



MINUTES OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, FEBRUARY 15, 2021, 5:30 PM
Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INFORMATION.

I. This item contains documents which provide call in information and instructions for the Zoom Meeting.

Chair Don Carlson called the meeting to order.

B. ROLL CALL.

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

Alternate: Tom Hoy

Does anyone need to abstain from voting? Was anyone out to any of the properties? Did you speak to anyone regarding this variance request?

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

Alternate Present and Voting: Tom Hoy

Chair Don Carlson asked if anyone needed abstain from voting, if anyone was out to any of the properties and if anyone spoke to anyone regarding the variances on tonight's agenda. All stated no with the exception of Tom Hoy. Tom Hoy stated he was out to 901 Main Street Item #1, and 3, 2646 Wildflower Row.

C. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the February 15, 2121, meeting of the Zoning & Planning Board of Appeals.

Moved by Gregory Babcock, seconded by Jim Hutchison to approve the agenda. Motion carried.
Yes- Don Carlson, Gregory Babcock, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None,
Abstain- None

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the November 16, 2020, meeting of the Zoning & Planning Board of Appeals.

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

E. REGULAR BUSINESS.

Moved by Gregory Babcock, seconded by Jim Hutchison to open the floor for discussion for the duration of the meeting. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None,
Abstain- None

1. (Appeal 20-031) Garritt Bader, GB 901 Main, LLC, property owner, proposes to permit the installation of a drive-thru for a potential restaurant use in a Downtown One (D1) District at 901 Main Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1606(1)(6) emergency pass lane for the drive-thru (Ald. R. Scannell, District 7).

Moved by Gregory Babcock, seconded by Thomas Hoy to deny the variance as requested. Motion carried.

Yes- Don Carlson, Gregory Babcock, Thomas Hoy, No- Tommy Everman, Jim Hutchison, Abstain- None

2. (Appeal 21-001) James and Claudette Schabow, property owners, propose to construct a deck on the rear portion of their single-family home located in a Low Density Residential (R1) District at 438 Kristy Lee Court. 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. V. Corpus-Dax, District 2).

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

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None,

Abstain- None

3. (Appeal 21-002) Analilia Ruiz, property owner, proposes to retain an existing a fence installed in a Low Density Residential (R1) District at 2646 Wildflower Row. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Section 13-521(a)(1) fence setback (Ald. V. Corpus-Dax, District 2).

Moved by Gregory Babcock, seconded by Jim Hutchison to grant the variance as requested pending confirmation that the fence is not in the Right-of-Way. Motion carried.

Yes- Don Carlson, Gregory Babcock, Jim Hutchison, Thomas Hoy, No- Tommy Everman, Abstain- None

4. (Appeal 21-003) Jon LeRoy, Mau & Associates, on behalf of TDJM, LLC, property owner, proposes to construct a single-family home located in a Low Density Residential (R1) District at 3608 Church Road. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, front yard setback (Ald. B. Dorff, District 1).

Moved by Thomas Hoy, seconded by Gregory Babcock to grant the variance as requested. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

Moved by Thomas Hoy, seconded by Gregory Babcock to close the floor for discussion. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

F. INFORMATIONAL.

1. Discussion on procedural items related to the Board of Appeals.

A discussion was had between staff and Board Members.

2. Next Meeting Date: March 15, 2021

G. ADJOURNMENT.

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

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None,

Abstain- None

VERBATIM MINUTES

- I see Jim, I see Tom. We're still missing Tommy and Noel. But, I think we can get started. We do have a quorum. All right, before we get into the good stuff. make sure everybody understands who-- I'm the Chairman, Don Carlson. We have Gregory Babcock. We have Tom Hoy. We Jim Hutchison. Hopefully a bit later we can get Tommy Everman and Noel Halvorsen. All right. Gentlemen, have you reviewed the agenda? Do you have any comments? If not a motion would be in order.

- I'll make a motion to approve the agenda.

- I'll second. . Okay, we have a motion made and seconded to approve the agenda. All in favor?

- [All] Aye.

- All right, we have that taken care of. Next we'll talk about approving the minutes from the last meeting. The last meeting was February 15th. Do you have any comments, questions, we can deal with it? Otherwise a motion would be an order.

- I believe the minutes look accurate. I'd make a motion to approve.

- I'll second.

- Okay. All in favor of approving the minutes?

- [All] Aye.

- Good. All right, at this point we still do not have Noel, is that correct? Glancing around here. In which case, Tom, you're on.

- Okay. We've approved the minutes. We approved the agenda. We've talked about who we are. At this point I believe we can open the floor. A motion would be an order.

- Did we want to query the other board members if we visited the sites?

- Thank you, Tom.

- Thank you, Tom,

- [Jessica] I was just gonna mention that.

- Thank you, Tom. The oldest member corrected the second oldest member. I appreciate that. All right, gentlemen, there is some bookkeeping we need to take care of. Did anyone visit any of the sites that are before us tonight for consideration?

- No.

- Hearing that, I hear none.
- No, I visited Deckner.
- You visited Deckner, okay. Regarding the variances before us tonight, did any of you speak with anyone regarding these?
- No.
- No.
- I hear all nos. Finally, at this point, do any of you anticipate needing to recuse yourself for any of the properties tonight?
- [All] No.
- All right. And now we have Noel.
- So then I won't be voting, correct? You won't be voting Tom, but you're welcome to make comments and questions and participate in the meeting.
- Okay.
- Thank you. For those of you who may be puzzled, we have five members. Myself, Mr. Hutchison, Mr. Halvorsen, Mr. Everman. And who did I forget here? Sorry.
- Babcock.
- Mr. Babcock.
- Sorry. Mr. Babcock. And we have Mr. Hoy as our alternate, who will step in and vote in case he is needed. But his contributions regarding comments and questions will be appreciated throughout the meeting. Paul, is there anything we need to discuss this, yet, before we get into this?
- I think we're good to go.
- All right. Well, why don't you go ahead and tee the first item on Bay Harbor Drive.
- Sure. Thank you, Mr. Chair. Let me bring up the aerial photo of that property. The property is located at 3524 Barina Creek. The property is a corner lot here, located out in the Red Smith area, a Low Density RI property. It's relatively a new build here. It's mainly single family homes surrounding the properties. The proposal is to build or construct a 12 by 12 deck on the west side of the property. As you kinda notice, the homes are rather close here, especially this property on Barina Creek, is really close to the lot line. But in this case there's a 25 foot setback, a rear yard setback. And they're encroaching within that about five, six, seven feet or so. These are some pictures from the applicant, I believe showing the distance. This is the subject lot here. The property line coming through here, approximately. And that deck being built off the west side. Again, this is kind of an angle looking to the west. So, the request here is for a variance in the rear yard to encroach into the rear yard setback.
- Okay. Thanks, Paul. Are the applicants on the meeting?

- Yes, I am Traci. This is my father, Tim. My husband's listening as well.
- All right. Go ahead Traci. Perhaps you could explain your need for the variance and your argument for it.
- We own a three bedroom home. If we followed the property, we'd only be able to have a six foot width deck. And we just do not feel like with the size of our home that's adequate for our needs.
- Yeah, so I would just have one comment from the summary that the person gave just before we started speaking. The picture that was shown, and the cursor kind of showed that the lot line was left of that electrical pedestal. And actually it's not. That electrical pedestal is very close to the property line. So the property line is actually only about five feet away from the neighbor's building. That picture, yes. Maybe eight feet or something. The property line is very close to the neighbor's building. So that would be my comment, the only comment that I would have. The picture that has those dimensions on is pretty self-explanatory, I think, for the dimensions that we would end up with if we put that 12 foot deck on there. There would be a 19 feet from the property line.
- All right. So your basic argument is that it's impossible for you to have a deck of a reasonable size given the setback in the rear of your house?
- Yeah, that's right. If we adhered to the ordinance with a 25 foot setback, that would mean that the deck, the depth of the deck could only be six feet away from the house. And a six foot deck is pretty much...
- Yeah, and we have a three bedroom house. We just don't feel it's adequate for size.
- And the other question I would have is is your house placed as close to the front of the lot as was feasible, practical or allowed?
- We bought this as a build already. So we did not have any say in that.
- Paul, did you have a comment on where they would stand regarding the front of the house? It looks pretty close to what they should be.
- Yeah, I think they're in line with other homes in that block. So I think they're as far east as they can go.
- All right. All right. Yes, Alderperson Dorff.
- Thank you. I'm here in support of this. I have received no communications, no complaints about this being done. So, I just wanted to add my voice to theirs and to be in support of this, if that's what the Board of Appeals decides to do. Thank you.
- Okay. Thank you. Is there anyone else on the call tonight who wishes to speak for or against the variance that we're about to consider? If not, I'll turn it over to questions to Tommy and Noel and Tom and Greg and Jim.
- I have a question regarding the neighboring house. They seem very close to the property line. Is that because the offset is a side and not a back?

- I think that's a good question. I don't know if I have a good answer for you. It is very close. It's most likely, almost nonconforming to the side lot line. I believe that's a story and a half or higher home, which should have an eight foot setback. I don't know if that was the result of the platting or if the other lot, the subject lot was created recently, I'm not sure. But I would almost say that home placement is almost non-conforming.

- Okay.

- I had a question about the, the application said that you wanted a 12 by 12. But am I understanding that you're okay with a 10 by 12?

- Well, and we discussed this a little bit. I think they would prefer the 12 foot, and given the choice they would prefer the 12 foot. But if the board is gonna say, no, absolutely not. But you could do a 10 foot. Well, I think that would be acceptable, but it wouldn't be the preference, I'll put it that way.

- Okay.

- Did I speak to this, did I say that right?

- Yeah, no, I would agree.

- All right.

- And my question is, did we, is there any issue with the neighbor that is fairly close and the deck's going towards them?

- Yeah, I did speak with them and they did not voice a issue. I believe they probably received this invite as well. So I don't see that they're on here, but.

- Yeah, and I would just add one more thing. The neighbors, where the property line is close to their house, that is their garage. Their garage faces that property line. So I don't know that that makes any difference to you guys, but it's just something to consider.

- Yeah, absolutely. I think a deck facing a garage is a little different than a deck facing a living room. But for me, looking at these, this is the perennial challenge of corner properties. The setback, the rear yard setback, is meeting up against a side yard setback. Typically, as Paul even noted, this one seems to be even closer than maybe it ought to be, to the side yard, the neighboring house. But regardless, it's difficult to, it's difficult to look at two lots that share a line and say a different rule applies to one versus the other just because the one happens to be on a corner and that's the back of the house or what have you. And I get it, but it's a consistent challenge. And so it just makes for a wonky bit of business here. And I don't have any fundamental opposition to these folks put in the deck on that they imagined, particularly if the neighbors are okay with it. There seems be plenty of yard space there for it. It's not gonna be like the deck itself is gonna be so close to the adjacent house. It's still a distance away as we would like in zoning, but it's still got some gap there. So I'm not gonna oppose this action.

- Okay. I suspect we may be in agreement here. A motion would then be an order.

- I would move we accept the application as written.

- I'll second.

- So just for clarification, does that mean a 12 foot deck or a 10 foot deck?
- As written, 12 foot, that's what I meant.
- Okay, we have a motion made and seconded to approve the variance as presented to us, a 12 foot deck. Do we want to have any further discussion before the vote? If not, all in favor, aye?
- [All] Aye.
- Opposed? That's five-zero. You have your variance.
- Thank you so much.
- Thank you.
- Thank you.
- Just make sure to follow up with our Inspection Department for permitting.
- Paul, do you want to bring us up on the next one? This is the property that Mr. Zepnik will talk about for Habitat for Humanity.
- Sure. Yeah. This property is at 1696 Deckner Avenue. It's a vacant lot, south side of Deckner Avenue, just east of Main Street. Vacant lot. It's considered an infill lot. And we have some single family homes that are to the east of this property. So, because it's an infill lot, we look at the average setback in the neighborhood. So we're looking down towards the east, looking at these homes, approximately the setback is 45 feet measured from the right-of-way line to the front facade of the homes. In this case the applicant's applied for a building permit and received a building permit in November of last year. This is the site plan from the building permit. It shows the footprint of the home here, a detached garage and a driveway. As you notice up here, the setback is shown us 25 feet. Unfortunately, this permit was released and construction has begun. This is kind of a before-after of the property, a street view. This is the home just right next door. We're kind of looking back toward the southwest almost. And here is an image of the home as it stands today. So the foundation's been put in, as you can see, it's been framed, there is a roof. But you can see the disparity between the two buildings here. This home is, again, about 25 feet from the right-of-way line, where again, the other homes are roughly 45 feet in distance. So their request is relief from the front yard setback, which should be more in the 45 foot range, and instead it's placed at 25 feet.
- Okay. Who is representing the applicant tonight?
- That would be me.
- All right. Could you talk about how we've ended up at this point and what are the bases for your request?
- Yeah, so, we don't have any, excuse me, we don't have any engineers on staff. We defer to Mau and Associates for our engineer and site work. I submitted the building application as we normally do for every house. It was approved. At the time we emailed back if they had noticed, and let us know to set it back a little bit farther. But building had continued. And then I got a call from Inspections asking to file for a variance in this case. I don't know if our engineers had drawn up the site plan with consideration that we also own the next lot that that house will need to be set forward farther than the 45 feet due to the shape of the lot and the depth of the lot in the

backyard. I'm not sure. I was just asked to file for a variance because this is something that was approved through the building inspections. And then it was noticed too late. So that's where I stand.

- Okay, my questions would be, excuse me, Alderperson Dorff has a question. Please go ahead.

- Alder Stevens asked me to speak for him because he has to be on his committee tonight.

- Okay.

- Traffic, Bike, and Ped. And I just want to do that, that his concern was that the City approved the permit. And so he's not taking a side on either side, but that is a concern. No one has really reached out to him at all. But he did know that the City approved it and felt that should be taken into consideration. And that's exactly what you just heard. So I wanted to emphasize that. Thank you.

- Okay. Thank you. I'll bounce this off Paul at the same time, Mr. Zepnik. Paul, could you put that permit application up again? Is there any reason to suspect that things weren't built the way they were approved?

- No. I think the applicant applied for a permit. I think they submitted the proper documentation. The permit was issued and they started construction. I think the unfortunate part here is there may be some inspector error on this, in this case. But no, I think the applicant followed the rules and regulations as required.

- All right. Yes, as you pointed out, it does show the 25 feet, which is probably about normal. And alluding to what Mr. Zepnik said, it may be appropriate for the next lot to the left. Okay, I think I--

- Correct.

- If there's any other questions, Jim, Tom, Tommy, Noel, Greg?

- There's someone on the call that asked to speak on this, Dawn.

- Thank you. I'm here Dawn Foeller and my husband Rob.

- Yes.

- So we own the lot, the vacant lot to the east of this property. And then we also have our home two doors down at 1716 Deckner Avenue. We are just appalled by the building. To be within 55% of the variance. I think it's supposed to be a 45 foot setback and you're talking 25. It is so out of place in the neighborhood. We've talked to, my husband has talked to each of the neighbors, the one just to the east, as well as those across, and then also Mr. Wotruba. So hopefully they all called into Paul. And I apologize, we didn't call Mr. Stevens, but we have called Mr. Neumeyer, to voice our concern that this is ridiculous. Rob, do you have some additional words?

- Yes. Good evening. Well, now I understand why or how this got this far before any variance was really actually acquired. Thank you. I'm concerned, really, along with everybody else I spoke to, about how this is gonna affect our property values, the aesthetics of the neighborhood. At first I didn't know if this possibly got missed in plan review or whatever. There's gonna be a second home built. I'm very familiar with the DNR 75 foot setbacks, and so far as high water marks go. I do a riparian work on the Bay. The City has ordinances. Ordinances are created and

enforced to make sure everyone's treated equally. How would any of you feel if this was actually built next year home? I'm actually concerned, also, I'm a contractor, storm water, you name it, concrete. The foundation elevation over there is concerning, regarding water issues from the slope of the neighbor. I'm just really, like my wife, I'll use her word, appalled. Why do we all have to live with this in our neighborhood?

- Mr. and Mrs. Foeller, could you point out on the, maybe to help me out, understand where you live, where you have a vacant lot, and where you are in respect to the property in question.

- Okay, we are--

- We own DMF Real Estate right there.

- All right.

- And then our home is, the next one is Wotruba's, and then that is our house right there.

- Got it. All right, thank you.

- Our property comes up behind. Our property comes up behind the star in that woods.

- Yep. So we also own that as well.

- So we have, I don't know how deep my lot is, 600 feet. We probably got one of the big ones. So once again, I'm concerned about property values.

- You've lived there for a while. It's my memory that there was just one building on what was two lots there, or am I remembering things wrong?

- So my, Rob's great-grandfather actually built our house back in the 1930s and Foeller's have lived on this block since the late 1800s. We have not done any changes to our property or buildings at all.

- I guess I'm referring to the two properties owned by the Habitat for Humanity, down closer to the Credit Union. Was there one building there that was torn down? Or were there actually two properties all along here?

- We acquired them as two lots.

- All right. I've lived on the east side right near here. I've driven past several times. But my memory is, obviously as Mr. Hoy points out, I'm not always sure about what I remember. I just remember there was an older house there that was torn down in that area. And I'm just puzzled by why we have two lots there. It almost seems like it should be one. Either way, that wouldn't have helped the situation. Mr. and Mrs. Foeller, you know about the slopes of these properties. Is it possible for a developer to put a house on either of these two Habitat for Humanity properties, maintain a reasonable distance from the front, as well as keep in mind any setbacks or other requirements on the back?

- I truly don't believe so. We have these ordinances. All of our homes were in here prior. Anything that's like, Jack Wotruba uses the word blatant, 55% beyond the setback allowance, is gonna look obtusely out of place. And I think it's gonna affect our property values. I wonder how, and I hope not, but even the people that, if would move into a place like this, could be criticized for something like this.

- Paul, can you comment on these two properties, is the second one that's to the left or to the, whichever direction it is, of this property, is that developable too?

- Yeah, let me just go back. I brought up an aerial photo from 2000. So there was a home on the triangular piece here. So this is the lot in question on Deckner.

- [Don] All right. My memory was right.

- So there was a house there at one point.

- Yeah.

- Right.

- It was just one building on what is now claimed to be two lots owned by Habitat for Humanity.

- Correct, right.

- It might always have been two lots, but there was just one building there.

- Yeah, I don't recall if there was a land division or not, but there certainly was a home there at one point. I don't recall when I was removed, but there was a home. Is a buildable? We're kind of waiting for an application from Habitat. We have to look at that. I suspect it is buildable, but we're not sure if they will need variances for the construction at this point.

- Noel, do you have any insight on this?

- Well, yeah. I live on Deckner Avenue as well. So although I haven't visited the site I drive past it quite a bit. I remember my reaction seeing the foundation going in, being, whoa, I betcha that neighbor is gonna be really ticked off. Is that neighbor on the call by any chance, by the way, the immediate adjacent neighbor?

- No, he's not. And I talked to him this last week and he was unable to attend the meeting. So I took his verbal comments and I included them within the packet and the agenda. He just had a couple of concerns. One was the view to the street, was his main concern.

- Yeah. So not happy about the placement. I think from a design perspective, and Nate, obviously, it's not my place to criticize your site design, but putting the driveway and the garage on the side of the property next to the existing house could have lessened the blow of this. Instead of having the driveway go down the west side of the house, have it go down on the east side of the house. It would have minimized the site distance cutoff for the owner of that adjacent home and could have mitigated this a little bit, just from a design standpoint. And just like we were talking before, it's easier to, if you're gonna be close up to the lot line, to be looking at a garage as opposed to somebody's living room. That kind of gets you a little extra space here. It might've been appropriate, even though it may be would have still been a 25 foot setback that you were proposing, thinking about, obviously, the adjacent house is gonna need a shallower setback than the 45 feet that we're looking at as well. The real challenge here for me is the fact that we're being asked to retroactively approve a variance that's needed through no fault of the petitioner. The City approved the building permit. And I really feel like the, in some sense, the error is at City Hall and not necessarily with Habitat. And so it's a real challenge for us, from an enforcement perspective to contend with that. I know that's sort of a situation, and I think maybe it might even be above our pay grade as the Zoning Board of Appeals. I don't know

exactly what our response should be. My inclination would be to not act on the petition at all and leave it for others to hash out.

- Oh, I can speak to that briefly, if you'd like. So, when we became aware of this issue, administratively we couldn't approve it, right, we couldn't say it's okay, don't worry about it. So we had to take it to a body. It revolved around a dimension, right, it's a front yard setback. The board sees those all the time. So we felt this was the appropriate body to bring it to. I did consult with our Law Department about this request. We feel, we're confident, in directing the applicant here, is appropriate. The hardship is... They completed their due diligence, so to speak, to get the permit and start construction in good faith. And now they're being told they really shouldn't continue. And I guess that's kind of their hardship in a sense, that they followed all the rules to this point. And all of a sudden now we've shut them down, so to speak.

- Paul, can you explain how Habitat for Humanity acquired both of those pieces of property?

- I'm not sure I can. Maybe Nate can speak to that. I don't know that the City had control those properties, so I really couldn't speak to that.

- Mr. Zepnik, do you understand how those properties came to be held by Habitat?

- I cannot recall. We've owned them for approximately two to three years. At that time I was not involved in the purchasing of lots.

- Okay.

- Yeah, they didn't come via the public, to my recollection. They were a private party transaction, I believe.

- Okay.

- I have a question.

- Sure, Tommy.

- Has there been, where I'm struggling, is if you take the self-imposed, yes, and the City has a piece in this, but is this something that I would consider approving regardless of it already being built, right? 'Cause that's kind of the self-imposed part of the thing, and we're affecting a neighborhood and so it's permanent. Has there, is there a way for this, if you take the financial and starting over, but is there a plan or a design that if it wasn't 25 feet, that there would be an ability to build an actual, like legit house on this property? To me that's a better framing right now. Because I have to consider not the self-imposed hardship right now. So, if there was a design that, hey, this is what we could do, if it was correct. Or no, there's no way to do this without doing this. I don't know if that makes sense. Does that make sense?

- I was trying to get to that because I'm not sure that if the house was moved all the way back to end up meeting the front yard setback so that it's in line with the other buildings, if there's enough room back there for it. Or if there's a such a huge drop-off that it would be not buildable.

- Yeah. I think pulling up the site plan, Paul, if that's possible?

- Yeah, again, if you flipped the garage--

- [Paul] I would suspect there's more than enough room to--

- If you flip the layout the other way then you can go further back with the garage and you probably could have moved the whole assembly of buildings further back on a lot. But... That's not what we're here to figure out though, in a sense, right?

- No, and I guess from my perspective only, I would be taking the approach Tommy did, that we should, or I should, I will anyway, consider this as not a constructed piece of property, but as if there were people asking us with a bare piece what they should do, and then we certainly would have heard from the Foellers and everybody else in the neighborhood what we're hearing now.

- Right.

- Mr. Foeller, you had a question? Comment?

- Yes, in so far as being able to move it back to meet the average setback requirement for frontage. There again, the DNR has got that 75 foot setback from any high water mark waterway. So that would be something that would have to be researched also. It may have been already, that's why it's so far forward. That's what we suspect, but I don't know.

- Yeah, and that was what I was trying to get at with my line of questions earlier was why is it where it is? And is there a constraint on the back-lot line too? And I guess we really don't know the answer to that. Mr. Zepnik are you aware of any questions regarding that? The 25 foot?

- Yeah, so I was, I was a little bit proactive because I didn't want to infringe upon any wetland preserve with the river running right through the back of those two properties. I had reached out to the DNR and had them come out. And I showed them a proposal of what our two properties that we plan to build on that were. And they were okay with the two. I have a building permit in for the next property over right now. I don't know if we could reference it. But I proposed those two houses to them, showed them what we planned to work on. And they had no issues with what we had proposed as far as being set back far enough from the wetlands or the river that runs to the backyard.

- So, is it fair to say then that Robert E. Lee set these buildings appropriately far enough forward just so that you wouldn't have that problem? So was it more intentional, to have the 25 versus the corrected 45?

- It was Mau--

- Is it, oh, sorry.

- Did you have a comment, Noel?

- It was not intentional on our part. We deferred to our engineers to draw up the site plans for us. They may have reached out to the DNR and spoke to them about that. And that might be why they did that. I can't say, I don't know. I was not a part of it.

- So that piece of information to me, like, again we're kind of trying to piece together a puzzle and it's a difficult situation for me. No matter which way you vote here it's not a great situation. But, like if Mau and Associates, we see plans from them and they're, from my impression being on the board for a couple of years, they're fairly thorough, they know what they're doing. And so I would be interested to see if there was, a reason why? Paul, I don't know if you can speak to

that? Or is this just an error? Or is there, maybe there was a reason why they went up a bit further because of that? Because I think that changes the way I see this.

- I can only suspect that it's an error. And I, again, we look to our department for that. I'm not worried about a rear yard setback in this case. I don't recall if the creek is there or if it is in a pipe in that location, but regardless, if there was a creek, there's a 50 foot setback from the stream. And I don't think that would encroach on this lot necessarily. I think the rear yard setback is simply 25 feet, from a zoning perspective.

- Mr. Chairman, I just note, my concerns around this are more around the permitting process itself. And if there is a setback that should be there, that should probably be on the site plan docs and been part of the review. And also I thought we had an infill house design review process as well at the city that's outside of maybe strictly the building permit. Was that done with this project as well? And did that group sign off on it? There's all those sorts of things, they're kind of questions for me, about process. 'Cause I just want to make sure that the City of Green Bay is easy to work with and gets the job done right. But again, it still doesn't help me get my arms around what our actions should be as a board.

- Do you have any comments on that, Paul?

- Again, I have to simply refer that the permit that was released is simply an error. I don't know where to, if I can point fingers or at the process, but it was simply an error, I think. Again, I'm confident that there is no encroachment of the natural, and I can't speak to the wetlands, but if there's an navigable stream, again, I think it's more than far enough away from the property line that it wouldn't encroach on the property at this point.

- Do you know, Paul, if the design team signed off on this as part of the permitting process as well?

- I don't believe so, no. No, I think there's a gap. There was something obviously that was missed. And it's something we'll have to discuss with our chief building official.

- Is that, that would be two things there, 'cause there, there could've been some other, there would have, obviously I think from that perspective, of just the fit of an infill house into the neighborhood, things about space and perception and all that stuff rather than just strictly code. Those all come into that conversation and have driven changes to Habitat projects before, have driven changes to other community developers, like NeighborWorks and for-profit builders, as well, I'm sure have been told, no, no you can't quite do it like that. We want this to look right in the neighborhood. And so if we missed that part of the conversation, we missed a key opportunity to get this site development right.

- I would agree with you on that. And we do have requirements in the Zoning Ordinance that allows us, somewhat subjectively, to look at the architecture. Basically it's roof lines, attached garages, detached garages, materials, even, on structures. And that review was not done in this case.

- All right, gentlemen, where do we want to go? I'm inclined to vote no and settle it tonight.

- Yeah, just so I have kind of my thoughts and comments. This is obviously a really difficult situation and it's a difficult mistake. But for me and the training that we've done, you kind of look at the permanence of this and is there alternatives where this can work? And it sounds like there are solutions to make this work and make it con con conform to the code

- Where it would be less negatively impactful.

- What's that? Yeah, correct, exactly.

- Or at least be less negatively impactful.

- And so for me, while it is self-imposed, and I can't imagine the financial difficulty that Habitat for Humanity would be in, but I just I have to look at it beyond those things. I think that's what we've been trained to look at, is self-imposed financial hardships are not necessarily things we look at. It's the lot and the way you build on a lot and can those be solved? And to me, I'm inclined to vote no. And it's not lost on me that it's not a fun decision.

- Alderperson Dorff, would you care to speak?

- I would. Thank you. And I know that this is nothing that you need to take into consideration, but I would think that the City of Green Bay made the error. The City of Green Bay should be somewhat held financially responsible, which means taxpayer money should be used to correct this. And the other question would be, I heard Paul say he wasn't really quite sure what body to bring this to, whether this is the appropriate body or not. And if there is another body that Paul would like it to go to, I would even up to and including City Council, to look at this, then I would certainly be willing to support that as a communication to City Council. I guess it's my sense of fairness. They built this based on something the City of Green Bay told them they could do. They invested the time, the volunteers, the money to do this. And I hear what the neighbors are saying. If there must be a change, then other people should be held financially responsible. I have to say the City of Green Bay should be held financially responsible. Does there have to be a change? Is this the right body?

- I would say yes it is, most definitely. Because this is an issue the board has seen in the past. Sometimes it's a fence. Sometimes it's a driveway. Unfortunately, in this case, it's a single family home that doesn't comply with the setback. So I believe this is the appropriate body because this is a dimensional issue. Whatever the decision is, I guess the applicant will have to contend with the repercussions, I guess.

- I can appreciate Alderperson Dorff's comment in regard that if we do decide something tonight, it's pretty final. And it is as much as I've said that I would oppose this as it sits me for me, I would be receptive perhaps to hearing an argument. I don't know if it's from Mr. Zepnik or from Habitat for Humanity or whomever, to explain what their plans are for this site as well as the one next to it. Because I'm just puzzled as to how anybody can really put two houses on that oddly shaped piece of property and not run into some sort of issues.

- Yeah. But that second one's not before us yet. I'm imagining it'll be coming at a future meeting given what they're looking at for the one they got.

- Yeah, I know, and if we approve this, then they've got a good argument for where they put it on the second one.

- I agree with you, Paul, that this is certainly a dimensional issue and we're the body to consider dimensional issues. We certainly have seen discussions where somebody's built something already. And then they realized that it was not in compliance with the code. And then they had to come here and tell us why they shouldn't be forced to remove their quay or take the fence down or whatever, because they built it with love and hard earned money. And they're so sorry that they didn't do it according to the book. This doesn't seem to be that kind of case though, because here they did their due diligence. They got their permit, they did their other stuff. And

then for us to say, as another arm of the same municipality, no, yeah, the left-hand said yes but the right-hand is saying no. I'm really, I'm still really struggling with that. And I don't know if it'll go anywhere with the Board of Appeals members, but I'm gonna make some kind of motion to just punt this without action to the City Council for their discussion. 'Cause I don't, I just don't think we got a place to get into the negotiations on this. And if that doesn't fly, if you guys don't want to see that, I'd be willing to make a motion to table this to allow City development staff, Habitat for Humanity, and others, to see if they can pull a rabbit out of their hat in terms of figuring out how to get this right by the neighbors. But if it's brought, if this were brought before we acted, before they built, for an appeal, I would vote no, 'cause I don't like this layout. I think there's other designs they could have used to limit the negative impact and the sight lines for that adjacent property and to limit the variance from the standard setback on that street. However, that's not the way it went. And so I don't want to just be forced to say no 'cause I don't like that setback. And then they're in a world of hurt. I'd rather the parties that are involved in this, namely the City and Habitat, have some time to see if they can't figure out a solution that can maybe minimize the pain to some of these neighbors that have been put into a tight spot before we go on record as saying yay or nay.

- Alderperson Doff?

- Yes, and no, that's something that I was gonna say, perhaps there's a remedy, perhaps there's something that the neighbors could ask of us that we could do. Shrubbery, a fence, something that, anything, that might make it more acceptable. I don't know. But until we have the conversation, we won't be able to know. And I do know that I would be certainly in favor other than tearing down a Habitat home that was given permission to be built. Thank you.

- I don't think shrubbery will uncover or cover a 25 foot setback. I would though, however, I do like the response that Mr. Halvorsen had as perhaps punting back to the City to see if they can come up with a solution on how to resolve the issue, whether it's pouring a different foundation and moving the building back or to a different location. So you're a little bit further away from the, back more in conformity of the setback.

- Yeah, is there a possible solution and what might that cost and how could that be borne? I think those discussions should be had before I'd be comfortable weighing in on this action. And so I don't want to shut down the conversation if there's more that needs to be said. But just for the sake of moving us forward in tonight's agenda, I would move that we table this for 90 days and allow the parties to talk and see if we can't come up with a better solution than what we've got right before us, just an up or down.

- I think that's fair. Do we have a second on that?

- I'll second that.

- Okay. I think I'll speak in a little bit here. I think Noel's got a good suggestion. And for the benefit of the Foellers and whoever else is on, Mr. Zepnik. The situation is that we're not, if we make a decision tonight the next step officially is District Court. It isn't like somebody can convince us to go back and change our mind, it's advisory. What we're talking about tonight could be not advisory, it could be decisive. And I would be in favor as well of what Noel is saying. As much as I like to get businesses solved, I think this is one where it's almost if Mr. Zepnik isn't the one applying for the variance, it's the City of Green Bay, because they're the ones that are at harm here. So I, before we get into our vote and look for a second, if we need one, have one, I agree with what Noel is saying. Tommy, did you second?

- Yes, he did.

- I did second it, yeah.

- All right. Further discussion before we vote. We are voting potentially to table this for 90 days. We want to hear from it again, hear from the applicant again no less than 90 days and we'll settle it then. But we're not ready to settle it tonight. Mr. Zepnik.

- I have concerns over what we are supposed to do as an organization. And what do I tell the family that has now given their time to their landlord to move in at 60 days? And we're \$75,000 into this. And the family can only afford \$130,000 home. What do we do as an organization? We can't just stop building this family's house for 90 days can we?

- Paul?

- Looks like it.

- Nate, I would recommend reaching out to myself and Paul Van Calster and starting a discussion at that point.

- Okay.

- Don?

- And you need to call me.

- I would think you guys could come up with some solution in less time than that, but that's just a window so that we don't force our hand.

- Yeah, it doesn't have to be 90 days. But I'm assuming Alderperson Dorff and perhaps Alderman Stevens would be willing to participate in some way with the discussion that needs to be handled on this.

- Okay, 'cause I mean--

- Please ask us, too. If you need us, you need to invite us.

- The bottom line, and to be honest with you, if we would've been told, hey, move it back 20 feet. We would've moved it back 20 feet.

- Right.

- Of course you would.

- No concerns at all.

- All right.

- But that's easy to do when it's on paper, not on the ground.

- Yeah, exactly. We have a motion made and seconded to table this for up to 90 days. All in favor?

- [All] Aye.

- Opposed to the motion to delay? I hear none. So that's the status. We've punted, as Mr. Halvorsen has referred to it. We'll consider this again in no more than 90 days, and perhaps quicker. But in the meantime, I will hope that the powers that be will have some discussions to figure out the most equitable way to proceed with this.

- Yeah, a real difficult circumstance for the petitioner, the neighbors, and the family that wants to make that their forever home. So it's a tough situation. And I hope we've given you some room to work it out with the city.

- Thank you.

- Thank you. All right, we'll move on to item number three. This is the property on Sunrise Court. Did you want to explain to us where we are on this, Paul?

- Sure. Thank you. Yeah. The property is located at 2215 Sunrise Court. And I'll bring it up here in a second. This is in the Preble Park area, east side of Green Bay. This is 2215 right here, a single family home located in a Low Density Residential area. They have plans to expand their garage and their home on the east side of the property here. Single family home, single story, single family home. So we've got six foot side yard setbacks here, 25 foot rear. On the left here is kind of a site plan showing the expansion of the garage. And it's encroaching about one foot into that six foot setback. So you can kind of, well, this would be the right elevation showing the expansion of that garage area here. And this is a street view of the home, right here. And the garage addition would be going in the back. Again, these homes seem relatively close together. They'd have to maintain a six foot side here but they're proposing a five foot side yard setback. I have one letter of objection that's attached within your agenda. The adjoining neighbor is on the call as well to share her concerns. But that's the request tonight.

- Okay. Thank you, Paul. Could we hear from the applicant next on what has brought us to this and the need?

- Yeah, it's me, I'm Troy Goetz. I'm using my son's school computer. I just wanted to add on to my garage to give us more storage space. And it just gets crowded in the driveway and stuff like that when we have other kids driving. Just to give us more storage basically and just to allow two vehicles to park in the garage. The other concern I had too is the elevation of the neighbor's house is higher. So when adding onto the garage, I would have the foundation higher there to kind of help with the water run off. I can grade it better.

- Okay. Is the neighbor on? Would they care to speak regarding the issue tonight?

- [Christy] Yes, I am.

- Ms. Linsmeier?

- [Christy] Yes. I'm Christy Linsmeier. I would have my video on, yes. Can you hear me?

- Yes, yes. Go ahead.

- [Christy] Can you hear me?

- Yes, go ahead.

- [Christy] Okay. All right. I would have my video on, but then my audio goes bad. So I must have bad internet. But I am the property owner of the duplex adjacent to the applicant. And unfortunately I do have some concerns. The first one is that their garage is adjacent to the bedrooms of the neighboring property at 2227 Sunrise Court. And I just am afraid that decreasing the distance between the residences may cause an intrusion into the peace and privacy of the residents on that side. Second, my property is already negatively affected by a variance on the opposite side, of the east side of my house. There's only a 10 foot distance on that side between my home's foundation and the neighbor's garage foundation. So having the homes on both sides of my property being closer than the legal zoning ordinance would detract from the value of my property. And I'm afraid it might affect my resale value or the ability to attract future renters at the 2227 unit or affect the amount I could ask for a rental income. So while the applicant states that expanding his garage would increase his property value, from my perspective, it could have the negative effect of decreasing my property value by reducing the space between our two homes. And third, I feel that the reason for his, and I understand how someone would want to expand their garage for more parking, but I don't feel that the reason for the expansion to have more parking or more storage space would be considered a reasonable enough burden to cause unnecessary hardship to qualify for the variance approval. So, I guess basically I would argue that approving the application would be contrary to the public interest due to my property. I feel that my property value could be reduced or cause visual intrusions on the piece and privacy to the occupants on that side of my duplex, which may also negatively affect my ability to attract future renters or the amount that I could ask for a rental income. And I guess I would also argue that denying the approval of the variance request would not unreasonably prevent the applicant from using the property for a permitted purpose, nor would it be unnecessarily burdensome or cause unnecessary hardship. And while I hate to be the jerk of a neighbor who wants to prevent someone from doing some improvements, I also have to look out for my interests. So I don't fault him for wanting to do the renovation, but I do feel that it would be negatively impacting upon me.

- Okay.

- Can I make a--

- Mr. Chair, may I, Mr. Chairman?

- I think we've got a few people that want to talk here. Noel, I heard from you first, perhaps you could?

- You only heard from me first 'cause I was talking over Greg. I think Greg was trying to speak first.

- All right, go ahead, Greg.

- Thank you. I need to recuse myself. I have a conflict that I just realized now, based on one of the parties involved.

- Okay. Thank you.

- And my comment, Mr. Chairman, was rather flippant. I was wondering if we could add Ms. Linsmeier as a member of the Zoning Board of Appeals as she laid out an argument, although in this case against, better than many of the arguments we hear before us, and actually could probably teach us a thing or two in terms of the code we're keen to implement.

- Well said, Noel. It was a well presented argument. Mr. Goetz, do you care to add anything to what your neighbor has said?

- No, other than, wouldn't it bring up the property value of the whole neighborhood and help everybody out is as far as that goes? And the water has always been an issue in our neighborhood, kind of in my neighborhood here, and the water coming down from the park and stuff like that. So I've had to redo my foundation and all that kind of stuff. And I just think the water coming from the neighbor's duplex here is, it's a hip roof, and there's lots of water coming off of that corner. And there's always a puddle in there. So that was what I brought up before, about making the foundation higher to try to help that situation, get it away from the house. I know it's all been done before I even got here. The house was built in '64 or whatever, but I just wanted to help my own house. We don't want to move, so this is where we want to stay.

- All right. That's good. Fair enough, sir. Questions from the rest of the board? Tom, Jim, Tommy, Noel? My concern on this one is a couple of things. It looks like the side yard variance, or the side yard separation, for all of those properties has been fairly casual. I have a hard time understanding or reconciling in my mind why the one that the applicant is requesting is significantly harmful to anyone's interests, although I appreciate Ms. Linsmeier's explanation. Secondly, I'm not sure that the argument that the applicant has made, that putting a two stall garage into a neighborhood is necessarily a bad thing, even though it does impact on the airspace for Ms. Linsmeier. I guess that's a long way of my explaining that I'm in favor of the variance, as it's been explained to me, from what I know this far. I'm glancing around at the faces of my fellow board members to see if they have any comments or questions regarding that?

- What is the, we're cutting one foot into what distance? What's the allowable?

- Six feet.

- It's supposed to be six, and they're going one foot in, and so they want five feet.

- Okay,

- I don't know if this matters, but I kind of laughed, Don, at your comment, that it seems a bit liberal for not just that area, but the three houses that you go down. Do we know what the setback is on the other? I would say Ms. Linsmeier's house's to the duplex, to that property?

- Five feet.

- I would suppose all we have is the aerial drawings that we have here.

- Yeah, in that drawing it looks like it's sitting on top of the property line on the left side.

- Yeah.

- This side as well, on the other side of her property. They're all very, very close.

- Yeah.

- Yeah. I think you're right Tommy. It looks like this wouldn't be an outlier necessarily. So gentlemen, if we have no further comments, a motion would probably be in order.

- Well, I just, I think that I can appreciate her perspective of getting pinched. She's already been pinched on one side and now she's gonna get pinched again. And she's the one who's bearing the brunt of the pinching. A foot might not seem like a lot until you put a garage on it. And then all of a sudden it's not a foot at ground level.

- It's a wall.

- It's 10 feet high. So I would beg to differ here as far as moving forward with the variance.

- Yeah. I'm on the same page as Tom is.

- Okay.

- Where do you sit Jim and Tommy?

- I'll go first. The reason why I was asking about the duplex property is that part of the pinching that we're talking about, potentially, again I don't have exact measurements, but it seems like it's significantly more on that side of the property where it's coming closer. So then a foot wouldn't really be that big of deal for someone to add a full two car garage. We've made variance requests for that. That is property-based. It's not an unreasonable request for someone to do to their property. So to me, I'm inclined to vote yes, because of the reason that the other property, again, visually, I wish I had a specific measurement, but the adjacent property is actually the one that, to me, seems to be encroaching on the property line significantly more than what's being requested. That's why I'm more inclined to say okay.

- Noel?

- Well, I think it's perfectly appropriate, not to get table happy, but if there are fundamental pieces of information that Tommy, you'd like to know before you can comfortably act on something, we can table it for a month and get some of those answers from staff.

- Well does Ms. Linsmeier, who's on the call, does she happen to know how close her building on that side sits to the property line?

- [Christy] So I am not aware of any survey being done. I actually would be interested in finding out where my property line does actually lie.

- Paul, where would the resolution come on this?

- Well, the safe response would be a registered land surveyor. I'm not suggesting that, but that would be a concrete answer. If the two parties could agree on where the property line is by just a simple field visit and looking at existing features, they might be able to agree on that. That might be the simplest thing to do.

- Mr. Hutchison, did you have any considerations here?

- I'm virtually kind of split right down the middle. I'm gonna have to, if called I will vote one way or the other. Both sides have issues that are appealing and both sides have issues that aren't. But I really respect an existing neighbor's word. So I guess I'll decide it when the question's called.

- I guess the question that we need an answer is for Mr. Everman, are there some actual measurements that you need to know that would sway the way you would vote on this? Or do

we have, are the five people who will be voting satisfied that they have enough information to make a decision on this tonight with what we've been presented?

- Yeah, I don't need any additional measurements. I just, to me even taking out the. Done worse in adding a two car garage is a reasonable request for someone to build out their property. So I'm good, I'm in favor of this. I can create a motion. I just don't, Don, can you second? I don't know, are you allowed as chair to second?

- I can.

- I'll make a motion to approve the variance.

- Mr. Hutchison, do you want to second it, since you're on the fence?

- I'll second it.

- All right. Thank you.

- Strong arm tactics.

- Indeed.

- All right, we have a motion made and seconded to approve the variance as it's been presented to us.

- So here's an interesting question that may gum up the works a little bit. In terms of discussion, with one board member recusing, does that mean, whether Tom gets to act on this one, or is he out for the whole meeting?

- No, no, no. Mr. Hoy is in on this one. He's a voting member. He's the alternate that steps in when we're, when we are short five. If Mr. Hoy was not here and Mr. Babcock recused, we'd go down to four and we could then still make a decision. But we have Tom with us tonight, and Mr. Babcock recusing, so we have five votes. Further discussion before we go? Otherwise we'll go forward with the vote. The vote is to accept the variance as requested. All in favor?

- Aye.

- Aye.

- Aye.

- Three. All opposed?

- Nay.

- Nay.

- Three to two. I guess this puts us in a position of three to two, but that is enough. Mr. Goetz, you have gotten your variance.

- Thank you all. I very much appreciate it.

- Thank you. We'll move on to the last item.

- [Christy] Could I ask a question?

- Yes, please go ahead, Ms. Linsmeier.

- [Christy] So in having my property lines surveyed, how would I go about that?

- I would recommend a registered land surveyor in town. There are several good ones. It's a matter of probably calling around and getting an estimates and find somebody who could do a boundary survey for you.

- [Christy] All right. Thank you.

- Thank you.

- Paul, do you want to set us up on item number four? This is the property on Springcrest Place.

- Sure. Yes, this is the property on Springcrest Place. Here we go. This is on the west side of Green Bay, just west of Packerland Drive. There's an unimproved portion of Parkwood Drive here, but the areas to the south have developed. An existing single family home here, Low Density Residential zoning. They have a plan to expand their garage, which is located on this side, as well as the driveway. And this is an image of the site plan that was provided. Again, the existing home here, house and garage. And then the garage addition you can see is dashed in, along with the expanded driveway. So the variance request here is the encroachment of both the garage and the pavement within the front and corner side yard setback for that RI zoning district. There are two letters of support from adjoining neighbors. That's also attached within your packet.

- Okay, so the encroachment involved here is not just the corner. There's also the encroachment of the concrete pad involved with the proposed driveway expansion.

- Correct? Yes.

- Okay. All right. Could we hear from the applicant?

- Oh, you're muted.

- You're muted.

- You may want to unmute yourself.

- There you go.

- There we go.

- Okay. Can you hear me now?

- Could you explain to us the need for the variance as you've portrayed it?

- Yeah, initially I was going to add a second, another, just a small garage onto the property, and it would just get too far into the setback area. So I just reversed it a little bit and reduced it to just another double door. We have currently a single door and a double door. We're just gonna add to make that single door into a double door. So it's just gonna make a smaller garage there.

And as far as I know, it's the back corner of that garage that is two feet into the encroachment area on that. The other part of the garage is fine, from what we understand on the setback side. So it's just that, so it follows the same configuration as the current garage. For building reasons, it just goes straight out and follows the same roof line and everything else. So that was for the garage part. As far as the pad on the side, it was just extra parking area. And I was under the impression that that wasn't a big deal with, 'cause it did fall within, as long as you're not within so many feet of the actual roadway and sidewalk. So I was, I'm a little surprised at that. I didn't realize that was an issue, so.

- Okay. I have no questions of the applicant. I'm looking to the rest of my colleagues here. I don't hear much.

- Can we see the plan view again, just... And is there plans to actually construct that street?

- That's a really good question. I don't think there's any immediate plans to improve Parkwood at this point.

- If I may interject, I was under the impression that the, going to the east, there is, well I know, there is a crick down below, kinda adjacent to the Kubiak property, which is right there. So the chance of a road ever going through there was basically nullified because of that. I believe the plan was done in the sixties, if I'm not mistaken, to put that road through. But now there is a crick down, well there was, but, there is to be, and I know how important that is to the DNR and such that I don't know if that would ever go through. We were told it would probably would never go through. So if that makes any difference.

- I'm a little concerned about the parking pad to the side of the garage. I can understand and I can appreciate the small two foot encroachment by the construction itself. But I don't see, then, a need to put the driveway that much further into the setback than would be required, simply for the new additional width of the garage.

- Well, it's just for probably, we have a trailer, we have a boat. At times it's just, that's something to park, that was the reason for that. And it's not permanent by any means. It's just seasonal type stuff. So that was the reason for the extra pad there.

- Yeah, I didn't realize that the concrete was coming with it as part of the new design. So I'm with you, Don, that the two feet for the garage, it's kind of designed angular. Two feet, not a huge deal in that one area. But I didn't realize that the concrete as well was coming. So I'm not inclined to say okay to that. But the garage I'm more inclined to say okay to.

- Okay. Yeah. Where do the rest of us stand on this, gentlemen?

- I'd be comfortable with the expansion in the width and the driveway being reconfigured to meet the garage door opening. But I don't think I like the additional slab on the side in the setback area.

- Yeah, I think that summarizes it for at least three of us. Jim and Greg, did you have any thoughts on this?

- I would concur. I think the slab is going too far.

- I guess I agree.

- All right. Perhaps a motion? This is where I don't have to make a motion. This is why I can rely on my esteemed colleagues to put the motion together to include this constraint. But, I think we are otherwise in agreement that the variance request needs to be modified for us to say aye.
- I always defer to Noel, 'cause he's really good at the modified request approval. So I will follow his lead if he's willing to put out a, I'll second Noel's--
- Wow, the power. You're willing to second. You haven't even heard it yet.
- A preemptive second, all right.
- I guess I'd have one question for the petitioner, or the submission, is there any sort of side door on that garage that you're envisioning?
- Possibly. Didn't really think about it yet. We still could come around the front of the garage, so that's not a big issue.
- I guess I would make a motion to approve the requested garage expansion, however, with the pavement not to exceed the width necessary to service the new garage opening, and with a possible addition of a sidewalk alongside the garage to get to a service door, but not another parking slab.
- And gladly I'll second that.
- Well put.
- Further questions, gentlemen? All in favor?
- [All] Aye.
- Five-zero. You have your variance, but with a qualification.
- Thank you.
- All right, thank you.
- Yeah, you're welcome.
- All right, so you have to resubmit with that now.
- All right, is there anything else, before we get into the next item, I think we should at first close the floor.
- Mr. Chairman, I think he's trying to talk to you still.
- Oh, I'm sorry.
- He's muted though.
- Sure, go ahead.
- He's on mute.

- Yep. Can't hear you. There you go.
- That's good?
- Yeah.
- So as it stands then, so the garage part we're fine with, and up to a three-foot sidewalk, which I probably won't do. Do we have to resubmit again then for that? Or are we okay at this point then to proceed?
- Paul?
- You can proceed to our Inspection Department, if you're working with an inspector, and go ahead with the permitting process. They'll take in account the variance that was granted.
- Okay. Thank you. That's good enough. Okay.
- Good. Thank you, sir. I think we're ready to close the floor.
- Okay, so you know what to do for that.
- Motion to close the floor.
- Second.
- All in favor.
- [All] Aye.
- Okay. I did get the little note, Jessie. I apologize for not reacting to it. It took me a while to realize that I could actually get a text from somebody. So just for the benefit of everybody else, Jessie was politely reminding me that everyone should identify themselves before they speak. I will do my best to remember that next time. I will point out to Jessie that I did do pretty good job at the opening and closing the floor this time. So, small steps, folks. Okay. We're at the last item, of informational, before we adjourn. Paul, is there anything further we should talk about?
- Nothing to share. It's just a rolling item. I just, we leave that open in case board members have questions or comments about the process. But I have nothing to offer at this point.
- Anything else, gentlemen?
- When are we gonna be meeting in person again?
- I could not tell you. I don't have a crystal ball, sorry.
- Okay.
- Well, with the new cohort that's eligible on the 29th, given that it's overweight, high blood pressure, diabetes. I'm racking in multiple qualifications for that round, so much more of Wisconsin's gonna get the shot. And it's just the healthy folks who are gonna be vulnerable. So maybe soon, sooner than later.
- I think Mr. Hoy is the only one bulletproof so far. Jim, how about you?

- I missed it by a year. But I'm gonna make up for it with weight in a couple of weeks.
- I'm getting my first dose on Wednesday, just because they just added on Friday or Thursday, restaurant workers, to the frontline essential. My wife's tomorrow and then me Wednesday.
- I get my second on Wednesday.
- Yeah.
- Yeah.
- Yeah, Mr. Hoy and I are the oldest. We got in right away 'cause we're important people.
- I got the Pfizer from the VA. And I was talking to a colleague earlier today and he said with Moderna there was a likelihood of getting a rash that can occur like five to seven days after the shots. So heads up.
- I can attest to that. My sister-in-law went through exactly that after her second Moderna shot.
- That's how you know it's working, right?
- That's how you know, right. Noel, didn't you say you had COVID?
- I had COVID really bad back in September. That's why I missed our September meeting. I had a fever for 21 days. Lost my sense of taste and smell. Sense of taste didn't completely come back until mid-December actually. So I'm hoping I still have antibodies.
- Yeah, I think you might have a reaction to the first shot. Usually it's the second because you've got your immunity pumped up, but you've already got it pumped up. So anyway.
- And I don't know if this is the appropriate time to, but Noel, man, we heard about your situation last minute, last month. And dude, I'm so sorry. I can't imagine that situation. So, dude, I'm just letting you know, we were thinking about you. And I'm so sorry for that situation. I can't imagine what you're going through and just--
- Yeah.
- Yeah.
- Agreed, it was bad. We were very sorry to hear that, Noel.
- Yeah, thanks guys. I mean, to have, to lose a loved one or lose a parent is always difficult, but to have it be in senseless gun violence like that. Both my father and one of his neighbors were killed by a guy who just went off the rails.
- In total random.
- Yeah, because he wrecked the car he stole nearby, he went on his spree of control of another vehicle. And then he ended up getting control of a couple of guns and killed some neighbors, so it was just terrible. So thank you. Yeah, a hell of a year. And even the last six months with the COVID. Mauled by a pit bull, that happened in late October, early November, I can't recall exactly, but I was attacked by a pit bull.

- Holy God.

- Like ripped my arm open and some other stuff. And yeah, 21 day fever, and lost my godfather to cancer. And it just, all of these things and it's like, I got divorced last year too. So, you know, the list goes on. But I'm like, hey, you know I am looking at the list of all the terrible things that can happen to a guy, and struck by lightning is still unchecked.

- Oh no, I think you're--

- It could've been worse. It could've been worse.

- 2021 is gonna be a good year for you, Noel.

- Yeah. Well, yeah. It's my new side hustle of making all copper flagpoles and marketing them at golf courses and beaches in the spring time.

- There you go.

- It's gonna really--

- That'll work, that'll do it.

- Well, when we're both fully vaccinated, dude first beers on me, man.

- Awesome. I'll take you up on it.

- Yeah. Glad you're back, Noel.

- Me too.

- All right, folks. I think we're ready to wrap it up.

- I'll motion to adjourn.

- Second.

- Okay, we have a motion made and seconded to adjourn this meeting. I'll look forward to speaking with you all next month. In the meantime, all in favor?

- [All] Aye.

- Say bye.

- And bye.

- See you guys.