



MINUTES OF THE ZONING & PLANNING BOARD OF APPEALS

**MONDAY, FEBRUARY 17, 2020, 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? Was anyone out to an of the the properties? Did you speak to anyone regarding this variance request?

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

Chair Don Carlson asked if anyone need to abstain from voting, went out to any of the properties or spoke to anyone regarding the variance requests? All stated no.

Others Present: Ald. Mark Steuer, Ald. Barb Dorf and Ald. Veronica Corpus-Dax

B. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the February 17, 2020, meeting of the Zoning & Planning Board of Appeals.

The agenda and minutes were approved with one vote. See Agenda Item C.I for motion and vote.

C. APPROVAL OF MINUTES.

I. Approval of the minutes from the November 18, 2019, meeting of the Zoning & Planning Board of

Appeals.

Moved by Tommy Everman, seconded by Jim Hutchison to approve both the agenda and minutes. Motion carried.

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

D. REGULAR BUSINESS.

1. (Appeal 20-001) Benjamin Buehler, property owner, proposes to construct an attached garage in a Low Density Residential (R1) District at 3579 Van Laanen Road. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, rear yard setback, Section 13-615(b)(2), size of accessory building and Section 13-1715(c), driveway width (Ald. B. Dorff, District 1).

Moved by Noel Halvorsen, seconded by Tommy Everman to grant the variances for rear yard setback and driveway width approve 2 of the three variances. Motion carried.

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

2. (Appeal 20-002) Tim Philipps, property owner, proposes to construct a 12 ft. x 20 ft. driveway expansion within a corner side yard setback located in a Low Density Residential (R1) District at 2089 Fern Lane. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, corner side yard setback (Ald. A. Nicholson, District 3).

Moved by Tommy Everman, seconded by Jim Hutchison to open the floor for the February 17, 2020, meeting of the Zoning & Planning Board of Appeals for discussion. 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 table the request to allow for the applicant to return with a completed application and additional details regarding the request. Motion carried.

Yes- Tommy Everman, Noel Halvorsen, Jim Hutchison, No- Don Carlson, Gregory Babcock

3. (Appeal 20-003) Larry and Darlene Sterckx, property owners, propose to construct an attached garage in a Low Density Residential (R1) District at 304 North Platten Street. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, rear yard setback (Ald. M. Steuer, District 11).

Moved by Gregory Babcock, seconded by Noel Halvorsen to grant the variance as requested and added and approved a variance for an accessory building to exceed the size of the principal dwelling, Section 13-615(b)(2), size of accessory building. Motion carried.

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

4. (Appeal 20-004) Phil Jennings, Creative Sign Company, on behalf of the Freedom House Ministries, Inc. property owner, proposes to install a two wall signs in a Varied Density Residential (R3) District at 2997 St. Anthony Drive. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-2007(c), institutional identity signs (Ald. K. Lefebvre, District 6).

Moved by Gregory Babcock, seconded by Jim Hutchison to grant the variance as requested, with the change of only one sign instead of two signs. Motion carried.

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

5. (Appeal 20-005) David Chrouser, Mau & Associates, on behalf of Kevin and Marne Williams, property owners, propose a residence and site alterations within the AE District of the 100-year floodplain and Low Density Residential (R1) District at 1937 Lakeside Place. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1330(a)(1) fill area (Ald. K. Lefebvre, District 6).

Moved by Tommy Everman, seconded by Noel Halvorsen to grant the variance as requested and per the revised submitted site plan. Motion carried.

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

6. (Appeal 20-006) David Chrouser, Mau & Associates, on behalf of Douglas Schneider, property owner, proposes to pave an existing nonconforming drive and parking area in a Varied Density Residential (R3) District at 212 Alvina Street. 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 fill area (Ald. C. Wery, District 8).

Moved by Tommy Everman, seconded by Jim Hutchison to grant the variance as requested. Motion carried.

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

7. (Appeal 20-007) Jessy Geurts, on behalf of Green Bay East Kingdom Hall of Jehovah's Witnesses, property owner, proposes to modify their existing surface parking lot in a Varied Density Residential (R3) District at 2895 East Mason Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-609, impervious coverage, Section 13-1821, interior lot landscaping and Section 13-604, Table 6-2, front and corner side yard setback (Ald. V. Corpus-Dax, District 2).

Moved by Noel Halvorsen, seconded by Gregory Babcock to grant the variance as requested. 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 close the meeting floor for discussion . Motion carried.

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

E. INFORMATIONAL.

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

P. Neumeyer and Board Members discussed the new application and process.

2. Date of next meeting: March 16, 2020.

F. ADJOURNMENT.

Moved by Tommy Everman, seconded by Noel Halvorsen to adjourn. Motion carried.

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

VERBATIM MINUTES

- All right folks, we'll call this meeting to order. First of all I have some questions for my colleagues at the table. Does anyone here need to abstain from voting on any of the issues tonight?

- No.

- No.

- No.

- No.

- Who was out to see any of the the properties? No one, okay. Did any of you speak with anyone regarding the requests before us tonight?

- [All] No.

- All right. Does anyone have any thoughts about the agenda for tonight? If no one does we will accept it as written. In regarding the minutes from the last meeting, do we have any discussion, comments, proposals?

- It's been a while.

- Don't we need a motion on those?

- Mm hm.

- We need motions on each of those I think.

- You want a motion on the first one too?

- Yes, please.

- At the other one we'd roll them together. All right.

- You can put them together too.

- Go ahead, Tommy.

- Motion to approve the agenda and the minutes.

- Second.

- All in favor?

- [All] Aye.

- I observe we're ready to go. Okay, we'll start off tonight with Mr. Buehler.

- He's not here, but I'm representing him.

- All right, if you could come up and have a chair. And we will listen to, Paul give a little overview of what we have before us. All right.

- Thank you, Mr. Chair. This is a request for the three part variance request. This property's at 3579 Van Laanen Road. It's in the far northeast side of Green Bay, which looks into the bay of Green Bay. This is the property here, just north of Van Laanen Road at Nicolet Drive. There are three variance requests that the applicant's looking to do, and this is an expansion of an attached garage here. So the garage itself, the footprint is larger than the principal dwelling, that's one variance. There is a shallow depth here to the walk with a rear yard setback issue. The setback would be 25 feet, it's much less than that. It's a dimension they're not meeting. And this drive here is wider than the code permits. Typically it's 25 feet at the property line, and it can square to 30 feet out to the property line. And there's some images of the, looking north, of the existing home that's been remodeled recently and in the expanded garage, attached garage here. And this is a south view of the neighboring property. Mainly in an area of single family homes, this property was in the floodplain at one point but was taken out last year via a LOMA process. So those are the three requests before you tonight.

- If you can, Paul, that other building to the left of the star there, that's also part of this property?

- It is, yes.

- Okay. So there's already two extra accessory buildings.
- Right.
- Okay.
- Those are actually existing, they're not part of the request necessarily.
- They don't actually affect it because what we're talking about is the attached garage.
- Correct.
- If the garage were unattached then they would play a factor.
- Yep.
- Okay, sir, if you could explain how you are representing the applicant.
- [Larry] My name is Larry Bednarski. I drew the plans.
- Okay.
- [Larry] I'm the designer, entire architect.
- Okay, are you with Home Remakes?
- [Larry] I am, I am that company.
- You are them, all right.
- [Larry] Yeah, I am them.
- Okay.
- [Larry] I originally did the addition to the house, which is an addition that would be to the east and also up.
- Okay.
- [Larry] Now, Ben wanted another garage, possibly unattached. And we agreed that while we could do that, there would still be issues because of how narrow the site is. It would be more advantageous for Ben to have it attached, for obvious reasons, far indoor walking during the winter, that type of thing. It would also keep the site as open as possible to the west because of neighbors, that type of thing. If we were to put an unattached building out there, it was our feeling that it might get cluttered because of the house plus another garage plus his storage shed out to the east. It wouldn't look good, at least in our opinion. So we knew we had issues. No matter what we would do we would have issues. So we decided, let's try and add onto the house. It would be the most beneficial thing we could do. The driveway is wider than normal. We felt that we would try and get this approved rather than have yet another separate driveway on Van Laanen Road, so we're trying to combine that, while keeping everything to the west as open and inviting as possible.
- Okay.
- [Larry] Area wise, it's over, if we do that, it's over by 305 square feet when you include the other buildings on the site. It's not much, but it's still over. The setback would be an issue no matter what. It's tight, eight feet.

Even an unattached garage would have a problem. So we figured, let's attach it and try to make it as smooth as possible. It's a big site, but unfortunately it's narrow. You can't do much with it. So that was our reasoning and we tried to make it as aesthetic as possible.

- If we deny the variance what does the applicant propose to do?

- [Larry] Maybe nothing, or maybe a very small garage, but it wouldn't be very beneficial. He has some larger vehicles and he needs as much garage space as possible. Now we could reduce that garage size, and maybe overcome one variance of the 305 square feet overage, but it wouldn't do him as much good. And so we felt this was about as tight as we could get. I guess that's about it in a nutshell.

- Okay. Other questions, gentlemen?

- To make sure I'm reading everything correctly, there's a current garage, is that a two car garage that's currently there?

- Yes.

- And so he's adding two more garage stalls?

- [Larry] Yes.

- And expanding the already connected driveway that's there?

- [Larry] Correct.

- So he'll have a four car garage and a 36 foot total, not 36 additional, 36 total?

- [Larry] Total, not additional.

- Okay, and the use, the need for doing this is?

- [Larry] Well, it's residential. He has several vehicles. He owns an auto window business, so he has some larger vehicles, not panel trucks or anything, but a full size pickup for his business and snowplowing the area. Still all residential in nature.

- Okay.

- [Larry] So we tried to compact it as much as we could.

- Paul, could you explain the citation to the, I'm sure you've explained these variances already, but it seems as if, by the numbers they're putting there, that, are they okay, or do we have to add up all of the accessory buildings and the sum total of their square feet can't be greater than the floorplan of the house?

- There's always been some discussion in our department about that. I would interpret it to be all detached structures would be counted together. So even though they may be attached, it's the use of the property, it's still a garage space. So I would count that against the principal dwelling space. So I think that it's reasonable to assume that they are over that. The addition itself would put it over that.

- [Larry] We did include the boathouse type thing.

- I was trying to find a little bit on Green Bay, what that zoning actually says, was that 13.620?

- It might be 615.
- Maybe you've already got it there Paul, I'm just--
- Probably looking for an ordinance.
- I'm concerned about the words and what they require us to do. We've talked about this before, in no case words that cause me some heartbreak.
- Right.
- Have we looked at this property before?
- We have, yes.
- So this was on the other side, the left side.
- [Larry] The east side for floodplain issue, I believe that's what it was.
- I think so, yeah.
- [Larry] Yeah.
- So there was a plan last year that the applicant came in, the property owner came in to expand the structure. In order to do that--
- For parking, right?
- For the fill, he couldn't put the necessary fill around the structure to flood protect it. So he had to do some retaining walls and got a variance to do that.
- Oh that's the one, got it.
- Yeah. But then he--
- This wasn't the one with the parking, with the snow plow thing?
- No no. it looks like it.
- It looks just like it.
- It's just that's he's stepping it to get the LOMA.
- Got it, okay. I always wondered how you got LOMA.
- Right, then he did another stepping to get it removed from a floodplain altogether, based on the height of the existing structure. So that's not an issue per se. The issue now is just the three variances that are listed.
- And the boathouse that we're talking about is the one, if you go back to the satellite image, there's another structure all the way on the water, that is not, we're not dealing with that, correct?
- That's not part of the request, but it could factor into the calculation if you look at an accessory from this perspective.

- Is that the boathouse that we're talking about, the 500? Or is that the other structure in the middle?
- That's the structure in the middle, yeah, I think boathouses together are 520 I think.
- The two of them?
- [Larry] It all covers them.
- What's the rear yard on this, Paul?
- It should be 25 feet, they're proposing eight feet.
- I know, but where is it on this, because this--
- [Paul] On this image?
- Yeah.
- [Paul] I think it's right here.
- Where is it?
- [Larry] That's the property line, and the setback--
- And the setback is here.
- You mean the house itself is within the setback already, because it's so narrow?
- I think it was built that way.
- [Larry] It was built that way.
- It's already out.
- [Larry] It's already there.
- Yeah.
- Okay.
- [Larry] So we figured, well.
- Yes, so this isn't encroaching any more, it's just lining up with the existing footprint.
- I gotcha, okay.
- Jim or Noel, do you have any questions?
- The need for the 36 feet, you could do geometry on that, and you could make it less and still function to every garage opening. Is there any--
- We could. Could I go up there once?

- Sure, go right ahead.
- All right. We thought of, I think maybe you're thinking about maybe taking this--
- Right, and then bending it at some point.
- And bending it, but I was told, or at least it was my understanding that you can't approach on an angle.
- Right.
- So we've gotten certain specs about what driveways look like, so they're all pretty much uniform. So that would be a non-traditional type driveway. So, again, because the lot is so shallow, he really doesn't have a lot of driveway depth so to speak, but the depth comes in this right of way almost. So ideally, at the property line, which I think is this line here,
- [Larry] That's the property line.
- Yeah, the max width should only be 25 feet.
- Okay.
- We're kind of stuck.
- Yeah, and any sort of taper that would have to go symmetrically away from that to 30 feet.
- And he just doesn't have the room to do it.
- Yeah, it's just.
- Okay.
- So that's...
- That would make the hardship of the lot itself.
- [Larry] We tried, we looked at it. I don't know what else to do.
- Right.
- It's the geometry, you just can't, it's so shallow, you just can't make it work.
- Paul, where if we, let's say we... Take a very liberal reading of the in no case ordinance. And just for the benefit of everyone, it says "in no case shall the total floor area "of an attached garage, car port, "or other accessory structure exceed the ground floor area "of the principal building located on the same lot." If we take a fairly liberal interpretation of that, which would be not the same one you took, what other concerns do we have with all those, regarding other issues in Table 6.4 and some of those? I'm just wondering if even a liberal interpretation leaves them needing other variances? They will have, they've already got three structures that are basically accessory. If we take that reading of a fairly liberal interpretation, is that all that's being the matter here? Besides those other two variances, which I'm prepared to...
- I guess it depends if you want to take that liberal interpretation down, that could be an item that we could discuss between staff and the board at a later date, certainly. Our interpretation has been pretty consistent

through the years on that. But it could warrant an interpretation. The board has that ability to provide that interpretation, ultimately. I do it as the zoning administrator, but that's just with staff. The board could take that to another level.

- I'd actually like to hear Paul's take on that section of the code relative to this one more time. I know you've explained it in the past, but if you could just walk through it with this relative to the area piece of it.

- Yeah, sure, so... So looking at the over photo, there's a principal dwelling here that has an attached garage. There are two detached structures as well. A garage or a shed or a boathouse, or whatever it might be. So now there's a remodeled structure, there's an addition being proposed. So the way that we would look at that code section is that we would look at the use of the space that's under consideration, the accessory use. So even though the garage is attached to the principal use, we wouldn't consider that part of the dwelling space. It is technically, but it's an accessory use space, so we would calculate that differently. So basically the garage space, the boathouse, and the shed, or whatever it might be would be counted separately under one total, and then compared to the principal footprint of the building.

- And is that gap 305 feet or is it bigger than that? Because I see the boathouse but I don't see the shed.

- He thought the 520 was the sum of the--

- Was inclusive of--

- I think it's those two together, I think, yeah.

- [Larry] I believe so.

- What is that structure there? Is it a storage?

- [Larry] It's a storage.

- Well do you know what use is out there?

- [Larry] He can store, well you store as anything in there. There's likely a plow, whatever equipment he has, a lawn tractor... And there is, yeah, there's a driveway to it, but he stores just about anything in there, to keep his present garage as open as possible.

- What's the, so, Noel, I'm so sorry, were you done?

- Yeah, yeah, that's all I.

- I think the long and the short of it is that we want to see the principal dwelling be the bigger structure or appearance on the lot, not the accessory uses, which we know we need accessory uses. People have a lot of vehicles and toys and stuff. But again, the principal use of the dwelling should dominate the lot, so to speak.

- And when you do those measurements, are you measuring the entire floor area of each structure, or is it just the footprint area?

- Just the footprint, so that's another point of contention in our office. If you have a two story building and you're counting both floors, why count the footprint of the building itself?

- That is, okay.

- [Larry] Right, I went through that exercise myself. And if we could do the second floor--

- Then it's no problem, right.

- [Larry] I wouldn't be here for that one.

- From a design perspective, the back of the building that encroaches on the setback and adds additional square footage to the property, the back end of it, go to the aerial, back one more, yeah, so that little nub that jots off off the back, is there a reason why that doesn't just come straight back? Because again, that's additional square footage that will reduce the 305 square feet need.

- [Larry] What nub?

- The little edge, the part that pops out the top there.

- Right here.

- That little part.

- Yep, exactly.

- [Larry] If we had to reduce it we could. We're still, where you come out, we're still very close to the eight foot setback.

- Well not necessarily the setback, like to me, just, so we're talking out loud, the setback, there's not much you can do with this lot in terms of building it, I'm just trying, the 305, I think, is what we're all keying in on, and is there a hardship here? Is there other solutions that can get us closer to not being in that violation there. And so there's no measurements that I can read. Again, I don't read these as quick as other people, but if you took that off, how many feet do you get back?

- [Larry] Let's see if I have that here.

- Does that make sense, if you just came straight down, if that'd get you another 150 back, and at that point who would care if you get 150 back meets 150 over?

- [Larry] Well, let's see, it would be 17 foot times roughly six times three times six, 42.

- 102?

- [Larry] About 100, yeah.

- So if that comes flush off it's 102?

- If you went straight--

- Straight back?

- Continued that angle you mean?

- So we're at 200 now, and then, to the board, my question would be, you know? 200 versus 300 do we care? If we're gonna approve, and that's the question I would ask us to discuss when we're done with the questions.

- Yeah.

- That's the only piece for me is that part of the hardship.
- Just help me remember, Paul, the retaining walls and the other stuff, that's all actually on the bay, short side of the house, right?
- Right.
- [Larry] That's all separate, yes.
- That's where it slopes down to the left.
- There's a grade change towards the bay, yeah.
- [Larry] The west side is quite level actually.
- Okay, I don't have any other questions.
- Is that one lot, is there any plans at all to subdivide that or anything?
- [Larry] To my knowledge, no. I think he wants to keep the whole lot as it is, which is why we wanted to keep the right side, or the west, as open and clean as possible.
- Especially after he put the little thing on the top to see the water better.
- What is the property that's to the south, that wooded, adjacent, is that a...
- It's north?
- Well which way does it wrap around?
- Those directions are off. That's north, right?
- This one?
- Yeah.
- Yeah, everything is north on the photo.
- Oh, okay, I got it.
- Kind of like that.
- So to the north, so what is that property? It looks just wooded, and is that privately owned or is that?
- Yes.
- So that could be developed?
- [Paul] It could be, sure.
- Okay.
- I just have a questions for us.

- I want to hear what the Alderman has to say.
- [Barb] I'm very supportive of this. I think that, I would hope, if you're going to approve it, I don't know that that 100 is gonna be accepted with the difference, but you guys decide.
- Mm hm.
- [Barb] As you said, it's a really tough lot, isn't it?
- Oh yeah.
- It is.
- There's gotta be some variance no matter what, 'cause you're already in total violation.
- [Larry] Oh yeah, we knew that. Without even starting the garage.
- Right.
- [Barb] I had an item on Traffic, I'm sorry. And so I finished that and then I quickly came up here.
- Okay, have any of the neighbors spoken about--
- [Barb] Nobody's complained to me.
- With you?
- Mm mm.
- Okay.
- [Larry] We are trying to blend it in with the house, appearance-wise, as well as you can.
- It looks great.
- [Barb] It looks pretty.
- [Larry] Thank you.
- Okay, I don't hear any more discussion from up here, so if you could have a seat, sir.
- [Larry] All right.
- Thank you.
- Thank you.
- Do we need to check if...
- Does anybody wish to speak otherwise, for or against this property variance being requested? Good, thank you for reminding me, Tommy.

- You're welcome.

- Tommy's here to remind me of lots of things. All right. An ordinance was written with an or. But I buy what you're saying. Otherwise you could put a whole bunch of six by six buildings on a lot and never trigger that part of the ordinance.

- Right. There is some interpretation that goes on, sure.

- I understand the principal dwelling part. We've talked about this before, and I don't want to drag this into my little problem with what this says. It's not supposed to be my problem anyway, so. We're stuck with the words that say "in no case shall the total floor area of an attached garage, carport," et cetera, et cetera, and in no case, says to me there's no discussion for this one. I would vote against this. I would only vote against the variance regarding the eight by two restriction.

- The other ones you're okay with, right?

- I'm okay with the other ones.

- I'm in the same boat. No pun intended.

- I'm in the same boat.

- If there is a way to make that dark addition fit and make that 305 go to zero, I would approve the whole thing.

- Yep, exactly.

- Or, again, depending on what the property owner wants to do, there's the storage shed off to the left, if that's... Then the garage would work probably.

- That's true, that's true.

- Right.

- But I agree with, that's kind of where I'm leaning to, so yes on the two, but the one, I think there's a discussion.

- Noel or Greg, do you have any?

- Yeah, against the size. The other two I think the same. I don't see any issue with that.

- No, I can definitely see. My reasoning on the driveway is, perhaps there's already a driveway there, and it wouldn't be considered unsightly in any form, but the size does bother me, and I suspect we're gonna be all in agreement that two of the three variances are ones we can grant, but that there's one that we can't.

- Alderperson?

- I might--

- [Barb] Can I just ask a question? I heard, I think, somebody say that if something else went away then this one might be okay? Well, should we, before you make a final decision, should we put it to the homeowner to, you know, what's the worst of the evils here, what's, what would he be most willing to give up, before you make your, because once you make your decision.

- Right, over.
- Then it's kind of locked in for a while, yeah.
- [Barb] Yeah.
- Well once we make, if we were to vote the way we've talked about it up here, there are a number of ways that the homeowner can then meet the requirements of that ordinance. He doesn't need to have us approve some other alternative from here. In other words, if he says, my gosh, I really want that garage, but I'm willing to throw away 305 square feet of other auxiliary building that exists now, then fine. Then he wouldn't need a variance on that in the first place.
- [Barb] Oh, okay.
- So he could work with staff to come up with some alternatives I guess.
- We're saying that is, that if we vote the way it looks like we're going, he can't have all those structures and the bigger garage.
- [Barb] Just because that is, the law just says that, right, it's like--
- To us, that's our interpretation, we're exceeding--
- [Barb] Sometimes you can do an appeal, right, you can grant a variance?
- Well that's what we're here for.
- [Barb] Right, but you're saying in this particular case you just can't?
- Yes, in my interpretation, in no case shall, is the direction from you guys to us that there's not a lot of flexibility allowed to us in that case.
- [Barb] And we can't even take this to council, right? 'Cause this is that once it's here.
- Yep.
- [Barb] You can't even talk about it.
- Noel, you have some thoughts?
- Yeah, I've got some thoughts. Of course I've got some thoughts. And they're different than everything, but...
- Good, that's why you're here.
- Yeah, I think, just addressing the three points, my comments would be, I think there's no way you can elegantly do the driveway if you can only change the width in the setback, so you're kind of stuck with a little wider driveway if you're gonna allow for the extra garage, and I don't think that's terrible. I think that, I think there's something happening here to get a little extra wiggle room in between the existing garage and the new proposed garage, 'cause there's kind of like a triangular wedge, if you imagine the floorplan, or if you look at the floorplan later in the packet, that's new space in a sense, and I don't know if that happens to be 305 square feet or not, but the tilting of this addition is, it may be pretty, prettier than squaring it, and just running the building longer, but that might actually cut some of that square footage off as well if this thing were just

squared to the, abutting the existing garage, I don't know, and then shaving some of it, maybe get some width, or some square footage savings there. But the bottom line for me is, I'm not sure in the big picture sense that the floor area calculation, based on footprint, is adequately giving us the tools we need, or you need, to think about building mass and the proportions of the structure, which I think is what it's trying to get to in some respect, because if this were a three story house, well, it's practically that, it's got a little extra up on top there in that...

- Cupola.

- Cupola. So if the whole house was that size, we'd still be talking about the same calculations in terms of the area of the footprints of these buildings. But there'd be no way anybody in the room would look at that and go, oh my gosh, that garage now is making too much presence relative to the primary structure. So I do think we should take you up on your offer sometime, Paul, and talk about that, and maybe there should be a zoning tweak to give some for instances or something like that relative to that, because I think it ties our hands a little bit sometimes on stuff that might otherwise seem logical. Looking at this picture of the front of this building, I don't see a gross violation in aesthetics and other things like that, which is part of what the zoning is supposed to do for us, it's supposed to prevent people from building really ugly stuff that's an eyesore in the neighborhood, right? And so from that perspective I actually don't have a problem with the variance on the sides, because I think this works. The fact that we've got four garage stalls, a shed that looks more like a garage and has some commercial activity going on in it and a boathouse, that's maybe another potato to be talking about in terms of what's actually going on there, but just from that standpoint, I actually could support all three of these variance requests.

- Okay. You're right, but--

- But.

- My conservatism.

- That and a buck and a half will get you...

- [Barb] So what do I have to bring a change forward? Should we hold this? I can bring a proposal to council.

- That would literally take weeks for that to get through the Plan Commission and back through Council. Based on the current schedule, it could be June. I mean it would take weeks to get that accomplished.

- In the interim, I'd certainly jump on with a yes vote on the other two variances that if the three of you seem comfortable with, and maybe we just don't act on the third request and table that, and see if they want to come back with a different plan.

- With a variation plan, to your point? Or are you saying--

- Well whatever they want.

- I want to make sure that I understand what your positioning is, is that more looking at the ordinance, or them coming with a variation that--

- No, I'm just saying, I'd be happy to move to approve the variances as requested tonight. But I understand that you guys would vote no on that, and we don't want to necessarily tie their hands completely by rejecting all of this. So I think that if you are all willing to say yes to the two requests about the encroachment on the setbacks and the width of the driveway, why don't we make a motion to approve those and not take any action on the request for the size variance and maybe they can pull a rabbit out of their hat, maybe they can't, but that's their business.

- I'm fine with that.
- Then does it come back here? Or does it come back here?
- It if needs to it does, but--
- But if we say no, the same thing happens anyway, right?
- No, not necessarily.
- No.
- No.
- No. What Noel is saying, is let's say, what I was saying originally was 305, that's it, if you can come back with, get rid of 305 square feet, you're good.
- Yes.
- Then you don't need a variance. What Noel is saying, I think, is that maybe they've got a better idea, they may come back with something that's over 100 over, but they've done something else that leads us to think that there's been some effort made to try to accommodate the ordinance.
- And maybe turn you into a yes later, but if we don't act on it now, we're not shutting them down for a year.
- Yeah, my only thought, I'm part of that, and I would vote that way, my only thought on that is going back to intended use, right, can the land, can you do what you're trying to accomplish with the land's intended, and there's a solution here, it's not a need, it's a want, and you guys very much know how I feel about accessory structures for toys, right, and it's not a hardship in that way, and there's a solution for a three car garage that's totally possible that reduces all of the variances, in terms of the widths of the driveway, it would go down if there wasn't a fourth garage. You could reduce the back end of it a little bit. To your point, with the pizza pie slice, it's aesthetically pleasing and it kind of rolls in really nice and I think it's a great design, but if you flattened it, does the driveway then get longer but at least that part is reduced? So part of our new application is are there alternatives that you've tried and why are you rejecting those, and for me to get to that point I would think--
- You'd need to see that?
- Yeah, can we just talk through some of those alternatives, and why, yes or no, and that might lend itself towards a little bit of that, because I do think we can get a lot closer to being in compliance versus where we currently are.
- Yeah, I hear you. I'd be willing to make a motion to try and capture what I was saying and see what happens.
- Sure, let's hear what you come up with.
- So I move that we grant the variance with respect to the max driveway width and the setbacks, the rear yard setback, and not take action at this time on the square footage of accessory space, and communicate to the petitioner that we'd be willing to hear other proposals on that in the future if they so choose.
- I second.

- Okay, to the applicant, do you understand where we've come on this?
- [Larry] Not totally. I understand the three variances.
- You've got two and if--
- [Larry] I understand you're approving two or--
- We may approve two.
- [Larry] Or may approve two. The third one, are you thinking that we can reduce the garage space to get as close as possible to the 305, even if we don't quite meet it?
- Or look at other options, or look at that other accessory building, or or, you know?
- Yeah, they can't give you an answer right now, because they don't know--
- I'm just trying to get.
- Yeah.
- Yeah, but there's a little--
- A little bit.
- As the Alderman explains, there's a limit to how far we're gonna go to try to fix this for you at the table. But what this, if we go the way we're proposing to go, you still have an out to come back because we aren't taking any action on the accessory structure ordinance. We're just giving the variance on the back and on the driveway. If you will come up with something that takes it down past 309 feet or whatever that number was that you're over, you don't need a variance anyway. If you can do something that makes it, I shouldn't say makes it look, but gives us the sense that there's been a good-faith effort on your part to come up with something that comes closer to meeting the ordinance, that will give us a little more flexibility on feeling how we interpret that ordinance.
- [Larry] Okay, I understand that, thank you. Then what's the vehicle for the process? Do I submit drawings to Paul?
- Yep.
- [Larry] And then we meet again?
- Yeah, you don't have to file again.
- We can talk at staff level and see what you come up with.
- [Larry] All right, I'll contact you.
- Yeah.
- [Larry] Thank you.
- We have a motion made and seconded. Do we need further discussion? All in favor?

- [All] Aye.
- Five zero, you have two out of three, with the third up in the air.
- [Larry] Two out of three ain't bad, like the song said. That's right.
- [Larry] Thank you.
- Thank you.
- [Barb] Thank you.
- All right, we have Mr. Philipps next.
- [Tim] Yeah, here.
- [Julie] I'm his wife.
- Hi.
- Hi.
- Is Alderman Nicholson here?
- [Mark] No.
- Okay. I just wanted to make sure I understood all the players, and by the way, so that Tommy doesn't have to remind me again, is there anybody here that wishes to speak for or against the Philipps' variance request? You do, okay, we'll get to you, sir, not yet, but we want to hear how this goes. What we'll first do is hear staff's explanation of what you're planning to do.
- Thank you, Mr. Chair. This is a request for a variance at 2089 Fern Lane. East side property, northwest corner of Fern and Bader Street here. A low density residential property, single family home. What they're looking at doing is expanding the driveway, the existing driveway here, into the corner side yard setback. This is supplied by the applicant. This kind of basically shows the 12 by 20 foot parking area they'd like to add to the outside edge of the garage. Their view looking northeast. Again, another view from the applicant. And this is a street view perspective again, expanding the existing driveway, coming around here, about 12 feet wide, 20 feet deep along the garage to create that parking pad. Basically there is a corner side yard setback of 15 feet, they're encroaching into that setback, and that's why the variance is.
- How far in is that encroachment?
- I don't know if that's super clear.
- [Tim] I think it's approximately about half, but I think I got about six feet, so I'm trying to get another six feet on that side. I don't know the exact--
- It would be 15 feet in from the dotted line, is that true, Paul?
- From the, no, from the solid line. 15 feet in here.
- Okay, so it's 15 feet back, oh that's already the property line, okay, I think I understand. But anyway, the applicant is suggesting that he needs six feet as variance.

- [Tim] Yeah.
- Because you're encroaching six feet into the...
- [Tim] Yes.
- Okay. Okay, if you could explain your case and your reasoning and your justification.
- [Tim] Well, it's just that we kind of need some more parking space. We have a trailer that we currently keep in the garage and we would like to possibly put it on the side there so we can get our cars in the garage, so we have two cars in the garage. Also, when we hook up the trailer, it's one I use for a business that we own, when we hook up the trailer, when we have it outside of the garage, with the length of the trailer and the garage, we're actually having to encroach across the sidewalk and into the road in order to hook this whole thing up, so it's kind of a safety issue too that we're kind of looking to...
- [Julie] Coming around on Bader Street it comes--
- [Tim] Yeah, if you can see that corner there, we get a lot of people coming around that corner.
- [Julie] They come whipping around there. And we're lower than the people next door to us, so we wouldn't be blocking any traffic view. So you see they installed a six foot fence? And we are about, how much lower do you think we are than them, probably it's--
- [Tim] Well it's significant, probably about six feet.
- [Julie] Right about six feet. So seriously from our front sidewalk looking to the east, I think that is, we are literally 12 feet lower than that fence, I mean from the top of that fence. So any cars approaching that corner, their view is obstructed from that fence more than it would be from any vehicle or trailer, it's basically our little utility trailer, than anything. That's a big slope, as you can see.
- Okay. Questions for the applicant?
- Just a quick one. The form you filled out is blank in terms of what you were going to list the variances required. I just want to make sure what's listed on here is what you intended, just to make sure.
- [Tim] Okay.
- You've got, is that right?
- [Tim] I'm sorry?
- Well the handwritten form you filled out?
- [Tim] Yes.
- Left it blank as far as what codes and whatnot you need a variance for.
- [Tim] Okay, yeah, I forgot probably to--
- That's okay, I just want to make sure it's clear in what's on the agenda that's what you're asking.
- [Julie] Yeah. We're asking for just the variance, that's all.

- Thank you, just wanted to make sure.
- Okay, if there are no further questions for the applicant, if you could have a seat.
- [Tim] Yeah.
- Sir, I believe you wish to speak, in the back?
- [Perry] Yes.
- Can you get out a motion to open the floor please?
- Oh, that would be a good idea, wouldn't it.
- Motion to open the floor for discussion.
- Second.
- All in favor?
- [All] Aye.
- [Perry] Hello.
- Hello.
- [Perry] My name is Perry Ankerson. I live at 511 Bader Street. And where you go to that, in fact, let me hand this out, this is a picture right from our front door of the property in question. We had just taken this the other day.
- We can share.
- [Perry] I brought five.
- Thank you.
- So you're across the street, got it.
- [Perry] I'm across the street. You can see the property. If you go back to the, that one. No, not that one, it was another one, where it shows, that. I'm at a different angle, but I'm directly across. That picture was taken right out of my front door, looking down at the property. And I am obviously opposed to this for a few reasons. Number one, I noticed the property announcement that I got talked about a variance that the property owner must show unnecessary hardship caused by the ordinance. And in just hearing, I couldn't hear a lot of hardship, or unnecessary hardship. If they need a place to store their trailer, there's plenty of places where you can rent space at these rental spaces that store equipment and store household furnishings and cars and whatever. And imagine that they're gonna park a car there, they wasn't going to park their trailer there, but there's no way to stop them from parking their trailer on that piece of concrete that's sitting out there. That's the picture again, a little different angle, but that's what we see from our house. The other thing that probably bothers me more than anything else is my wife and I are both in our mid-70s, and at some point in time we're gonna begin to probably have to downsize our property. And our property is one of the most valuable assets that we have, and to put that in is certainly not gonna add value to our property in any way that

I can see. But it certainly sets up a potential for reducing the value of our property as a result of having what I consider to be an eyesore. And that's basically my issue with this proposed variance. Any questions?

- Okay sir, if you could have a seat?

- [Perry] Thank you very much.

- Do you wish to speak, ma'am?

- [Heather] I do. My name is Heather Schuyler, I am opposed to this.

- Which one is your property?

- [Heather] My parents live directly behind them, and I live on the corner of Fern and St. Bernard Drive. I've also lived on Bader Street on the other, where mom and dad live, right next to them. Down the street on the block on the corner. So I have been in the same situation the Philipps have been in. This is just my concern for opposing it. The utility trailer's an enclosed in trailer, so it's not like it's a trailer that just has sides. It's a totally enclosed in trailer. My biggest thing is, I travel that Fern road 20 times a day. You have the fire hydrant there that's on the road. I think that that's concern.

- Can you identify where that fire hydrant is?

- [Heather] Yep, absolutely. It's right here. So even though you extend this out, you still have that fire hydrant there. I think that's a safety issue. Also St. Bernard's Church and the school is right there. Every day, 90% of that traffic, the main traffic is on Fern. All the buses come up and down from there. I know, my mother just put that fence up. We had to maintain consideration to see for traffic. Like I said, I lived on a corner, just the same as the Philipps did, and I was in the same situation because I had a construction business and I wanted to put my enclosed in trailer on the side and obviously I couldn't do that. I got denied for it for this same reason. It's an enclosed in trailer, you're not gonna see. You have kids constantly going to Preble. The buses, they line up. I live right on the corner where that red car is to your left, and even coming out of there and coming up, it's a constant, you know, you can see that. This past summer, where the white van is, somebody actually went through my mom and dad's, she came off of Bader Street, I don't know if she fell asleep at the wheel or what, but she almost went through, if my mom didn't have her trailer there and that swing there with those poles, she would have went through the Phillips' home. Instead they went through my mom and dad's garage. Thank God the lady was okay. So I think that's just all an issue on that corner. I think it's an eyesore. I just, safety reasons, I'm looking at the school, I'm looking at the kids, I'm looking at that fire hydrant. My parents are older, that's another concern. I want to make sure their safety if something would happen, that the fire trucks can get to the hydrant. So those are my concerns, being and living. My mom's been in this neighborhood and in that house for over 50 plus years, and fortunately, me 49. So I just think I oppose it for those reasons, and safety reasons for kids as well, and the fire safety that's right there with the hydrant.

- Okay.

- [Heather] Okay?

- Thank you, Heather.

- Thank you, thank you.

- Does anyone else wish to speak for or against the proposal here? Okay.

- I would note that we did get another letter, too, from the adjacent property owners in opposition to this.

- Yes, yes. So gentlemen, what are your thoughts?
- I'm opposed to it. If the neighbors, and just the corner lot, and the view and the obstruction, we've got the school, we've got the kids around, and we've got the neighbors. I just think it's, there's not really a hardship.
- Right.
- So they don't need the variance, so I would vote no.
- Yes, I would too, and some more reasons. I believe it is an eyesore, it's not an appropriate use of that piece of property at that point. Noel or--
- Paul, would you say, oh I'm sorry.
- Go ahead.
- I apologize, I thought you were done.
- No, I am, you go ahead.
- Paul, if use case, how it's being used. They're allowed, again, remind myself, it's been awhile, so you can build a spot, a parking spot on the side of your house, correct?
- Sure.
- As long as it goes all the way to the back of the house, correct?
- It wouldn't have to go to the back of the house, it just would have to be outside of the setback area. So you can widen your driveway any distance you want, but there are setbacks that then kick in where you can't encroach into.
- And that's what's happening here?
- Right.
- But if their setback wasn't there, they have every right to build, this proposed design?
- They would, I mean, if they're in more of an interior lot, that might be a different story, if they had enough width they could do something like that, sure.
- Correct, so in a way, the hardship of the lot prohibits them from expanding their property in term of usage, correct?
- You could maybe say that or you can consider it self-imposed as well.
- Well is it self-imposed if the fact is that sometimes people come in, right, and oh, I built a fence, and I didn't know, so I self-imposed myself, that's how I read that, right? It's like people that come in, they've done a fence, we fine them, they're like, well I didn't know, that's a self-imposed hardship, that's the whole point. People come all the time and they're asking for variances for what they want to do and their property has limitations that doesn't allow them to do things.
- Right.

- Right? So that's not self-imposed, that's just getting a variance. Only, I'm for it, it's like--
- It's a philosophical question.
- You're for the variance?
- What's that, well, I'm just trying to get into our why a little bit, because the hardship sometimes we always go, and I was reading it while we were talking, the hardship is really comes down to the property, that's it. So expanding the use of the property is limited by the lot of the property.
- The hardship is their need...
- To comply.
- To have the thing on the side of the house to park. That's how much you perceive that to be a hardship, that's the rationale of this question.
- No, that's opposite of what we went through.
- So from a code perspective they're compliant for parking. They need two spaces, they've got four parking spaces here. So there's not like a limited parking issue here, or number of issue, they have sufficient parking to meet their need. I suppose if they didn't have the physical area, that might be a different story, but this is just simply an expansion.
- Okay.
- [Julie] Can I have a question here?
- Yes, you may ask a question.
- [Julie] Well, first off, the person that just talked. She does not live on the corner, she lives one in from that corner. She does not live on the corner of Fern and St. Bernard--
- Well, that's fine, we'll stipulate that she has an interest based on her living in the area.
- [Julie] Okay. We could also put our trailer on our driveway all the time. And it would still look the same as if we put our trailer next to our, our concern is more a safety issue. When I'm backing the truck in, and we're coming back from a gig, because we do DJ and karaoke for...
- [Tim] Weddings and things like that.
- [Julie] For weddings and such, when I back the rig in, I am in the truck, and I am in the middle of, I'm in the road on Fern. People are whipping around the corner from Bader onto Fern, and I'm a sitting duck. And he's trying desperately to get the trailer unhooked. I could leave that trailer right on the driveway, legally, and it would be the same eyesore if it was on the front of the house or if it was on the side. Now if I could get that trailer up a little bit alongside of the house, so he could unhook it, my safety would not be in jeopardy, nor would that look any different than if it was sitting on the driveway.
- I've got some thoughts.
- Yeah.
- They're different from everybody else's.

- Of course, that would be expected.

- I've got a couple of concerns about the petition in that there is nothing written in the petition about the variances required to implement the plan. I know you clarified that, what they were asking for was captured in the agenda, but the, it's an incomplete application. The unique physical characteristics of the property which prevent them with complying with the zoning ordinances isn't really made as a case in the application. And I think, we talked, Tommy, you mentioned before too, it's like what are the options, what are the alternatives, and there's no discussion of that sort of thing and why complying is a hardship, like I have to hang out in the kill zone on Fern, you know, trying to park. Those sorts of things I would prefer to see addressed by the petitioner in a comprehensive manner in these applications so that we can understand what's going on. And the fact that there's blank sections in this, I'm really troubled by that and not likely to support the petition, in fact, would probably propose to table it. The other thing is, there's lots of talk about the view and stuff and the need for a setback variance, but there's no dimensions given in any of the material that we've got that can show us exactly what that distance is. I don't see an image here that says, okay, this is how wide that pad is gonna be relative to the setback line, is it 15 foot off the corner, Paul?

- [Paul] Mm hm.

- I can see in that last image that we got in the packet which has got the plat, that one there, and where that dashed line is eight feet off of the, off of the solid line, well you double that, that's 16 feet, well maybe this thing fits in there as it is, I don't know, it almost look like if that's anywhere near to scale at 12 foot there, maybe they've got enough space to pour the slab and they don't need a variance. And I think that's something, especially given the opposition of the neighbors, they might want to have a better handle on before we act on this one way or another. I think also, and I would be inclined, to say if we ever were in a position, I want to have a conversation about fencing or other things like that that might obscure the unsightliness of something. But I'm not going to vote to support this, and if the petitioners want to keep advancing, I'll vote to deny just because I think it's an incomplete application. But I would propose as an alternative that we just table it until maybe they want to complete the application and provide some more detail and clarity.

- Okay, so your concern is principally a procedural one that we're not given sufficient information in the format that we had requested?

- Yeah, well, or what they've provided doesn't adequately make the case, and I would guess I'd give them the benefit of the doubt in terms of putting some of that together and letting us take a look at it another time. But as it's presented, I either have gotta vote no or I've going to motion to table it.

- Presumably the inspector determined, based on some set of measurements he was shown that there was a variance required, right?

- Right, and many times we have staff that fill in that category for the applicant, right or wrong, because maybe they're not familiar with the code or the exact code section, so I simply gleaned from the site plan that they had an issue with the setback. We don't necessarily grade the applications when they come in, and I could maybe agree that it's somewhat incomplete 'cause there are some blanks, but we don't judge the applications necessarily. I think Noel's right in the sense if something's inadequate, I think you have the right to ask for sufficient details.

- More details, right.

- I think from my perspective, I understand the table, I'm not sure of your question, Noel, but unlike the last one, I don't envision a scenario where I would--

- Where you'd say this is--

- I would say this is gonna change my mind.
- Yeah, I'm recognizing that the petitioner could just pave up to 15 feet off of the street.
- Right.
- And not need a variance at all.
- And not need a variance at all it that's enough to get their trailer on, they've got their trailer there.
- Right.
- So may I ask everybody to kind of go back to the three step test, if it's no on any one of those three, it fails, right? So unique property limitation, unnecessary hardship, and then protection of public interest. Just for my recalibration, what it says in here is "harm the public interest nor undermine "the purpose of the ordinance. "The public interest includes the interest "of the public at large, not just "those nearby property owners." So is part of our process too is, if there's a--
- There's people saying that it will harm it in public interest.
- Right, that is, we're here to judge, hey, there's more community work that needs to be done as well. So in that one case, we might disagree about the interpretation about unnecessary hardship, but in this case, based on the three step program, number three, that's where, to finish where I was at before, number three I'm a little concerned about, which is protection of public interest. There's more work to be done with the neighbors to kind of come up with a solution for safety or conversations they need to have within the neighborhood so we're not being the judge and jury for the neighborhood. So that is why I'm leaning towards no. We have the three step test kind of getting back to those basics of what we're supposed to do, and that number three is kind of where I'm having the struggle, we're not ready for it. So whether we table or we say no, right now, in my opinion, it's failing because of that one.
- Well, if you're willing to entertain a motion, Mr. Chairman, can I make one even though it might fail?
- That's fine.
- Okay. I would move that we table this and ask the petitioner to provide more detail, including more precise measurements of what they're looking to do and how that relates to the side yard setback and to complete the application with more detail.
- I would second that.
- Okay we have a motion made and seconded. Does everybody here up at the table understand what, will staff, will they interpret that correct, that they understand what Noel has proposed?
- For clarification, if this motion fails, we still need to act on the ordinance, correct?
- Correct.
- Okay, so there's a second motion from it, okay.
- Okay, we have a motion before us made and seconded. All in favor?
- Aye.

- Aye.
- Aye.
- Opposed?
- Nay.
- Nay. All right, that's where we are. You got, your motion is passed, Noel.
- Okay, and the thing popped up and went away so fast that I didn't think I should even push a button.
- Sorry, Noel, that was my fault.
- [Tim] All right, so if I'm interpreting this correctly, you're saying that if I can find that I actually can't fit this within the parameters of the setbacks, that I don't need your approval to go ahead and do this, correct?
- No, I'm just saying, I guess we're just saying if you're--
- [Tim] Well I--
- When you ask from us for a variance, we need more information than you've given us.
- [Tim] And that's my failing because I really don't know what I'm doing in this situation, I'm just trying to convey to you what I wanted to do. And I was given some information by the building inspector that I had some room there, but not quite enough room maybe, and he wasn't 100% sure. When I initially proposed this, probably a year ago, he flat out told me no, that I would have to get a variance, and then when I went for the variance, he kind of fudged or hedged on that, and said you may not even need a variance, it's like and well, I said, well, maybe I should just apply for it anyway, just because--
- [Julie] To make sure we do everything right.
- [Tim] I just want to follow the right direction.
- No no, and I think the good thing that Noel did is he gave you an out, right, so you have time to work on some of that stuff, and then work with the neighbors and kind of maybe suss out some of that public interest, see if you can work on some of that, because again, what we are supposed to vote on is three steps, hardship, property limitations, and public interest.
- [Tim] Okay.
- Whether they are representative or not, we have to consider that as a whole. And so I'm saying that's why I kind of voted, personally.
- Yeah, if we forced that tonight, you probably would get denied.
- Correct.
- Correct. This happens a lot, where we're at the point where we're gonna give you another shot. And if you insist on having us make a decision tonight, you may not like the decision.
- [Julie] Oh no, we're okay with that.

- [Tim] I'm just trying to understand what you're saying, because I'm starting to feel a little bit more like, after looking at that 15 feet, I'm starting to think I've got plenty of room to actually do this.
- And if you do, then I suspect you don't need to come to talk to us.
- Right, exactly.
- Okay.
- But you might want to talk to your neighbors.
- You've still got neighbors concerns, and we're not here to pass judgment on those types of things.
- [Tim] Right, I'm familiar with my neighbors' concerns.
- So anyway--
- [Tim] It varies from month to month.
- So that's where you are sir, you've got a chance to come back. At this point we've taken no action, but we have not started the clock.
- [Julie] Okay.
- [Tim] Okay.
- [Julie] Perfect.
- [Perry] Excuse me, can I just ask one quick question?
- Yes.
- [Perry] About the trailer, is it legal to park a boat in your driveway, a trailer in your driveway, things like, is that a, 'cause I never see anybody ever do that?
- Sure, as long as it's on a legal driveway it's a permitted used.
- [Perry] It's legal to just park--
- If he's parked on a driveway that's approved, it is, yes.
- And isn't there something about a commercially labeled vehicle as well.
- Right, we're just talking about domestic vehicles. There's RVs, there's boats, there's other things that apply as well, there's different requirements, but basically you can park anything pretty much on the driveway. So a trailer would be permitted.
- [Perry] So if they extend the driveway, then that's considered a driveway?
- Yes, you're right, and they could park a trailer or boat or whatever else on there, yes.

- Great, well, we'll move along. Larry and Darlene Sterckx. And I'll say it correctly, and if I have not I apologize. And I note that Mr. Steuer's here.

- [Mark] Yes.

- You have a seat too. Oh sorry, I had a friend--

- You had a friend.

- I had a work friend that it would've been Steuer, is it Stewer?

- Steuer.

- All right.

- Like the gallery.

- I was worried I was insulting you for months.

- [Mark] Don't worry, I've been called .

- All right, Paul, could you explain what we have before us here?

- Sure, this is a property at 304 North Platten Street. A single family home. Northeast corner of Dousman and Platten. There is a proposal for a garage, expansion of an attached garage expansion here, this would be to the north. This is a setback issue, this is the front yard, I believe, well this would be considered the rear yard. So we're required to have a 25 foot setback, they're less than, I think, four in that case. So this is the proposed additional garage space here. And then I have an extra photo of that. So it's simply a rear yard setback issue that's being considered.

- The side's not an issue?

- No.

- Okay.

- Okay, Paul.

- Okay, so there's the rear, there's the argument it could invade the house, it's already violating that, 'cause of what we are.

- Much like Van Laanen Road, it's a similar situation.

- That, because you can't make it work otherwise.

- Right.

- Which setback are we talking about, point to it?

- This one here.

- The back.

- The back.
- This property line.
- So that side is okay.
- Yes.
- Okay.
- Okay.
- Okay, hearing that, let's hear what the applicant has to say.
- [Larry] Okay, it's not a garage addition, it's a carport for my RV. I've got plans if you want to see it.
- [Mark] Let's roll them out.
- [Larry] I'm not asking to pour any cement or anything. I've got an existing slab there already. All I want to do is make a cover just to protect my RV.
- So there is an existing concrete pad right there?
- [Larry] There is an existing concrete pad right there already, there's been an RV parked there for 25 years with no problems with the neighbors or anything. And I'm just looking to make the carport, it'll be open on the sides so the sight-line ain't gonna change anything for any of the neighbors. We're just looking for protection.
- So what's kicking in the variance requirement?
- The expansion of the principal use.
- [Larry] The 25 feet behind us.
- So there is a slab there their RV's parked in, now this is an extension of the principal dwelling, so that's why the setbacks are kicking in.
- Because there's a roof, but there's no walls.
- Right.
- But that's still considered?
- It's still attached, basically attached to the principal structure.
- Okay.
- [Larry] I can't make it freestanding without tearing up the concrete and moving the concrete. If I attach it to the garage I can leave the concrete there. Won't have to move my concrete.
- So the concrete, let's say the applicant was here to put in that hunk of concrete, you would need the same variance as he's asking for now?

- That's my first question.

- Not necessarily. Starting from scratch, if it was just going to be a slab, he can expand his driveway provided that's behind the setback area, which he's back behind his home, so he's back behind the setback. The issue here is that the garage, I suppose, is expanding on the principal footprint is expanding, that's kicking in the setback. So there's two different things. One is a building setback and one is a pavement setback with a driveway.

- Yep, okay, I get the subtle distinction here.

- And there is no, and it's just the rear yard, there isn't, I see the impervious surface calculations here, but that's just to show that it's good on impervious surface?

- I believe so, so we rely on our building inspectors to take in the permit, they review it, so I'm using their judgment on what they found in their review. As well as the applicant.

- I have a lot of questions when I saw this design. So right now we have a driveway unattached to a garage that doesn't have a tapered slab, and so for me, and then there's the garage, the existing house is on the right of the driveway width?

- Right.

- [Mark] You can see the dashed line right there where it separates.

- Yeah, so the... Do we consider all of the pieces, like everything, for approving the structure, because right now, that pad is not to code, correct?

- I think the pad's okay.

- Doesn't it need to be tapered?

- Not necessarily, if he was coming back into the right of way or coming back into the throw or the neck of the driveway, maybe you'd have to have a taper on it. Again, this is all back behind the setback area, so it's not a taper issue, it's probably a convenience to have that taper, right, to drive?

- Well didn't we just, isn't there like, to have something parked on the side you have to have a driveway that goes toward something on the side of the house, right? Like the last application?

- Technically, no.

- Oh.

- And this is like, this is where he's storing something, this isn't like driving a car in and out of everyday. I imagine it's like you're going camping so you hook up the trailer, you drive it out and pull it across that one time you're doing it.

- So we're considering this storage?

- Right. You're not required to have a driveway, period. If you have a driveway then it has to be paved. It has to be on a solid surface. But again, when you get to that garage space or the pad space, it doesn't have to be paved to that point. It might be ideal to do that, but you don't have to.

- I think this was one, I'm in favor of this. It's, really, it's conforming to what is already there. It's a narrow lot, it's got the, it is the same thing as we were looking at on Van Laanen in some respects, but without the extra square footage or the other issues.
- Yeah, I'm totally fine with it. I just was super curious about the slab and the width of the driveway.
- I was concerned about the appearance part. That--
- Well, go ahead, I'm sorry.
- You've got a roof this way, how is that gonna match up with what you've got here?
- [Larry] We're gonna take the entrance off the garage, build up the wall so I can get kind of my height that I need for clearance, and then we're gonna put the roof 90 from the rest of the house.
- Okay, all right.
- So it'll bookend the hip, the house part of the house, right, he's gonna have the same profile as the house does.
- Right.
- Yep.
- To the street, so.
- Yep.
- [Larry] And then I was gonna come down four feet from the roof line with a solid wall. The bottom would be open for your sight, so that you can see through it. I'm not asking that it be enclosed or anything.
- Yeah, you're just asking for the roof.
- So you've talked to the neighbors, or Alderman, you've talked with the neighbors.
- [Larry] The neighbors are all okay with it.
- [Mark] Yeah, there's no pushback on it. Like I said, he's on a corner lot, and is that a hardship? Could be a bit, but it's not like if you take the square footage of the house and the garage and subtract, you're supposed to have the residence bigger than the accessory uses, and the way I figured it is I come within like 130 feet within that. If you were getting strict to the level of that, I figure it's about 130, and it might even be less because you've got the lip up there, it's more or less hanging, overhang, so I think it would even be a little bit more. So I don't think it's a tremendous amount of area that's in question. I took a look at the property. The property's, in fact, Paul, can you go back to the aerial photo? The home's to the north but it's along Division Street. They're setback pretty far and there's also a fence there, correct?
- Yeah.
- [Mark] Larry, I think there's a fence there?
- [Larry] I got a, my lot is fenced in, yes.

- [Mark] It's, from what I saw, it wasn't like there were neighbors very, very close or encroaching closely to that setup. There is a little bit of setback issue in the back, but the neighbors are fine. So I'm in support of it.
- Okay, one more question, Paul, and just to be clear, because it's now a structure, right?
- Yes.
- It's a cover, does that make it, like we were talking about earlier, a boathouse, does it make it like a secondary structure, like a garage, boathouse, storage shed?
- Even though it's not enclosed it's still an expansion of the principal use. He could put walls in it or not walls and still have a roof on it and it's an expansion on the principal.
- Do we know right now, based on that addition, does that put the garage and this above the principal structure?
- I didn't see that from the inspector. But that's a very good question, but I did not--
- That's what Mark was just addressing.
- [Mark] Those are the numbers that I--
- Yeah, it puts it over.
- [Mark] So here's the number on the bottom, I subtracted out, that's left--
- 130 over?
- [Mark] About 130, roughly, feet, square feet.
- Does that mean it would be another variance if we--
- If it's over, it should. Again, I think the inspectors, doing their review, if there's something missed that should have been addressed, yes.
- Again, I'm just being thorough so that this person doesn't have to come back. If that gets caught in the inspection process and we didn't approve it, do they have to fill out another application with another fee?
- I think you could acknowledge it and grant the variance, if you're comfortable with that. Again, if you're not, you can request additional information if you need that to make a decision.
- Okay. So we could add it today.
- You could, I believe you could add it today.
- Do you want to make a motion?
- Yeah, I'll make a motion to approve the request of a variance plus the overall, if it is an issue, with the square footage, we would approve that variance as well.
- And if it's over, did you just say that?
- Yes.

- Second.
- We have a motion made and seconded. Is there anyone who wishes to speak for or against this property? Very well, gentlemen, do we understand the motion, and does staff believe they understand the motion?
- Yes.
- All in favor?
- [All] Aye.
- Opposed?
- Nay.
- That would be four to one. You have your variance.
- [Larry] Thank you.
- [Mark] Thank you, gentlemen.
- Thank you, sir.
- Thank you, Alderman Steuer.
- Thank you.
- Thank you.
- [Mark] You're welcome.
- Okay, we have two in a row from Mau & Associates, no we have Phil Jennings first. Phil Jennings the sign guy, is he here?
- [Phil] Yep, thank you.
- Are you Phil?
- [Phil] I am.
- All right.
- [Jessica] I'm Phil.
- [Phil] This is Jessica Diedrich, Executive Director of Freedom House.
- All right.
- And that's what we're here to discuss, the sign.
- I was really confused because you apparently had it on a lot.

- [Phil] It's a new building.
- Google Earth pictures, so, took me a while to figure that out. But like I say, I'm easily confused, but now I understand. Okay, Paul, would you explain what's being done here?
- Yes, I can clarify that, this is the Freedom House property here on St. Anthony. This is an older aerial photo, and this footprint of the building has been removed. And this is the current footprint. Newly constructed, shelter facility. And the request actually is for a sign variance. This property has a very density residential zoning. It's basically a multifamily type zoning, and they're hoping to add some signage to the new structure. Because it's in an R3 district maximum size is about 16 square feet in size. They're proposing about 54 square feet. This proposed sign here. That is the requested variance, and that's gonna be on a new wall face. There's another perspective. I believe, it's this one.
- [Phil] So yeah, it's that area right there.
- It would go right there?
- [Jessica] It faces the highway.
- Right, yes.
- [Phil] It faces Curry Lane and 54, 57.
- Right, and it's lit?
- [Phil] It is lit, but there is no residential property that would be directly facing the sign. It would be all traffic.
- Perhaps maybe you could address the issue that at least wasn't brought out as much as I was wondering about. I assume you want, this is more than just a sign to say where you are, this is a sign where you want the clientele that you are dealing with to be able to see and understand what it is and where you are?
- [Jessica] Correct.
- So a lot of the signs that we deal with are more passive. Yours is actually intended to be an active sign of--
- [Jessica] The direction marker in essence.
- Yeah, a beacon, rather than being just a passive sign. For my purposes, that's all it takes, I'm in favor of this. With that, I'll lean back and allow other people to ask questions, 'cause I'm sure they'll have some.
- [Jessica] Okay.
- Is it one sign?
- [Jessica] Correct.
- It's just gonna be the one, not two. We had originally talked about doing two. Paul, you want to put that picture back up, that last one that you had up there? No, the drawing, where the, there, okay. We had originally talked about putting an additional sign on this wall, but we just decided to go with that one. It has traffic from both sides, and with the size too, it's allowed two signs, we said let's just go with the one.
- Would they work in a residential, what would it be, Paul?

- It depends what zoning district that would be in. It could be much larger than that. Residential requirements are typically lower for obvious reasons, so, residential uses.
- [Phil] If it has the 16 square feet that we are actually limited to, people really wouldn't be able to tell what it was from 57 54.
- Sure.
- Right.
- What was the total square footage again, sorry?
- [Phil] It's 54 square feet.
- 54, go ahead.
- This is not really a, it is a residential area, but they're not, what they're saying is that they're not in that type of area.
- Well they're considered an institutional type signage, so it's different than your multifamily or your single family type use.
- Okay.
- Has there been any talk of going and getting it rezoned?
- I don't think there's a need to do that, no. They're a permitted principal use there.
- Okay.
- Noel, Jim?
- It's an institutional area. You've got a park across the street, Curative Connections, the highway, the VA Clinic across the Curry Lane, and the on-ramp and the university, it's just, and then a bunch of senior living places and things like that, this is a completely appropriate signage, it just is a mismatch with the zoning.
- Don't be dismissive of senior living places.
- I'm not, I'm just saying it's...
- Some of us will be there sooner than others.
- It's like maybe they should have larger signs than they've got too, but it's like this is, I think this is appropriate relative to what we're talking about in the speed of traffic going by. We've talked about that at several of the other variance requests where there's high speed traffic and it merits a little bit larger sign sometimes as well. This is, I think it's just appropriate.
- I make a motion to approve.
- Second.
- Then I suspect we're in violent agreement. We have a motion made and seconded. All in favor?

- [All] Aye.
- Five zero, you have your variance.
- [Phil] Thank you very much.
- [Jessica] Thank you.
- You're welcome.
- Thank you.
- Yep.
- Now we have the Mau & Associates. Okay, we'll start off with the floodplain issue one. If you could identify yourself?
- [David] Dave Chrouser from Mau & Associates. I made the request. I think you've probably seen numerous ones. This is kind of similar to other ones that we've submitted in the past. We've got a lot that's at about 60 feet wide, so we're trying to fit something in here with the floodplain and--
- Can Paul go first?
- [David] By the state, we have to be 15 feet, one foot above flood.
- Yeah, I allowed you to start speaking before I should have.
- Okay, I'm sorry.
- That's not your fault, that's mine, and we'll now let Paul give staff's interpretation.
- [Paul] Sure.
- [David] Okay.
- He'll speak with me firmly after the meeting.
- This a property on the bay of Green Bay. 1937 Lakeside Place. East Shore Drive is just to the south here. A area of single family homes. This is an infill lot. There is an existing non-conforming detached garage here. I don't recall if there was a home here or not, but I think it's been vacant for several years.
- [Kevin] It's gone.
- Yeah, and it's been gone for quite a while. So because this is in a floodplain and the relative existing grade now, you have to elevate the earth, and then therefore elevate the principal structure that would be planned to be built there. So this is a plan that was submitted by Mr. Chrouser showing the lot and the basic footprint here. So because it's in a floodplain they have to provide fill around the structure, 15 feet and one foot above the base foot elevation around the entire structure. That creates kind of an island around the structure as flood protection. The problem here is the lot is very--
- Narrow.

- Really narrow, not very wide, so they can't physically provide that fill. So in lieu of that they can do retaining walls, a retaining wall system, that has to be stamped and approved by a professional. So the variance, the board can grant a variance for that reduction in fill requirements, so based on the material that's provided. And these are some of the additional graphics from the applicant. So we have released a permit to provide fill on this site. As you can see, they are filling it. There is some clay material and there's a retaining wall that's going in here. This is another view of that retaining wall. The concern that staff has, at least initially, is this doesn't match what was proposed by the applicant in the sense that the cross-section doesn't meet those standards, so that's a question you may want to ask the applicant and why there is a disparity between those two. So, that is the request.

- What's the difference in the cross-section, Paul, is that a stepped back wall there, versus what we saw, like a flush wall?

- Right, so the idea in the ordinance is there's some sort of terrace typically built. There's some gradual side slope up and then with a maximum two foot high retaining wall and some drainage area and so forth. So again, looking at this, that doesn't seem to comply with what was being proposed as part of the variance, so, I think there's a, again, a chance for some clarity as to what this is. We don't want a sheer wall that will drop off in these scenarios, we want to have a tapered, stepped up side slope.

- Was this permitted?

- The filling was permitted, and you can place retaining walls I guess, to obviously support the fill that goes in there, but at the end of the day, that still has to meet the ordinance that's required and also come before the board to get--

- And submit the designs that you get approved.

- Right.

- Got it.

- Okay, thanks, Paul. Mr. Chrouser, do you care to address the discrepancy that Paul spoke about.

- I guess, to be real honest with you, I didn't know there was a discrepancy until Paul just showed me the pictures. So I would have to defer back to the property owners for that portion of it right there. We did design it with the step in here based on previous ones that we had with the step down, and I think, obviously, it was a miscommunication with the property owners that it was installed this way. I know that we were trying to keep the trees and stuff along the side here and some of the existing drainage that's going across there. That kind of caught me off guard, seriously. But I think Paul addressed the issues as far as the one foot above, 15 feet out from the structure, and it's typical on these narrow lots that that's what we ask for. Now I don't, did you know that? Had Paul indicated that to you with the?

- [Kevin] No, that was all up to the excavator that installed the stuff for us.

- [David] It was so long ago, seriously, I didn't know it was installed that way.

- [Kevin] Originally this was gonna be temporary, and they decided to make it, we decided at that point, why would we make it--

- Right, and that could be the case. I'm just raising the issue is that, the board has an image of what it's gonna be built out as, and physically in the field it's something different, which means this could change, but it just doesn't seem to line up, so we're just asking for clarity on what the difference is, or if it's gonna be remedied in some period of time.

- My principal question would be, this is like we've seen it before. Mr. Chrouser has said that's it's like we've seen it before.

- Sure.

- We assume that the final product will meet engineering standards to accomplish the safety issues that are the whole function of the ordinance.

- Right.

- Given what we've had explained to us in the application, we can make a determination of whether we need to grant a variance, but somebody will have to inspect this to make sure that it, I guess, Mau & Associates will have to assure the various people in charge that there was an adequate design and construction of whatever is put here. We're not here to grant a variance so much as to accept the fact that these are small lots and that there are engineering solutions that can be done to accomplish the goal of the ordinance. So we assume that whatever is put in there has been inspected and that we have been presented with the right stuff.

- Right, so as I had mentioned before, a permit was issued through our office to provide the fill. They would go through, they would compact it, and we're trusting it's done with an appropriate professionalism, so to speak, but again, there's just a difference between what was proposed by the applicant and what's constructed. So I think the board should be aware of that difference and I don't know if that would influence your decision or not, but you should be made aware of it.

- [David] Could I ask, Paul, is that, I'm just looking at how far they are along here and what they've got, is there, and I understand the drop-off, I'm just wondering if there's a solution to possibly leaving this the way it is by maybe creating a railing or something along that edge, 'cause I would assume that that's gonna be the city's issue is with somebody possibly falling off there, and if that would be a viable solution to obviously moving this... There's a lot of stuff here, that's going to be very significant to move that wall.

- Right, we're going off the design that's provided, that little window, so to speak--

- [David] I understand, and like I said, this is the first I saw it as, too, that it was installed this way. I'm just looking at the property owners here right now. Would be putting a railing across that, would that be a viable solution to possibly granting a variance to leave it where it is?

- Well, I think the issue is the height, and I don't know the relationship to the lot line. Again, there has to be a two foot setback off the lot line, two foot wall max height, and then that could be steeped up to, I suppose, terrace to the natural grade. But this is a sheer drop off. It doesn't appear to meet code. And again, the board could consider deviating from that, but again, that would require a new design and new consideration.

- No, we're not here to provide engineering solutions. We're here to provide a judgment on how this conforms or doesn't conform to the ordinance. So we will have to make our decision based on what we have presented in the plan.

- [David] Okay.

- The final resolution rests with the city and inspections, and we're not holding you harmless against those.

- [David] Yeah, I--

- There's a limit to what we can do.

- [David] I know, I was just, I was just trying to salvage an issue here.
- I understand.
- Seriously.
- I understand.
- [David] Well, I guess, let's attack the request as made, and then we'll have to address, we'll have to address that?
- Right, and staff has no concern with what was being proposed, we've run that through the DNR, they're okay with that as proposed, except now what has been built is different.
- Yeah, I look at it as an inspection issue that may result in something that we have to think about further later, but at this point we can pass a decision based on what we have before us, and then it's your problem.
- [David] Okay.
- And maybe you need us to help resolve later.
- [David] Yeah, we'll deal with it.
- We don't want to derail this now unless we, you know, we may derail it later.
- Well, how much of the walls, how much of the retaining wall is up? Is this on both sides of the lot?
- [Kevin] It's on both sides, yeah. The other side's not as high.
- [David] Well I'll have to take a look and see what's actually there.
- I have a feeling that the issue of engineering sufficiency is met. It's a question of safety?
- I don't know that, it's not compliant with the code language that we have. Again, there's certain standards in that side slope that have to be met. If they're not met they'd have to be considered by the board as some sort of alternative again. Much like the fill is an alternative, in this case, retaining walls, there are standards for the retaining walls that have to be met as well, the terrace and, again, we don't want sheer walls.
- But you want, your terraces should be stepped back.
- Right.
- Right.
- At least half a block width.
- There's no backup information on the sheer walls, so we can't really make a judgment on that. We're not here to inspect--
- [David] Right, so--
- I'm simply informing you of actions that have been taken in the field that could ultimately be enforcement issues, but I don't want you to consider approving something that is maybe differ in the field, 'cause if someone

comes up to you and says, well, did you see what they're doing out there? And it's something different than what you--

- No, well, right.

- We're not approving that.

- Yeah, we're not approving that, and we'll make sure in our motion that we're not holding them harmless against that, we're basing our judgment tonight not on the pictures that we've seen here, but on pictures we see here.

- [David] But this right here.

- So I guess, just a one quick question. So you got permits, you got okays, and you're coming to us just as a formality because they need a--

- No.

- How do they get a permit without a--

- Yeah.

- You know what my question is?

- I think so, so it starts this way, the land is low, they're in a floodplain, so they have to get to a certain elevation. So they have to bring fill into that site. So they got a permit through us to do that, a grading plan, and as you can see, they've filled the site. They could add retaining walls as well to contain the earth, right, 'cause you're adding a lot of earth. But because this is in floodplain those rules have to meet a certain standard, because they're not going to withstand hydrostatic pressure in case of a flood event. So the fill is one thing, the other issue we're contending with now is the walls, are those compliant with both engineering and the code that requires them to have a certain side slope.

- I think that the question that you might be getting at is more about why would they be bringing fill on the site if we hadn't granted the variance yet, and I think it's--

- Right, the only variance request is for fill, and yet there's an approval, I mean there's an approval.

- It's some form of approval.

- There's like a multi-step process that's going on. So this is the first step, the second step might be then the variance for the fill, and then there's a building permit application that comes in. So, it's sequential.

- This variance has to be granted before a building permit could be issued, but it didn't have to be granted before you could start putting some fill on the site.

- Mm hm.

- I think that's how.

- Oh, so you need the variance to build a structure on the lot? Oh, okay, then it's code. I just wondered why were here talking about it. Okay, yeah, got it.

- And on that end, just for my edification, since we're here, because we've seen this twice now. When we're approving it, we're approving the fill at a certain level, the retaining wall is part of that variance as drawn, so if we're approving that and it's not done to his point, is that an enforcement issue or did we grant the variance and now they can make that however they want?
- No.
- No, we're--
- That's what I'm trying to clarify. Because I feel like we're not like--
- We'll grant the variance as it's been explained to us and--
- [David] Per the plan.
- According to that plan.
- We're granting less than 15 feet around the house within the drop off because the lot's too narrow to do that.
- Yes.
- So that's the only thing we're talking about.
- That's all we're talking about?
- Yeah, no matter how they engineer it, how they build it, how everything else goes, that's between--
- That's an inspection issue?
- That's between the permitting folks and everything else.
- But I wanted to bring it to your attention so you were making an informed decision about what you're approving.
- Copy that.
- Because in the field, something's different than what's on that, I think that that's only fair to know that there's a difference.
- Copy that, okay.
- Yeah, 'cause this is like, oh, somebody poured the garage, but they poured the slab before they filed for the permit, or they build the porch or they built the fence before they asked us for a permit.
- This would be a self-imposed hardship, right? Because the hardship is now?
- I think ultimately it's an enforcement issue, potentially.
- Okay, cool.
- All right, I'm still a little confused, because there's no detail of the wall in here, in what I'm looking at right now, in this submittal.

- That was revised, yeah.
- That was revised. Oh, so now we have a detail, okay, got it. So there is a detail, okay, I got it. Okay, so not then approving that design.
- Well I think you were just considering what's before you, what has been constructed in the field is something different. So you have to take that for what it's worth I guess. You can act on what's before but ultimately it may be an enforcement issue for us to review. If you don't feel comfortable making that decision knowing this information, you could table it and work through a different solution or design.
- Can't we simply approve what was submitted to us, we can approve that.
- In a vacuum, you can do that, yes. I'm just trying to provide information that's available to us. I feel I have to disclose that to you. If I know about it, you should know about it.
- Yeah, that's fair enough. We can pretend we didn't hear it.
- Dave would like that.
- We're not here to provide engineering, we're not here to provide enforcement, we're not here to provide inspection. We're here to provide approval of the plan, the variance as requested. And I would note that whoever makes the motion, we should include the paper that you just showed us with the plan for the wall, that becomes part of our record.
- Yeah, because we don't have that yet.
- I don't know if I included it on the agenda, I have it.
- It's not in the packet, but he had it on the screen.
- So if you've already got this, that isn't the problem.
- All right.
- All right, I'll make a motion.
- Anybody else, do we need to ask if anybody else is gonna be okay with it?
- Does anybody else wish to speak for or against this? Hi Mary, come on up. You must be a neighbor.
- [Mary] Must be a neighbor. We're to-be neighbors here.
- That's what I gather.
- And I just have actually a lot of questions that you folks have, and probably we're landing in a spot similar to what I'm hearing being discussed here.
- Can you just state your name and address for the record?
- [Mary] Oh sure, it's Mary Pappas, P-A-P-P-A-S, 1947 Lakeside Place.
- 1947?

- [Richard] Lakeside Place.
- [Mary] Thank you.
- [Richard] I'm Richard Martens.
- [Mary] We found it peculiar that the date of this request was for December 6th, I think it was the 6th, variance requested December 6th, and that work began on December 26th, so work began before all of this was coming through, the variance request was from December 6th. So we found it kind of peculiar, but kind of moved on, and that structure is there, the dirt's there. And it seems that the conversation now is about setbacks, right, the 15 foot setback, is that, and really I have questions about on the footprint of the building that we saw, if you could give us some dimensions of how many feet, just to help us know what we're--
- Well the one thing is the 15 feet is not a setback off a property line. The 15 feet is a perimeter around the building itself.
- Right, I understand that part. I guess what, I'll just kind of cut to the quick on it, what is of interest to me, because we're neighbors to the right of that drawing, and we've had conversations before too, and I just want to make sure that what our verbal conversations were are being represented here. So can you tell us how many feet between the east side edge of this footprint and this property line, ignoring the 15 for the floodplain?
- It should be from that pad that's right there, it should be 11, around 11 feet.
- From the patio pad?
- I believe that's what that is. The wall should be two feet off the property line.
- So 11 feet from the edge of the patio, enclosed porch or the screen porch, I think you guys would call it, to the property line?
- Yes.
- And then the house itself?
- It looks like about 20.
- It's gonna be a little bit more than that.
- Like 21.
- Mm hm.
- Really, that far?
- Yeah.
- Okay.
- It kind of looks like the same distance between your house and the line to their house and the line.
- And then on the west side of the house there's less width between the house and the property line.

- We've built from that, I believe from that little stoop that's sticking out, I think we're real close to that 11 feet also.

- Okay. All right, so that was just the question we had for what are these dimensions, because there's all these photocopies back and forth because email doesn't work anymore. You can't trust that, and there aren't any numbers, there's a lot of numbers on this paper but not on that. Okay, and I, and not to be nerdy here, but I did see your information that said that, on the surcharge concept? That the plan was to fill to 595 I believe it was, and then remove a couple of feet?

- I think if you would look at this, their...

- This is the one I'm looking at right here.

- That, you've got it.

- Okay, yeah, mine's a little bigger, I can read it without my glasses. The garage of the house is gonna be about 590.

- Oh, I'm actually talking about the surcharge that you've got to remove again, to compact the organic soil?

- You're losing me here.

- Okay, the plan is to really pile on a lot of dirt, right, so that the subsoil or the organic layers in the soil are compacted, and then you're gonna scrape that off, right, a little bit?

- Yeah, and that there, they've got a soils guy coming in that's actually doing that, I'm not charging for that.

- And I understand the process, and I'm an advocate for this process, because I want these guys basement to work, and for them not to have problems right at the start.

- We'd like all of them to work.

- But I just wanted to draw your attention to the little stick on top of the dirt in your yard. It says 590, not 595, which this drawing says.

- Yeah, that 595, that's not, you know that's not right.

- The weight, it's supposed to be there for the weight.

- Weight, yeah.

- Whether they have enough weight now, that's?

- [Kevin] We do have enough weight. I don't know where the 595 came from.

- I don't neither, that doesn't...

- So that was probably--

- And I don't care, I'm just trying to make sure that it's all working out here.

- An informal indication of how far they should go, and 590 is what it's gonna be, and that's what's shown on here.

- [Mary] That has no bearing on us at all. We're certainly willing to support what they're planning to do as far as the variance request for the space around. We are very interested in your discussion about the wall. That picture that was up there actually is looking at us, and I think that your excavator said it was going one more layer of stone put on there. So it's going to go one more stone higher.

- It actually is one more further down I think, isn't it? There.

- Yeah, it looks like it.

- [Mary] The section that we see there is what he said would have one more layer of stone or block. So we're concerned about that, and my brother actually fell off a wall with his lawn mower a number of years ago, so I appreciate the safety comment, in our back yard. So we're not, we support the variance, we're concerned about these things. We're also very concerned about the process, because it seems kind of peculiar to us that this kind of structural commitment was made and it's not to code from what I'm hearing, and that's not good for anybody. Fixing that is gonna be a lot. That's all I really wanted to add. There is one thing that is important to us, and again, we've talked about this, and I would ask that you folks would put this in your motion, and that is, again, if you go back to the footprint picture, they've got their screen porch that's there, and that screen porch is gonna be right across from our living space as well, and we've talked about this and the concept of having some kind of physical divider there, especially with that being closer to the lot line, is, what we agree would be a nice solution, but I ask you to put that in your motion, that there be a physical barrier there. A fence, privacy fence of some kind, or maybe a 16 foot section so that we're not looking in each other's windows, and that it be of a sufficient height, six feet or something like that. We've talked about doing this between us, but I would very much like to formalize that in this process.

- I am not sure we can do that, really, but we hear your request, we hear your request.

- [Mary] Again, that's really where we're headed with their conversations between us too, so.

- We try to stay out of the neighbor thing.

- [Mary] Just in terms of solutions of the safety issue, though, that certainly would take us a ways on that point too. Is there anything else, Rick, that we want to make sure we catch with them, I think, you've been bringing up your three points of consideration on making decisions. The lot hardship, and the, I think, property locations, hardship, and public interest. And I understand that a lot, I've lived on that property my entire life, so I know it, and I've kind of gone from when there were no footprint requirements to every time FEMA has adjusted them, so I understand, and we built a new house on the lot next door, under the 2009 FEMA rules, so again, I understand that, and it gets complicated, and there are always things that surprise you. All along the way, that's part of the deal. But that understanding only goes so far, and there is hardship for us. I know the application says no hardship on these matters. There is hardship for us. It's an aesthetic change to the neighborhood, to have that elevation and then a two story house on top of that, that is an aesthetic, dramatic aesthetic change in the neighborhood, and for us next door. So I, again, I'm not opposing the variance request, but I would like to say that that variance request out of courtesy, could reflect that. It's kind of like a line in the variance request says no hardship for the neighbors. Well, that's not true, there is hardship. And there will continue to be hardship because our whole planting of our property between that wall and our house is forever changed. Replacing trees and we are now looking at a pretty sizable landscaping project to kind of work with it.

- [Marne] I would like to add to that, Mary, though, that you guys did plant your trees extremely close to the property line, to the line that you knew was not your property.

- [Mary] Yeah, and I'll comment on that too.

- [Marne] And you also did--

- We don't need to get in, this is why I tread very carefully on neighbor issues because we're not here to adjudicate that.

- [Mary] I would like to just comment on that, those trees were planted when the FEMA regulations did not require what we had to do. That's just the way it was. We never could have envisioned that eight feet of dirt would have to be put in there, that's just, that's hardship, that's hardship for them, but there's hardship for us too, and I don't want that point lost in the scheme of things. And again, I'm looking forward to us working these things out, and getting past the construction stage.

- Some of this may have to be resolved with your Alderpersons. There's a limit to what we can do here for us, we're just trying to decide whether the ordinances have been met, and I understand your concern, Mary, that there's some implication that perhaps there is no effect on the public and you're arguing that there actually is because you're part of the public and you're next door.

- [Mary] And the neighborhood in general, again, the neighborhood in general.

- But at the same time, I think you're going to be affected by just about anything that's done on that property.

- [Mary] Absolutely, absolutely.

- Like you said, the ordinances, the FEMA regulations, they're only going up, they're not going down, so the sooner they can get something built there, Mary, if they wait too long it's going to be even higher.

- [Mary] I know. That's really true, that's really true. Again, I want to be clear, we're not opposing their request right now, I just, I would like the variance--

- You have some concerns that you--

- [Mary] To say that, yeah, they're--

- You would like perhaps to be included in the way we resolve this, and we'll take that into account.

- [Mary] Thank you very much.

- Any other questions, comments before we go on? Anybody else wish to speak for or against? Okay, if you all could have a seat.

- [Mary] Thank you.

- We'll talk it over. Thank you. Thoughts?

- When we've seen these before, they've certainly been stepped back retaining walls.

- And that's what's, that's what has been presented to us.

- I'm in favor of approving a variance from the exception of the 15 foot of fill one foot above the flood, you know, blah blab blah. If it's held back by a retaining wall as proposed.

- As we've seen the plan, you're saying we can pass off on it?

- Yeah. Or, do we, and if we say that, and then there's absolutely no way that they can adjust that fill and adjust those walls, and then it kills the whole project and what have you, I don't know where that leaves anybody, certainly having two straight walls of retaining wall and a bunch of dirt sitting there for years isn't gonna help anybody either. So the other option may be is that we sit back and wait until staff has a chance to take a look at it with the engineer and see what the possibilities are for reworking that site.

- Well if we were to approve the variance as presented to us, we wouldn't be holding them harmless, whatever they've done so far, before the variance has been granted is at their risk. And if indeed they wish to make a case that that becomes a variance--

- Then they come back to us just with that.

- A hardship enough to want us to reconsider a variance and then they come back.

- That's a fair way to characterize it, yeah.

- So I would be inclined to us to make a judgment tonight on what we have had presented to us.

- Yeah, because no matter what, they want to build on that property, this is the step, so we make sure it goes before, and if they build it wrong, they come back for a variance.

- Right.

- Then we make that judgment or whatever, or they get it fixed, but no matter what, we're approving the design.

- And that conversation, if it had to happen, would be one that would include conversations about railings or fencing or other things like that.

- Oh yeah, that would be a difficult conversation, but it's one that may be appropriate for us. It's at least as appropriate for us as us passing judgment on these types of things at all, so.

- Yeah.

- So anyway, that would be my encouragement to you.

- Yeah, I would second your motion if there--

- I didn't make the motion yet actually, I was just trying to talk it out.

- Oh, well I make a motion to approve the variance as presented and as designed, with the stepping wall.

- I'll second that.

- Do you wish to include any consideration that Ms. Pappas explained on any of her concerns.

- Not at this time, not in my motion.

- Okay. So we have a motion before us. It's been made and seconded. Further discussion? All in favor?

- [All] Aye.

- That would be five zero. You have your variance. Okay, Mr. Chrouser, we're back tonight for a second stage of your presentation.

- Any retaining walls in this?

- This would be Mr. Schneider?

- [Douglas] Yes.

- Very good.

- [Douglas] I've talked with you on the phone, I haven't met you yet.

- You missed it? You snooze you lose, man.

- Pardon me.

- Bless you.

- Thank you.

- We don't have to motion for that, right?

- What his sneeze?

- To bless his sneeze?

- It's outside of our purview, but not allowed. Very well, we have a plan here. Would you like to explain what's before us, Paul.

- Sure, there's a paving request at 212 Alvina Street. The existing property is a multifamily and has an existing gravel driveway. It's been in place for several years. There's a vacant lot to the south, and there is a shared access agreement between both properties. The property is zoned R3, it's a multifamily area. And they would like to pave across that lot line. That requires a variance. So this is the initial plat of survey provided by the applicant showing the lot line and the approximate area of the gravel driveway that has existed for several years. Again, another perspective view. But I think the request slightly changed, David, maybe you can speak to that. They decided to expand that driveway a little bit to kind of square it off and make it a little bit wider, more practical for two way traffic I guess. So again, the variance is along the property line here. There's a 10 foot setback either way of that, and they're obviously encroaching over that. So that would require a variance, and that's the only variance before you.

- And you said there's a shared, what was that again?

- It's a shared access or an easement agreement between the property owners. I did talk to the property owner to the south and she's aware of the request.

- Got it.

- [David] And she doesn't have a problem, go back to the aerial, Paul, I think that's, if you look at that driveway, that's what they've been using, and if you look at the frontage on that vacant lot, they've got about it looks like about 50, 55 feet going across there and it already crosses that driveway. Discussions with her, she actually used to own the apartment complex that we're trying to pave right now. She sold that to this gentleman here. And the goal is that they'll actually both, when they built this piece out, they'll both use that

driveway in common. When you look at that small frontage that they've got in there, it only makes sense that that's what they'll do. So my conversation, and here's how it's changed, and I, Paul, there you go, that area in pink, she's willing to expand that easement because that pink area is actually outside the easement that they have right now. She's willing to expand that, and then we can make this driveway actually the 20 feet wide which is kind of a minimum with the city, because the way we've got it right now, if we just paved that easement, and Doug would have to actually pave another probably about four feet of his property, I'm still only 13 feet wide, I can't even get two cars side by side. And I'm getting too close to this existing apartment, so I'm trying to keep a decent width in there. So in my conversations with her on the phone was that if we could do the seven feet, and I sent this to her and she's actually talked to Paul, she said she didn't have a problem with that, she'd actually be in favor of that. And then we'd have a 20 foot wide, you'd be able to have two cars pass, and then they would actually create that with a joint easement so that that would service this other piece in the future.

- That makes sense.

- [David] I think this one's pretty straightforward, seriously.

- I think so too, I just will add the caveat, though, we're not passing judgment on the legality, the legitimacy, or whatever of the joint agreement between the two parties. We will only be passing judgment on the need to grant the variance to do the construction. We're not holding the applicant harmless from somebody eventually claiming you shouldn't have ever done that. We're not gonna say--

- [David] We don't have a problem with that.

- You can't come and say, well, the board said we could do it. No, the board just said it could be done.

- [David] Sure.

- All right.

- [David] We understand that.

- I don't want to beat a dead horse, but you understand.

- I motion to approve the variance as requested, with the, I mean, is that one included in the variance that's requested, that update?

- Yep.

- Yes.

- Okay, so I motion to approve the variance as requested.

- I'll second.

- Okay, we have a motion made and seconded to approve the variance requested for the Alvina Street property. Everyone understands? All in favor?

- [All] Aye.

- Five zero.

- [David] Thank you very much.

- [Douglas] Thank you.

- Finally, we always say that the last person is the long suffering applicant. Paul, would you fill us in on this?

- Sure. This property's at 2895 East Mason Street. This is the northeast corner of Mason and I guess with I-43 here, Superior Road. This is Jehovah Witness Church, and they have plans to reconstruct this parking lot here. And I think they were before the board back in '18 and they got two variances approved, and I think impervious coverage was one, and I'm trying to recall the other.

- [Jessy] Interior.

- And the parking lot landscaping, those both were approved but they've lapsed since that time. So Jessy, the applicant's reapplied here in this case, and he's also added another corner side yard setback. There's a 15 foot setback that would be along this corner here that they're also encroaching into. I think this is the latest site plan of that, and shows some encroachment in this area and possibly up here. So again, there's three variances, the impervious coverage, the interior lot landscaping, and then the encroachments into the building setbacks.

- And that's the new one?

- That's the new one that's there.

- We approved the variance previously, it's just lapsed.

- It just lapsed, correct, yes.

- Okay.

- Could you go back to that aerial view?

- Yep.

- So the drive around piece on the frontage, if we're calling Mason the frontage, that's the piece right there?

- Yeah, I believe so.

- You mentioned another as well, another setback issue?

- I don't know how close it is here, this could be also a candidate as well, but maybe Jessy--

- [Jessy] Really entirely around the property. If you look at, the whole thing is, if you go all the way around, if you look back at the setback, it's set within that, so it was built at that time, was it back in the '80s or something like that? And so we're not looking at increasing or changing or anything like that. Typically what we'd want to do is just take this thing, grind it up and repave it, compact it, and put another one on top, but after doing some soil samples we realized there's some issues with the base, so we have to take care of those issues, otherwise this lot isn't gonna last another 10, 15 years, and we want it to last another 30 years. And so we want to do a quality job, get it done right, and so we're trying to address all of these issues which are presently there, but we want it on record, so we're doing it properly, we're doing it the right way. We're not looking at increasing the footprint. We're looking at maintaining pretty much the same thing. But even on, if you look on the north side there, that is all within, that's gonna be within the setback too. If you look at, I don't know if they give you a copy of the drawings, we would lose probably, if we had to maintain those setbacks, at least 30 to 35% of our parking at minimum which would right now, we're using almost every spot. At that point then we're starting to have to use street side parking if we possibly can, and you can see how it's

not curb and gutter in the one area, we'd certainly impact the residential community, which we don't want to do. We want to be good neighbors. And so we feel by doing this, hopefully, we're minimizing the impact to the neighborhood, we're keeping the security of all of our parishioners first and foremost, especially when you start looking at lighting, snow removal, all those types of things along the street side, we just feel it's the best option for this facility at this time.

- So the design is slightly different than the last time we talked?

- [Jessy] No.

- Or it's the same exact design?

- [Jessy] They had to do some specific drawings, for instance, like the driveways, we're having to make some adjustments, the cutouts and how we laid out the driveways, have them equal. There's a sidewalk along the building, I think, I don't know if that was on the original plan to the north side of the building there, and right up. What we found in a lot of our buildings, we're trying to remove some of the heavy growth vegetation next to the buildings. We're having a lot of issues with mold and those types of issues, with water permeation. So almost all of our facilities we have, we have over 30,000 in the mainland U.S. that we're dealing with, we're trying as much as possible to mitigate that issue, and so we're trying to find ways to work with that. We're trying to make it to grade in the back, which is gonna help out with that sidewalk also. Overall, just improving it, but not changing, in fact I think we're gonna, I know we're not expanding it, but we're not trying to change, we're trying not to change it as much as possible. Keep it the same thing that we have, because we know that we are asking for a variance here, so we shouldn't ask for the world.

- Well I know four of the five of us were sitting at the table the last time you asked for these things.

- Right.

- Hopefully we all feel the same way.

- I'm familiar with the area, I'm by there a lot.

- [Jessy] We're hoping for a Spring deal, trying to get all the plans in place, pull the permits at the end of the month, beginning of next month and start in Spring.

- I've been waiting for you guys to do it.

- [Jessy] It's been a long process.

- And I suspected that you were gonna have to come back, 'cause I was pretty sure it had been over a year.

- [Jessy] And what it is is there's a pretty substantial amount, we needed to make sure that base is properly done, because I think when it was originally done, the fill that was brought into that location, because it was being all swampy along there originally, and so we've had to deal with some of those issues and take care of those.

- Oh, yeah.

- All right, any further questions of the applicant? I think we understand the situation. Thank you, sir.

- [Jessy] All right.

- Could you have a seat? Sir, did you wish to speak for or against, did I forget you?

- No.
- Okay.
- He's a friend of mine.
- Oh, you're friends.
- Usually he's in L.A.
- I like to keep that quiet though.
- Yeah, good idea.
- Motion to be a friend tonight.
- All right, we don't want to keep Mr. Geurts and his associate waiting any longer.
- Move to approve as requested.
- I'll second.
- The motion's been made and seconded to approve the variance for the property at the East Kingdom Hall of Jehovah's Witnesses. All in favor?
- [All] Aye.
- Opposed?
- Whoops, sorry.
- Five zero, you got it.
- Thank you.
- Thank you.
- [Jessy] Appreciate it.
- The longest wait but the fastest action.
- Yeah.
- [Jessy] Appreciate it.
- Thanks guys.
- I motion to close the floor for discussion.
- I second.
- All in favor?

- [All] Aye.
- Okay, we do have something left.
- We've got a couple of things. So that is the draft that Jessie provided. We want to have one more kick at it, so to speak, or look at it.
- So next time we say yes or no, right?
- Well, right, and we're trying to get this implemented. We've had some staffing issues, and we've had some formatting issues. So I know we're behind the ball a little bit, but we wanted to get it out to you one more time. We're planning to move forward on it, but if you saw something that was of a concern, let us know, otherwise we'll gonna put it out.
- Are you gonna have it say plans are not to be larger than 11 by 17 in red, and then pay the higher page printed cost for the color copy as opposed to a black and white?
- I could include that, if that's critical.
- I don't know how you guys feel, but literally the only thing I would change is to get the application forward, get their explanation at the back, so I would do page one, your explanation, two, three, application, and then this one, the back.
- You'd put page two as page four?
- The last page.
- Yeah, I would make this the front of the thing.
- That's okay, that makes sense.
- I stapled them backwards.
- Oh, so this one, one, this--
- Then the application.
- Then the application, and then this one at the back. Okay, good. If any one cares, I just think, get them the application.
- Do you need a motion or settle on this? At this point, the way I understand it, is that you proceed with it and if we, it's work in progress.
- I think it looks great, and I appreciate all the time staff's put into this.
- Yeah, I do too.
- Very good.
- Yeah.
- Starting with getting us some training, that was pretty cool.

- That was a year ago already.
- Yeah, that was pretty cool.
- It was very busier.
- It was.
- Yep, in February.
- Opening of Hotel Northland.
- That's right.
- The only other point is rules and procedures, I think we talked about that late last year as well. That was included in your packet. You're welcome to go ahead and look at that document. Don, I thought maybe you wanted to address some points there. We can take that any direction you want.
- I can't even remember what I did.
- Right, so, we can keep that as a running item if you want. But we can delve into the rules and procedures if you want to make modifications or procedural things.
- Yeah, we should have the board approve it though.
- It has been approved. I think '13 was the last update, but I don't know if there was changes you wanted to make or the board wanted to make to that document? Since there are new faces and new thoughts maybe?
- Well I gave you a redline version of what I thought we should put in the procedure.
- Yeah.
- And that's been incorporated. It's not something that goes to the council. It's not something that goes to the public.
- It's just right here.
- Yeah.
- But we still need to vote on his redline changes, correct?
- Yeah, so I can get those back out, I'm not sure if you had copied everybody or not. We can get that back out and put that on as an agenda item to discuss or vote on if you want.
- Let's do that.
- Okay.
- Then we've got, then we can show that everybody's same page, same file.
- Okay.

- All right, let's do that.
- And I will work on that. That's all I have.
- Move to adjourn.
- It's much better.
- We have a motion made to adjourn. Do we have a second?
- Second.
- All in favor?
- [All] Aye.
- The motion has passed, we are adjourned.
- What was the pause?
- No the pause was because I remember last time.