



MINUTES OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, MAY 17, 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.

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 see any of the properties? Did you speak to anyone regarding this variance request?

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

Others Present: Ald. John Vander Leest, Ald. Mark Steuer

Acting Chair Tom Hoy then asked if anyone needed to abstain from voting, if anyone went out to any of the properties and if anyone spoke to anyone regarding the variance requests. All stated no. Tom Hoy stated he did go to all three properties.

C. APPROVAL OF THE AGENDA.

I. Approval of the Agenda for the May 17, 2021 meeting of the Zoning & Planning Board of Appeals.

Moved by Jim Hutchison, seconded by Noel Halvorsen to approve the agenda. Motion Passed.

Yes- Noel Halvorsen, Jim Hutchison, Thomas Hoy, Abstain- None.

D. APPROVAL OF MINUTES.

1. Approval of the Minutes from the April 19, 2021, meeting of the Zoning & Planning Board of Appeals.

Moved by Jim Hutchison, seconded by Noel Halvorsen to approve the minutes. Motion Passed.

Yes- Noel Halvorsen, Jim Hutchison, Thomas Hoy, Abstain- None.

E. REGULAR BUSINESS.

1. (Appeal 21-015) Glen Schachtner, property owner, proposes to retain an existing driveway expansion in a Low Density Residential (R1) District at 1244-1248 Liberty Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1716(b), Parking for single and two family uses and Section 13-1715(c)(3) driveway width taper (Ald. C. Wery, District 8).

They applicant did not show up for the meeting.

Moved by Noel Halvorsen, seconded by Jim Hutchison to hold over the variance request to the next available meeting. Motion Passed.

Yes- Noel Halvorsen, Jim Hutchison, Thomas Hoy, Abstain- None.

2. (Appeal 21-016) Eric Hilger, property owner, proposes to retain an existing driveway expansion in a Low Density Residential (R1) District at 2592 Cherrywood Lane. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1716(b)(3)(d), Parking for single and two family uses (Ald. J. VanderLeest, District 11).

Moved by Jim Hutchison, seconded by Thomas Hoy grant the variance as requested. Motion Passed.

Yes- Noel Halvorsen, Jim Hutchison, Thomas Hoy, Abstain- None.

3. (Appeal 21-017) Dan White, on behalf of Tim White, property owner, proposes to install an above ground swimming pool in a Low Density Residential (R1) District at 2867 Ogdan Woods Court. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-515(e)(10) waterway setback (Ald. J. Brunette, District 12).

Moved by Noel Halvorsen, seconded by Jim Hutchison to grant the variance as requested. Motion Passed.

Yes- Noel Halvorsen, Jim Hutchison, Thomas Hoy, Abstain- None.

4. (Appeal 21-018) Adam Kocha, property owner, proposes a driveway expansion in a Low Density Residential (R1) District at 1861 Parkland Way. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1716(b), Parking for single and two family uses and Section 13-1715(b)(2), side yard setback (Ald. M. Steuer, District 10).

Moved by Jim Hutchison, seconded by Noel Halvorsen to grant the variance as requested. Motion Passed.

Yes- Noel Halvorsen, Jim Hutchison, Thomas Hoy, Abstain- None.

Moved by Noel Halvorsen, seconded by Jim Hutchison to close the floor and return to regular order of business. Motion Passed.

Yes- Noel Halvorsen, Jim Hutchison, Thomas Hoy, Abstain- None.

F. INFORMATIONAL.

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

There were no items to be discussed.

2. Next Meeting Date: June 21, 2021.

G. ADJOURNMENT.

Moved by Noel Halvorsen, seconded by Jim Hutchison to Adjourn. Motion Passed.

Yes- Noel Halvorsen, Jim Hutchison, Thomas Hoy, Abstain- None.

VERBATIM MINUTES

- Awesome. I would move that Tom chair this meeting.
- I'll second it.
- Thank you.
- I agree. So three all.
- Three all.
- Okay. I'm gonna try and look at the agenda here at the same time. Well lead off, we do have three members, as Paul stated. Does anyone need to abstain from voting?
- No.
- That's
- And I don't. Was anyone out to see either properties?
- No.
- No.
- I have been, alder Vander Leest say, I viewed the property that were park Hilger.
- I was out to see the three properties in regards to the driveway. 15, 16, and 18. Did anyone speak, do an entry request?
- No.
- No.

- Okay. I will, I think as you know, I did write a letter to the three alders in regards to the variance requests as well as to my own alder person, hoping for downstream some activity from the council in regards to this. So having gone through that, we will need a motion for approval of the agenda, for the May 17th meeting, of the Zoning and Planning Board of Appeals.

- I'll move.

- All in favor?

- Aye.

- Aye.

- Aye. The ayes have it. It's unanimous. With respect to the approval of minutes from April 19th, do we have a motion to approve the minutes?

- I'll move.

- Second.

- All in favor.

- Aye.

- Aye. Noel?

- Aye.

- Okay. So it's unanimous then. We're now going to go into regular business. We'll start with Appeal 21-015. We can open the floor for the requester. Do have a motion to open the floor for discussion?

- [Noel] So moved.

- [Jim] Second.

- All in favor.

- [Noel] Aye.

- [Jim] Aye.

- Aye. All right. Mr. Schechner, would you like to discuss the variance request?

- Maybe unmute.

- Paul, maybe we could have some help here.

- I'm not sure if the applicant is calling in on his phone. I don't see that the applicant is here otherwise.

- Okay, well. Since we have alder Vander Leest here for the meeting, let's moved to the Appeal 21- 016. Is Mr. Hilger on the call?

- [Hilger] Yes, I am.

- Okay. Would you like to present your request sir?

- [Hilger] Yeah. My request is to widen the concrete driveway eg, to allow for additional parking.

- I can speak as well, if you'd like me to speak about it.

- Please do alder.

- This property is adjacent to Packer Land Drive, and there's kind of like a deep ravine there next to his property. And you just gonna widen that about eight feet. Another, what he's asking for is the eight feet. Who can accommodate another vehicle another single driveway basically, and just give him that extra room. And there's not really any... You can see it as on the picture there, it's gonna fit in well with the neighborhood. It's not gonna be an eyesore in the neighborhood or anything like that. So I support what he's trying to do. Just, it's really a no brainer as far as what he wants to do, and it'll just make his property a little more usable. More accommodating to his other vehicle and things like that.

- Are any comments from all from the board?

- Paul could you explain the variance requests. What's being asked?

- Sorry about that.

- Might be muted.

- Yeah I was, yeah. Sorry. So this is a two family dwelling. They are looking into widen the driveway for one of the units, beyond the garage door opening. So typically, with this single stall garage, you can widen the driveway up to eight feet, which is permissible. In this case this is a two-story garage and it's not permitted to be widened beyond the garage door opening for the most part. And what's happening here, it's an encroachment into the corner side yard setback. So that has the reason for the variance to allow that encroachment.

- Okay. So could the applicant describe what he's asking for? I mean, what on this picture is gonna change? So if you see in the red rate there, it's gonna come out eight feet from the current driveway. To the west, and then it's gonna taper down. I had some pictures put in there, five feet to the sidewalk. I won't even go into the sidewalk. It's gonna end right there. And like John Vander Leest had said, it's just traditional parking. I have four vehicles, so.

- Okay. Thank you. That clears it up for me. Thank you.

- And you know, we can't park on the city street near around from 3:00 a.m to 5:00 a.m. So I'm stuck parking in my driveway. Any thoughts Noel?

- I'm just looking at a two stall garage, with a two stall driveway. And it was four vehicles that seems like as it is, there's enough there to park four vehicles.

- Mr. Hilger.

- [Hilger] Yeah. I mean to get all the vehicles out of the garage, east or lane or something, I'm the owner of the duplex. You know that's safety is my number one. And we're having three cars parked all in a row, you gonna be, you're jogging cars around all the time. If I wanna take my truck or the car or whatever's in the garage, I'm

constantly jogging back and forth. If I wanna park a trailer in the driveway, then you're taking up a full lane. So it's inconvenience.

- Have you heard from any adjacent owners?

- I have not, no.

- I just wanna make one other comment. In this neighborhood, there's the same kind of setup on Woodridge Lane at 2593 Woodridge Lane, 2545 Zack lane, Dunbar is 2593, 25 bridge and 2560 Oakwood, 2509 Parkwood have the same situation, where they have the extra little apron that's put in there so they can just make it more convenient for the homeowner that's there. Some people have no parking boats. If you got a boat where you gotta park it? You can't park it on the grass. So in this case, it will give the option that they can just park it on the cement. It'll just make it a lot nicer as far as... I would say if he had a neighbor right tight to him on that side. But the only thing, if you look, there's kind of a larger ravine there, you're gonna hardly notice what he's doing once it gets put in. I've been out to the site and I viewed it. So I'm supporting it, that we could pass it and I don't think you're gonna hear anything from anybody as far as you know, in an opposition.

- Okay. Board, do we need to discuss this any further?

- I had one last question. If this was constructed, would it keep her cars from parking closer to the road? Like if you have three cars in a row, would that eliminate that?

- [Hilger] Correct. And as of right now, I have a duplex across the street. They're always constantly parking vehicles there. I got a fire hydrant on my side, so I can't park in front of that. So we're parking down the road away, our neighbors that are wondering, hey, why is there all always cars? Parking is an issue in our neighborhood. And obviously, parking in a line, that's gonna prevent me having to park on the road. If I wanna park my camper at my house, I can. You know what? I don't think it's gonna make the value of the property go down. I obviously think it's gonna increase still the value of it. There's other 2593 Woodridge Lane. He's three blocks off from me. He's got the same slab.

- Paul, is there any site issues with someone coming and turning on to Packer Land? Like taking a right turn onto Packer Land? Is there any site issues if there's a vehicle parked there?

- Not that I'm aware of, no. I think there's sufficient, I guess setback, if you call it for that. I don't think that becomes a problem now.

- Okay.

- I don't have any other Tom.

- Okay. Should we entertain a motion with respect to the status of the variance?

- I move we grant the variance.

- I'll second. So we have a motion before us. Can we please run a vote now?

- Aye.

- Well, all in favor?

- Aye.

- Aye.

- Aye. So the vote is unanimous. You have your variance sir. Thank you alder Vander Leest for attending the meeting. We appreciate your input.

- Thank you very much, Tom and all the best you gentlemen. Thank you.

- [Hilger] Thank you very much as well.

- Okay. Can we cycle back to Mr. Schechner or? He still hasn't appeared?

- Right. I'm not aware that he's here at this time.

- Okay. Well then we'll move on to Appeal 21-017. Mr. White, would you care to present the variance request sir?

- Again, I'm not sure that the applicant is on the line or on the call here. I don't see that.

- [White] Can you hear me now? I'm sorry.

- Yeah, we can.

- [White] This was Dan white. I'm sorry. I thought I was un-muted so I was talking. My apologies.

- We get you now.

- [White] Okay, cool. We purchased the property a year ago and over the course of the winter, we had decided that we'd like to, for the sake of the kid, put an above ground pool in the backyard. And the house faces true north on the street on Ogden Woods Drive, the south facing side of the house and the property. It has this Creek that runs along the entire south boundary from east to west. And if you've got the drawings that we provided, the odd thing about the path of the stream is that at either corner of the house, it's 70 feet foundation on the east side of the property and 66 feet from the house's foundation on the west. In the center of the house, it closes to 50 feet. And we have a permanent deck that extends out 18 feet from the foundation. Like it's shown on the drawing. And we were hoping to talk an above ground pool within that envelope, 10 feet from the house. But of course, because the WDNR classifies that Creek as navigable and in the course of our conversation with the WDNR, we understand how they arrive at that classification with their criteria, but in all fairness in the least sense of the term. And again we've provided photographs of what we're talking about. So we're asking the city to reduce the required 50 foot setback to 28 feet from the ordinary high water mark of that Creek or stream that's deemed navigable, so that we can install an above ground pool in the backyard just 10 feet away from the house. And we would install a deck between the house and the pool in that 10 feet. So we're looking for a setback reduction.

- Gentlemen, any questions for the applicant?

- Well, before that, maybe we could have Paul tell us a little bit more about it from the city perspective.

- [White] Sure.

- Sure. Yeah. Single family home, far west side, Low Density Residential Zoning. As the applicant described, they're looking for the unique circumstances, the location of an intermittent stream that is a navigable stream as classified by the DNR. So in that case, because it's navigable, it requires a 50 foot setback from the ordinary high watermark. So any structures, any permit can we actually feed from that? So they're looking at instead of 50 feet, be within 28 feet per their plan to that stream or that watercourse. Many times we try and acquire the properties and encloses these in a Parkway, but that in this case it was not planted that way. It may have been

a different type of stream many years ago when it was planted. Nonetheless it still is required to have a 50 foot setback, for reasons to protect the integrity of the stream.

- Now is that the city's ordinance or is that a DNR thing? So we can vary this. We just it's not something that we're running a foul of the DNR.

- No, I mean, we have the applicant reach out to DNR to confirm that it wasn't navigable stream, and that was concurrence was provided by the DNR. So then that takes in our local municipal code chapter 13, which requires a setback. This doesn't involve the county or any ESA or anything else, it's simply a city setback from navigable streams.

- Can we see like the neighborhood. Like the neighboring houses that we in... Thank you.

- So...

- [White] Yeah.

- There are homes further to the south with their setback quite away from this property boundary here. These homes here obviously are much tighter. The watercourse way doesn't show on here very well, but it is back along this property line here.

- Have there been any known flooding issues in this the specific area or in the neighborhood?

- [White] We purchased the home from the original builder or occupant who had lived there for 20 years since it was originally built. And they reported no problems. At our foundation, I did a line level out to the Creek, and it's 42 inches from gradation of the house. Going out 50 feet to the Creek, It's 42 inches down to the current water surface level. So we're about three feet six inches above the level of the Creek. We've only been there nine months. And when there was rain and runoff, the spring, I would tell you that the Creek level increased from it's the channels irregular and the beds irregular. So it's a shallow is inches because of sediment in some places. It typically is four to six inches in depth. There are some pockets where it might go to 12 inches. But I will tell you, I don't think we've seen the water level increased by more than inches in the nine months that we've been there. And the previous homeowner never reported flooding in the past 20 years. And because of its existence, we did inquire when we were purchasing the property.

- Before we deliberate any further, I just wanna say to the petitioner, sir, you've got some of the best hand drawn maps of what's your proposing time on the board here. So thank you for that.

- [White] Thank you. Well, I figured we owed you the best possible information.

- Sure. I mean, for me guys, this would be a lot more challenging if we were talking about a structure, a building, as opposed to a swimming pool. And that the back of the house is already three and a half feet higher than a level of that water. I mean, it's a pretty good change in elevation there. I just don't see the swimming pool being an obstruction to some seasonal flood water or something like that, or having any real significant impact. I noticed too, that this house has of all the ones on that street, looks like it's got the shallowest backyard. And so, there's some constraints of the design of that parcel related to some of the other parcels in the neighbor. That make it a little bit more challenging for that the thing with that setback come in.

- [White] Yeah. I don't think that the Creek is going to expand to ever really be navigable in that regard as well.

- Should we entertain a motion gentlemen?

- [Audrey] The question from Tom and Audrey Macquarie, the neighbor is at 2863. Can you confirm how close to our lot line the nearest part of the pool will be? What is the footage from our lot line to the part of the pool that will be closest to us?

- [White] We're putting 34 feet Audrey to your property line.

- [Audrey] Okay.

- [White] Which it's within the corner of the house. So we won't come any closer to your property line than the far southern corner of the house. We're seven feet west of the house.

- [Audrey] Okay. No problem here.

- I need all your comments. Okay.

- I'll move an approval. Go ahead Noel.

- I'll move approval.

- I'll second.

- There's been a motion to approve the variance. All in favor, say aye.

- Aye.

- Aye.

- Aye. The variance has passed unanimous.

- [White] Thank you everyone.

- Thank you Mr. White. We'll now move on to Appeal 21- 018. Mr. Kocha I think, is that how we pronounced that?

- Kocha.

- Kocha. Please state your case, sir.

- First of all, I'd like to say too, that I wish I would have given a better drawing like the last gentleman did. That was pretty amazing. What I'm looking to do is, I'm moving to build, put my driveway out to my property line because of the weird shape of my property. It's hard. We had just recently built a large shed slash garage on the back side of the property. And what I'd like to do is be able to get my boats in and out with my truck on the backside of that camper. And without tearing up grass and all that stuffs, going back towards that shed. So if I could expand to the property line, I would be able to put that little out there, out into get back there. And I have spoken with my neighbor. I don't think she's on tonight, but my neighbor on that side is fully on board with me.

- Okay. Paul, do you wanna state the city's case here?

- Sure. Yeah. So again, single family home, Low Density Residential, among single family homes here. So that expansion would come along the Southern, I guess or Eastern property line here. Basically there's a setback of two and a half feet for any expanded driveway. I believe the applicant is going to zero here. I'm not quite sure the distance between the edge of the home and the property line, if there is enough room. Again keep in mind

you might need at least eight, nine, 10 feet, to get through with the vehicle, depending on the size of the vehicle. But the request here is the reduction of setback to zero from two and a half feet.

- Gentlemen. And this gonna be a pretty talented truck driver to park a boat in through there. I'll say that for him. We're dealing with a two and a half foot setback from the property line. And basically sir, you wanna go right to the property line? Is that correct?

- Correct. And to two of my points I forgot to mention were, well for starters, I have actually backed a 29 foot camper into that side yard. That first, so I am actually very good at that. And second of all, the neighbor Parkland kinda goes on to curves. And the gentlemen on the very opposite end of our road does like the exact same thing. But yeah, it's not an easy, it's not your average Joe is not gonna wanna pack in there like I do, so.

- Okay.

- I think alderman Steuer has got a comment.

- Hello?

- Hello.

- Hello. Hello. Thank you, Tom. Thank you Noel. I've walked this neighborhood too over the years, and it is a bit of a tight fit but, Mr. Kocha has visited with his neighbors. So I don't see there's a problem with them at all. That's always a big indicator for me if the neighbors are unliking with this or not. It will be a challenge, I mean if you look at it. It's not a curve. You've got not a whole lot of distance along the right-away right there. And the house takes up a majority of the size. I guess I would just ask, Mr. Neumeyer your asset as well as far as how much distance there is. I mean, you wanna take the right to the lot line. I just wanted to ask Mr. Kocha how much room there is between the house at the narrowest point, that width? I guess I'd just like to know that distance that you have.

- I wanna say close to nine feet, 10 feet. Cause I know if you come off the driveway, and I didn't measure that particular part, and I can kinda hold this up. I don't know if you guys are gonna see this. The little part like that alder we're talking about, that from the current driveway to the property line is 10 foot nine inch. Okay? Now granted that's on that angle. So up here, there's already a sidewalk there. I think we're looking at least eight or nine feet in there.

- How wide is your camper?

- The original camper?

- What you're gonna be using.

- Oh, just a boat. For the boat.

- I'm sorry. I thought you had a camper.

- I did in the beginning,. We had this gigantic camper and didn't have anywhere to store it.

- All right then. Well committee, I don't have a big problem with it. And I think the neighbors are okay with it. It's like anything else. Over the years I've had issues with setbacks, even couple of inches makes a difference at times. But, so you would, this would be concrete then, correct?

- Correct.

- Okay. So that's my big concern. If the neighbor has no problem with that whatsoever on either actually either side. I hear that there is no problem with that, I would be in favor of this as well. Those are my points. Thank you.

- Any other comments from members of the board? Do I hear a motion?

- I'll move to the application.

- Please vote on the motion in regards to approving it.

- I'll second it.

- Those in favor say aye.

- Aye.

- Aye.

- Aye. So sir.

- Thank you, sir.

- I got a question Tom. Did you play men's softball?

- No. No sir, I did not.

- You look like a gentlemen that downplayed like a ton of games that we did at Ted Fritz. So I was like, wow. I didn't want to ask before cause I was a pitcher. I argued with the guy a few times. I didn't wanna ruin my chances.

- No worries on that score.

- Well, thank you very much gentlemen.

- Thank you. So we're looking at additional items here. Where has Mr. Schechner shown up for the meeting?

- I don't think he's joined the meeting, no.

- Okay.

- Does the applicant have to be present for an application approval or denial?

- I don't think necessarily, but I would prefer to act while present.

- Okay.

- I would agree.

- Yeah. I move to table this item.

- I second.

- All in favor? Tabling it?

- Aye.
- Aye. So that would be unanimous, correct?
- Yep.
- Okay. Now, we go to an informational topic, discussion of procedural items related to the board.
- Yeah. That's our long running item under information. We have not gonna pass on some staff at this point.
- Okay. And so then the next meeting will be on June 21st.
- Correct.
- Move to close the floor.
- I second.
- All in favor?
- Aye.
- Aye.
- Aye.
- So
- Yes sir.
- Move to adjourn.
- I'll second.
- All in favor.
- Aye.
- Aye.
- Tom, good job. Thank you Tom.