeting. All in favor?
- Aye.
- Aye? Four-zero? At this point, we need to have a motion to open the floor for public comment.
- So moved.
- Second.
- All in favor of opening the floor?
- Aye.
- Four-zero, okay, the floor is open. Let's see, I think we're ready to go. Are we missing anything?
- Not so far.
- Good. So far so good. All right. Mr. Horak?
- [Richard] Yes.
- You're back!
- [Richard] Back again, like a wart.
- Not at all.
- [Richard] Well, here's the thing. If you recall when we had the first, the meeting, there was concerns, I think, with the original positioning of the parking space that I requested. And the thought was there was obvious concern in terms of snow removal from that area and impeding city efforts to keep that thoroughway, along with the problem with a clearer exit for people that were on the north side of the building. So per your recommendations here, I went to the Department of Public Works and talked with them. And they confirmed the potential problem of snow removal and they suggested going to the north end of the structure. Did you have a slide of the little outline they drew?
- It's this one here.
- That's fine. There was another one that they drew up that basically reflected this. And it did require that I remove one tree from that piece, just because it would impact placement of that piece of drive. So this is what they came up with. And I'm submitting it now for your overlook and oversee.
- So you're not proposing now to do the fairly large paving work just to the left of your--

- To the north. It's on the bay side.
- So we're out of that and this is what you're proposing?
- This is plan two--
- Okay.
- [Richard] Which--
- We talked about this last time.
- Yes, and I spoke to my neighbors just to the east, 'cause they were also concerned about a parking space that would obstruct their view. And for them, this is their retirement home. So this basically is the best alternative that we have. And it would just obviously require plowing up some of the grass, the lawn and so forth, to put that piece in there.
- But it puts this, that, where it says proposed parking slot, essentially on the neighbor's lot. That's where their garage is, is it not? It's kind of close to that, right?
- The drive is actually to the east.
- Yeah, I think you're recalling, yeah, this guy.
- No, no, no, I'm, isn't it?
- It's the, no, it's the--
- Right, is this one.
- This one here.
- Yeah.
- Right.
- So where is he proposing to put this? I don't, I can't see the--
- Right, because.
- Yeah. It's in front, in the white.
- Yeah.
- That's what I was, that's what I'm saying. It's, like, next to the neighbor's garage, right?
- [Richard] I think that's his drive.
- Oh, okay, it's closer to the--
- This drawing is basically upside down. This one, if you're looking at it--

- Proposing you put it--
- Up there.
- Right in here somewhere.
- That is correct.
- Correct.
- At the 13 and 24 feet off of--
- Lakeside?
- Off of Lakeside Place.
- Oh.
- They said I needed an apron that would include, I think, 20 feet.
- This way.
- Yeah, yeah, I know.
- This is going this way.
- Yeah, I got you.
- So Paul, are there still variances required?
- There are. So it went from a driveway widening to now a second driveway.
- A second driveway, right.
- That's less than 200 feet, so that requires doing . Cascade .
- Yeah, the second driveway's the only issue then. It's not setbacks or parking in the wrong space or anything like that?
- Well, there's not a lot of detail here. I think that is to create that second drive. I'm not sure how many spaces he's going to add. I mean, there could be other setbacks to the neighbor, depending on the number of spaces. You know, it could affect the purviews. But most likely not, but there is a distance you have to stay away from the lot line up here and maintaining the setback here and here. So it's kind of a small envelope he's gotta, maybe one or two spaces. I guess though there's some detail to work out with staff with the applicant.
- 'Cause at this point, at this point, given what we hear, there's no indication that anything other than the second driveway variance would be required.
- I'd be supportive of that. I think this is kind of a neighborhood of . The 's some indication we might be open to looking at this proposal.
- Right.

- So I, I would probably support it and stipulating that it not exceed the impervious surface requirements, that it would be conforming to all the setback requirements, all that, and give staff final approval on the, the details of it.
- Do you make that motion?
- I would make that a motion.
- Good.
- Do we, did you talk to the neighbors about this proposed--
- Yes.
- And they were, 'cause they were here last time and they were--
- They were here last time. I spoke to them actually directly after.
- Yeah.
- And they voiced concern that, uh, that proposed space on the north side of the lot might obstruct their view of the bay. That home is very important. No, well, north like he suggested.
- They suggested that at the meeting.
- They did, that's right.
- Yes.
- Okay.
- And the Department of Public Works. And I'm just needing a single, a single space here to basically conform to no off-street parking, which has been an issue.
- I'll second.
- 'Kay, we have a motion made by Mr. Halvorsen, seconded by Mr. Everman, to approve the variance requested by Mr. Horak.
- And to approve the second driveway.
- To approve the second driveway, which is required by the site plan submitted by Mr. Horak for the site on this evening. Fair enough? With the caveat that Mr. Halverson has also included in the motion. All in favor?
- [All] Aye.
- You got your variance.
- Thank you, sir. So then we have a second meeting just to inform you all of the--
- Oh, use staff now.
- You can step into our office when you have a chance and we'll work with you on the details of the permit.

- Very good, great. Well, thank you all very much.
- Thank you.
- Welcome.
- Ms. Dorff, I haven't forgotten about you, but.
- [Barb] No, it worked out great.
- I think that we did not need any further discussion on your end.
- No, no. I'm just here to be supportive of my district.
- I see we've got two more coming up.
- [Barb] Yeah, we have two more from me.
- Yup.
- Yup. I believe they're .
- Josh Harnowski?
- How's it going, guys?
- Good.
- Back again.
- Back again. Yeah, this is our rerun night.
- [Josh] Yeah. Last I was here, I'd applied for three variances. You guys had suggested revisiting the site plan to see if I could eliminate some of those. And I did. I was able to go from three variance requests down to one, and also that one that I'm still applying for is the impervious, that percentage dropped a little bit with this plan also. Same deal for me. It's just, got lots of kids, small home, we're active in the community. My kids go to school here, they play sports here. My business are here. We just, we love the area, we don't wanna have to move. So we're trying to optimize our living space by maximizing our storage space. I did talk to my alderman. I don't know if he sent you guys, but he gave me a letter of support. And one of my neighbors also wrote a letter, which then I had other neighbors sign. I'm not sure, but Chris said he was gonna try and send the letter to you guys also, but.
- It was included in your packets. When we get correspondence like that, we include that right in there.
- Yeah, it's here.
- So we are now proposing what you have here. Instead of 40 feet, you're gonna go 50?
- No, so the red--
- Okay.

- [Josh] The red line was--
- The red was what we're gonna do?
- [Josh] Yes. So the green line is the new plan. Shortened it by 50 feet, or sorry, 10 feet wide. I came off the back property line, which was one of the the variances. And then the total square footage, since it's adding on to an existing garage, is smaller than my home now.
- Okay. And like you say, you've accommodated them all except for the impervious surface.
- [Josh] Yeah, which I think dropped to, like, 53. It was at 55 back there.
- 53.6 is what I see. Is that, is this the way you understand it, too, Paul, just one left? Okay.
- [Josh] So I just reworked that plan, talked with my wife, and it obviously still helps us with our space issue but also kinda tries to accommodate what you guys had requested.
- I appreciate the effort you put in to--
- Thank you.
- Alter your request. Discussions, gentlemen, any questions? Billy, Noel, Jeff?
- I don't have any questions.
- 'Kay, sir, if you grab a seat, we'll--
- Thank you.
- Talk amongst ourselves.
- [Josh] Do you want these up here?
- Yes, you can leave those--
- Yeah, absolutely. Thank you.
- Questions, gentlemen? I don't have any problems with this.
- Think we're a 3.6% impervious variance, you know, on a modest size lot, and I think that this is a pretty good effort to reduce the variances, like he said, three down to one. I think that's a good move, you know, is this, not quite sure what the typical lot creation is these days, Paul, in the city.
- [Paul] It's bigger than that lot.
- It's bigger than that lot, right. And so, you know, that's, within the constraints of it, you can do some of the things you might do on a more modern lot, conventionally. You just can't do it here without having to butt up against some of our codes. So I think it works for me.
- Okay. Jim?

- Yeah, I agree. I think it is a, the concern is for we want permit building. But think the fact of the size of the lot and the desire to make three less, you know, make application that's less than what was done. So I'm willing to go along with this.

- It's pretty clear that there aren't neighbors who've got significant concerns about this. You know, they're showing their support here. So I don't know, I'm okay with it. I'd move to approve it as amended.

- I second it.

- Tommy, you haven't had the chance to speak?

- No, I am in agreement with it, yeah.

- Good. Got a motion made and seconded to approve the variance request from Mr. Harnowski with the modifications he has submitted to us tonight. All in favor?

- Aye.

- Aye, four-zero. You're good.

- Thank you, guys.

- Thank you.

- Is Mr. Robles Robles here? Okay, sir, if you could tell us why you need a variance.

- [Thomas] I need a variance 'cause my other shed that I have is to keep my machines to do maintenance to my property. And I have a horse and I need a shelter for him. Already have a fence for him. A couple...

- So you're in a position of needing a variance because you'd like to put a shed too close?

- Ah, no.

- Is that the variance, Paul?

- Second structure.

- Oh, the second structure.

- [Thomas] Yeah, my first structure's for my machine for maintenance for my lot. And then it will be close, right by the, 'cause earlier I had one, but it was 10 by 10. It was too small for a horse. I want to make it bigger.

- Right. Okay, so you're proposing a 20 by 14 shed, as shown here, at this location, for your horse.

- [Thomas] It's towards the corner and to the west.

- Right, so here is the first structure, here's the principal dwelling. So he's proposing that second accessory structure here.

- Yes.

- Has to be set back 55 feet from the right of way. Problem is, this second structure is larger than that first one. So you're allowed 1,000 square feet for the first structure and then no more than 150 for the second structure.
- Do we know how many the second structure, the first, the one on top right, how big that one is?
- [Thomas] I think it's 20 by 20.
- Okay, and how big is the new one gonna be?
- [Thomas] 20 by 14.
- So the new one's slightly smaller than the?
- They both exceed that requirement. Well, one, it exceeds that requirement 150. So that kinda kicks in the other one.
- It doesn't matter which one came first. That's okay.
- [Thomas] 'Cause my first one, I loosely keep my retractor and my machines, too. The maintenance for my lot.
- But he has to be 55 feet back. This obviously isn't 55 feet, is it?
- No, maybe not.
- Well, there's a difference. So the principal structure can't be back to the setback, whatever it was at that time. Could have been 25 feet at the time. Now it's 15. Any detached accessory structure has to be set back at least 55 feet from the street. So this is treated as an interior side yard. So it has to be back 55 feet. A is a different situation.
- Can you give us an overview of the variances? 'Cause I'm still a little confused. Of the ask here.
- Yep. So this property's . It's zoned out of the far east side of town. This is Humboldt and Grand here, I believe. The fire station's just down the road a little bit. Single family home. There is a existing detached accessory structure. That counts as the first one. Now there's a second one. That second one can't be greater than 150 square feet.
- [Thomas] Well, I never finished that other one 'cause it was too small for the horse. It was 10 by 10.
- Sure.
- So it was not there. It'd be just the existing one and the one that I'm asking for.
- Right. So is the existing one over 150 square feet?
- I believe so, yes.
- Okay.
- Yeah, this is, do you know the overall lot dimensions, Paul?
- [Paul] It's, like, an acre and a quarter. I don't have the exact dimensions on there.

- The whole property?
- Yeah.
- [Thomas] It's, like, 3.7 acres.
- Okay, yeah, it's pretty good size lot. I mean, if that's 400 feet of frontage on that property across the street, then this is bigger than that. I mean, this could probably be subdivided into several buildable parcels. I mean, it's an extraordinarily large lot in an RI zone. And I know that's, you know, it's all zoned that way out here. But, you know, he could be farming on this property, practically--
- [Thomas] That was actually, the acre on the east side was farmland. They farmed that acre.
- Yeah, when you're looking at a lot that big, I mean, I don't think it's, this is different than a city lot. This is, you know?
- Yeah, exactly. That's been the issue in my mind.
- This is a rural lot here, you know?
- When you drive out there, once you pass Highland Howie's, it's getting pretty rural.
- Yeah, you're out in the country. You can have a horse, you gotta have a place to keep your horse. I guess that's what I'm--
- [Thomas] That's my main, I wanna give him shelter for the winter.
- So where is the second, this new shed gonna go?
- It's kind of, it'd be in the upper right-hand corner, at least as close as you can get it.
- [Paul] We kinda flip the side, I guess, 180.
- As close as you can get it to that corner in the lot.
- Right here.
- Okay. To be clear, though, 'cause we're talking about setbacks, so where it's built, it will fit within the setback. So all we're looking at from a variance is the size? 'Cause this right now is sitting directly on the property?
- No, no, this is the, that's the depiction of where the shed is, where you're talking about right there.
- Yeah, but I know--
- Dark spot right there.
- Yeah. So it'll, whatever he's constructing will follow that setback requirement. We're just looking at the size.
- Yeah.
- Copy that.

- Yeah.
- And the first, one of them can be 1,000 square feet and the second can be up to 150 square feet?
- Yeah, it's, like, in the city and a small lot, you can have a garage and maybe you can built a shed, but the shed can't be as big as the garage or probably the house. But this isn't that kind of lot.
- I know. And there's not, neither that existing shed, and this one isn't even close to 1,000 square feet, right? It's about 400, 500 square feet?
- Right.
- So if you add 'em together, I mean, if you just--
- It's one of those things if you built 'em attached, we wouldn't be having the conversation today. Right, so, again, that's another point for me to just go, like.
- Yeah, this seems good.
- I've got another crinkle here, but there's, it looks like an electric fence, is that?
- [Thomas] Yes.
- Any of these fencing things in this drawing, we're not talking about any other structures beyond the shed, 'cause there's other things drawn on this document.
- Right, just the second accessory structure.
- That's it, okay.
- Ms. Dorff?
- Yeah, I would just like, hi, I'm your alderperson and I would just like to speak in favor of this. I think you guys have made all the points I thought of. Together, it's not even a 1,000 feet, and it's a huge lot. It's not your typical city lot. And a horse needs a place to sleep. So I'm very much in support of .
- Think he was on the fence until she said that.
- Yeah, it's.
- Electric fence, so I guess .
- It's a good one, though, but we'll proceed.
- All right. I don't have any other questions for the petitioner.
- I don't either.
- A motion would be in order.
- I would move to approve the petition as requested.

- I'll second.
- 'Kay, we have a motion made by Mr. Halvorsen and seconded by Mr. Hutchison, to approve the variance request from Mr. Robles. All in favor?
- [All] Aye.
- You got it.
- Thank you.
- Just make sure to stop in to our office for permitting when you get a chance.
- [Thomas] Thank you.
- Thank you.
- Thank you.
- Yeah, I'm saying it's, like, 600 feet wide, 240 deep. So it's about 3.3 acres.
- Yeah, you could put a subdivision on the .
- Mr. Linsmeier?
- [Karl] Evening.
- So Paul, could you explain where we are before Mr. Linsmeier speaks?
- I could try to, sure. Single family home. There was some remodeling done, exterior work, with the expansion of the driveway here and a pad for a detached accessory structure. So this is the expanded driveway here. Leading back behind the setback, however, is less than two and a half feet from the side the lot line. This is a back view of the property. You can see there's a little bit of a grade change there. And this is a building pad that was constructed, again both done without permits. This one is a setback issue. Much like we talked about detached accessory structures, they have to be set back a certain distance, 55 feet in this case. So this is well in front of that principal dwelling. So the main issue, I believe, is the side yard setback cannot be less than two and a half feet, and then the corner front yard's setback for this pad, which I believe is the future accessory structure.
- [Karl] The sidewalk is two feet and was put there for firewood storage. Like, I thought it was a sidewalk and with the ordinance was sidewalks and lot lines, it was, I thought it was up to, the sidewalk's up to. But, like, I kept it off two feet and was fined . I didn't realize it was called a driveway expansion. The driveway expansion comes from the street and goes back .
- So it's conjunction with the driveway. So we consider that a driveway expansion. If there was separation between the drive and the lot, even though sometimes there is around a home, you can go up to within one foot of property line.
- [Karl] 'Cause that goes actually all the way around, and my house it on a hill. So it slopes all they way down, and the sidewalk down to the bottom is 12 feet.
- But you're two feet from the other lot on the side?

- [Karl] I'm six inches too close to the new lot line, the neighbor's.
- What about the accessory structure, where is pad on ?
- [Karl] That was a 10 by 12 pad.
- So what you're, are you intending to put a structure there?
- [Karl] I was, yeah. Eventually, someday. I had some damage in the last storm, where the neighbor's tree fell on my house, so I've been fixing the damage.
- Okay. Okay.
- So the size of that structure, Paul, to be clear again, the variances, two feet from the lot line should be two and a half. But right now it's currently two.
- For the driveway, yes.
- For the, yeah, on the right. And then the slab that is already currently, so let's presume that it was going to be installed, the setbacks are incorrect? It's not the size of the slab or what the accessory structure should be. It's where it is.
- Right. `There are no other detached accessory structures. So this could be the first one, could be a 1,000, I suppose. You could have plenty of square footage to work. But the issue is the setback. It has to be set back 55 feet from both property lines.
- [Karl] Which isn't possible on this lot.
- [Paul] Right.
- [Karl] And it's a corner. So you can't, there's no place to put it. In the back side, you got the slope. So you can't do it there either.
- [Paul] Right, so there is an exemption for that situation, where you can go down to something less than 55. But it can be no less than the established setbacks. The established setback, you can kinda see, is this home up here. So they're still within that corner front yard setback. So 55 is not so much the issue as, it's just not meeting the bare minimum standard for that exemption.
- Because it's on a corner, the setback of the corner of the house follows that street. This will be sitting within that. Copy that.
- Right. So we made a change, as a result of variance request the Board received years ago, to make an exemption for those structures. But again you have to hit a minimum standard. This still doesn't meet that minimum threshold.
- [Karl] What would be minimum be, then, in this case?
- It'll be the established setback of other principal dwellings.
- [Karl] Got it, I see what you're--
- But can be no less than 15 feet. So these are probably set back 20, 25 feet.

- So across the street, we'd have a different setback requirement.
- Possibly.
- Yeah, 'cause it's narrower. nearly had the there.
- [Karl] From the Leslie Drive to that slab is 40 feet from the road. It's 18 feet from the lot, the back lot line. It's 48 feet from the road. And then--
- I think it's the setback on the other one that's the trouble.
- [Karl] 28 feet from the Allen .
- 'Cause in theory it's sitting in the front yard of that road, got it, okay.
- Yeah, right. It's behind the prevailing setback for Leslie, but not for the other--
- [Karl] When I read the city ordinance, I was under the understanding that, as long as you started your garden shed behind the structure, so it was actually, that is actually poured one foot in back where the back corner of my structure would be, starting in back of the structure.
- Because you have a corner, it's in back probably on both streets.
- We see that every once in a while with a corner house, what's the front, what the back, what's the side?
- What's the rest of the street look like? Is it just open, the way it should be by ordinance, if you look, like, up?
- [Karl] Well, there's shrubbery.
- I mean yeah, that way, okay. So what's the setback? There's that third house.
- That's a garage.
- That's a garage?
- [Karl] Yeah. That's a house that actually is on, it faces .
- So we would just take an average of the homes on that block and apply that average to this. And as you can see, those homes are set back further. They're not gonna--
- Right.
- So at best, you may have to have it right up against the house, maybe. That may not even be--
- Even that's not gonna, that's not gonna work. And in the back side, Paul, can you show us the photo of the back of the property? And that's the back of the property. So that's gonna be an interesting angle on that shed if you were to move it further to the north.
- Oh, that's the back of the house right there?
- Yeah. That's just too steep a hill. So the question that it starts to become is, is this the best that can be done in this, given, you know, what we're trying to do? But, you know, and then I think we've got another issue of,

like, you're calling that firewood storage and I think Paul's calling it a driveway expansion. And I think we've gotta reconcile that, too, right? Is it a sidewalk or is it a driveway?

- Regardless of that designation, though, it still should be two and a half feet, correct?

- No, for a sidewalk alone, it'd be okay.

- It could be a foot. I guess our interpretation of it is this is kinda dovetailed into the driveway, it's part and parcel of the driveway. And it leads to a parking spot behind the setback, which means--

- Is that really a parking spot? I mean, that looks

- It can be a parking spot.

- [Karl] Well, you can fit a smart car on it, but.

- Yeah, or a motorcycle. But I don't know that you could--

- Why did you choose to taper it like that?

- [Karl] From the sidewalk? 'Cause I thought it was the sidewalk, because I read the ordinance on driveway expansion versus sidewalk.

- Well, 'cause it tapers to the driveway. That's why they're calling it a driveway. So what would be the alternative where it wouldn't be called a driveway? It would be a straight jut out?

- [Paul] Well, you might be able to eliminate this section and you could have a sidewalk that would wrap around. It even could be a bit closer. But the problem is this connection here

- That looks like something that you could drive on and park on the side.

- [Karl] I do plan on parking a car, or actually I have a utility trailer for my work.

- So you load up the wood. So you could back the car up there and load up the wood. That's why the driveway tapers?

- [Karl] Yeah.

- Copy that. That's what I was trying to get at. Rather than just doing a sidewalk, okay.

- What would you be parking behind the front of the garages on that slab, or is that strictly for firewood storage?

- [Karl] That's all firewood storage right now. It's primarily for firewood.

- under the overhang.

- [Karl] Well, I made it that wide so I could actually walk around it instead of going on the .

- Yeah, so you still got a place to walk. Otherwise you wouldn't be able to get to your wood.

- [Karl] I did that for several different reasons, firewood storage and for when, if I have a party on my back deck, that people don't have to walk through my house, they can walk all the way around. And then there was

for water runoff, 'cause I was getting water, you know, in the foundation. So that alleviated it. And I couldn't grow anything there because it was all moss, it was all rock before that.

- I think the concern I have is just, you know, we always try to take the, just so you know, what we try to view is, take the use out of the individual and look at it as a property that sits for 50 years. So let's say you leave. You don't intend to park a car there or drive a car around. But because of the taper and everything, you have firewood there, right? It all makes sense for you and your use. What we have to be concerned about, and it's angling to where I vote, but just so you have context, is if you leave, then someone else buys the property, "Oh, cool, I've got a driveway there, "I'm gonna park the car there." And then it's not compliant in that way. But you're, like, "Well, I'm not using it that way." So we have to consider not necessarily your use but what the property is and how it's going to be used for the next 50, 80, 100 years.

- [Karl] It's a parking stall. Isn't that usually over 10 feet, though, to properly park the car where you can get out the door?

- Right.

- Well, you could park a car, park a camper. I mean, it's any one of those vehicles. It's not just a domestic vehicle, it's recreational as well, or a trailer. Still considered parking and part of the driveway.

- Yeah, there'd be no issue here if that concrete part came out. That front taper, if that came out, no issue on this at all.

- Well, or shaved off and got two and a half feet would work as well.

- Yeah, either way. Take the front part out or take a half foot off the side. Got it. How much of the front part would have to come out to make it fit? So it'd be considered a sidewalk, how much of the front taper would have to come off?

- Well, we'd work with the property owner to figure that out. I mean, there's probably five feet from the garage, and then typically you have a five-foot walk, sidewalk.

- It'd be a lot.

- Yeah, and it still, I still don't think that it's a parkable space for a modern vehicle, but there's, like, 20 different things going on here.

- Yeah, and my thought is that I'm okay with what we're seeing here. I'm not okay with the shed or any shed in that location. He's got a very narrow lot. He's got no depth. He's constrained a great deal. So what he's doing with his driveway or sidewalk in the back, that's, I can appreciate that. I'm just not sure if he, I'm not sure if he deserves a shed. Is that, is the fact that I need a shed sufficient reason to us grant a variance for that shed? I guess I'm not there yet.

- Right. Yeah, and then you look at, you got a three-car garage that you're working with, too. So it's actually--

- [Karl] The shed is also privacy. So, you know, it was either a shed or a fence. I wanted a little more privacy around that corner. Look, people looking in my back windows. I just wanted more privacy.

- Would a fence be allowable?

- Sure.

- So it's not.

- There are limitations, of course. You know, you could have a six-foot fence that could run around the property here. It would have to drop down to either five, four or three at some point, once you in the setback, but sure. A six-foot fence would cover the easternmost point here.

- Yeah, and plantings or trees or other things can also take care of the .

- [Karl] I did plant seven trees. They're planted already. But I took down two big pines there, and then the neighbors my house.

- Yeah, I see 'em on the aerial here.

- [Karl] I got two existing trees. I just wanted a little more privacy than I've got. A shed, even a Rubbermaid.

- This shed is for, like, tools and landscaping stuff, is that the intended use?

- [Karl] It's more than likely gonna be a garden shed, where we start all plants early, like a type of greenhouse, something. It's gonna be classy. I usually build my own stuff. Skylights and a deck where you can start your plants early, and tools and snow blowers and lawn mowers and chain saws.

- Further questions here?

- I don't have any other questions of the petitioner.

- Sir, if you could have a seat? Is there anyone else here who wishes to speak for or against this application for a variance? Okay.

- I'm gonna my idea. I'm okay with, I just don't want a shed there. I wouldn't be insisting that you remove the slab. But I just don't think there can be a shed there. I would not be, at least at this point, unless you can convince me otherwise, in favor of that.

- Yeah, and I'll just kinda quickly, I'm actually the inverse of this. I feel like the lot itself doesn't allow for, you know, my understanding is it just doesn't allow the physical lot and the structure on it for, you know, secondary. It's like you're gonna have to put storage there if the property owner wants storage somewhere. I don't see an alternative with the slope on the back of the house. I mean, it's really the only place that it can go. It's not an obscenely large structure. So I think it's a small principal or secondary structure. I'm actually not okay with the other variance. To me, looking long-term for the property, you can already see in this area with the car kinda angling, could, you know, parking over there and now it's gonna be easier to park over there. And so I think a sidewalk solution is what's necessary for walking around. And I think if that came out. It just stinks. And again, this is the hard part for us, is that when something's done before the variance request--

- Before the permit is .

- Yeah, it stinks because then someone's taking something out. But I'm the inverse.

- Okay. Where do the rest of you lean to?

- I see it like you do, Don. And with the narrowness of that concrete expansion on the east side of the house, I see it as a sidewalk with some dry storage there, you know, for the firewood. And I know we've got challenges with setbacks here in terms of putting a shed or an accessory structure and could you dig into that slope of the hill a little bit or do something there to maybe put in a shed? I don't know. But, you know, if this is about visual screening, you can visually screen your house in a lot of different ways, and putting a shed in the setback isn't an ideal one from my perspective. But, you know, at the same time, it's a corner lot, it's got funny

terrain. So those are all the things that make this a special lot to deal with and it gives me the feeling that we've got some ability to look at that as we're thinking about, do we let this property break the rules in a sense in terms of some of these things. I know that that side street there, I forget the name of it, Allen, right? There's only a couple houses on it, you know? It's not like a, it's not a big block. This is a short street, Leslie's a short street. You know, it's all kind of a tight area there. So something that's kind of odd there would be actually the norm in that neck of the woods because there are a lot of odd houses kind of over in that area and different things like that. You know, I think that that, if that were even closer to the house or, you know, knocked a little bit further away from the street, I'd be a lot more comfortable with it. Right there, I'm not a fan. And I think we could maybe come up with a better solution, perhaps. But I am supportive of the not having to do anything to undo that, the expansion of the driveway. I don't think that's necessary. Of course I would ask that, if we do make any approvals, that any fees and permits and stuff be obtained. But, you know, that's kind of

- I'm in agreement with you, verbatim. So I think with, you know.

- So you wanna make that a motion, to?

- [Barb] Could I speak?

- Sure, go ahead.

- Yes, please do.

- Okay, I had talked today to alder Corpus-Dax. So she is with her children tonight. So she does know about this and she did not think it was gonna be a problem. She thought that it looked really good. So she wanted me to tell you that.

- Okay, that's really important.

- [Barb] And she was supportive of it. And I thought it was important that you know that before you voted, okay?

- All right, thank you. Think let the record show, shall so show that alderperson Corpus-Dax expressed her approval. But did we get a motion and a second?

- I think Jim was still working on that motion.

- Okay.

- I'll make a motion that we approve the sidewalk and not approve the slab, , being made into a structure.

- I'll second that motion.

- Okay, and then to clarify, your motion does not require the removal of any concrete?

- No.

- So your motion permits the slab to remain, just no construction on it?

- Correct.

- Does that sound reasonable to you, Noel?

- That's fine.

- That would be reasonable to me. All right, we have a motion made and seconded. Further discussion, Tommy?
- Nope.
- All in favor?
- Aye.
- Opposed?
- Nay.
- You have your variance, three to one.
- [Karl] Well, the motion didn't include?
- The motion, the yay and the nay, included everything.
- Included both?
- Yeah.
- [Karl] Thank you, gentlemen.
- You have what you?
- Yeah, that's fair.
- Should it be two motions? Should we do two? She's saying it should be two.
- [Karl] It's fair.
- [Barb] I think it should really be two motions 'cause it's two different variances. I'm just saying as a, you know, .
- The way we address it, we have in the past addressed this as we can split it but we don't need to.
- [Barb] Okay, I'm just making sure.
- What we're proposing to do here is to essentially approve his request with some qualifications. And that's what the motion implied.
- [Barb] Okay.
- And so we don't need two. We're implicitly addressing all the variances with that motion. Is that where we are?
- That motion did not include approval for the construction of a shed, though.
- Correct.

- That's on that slab. So it wasn't necess, when you said you got your variances, I guess I was surprised cause that--

- Oh, I see what you mean. I see what you mean.

- [Karl] But not removal of the concrete.

- But you don't have to remove any concrete, yes.

- [Karl] Thank you, gentlemen.

- I jumped from approval to . Guess I was the slowest one in the room to pick up on that. I'm sorry about that. I think I am the oldest one in the room, though, so I will use that as my excuse. All right, Michelle and Kendall Sontag. Did you get my vote?

- I did.

- Okay.

- I took it.

- Paul, could you give us a summary of what this item consists of as you view it?

- Yeah, this is a property on the far west side of town. I just passed and open gate trail. This is the property here. They installed a fence that did not meet the ordinance. It's on the side yard where, I believe, that fence exceeded 1/2 the distance of the side yard or of the structure itself. So there's certain limitations on fencing requirements in the front yard setback. So this is kind of a corner view. So this fence is six feet high. It exceeds 1/2 that side facade. And it's also closer than 1/2 the applicable setback for that corner side yard setback as well. Typically when you're in a front yard or corner side yard, you have to have something five feet or four feet or three feet in height. So this exceeds the requirements as far as the distance across the home and this doesn't meet the setback on the sides.

- And so what are they asking us to approve today?

- To retain the fence that was constructed. And I believe this, here's another photo showing that. It's tough to see--

- [Michelle] Oh, that's the other side.

- [Paul] That's the other side of the--

- [Michelle] Yeah, this is the side that's--

- This is the side yard?

- Um-hm. So there were two things that were first our contractor, he admitted that he had put the fence in the wrong location as far as putting it on the front corner of the house rather than the back corner of the house. He's already talked to us. He's gonna adjust that for us. So the only piece that we're talking about is the side there that's on the road on the . So we're told it needs to go in another seven and a half feet. It's currently 15 feet in from the road. And we're asking for it to be able to stay there just as it's, it's within a tree line and it's also set back pretty far from the open gate trail, like within the vision triangle is all, all set back further from there. We would also need to, in moving it in seven and a half feet, we would need to remove one of the trees in our backyard 'cause it would be right smack dab there in the tree.

- So but there is something gonna be moved? And I guess--
- Yeah.
- Do we have a plan for that we can take a look at that? Oh, we don't have a plan?
- [Michelle] Oh, I didn't include it.
- We've got one, I think, on our machines here. But I don't know.
- [Michelle] Okay.
- Is it one of these?
- Yeah, I think this shows, I assume, then, that this now is up at the front of the house and it's gonna be re-put-
-
- Yes, correct.
- In the back. But this stuff over here--
- Yeah.
- So we kinda move it all straight back here--
- [Michelle] Correct, um-hm.
- Your argument for retaining the fence as close as you are to the street is that it's within the tree line. So it really, in some sense, is occupying the other space. And if you moved it, you would have to take down some internal trees that you're hoping to keep. My question for you, and for anybody, is--
- Is this the side we're talking about?
- [Michelle] Yes.
- This would have to go in closer?
- [Michelle] Correct, seven and a half feet.
- Got it. This is what the, the side--
- Can somebody show that to me, please? I'm still not getting.
- This side on the left here, low on that picture--
- Yeah, I get that.
- That's that tree line.
- I wanna see it in a plan view. I wanna see it from overhead. Is what I'm trying to get to.
- The trees are right here.

- Yeah?
- Yeah.
- So but what's the back of the house, then, we're talking about?
- Well, the fence now is up to here. They're gonna take it back to the back.
- It's hard to piece it all together sometimes.
- Is the court, is it in back there?
- [Michelle] Oh yeah, that's 'cause on the corner.
- So push back--
- That's gonna go further away from us.
- [Paul] It's half the distance
- You know, I could have seen it in my head with a plan view. But I wasn't able to catch it there. Yeah, I don't have a question. This is a no-brainer.
- This part's going back?
- [Michelle] Yes, to the back corner.
- This, as I look back here, this would be a corner-type ? There's nothing back there? It's like a dead end?
- [Michelle] But if you come, like, to this end, it's where Ted Fritsch Park is.
- Ah, okay. So back here you're going to Mason Street?
- Yes.
- Um-hm.
- Okay, got it. Would they be in compliance in any way if they cut the fence in half, or like we talked on other fences?
- They have to cut it to three feet.
- Three feet?
- Three feet solid or four feet 50%, five feet 80%. It's that sliding scale on that front setback here. To be six feet, they have to be set back seven and a half feet off the right of way.
- When you look at all those trees, if those were, and if they started planting some shrubs along there and then it all grew up eight, 10 feet tall, you'd never even see that fence and you'd just have a denser treeline along that side of that lot.
- Isn't that what that is?

- [Michelle] That's the other side.
- That's the side?
- Yes.
- Yeah, that's really the only problem left, is this side that's on that report.
- It's the height, yeah.
- It's either the height or it's the closeness.
- Yeah.
- One or the other has to--
- Right.
- Be accommodated in some fashion.
- Unless we're to grant a variance.
- Correct.
- I don't have any other questions. Thank you for helping us see the lay of the land.
- Do you have any questions, Jim?
- No.
- Tommy?
- No.
- Thank you, have a seat.
- I think that that treeline already defines the edge of the property, and they're just up to it. I think the--
- Almost, we're almost there.
- Moving the fence back from the front of the property, I mean, that's a mistake. And moving it to the back makes a lot of sense, which is also gonna reduce the length of the frontage that's got the high fence on it. And you look at the density of the plantings that are there right now and put a couple more shrubs in there and you wouldn't even be able to tell there's a fence behind that, that foliage. I'm okay with it, subject to them moving the fence back to the back corner of the house. I would so move, to grant--
- I second.
- The variance.
- Just so we know where we're gonna go, should we get our position, Jim?

- I'm in agreement.
- Okay. Then I won't be an impediment. We have a motion made by Mr. Halvorsen to grant the variance as requested, with the caveat that the fence be moved to the back corner of the house as the applicant has proposed in one of his drawings. Fair enough?
- Yeah.
- Seconded by Mr. Everman?
- Yeah, did we wanna ask if there's anybody else before we vote on it?
- Oh yeah. Does anybody else wish to speak for or against this property? Thank you.
- We were so close.
- Then I believe we can vote. All in favor?
- [All] Aye.
- Four-zero, you're good.
- Thank you.
- Thank you.
- Thank you.
- Bieda, Mau & Associates, property owners along the bay. Would you care to come forward?
- Yeah, absolutely. Zach Holshuer, representing Mau Associates here today. So representing .
- Okay.
- [Zach] Yeah, I guess pretty much we try to lay it forward in the packet there. It's just one of those lots on Nicolet Drive that's real thin, just really difficult, trying to build a lot on it because we need to be two feet above flood plain at the grade at the structure, and just as an example, we need to come up at least three and a half feet from where the existing structure is to get to be two feet above flood plain. So with that, with that ordinance, we need to be one foot above flood plain 15 feet out. And there's really just not even that existing. You can already see we're trying to go with a thinner house as it is. And where we have 12 feet setback or 12 feet of space on the south side, and we are butting up to the six-foot side yard setback on the north side.
- There's a lot of lines going on.
- Yes, there is.
- [Paul] The two parts of this, this is the bay of Green Bay and this is 1/2 a lot, basically. So here is the home, the driveway. This is the other half or the eastern half. This is the garage here and the driveway will be zoned to Nicolet. So you have to kinda separate 'em and put 'em together.
- Yeah, there's a match line on there. You can see the one leads to the other.
- Right.

- So this is the footprint of the home, that's the concern, is the fill around that structure.

- [Zach] Yeah, 'cause we need to be, per the ordinance we have 15 feet out, we need to still be one foot above flood plain, which again, just to start off, we don't have that horizontally. But what we're doing is, we're gonna have a retaining wall system that's shown on there that's gonna allow us to get to the grades at adjacent lots, 'cause again, we're trying to match what we're looking at here. There's a 102 and we have, again, there's four and a half feet of elevation change we need to make from two feet above flood plain to the grade of the adjacent property owner. So we need to do those steps just to be able to get that within the slope requirements of the structure.

- Okay, I have a question for Paul. Paul, we've seen these in the past. The 15-foot sloping thing is if they've got infinite amount of room. And this is the way they accommodate things if they don't have an infinite amount of room. Is this reasonably consistent with the proposals that we've seen before?

- Well, each one is unique. So the applicants had hired professional, they've had to make an application to us to review. So that supportive documentation is in your packet. We've also had to contact the DNR, they've signed off on it.

- They have?

- They're not gonna object to it. But this is the only recourse, is come to the Board. It's a fe, well, it trickles down from FEMA down to the state down to lot ordinance. And this is, the buyer has to kinda decide if there's a variance, in that case, for the fill. So we have seen these in the past. They're unique in the sense that they're very narrow.

- Do we have an elevation in the packet here, or is it just my drawings aren't loading?

- [Zach] Oh, there's elevations all over the place. Is there anything in particular that you're looking for?

- Just that I wanna see it from the side.

- Cross-section?

- [Zach] Oh, that cross-section is on the third page. Should be all inside, like A, B and C that are on here. This would be in the back yard, just probably, I think, maybe 10 to 15 feet out from the structure. This is the roof of the structure and then this is more so in the front, where the garage is. the only thing that's shown is the garage.

- And the dotted line is where you have to get to?

- [Zach] No the, well, it's, yeah, the dotted line--

- Is the base flood--

- Yeah, that's base flood--

- So everything is above the base flood--

- [Zach] Absolutely, yup.

- I see, okay, good. Questions?

- A lot of the decision's kind of based on professionals. Professionals provide this information and we put the rubber stamp, professional stamp on.
- They're the custodians of, like, our safety in some sense.
- So we're in a position of seeing all the important essences of what the ordinance tried to accomplish has been accomplished.
- To the extent possible given this lot, right?
- Yeah.
- The hard lifting's been done by the professional in this case. But they have to still come before the body, the Board, because of the variance issue.
- Yep, so what's the variance request?
- It's in a flood plain. Let me just back up here. So this line is the , this is the 100-year flood plain. That home is being constructed in a flood plain. So that has to be two feet above the base flood elevation. One foot above base flood, you have to provide fill 15 feet out around the structure. So it kinda creates an island effect.
- So it's not gonna be a house on a big mound, it's gonna be a house on top of a step pyramid. It's gonna be a ziggurat.
- [Zach] The rear yard is in compliance. So if you wanted to look at what would be in compliance here, this again, here we just don't have the distance horizontally to get out there. But this rear yard--
- This sideways thing?
- [Zach] Yeah, 15 feet out from the structure including the because of the access, that's why the contour's kind of below, more this way, because 15 feet out from the structure here, we are one foot above flood plain. The rear yard is in compliance with the ordinance. Yes, that's what it would look like. But again, if you take that and kinda swivel it around, we just can't do that.
- You'd have to buy the adjacent two lots--
- You physically don't have, so in lieu of that, they comply through a variance based on a engineer design.
- Okay, so as they don't have horizontally the 15 feet.
- Right.
- So it's not filling within a flood plain, it's not filling enough to encapsulate the building 'cause they don't have the geometry.
- Right, so they're providing an engineered system, probably retaining walls, to provide that--
- They're still keeping the house out of the flood zone. It's keeping the house from being flooded in a flood event that's consistent with this flood plan.
- It's an extra layer of protection. So the foundation itself has to be designed by an architect to withstand flood pressures. This is another layer on top of that that creates the umbrella around .

- Yeah, we're seeing a lot of these. The alternative is just to say that you need three lots--
- Or a narrower, a much narrower home than this.
- [Zach] Yeah, even if you can imagine where the garage is there, kinda by the the , it's already mostly .
- When you say 15, just, I'm trying to catch up.
- Yep.
- 15 feet of slope?
- Straight out.
- So just straight out?
- Right.
- So there's just not enough of--
- Well, relatively straight.
- Let's assume there's a base flood elevation of 585. The house has to be at 587. At 586, you have to provide that fill up out 15 feet, that same elevation. And then it can taper down after 15 feet. So here on the north it's
- When you're talking umbrella, like, what?
- Well, then it's an engineered wall system that's gonna, instead of having a fill, you're gonna shrink it up and it's gonna be terraced--
- Steps of retaining walls.
- [Zach] Like this cross-section it shows here. What really what needs to happen is that 15 feet, here's the side of the foundation walls, 15 feet out here horizontally, we need to be one foot above this flood plain. We just don't have the horizontal for this for us to do that. And that's why we're here, to request that we are able to do that in a shorter horizontal span of time, to again come down and step down to match the grade of the property the adjacent property line or the property lines.
- Got it.
- So that's poured concrete? Is that what we're assuming?
- [Zach] Well, that's the retaining wall, that's the retaining walls go in the blocks in the
- It is a block wall or is it?
- [Zach] That's what's being planned, yes.
- So we're relying on professional again, the architect to do the foundation design. That's gotta be stamped and then the engineered wall system itself has to be stamped. So there's two levels of flood protection.
- And the foundation walls themselves are gonna be designed to withstand the lateral pressure from--

- [Zach] And they're only, I mean, they're only holding earth back. I mean, there's three feet there, and per your ordinance, they can only be two feet tall to begin with. So, I mean, they're really gonna be, and they all are in compliance with that. They are two feet tall, max. And that's why we do have to show, that's why we have multiple steps in there, just because, again, there's that two-foot ordinance. So you have to have, you know, we could, not could, but theoretically there could be a four-foot tall wall. But that's why we have multiple layers there in some locations, just to stay within that two-foot high ordinance.

- So we built into the ordinance this terracing requirement. You just don't stand up out of the earth and it just drops down. It is more of a gradual taper down to the side lot lines. And then there has to be drainage on the lot lines as well. So it's very well-engineered. It's a lot of thought that goes into it.

- Yeah, it was really designed to prevent flood loss during, you know, a heaven forbid event where, you know, then we don't have what we see in the news

- [Zach] All right now, I mean, the house is far below flood plain reality we're gonna be bringing it up to where, you know, the new structure will be up to

- Do any of you wish to speak for or against?

- [Keith] I'm the neighbor south.

- Okay.

- [Keith] And that's my garage and my house there.

- Could we get your name and address, please?

- [Keith] Keith Boucher, 34 Drive.

- Thank you.

- [Keith] And the person on the north boundary line put large concrete blocks down. And it doesn't sound like Mau is talking about doing that.

- I guess I'm not familiar with--

- [Keith] Have you been out to the site?

- I haven't personally, no. I've seen pictures of it, though.

- [Keith] Okay. The lot on the north side built last summer. And they put large concrete blocks for their borderline.

- Okay.

- Okay? And then filled it in--

- Oh yes, they put a retaining wall, yes.

- [Keith] Is that what you're talking about? Or are you talking about steps?

- [Zach] Um, no so much 'cause, if I'm remembering, again, I kinda looked and didn't really see that. That actually, in fact, that area is gonna be, I can't actually recall what it looked like specifically. But just the typical,

you know, again, it can only be two feet tall. So they're all gonna be about this tall. They'll be six by six by 16, kinda cylinder blocks, you know, with the nice facing out onto whatever site we are looking for. I don't know what the design is gonna be on that part. But that's what they would have along there. But again, that actually, that retaining wall that was constructed on there, we're actually gonna be taking that out, per we're working with Dave Per-rett swell, yeah, we're working the swell out to get best straight edge actually. There is that pooling area kinda by your garage there, I think on the easternmost side?

- [Keith] Um-hm.

- We're gonna be, all the grading that we're gonna be doing is gonna be on our lot. But we are taking that pooling area and we're actually gonna be kind of creating a swell along to kinda keep that out, to benefit your lot, too, with that pooling area there.

- [Keith] That's, that's, my concern was the drainage of just the whole--

- Yeah, and even there, yeah, there's a, yeah, there's drawing right here that's showing our swell here, this right here, kind of. Actually this is the best way to show it right here, kinda kicking it along this way, it's gonna go with the in the lot. So we're gonna have .

- Appreciate it.

- Yeah, no problem.

- Thank you.

- Yeah.

- Sir, did you have a interest in what we're doing here?

- [Man In Pink And White Top] Not specifically, no.

- Okay.

- Not right now.

- Are we done with questions, gentlemen? I think we've heard what we need to hear.

- Thank you.

- It's the only way they're gonna be able to develop down there.

- We need to this case, right?

- We need to download, unless they do two or three lots at a time.

- Right, right. I guess I'd rather have more homes than fewer homes, you know, and make it work. I think, you know, given the intention of protecting the property, the intention of protecting the neighborhood, all that stuff has been addressed to the extent feasible given the constraints of the site in a way that gets the blessing, I think, of the Department of Natural Resources and the regulation. So I'm in favor of this, for granting this approval.

- Alderman Dorff, did you have anything to speak on this one?

- [Barb] I was just here because I wanted to see what's going on. I had a neighbor that was concerned about it. So you're fine.
- [Keith] No, I'm here. You're the, you're a good .
- Great.
- Good, thank you.
- I would make a motion to approve the variances requested.
- Great.
- I'll second.
- We have a motion made by Mr. Halvorsen, seconded by Mr. Everman, to approve the variance request for the property on the bay on Nicolet Drive. Further discussions? All in favor?
- [All] Aye. Opposed? Four-zero.
- Thank you.
- [Keith] Thank you, sir.
- Do you have to close the floor now? Is that?
- We do, but I want, I wanna make, is there anything you wish to speak about?
- [Man In Pink And White Top] the flood plain, that's all. That's something else.
- Yeah, we can't do that.
- [Man In Pink And White Top] Well, you have to put flood gates in and build a trench or a canal to Key .
- Yeah, pretty much.
- [Barb] Thank you.
- All right, motion to close.
- Thank you, alderperson Dorff.
- I'll second it.
- Okay, we have a motion being seconded to close the floor. All in favor?
- [All] Aye.
- Floor is closed. We have a informational item remaining on our agenda.
- I looked at, today, I sent back my email of approval. So practice, you know. You got there couple times today, in terms of what order of operations.

- Yeah.

- So I think, overall it will help make the more zeroing in to the, you know, here's the property, like, this is where the variance is, like, getting really down to, this is what they're trying to do and this is the variance

- I'm okay what you did tonight, I'm fine.

- Yeah, I think the first one, well, he didn't get any help from me.

- I didn't remember.

- Well, because I think what happened there was because there was two to three that didn't happen with the introduction, and maybe he perceived it as, like, oh, you're vowing against it since you're not presenting his case. But I think he took a little defense out of the gate. So I think just making sure that we're able to explain, this is what they're trying to do and this is the variance that the candidate is asking for, and then we say what's your statement towards why we should approve your variance? So it comes and very informational. Sometimes there, like, typically we see this. And this is what's happening here. And that feels, I think, opinionated even though I don't think that's what you mean.

- Right, I think the idea is to give you some basic facts, if there's complaints on the property, what's the zoning of the property, just some basic, I'll pass that along.

- This one came out through a, you know, this one was really because a inspector came out. So this is what was going on, this was what the candidate is trying to do. This is the variance they need, informational, informational, and then they can say, "Well, this is why."

- Yeah.

- And would it be helpful if we had a complaint on a property, like the fence? Would you want that included in your agenda? I can print off a page on our--

- No, we're just ignoring it.

- We would just care to know how the origin of this originated, okay?

- We always need to know if they are asking for the variance proactively or did they jump the gun and pave stuff before they came--

- They do have tried to indicate that.

- And that's good, we need to know that.

- Yeah, I'm glad about, I think, all good progress.

- Yeah.

- Yeah. So with the changes to the forms and the process here, I mean, I think we should just say let's go for it and start using all that stuff, and then, you know, just put on the agenda in a quarter from now, like three months from now or something like that, or three months after we started seeing 'em come in, right? 'Cause I imagine we've got some petitions out there that might be on the old forms and stuff. But, you know--

- Revisit it.

- Revisit it three months ago, like today, and say, working out really good. Do we need to make any tweaks? And then just keep it going.
- I agree. We'll try and get the application out as soon as we can. As far as policy, we may have to bring that back as an action item so everyone can vote on that.
- Right, do we have to, 'cause of that edited thing looks like you're changing the texts.
- We have to approve all the--
- So we have to simply, this body votes on it, should vote on it?
- Right.
- Doesn't have to go to Council?
- No, no.
- It's your policies.
- So bring the final package and the order of operations, all that stuff, to the next meeting and ?
- It doesn't have to be even then. I think I'd like to... We don't have a change to our procedures yet. We've got a draft that I put together based on what Tom was proposing. May be other changes we wanna make to that. And it would be probably not a bad idea to revisit that, since I see that it's seven years old.
- I think the application doesn't have to have a formal approval. I think you kinda give the blessing--
- The application's not, right.
- But I think the policy should be reviewed by the Board--
- Right.
- And voted on by the Board.
- That's the one you sent out, right?
- Well, that's the--
- With the redline, yeah.
- That's just a portion of it.
- Yeah, that's a portion. And the portion that I thought needed to change. But what I was thinking about was that we may want to incorporate specifically as an attachment the order new application form--
- To the policy?
- Yeah, to our rules and procedures.
- We could, but you may want to keep that loose in case you wanna change the application--

- Right, right.
- I mean, you make reference to it, but I don't know if you wanna have it formatted.
- Maybe , then we have to approve it.
- If it's a change in policy--
- There should be a way that indicates the Board has approved and accepted whatever form you're using, shouldn't there?
- We could just have a, I don't know, just some direction in the--
- It's an administrative application for your benefit. I mean, it's, yeah, I think you could change it any time you want. It's for your benefit, so.
- Okay.
- You're saying it's an administrative action, it's really not a policy.
- We had some questions, and wanna make sure we're asking the right questions and getting the right answers.
- That's given us, that's setting the table for us to move to--
- Right, vote on it.
- And that might change next year or the year after, just depending on how we go. So I think we can implement that right away. I think the policy's just a different story.
- The redlining, if we can start to work with it that way. And eventually we all have to keep in mind that we've gotta make some sort of formal approval.
- Do we wanna, I mean, I don't know how big the whole document is. But should we schedule a special meeting sometime, to just do that?
- That might not be a bad idea.
- And just go through it, the whole thing?
- Yeah, can you, can you distribute that?
- Um-hm.
- To all of us?
- And take a look at it and see how we feel and we just schedule a work session where we're just doing that.
- It should be reviewed and it's overdue.
- Not that we all wanna have more meetings, I'm sorry to say. But I , maybe that's the way to do that so we're not--
- 'Cause sometimes when we're tacking stuff on at the end of the night, it's, like--

- Yeah, whatever.
- I used all my decision-making powers, you know. They're used up.
- Would you wanna come in early, a half hour early? Would that work for everyone's schedule? I could--
- We do have some time commitment, maybe an hour--
- It works for me.
- You're actually, you guys at the end are actually here on Mondays. You guys have jobs.
- Yeah, and my blessing of owning a business is, I'm super flexible. So I can be here whenever. As long as I know in advance.
- Yeah, at the end of the day on Monday, I'm usually pretty flexible as well. So I can even come in, you know, we can do it four, 4:30 or something. That should give ourselves a little bit of time.
- We'd have to notice it as a meeting 'cause there's a quorum, or it's, be kind of a workshop? Meeting would start at 5:30 otherwise.
- Can we add coffee to it?
- Sure.
- Donuts?
- We can do that. It isn't a public meeting at that point. It is a public meeting, yes. It is, once you have a quorum and it's gonna be a public meeting.
- Right, yeah.
- I nominate two people to work on it, 'cause that's not a quorum.
- We could have a subcommittee, how about that?
- I'm kidding. I'm fine with whatever we decide.
- Cool. Yeah, let's do that.
- All right, but in advance of that, Jessie will get all our copy of the existing--
- So we can read it and start flagging sections we wanna tinker with.
- Yep, 'cause then--
- I will do that tomorrow.
- Good. Cool. Motion?
- Move to adjourn.

- Second.
- Third.
- We have a motion made and seconded to adjourn this meeting. All in favor?
- [All] Aye.
- Meeting is adjourned. Good.
- Thank you.