



MINUTES OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, JUNE 21, 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: Thomas 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, Don Carlson, Tommy Everman, Thomas Hoy, Jim Hutchison, Excused: Gregory Babcock

Alternate Thomas Hoy - Voting member for tonight's meeting.

Chair Don Carlson asked the following questions:

Does anyone need to abstain from voting? All present stated no.

Was anyone out to see any of the properties? Thomas Hoy went to the properties on Main Street, Liberty Street, Little Edelweiss and Zeise Avenue. All others present stated no.

Did you speak to anyone regarding this variance request? All present stated no.

C. APPROVAL OF THE AGENDA.

I. Approval of the Agenda for the June 21, 2021 meeting of the Zoning & Planning Board of Appeals.

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

Yes- Don Carlson, Noel Halvorsen, Jim Hutchison, Thomas Hoy, No- None, Abstain- None.

D. APPROVAL OF MINUTES.

1. Approval of the Minutes from the May 17, 2021, meeting of the Zoning & Planning Board of Appeals.

Moved by Noel Halvorsen, seconded by Jim Hutchison to approve the minutes. Motion Passed.
Yes- Don Carlson, Noel Halvorsen, Jim Hutchison, Thomas Hoy, No- None, Abstain- None.

E. REGULAR BUSINESS.

Moved by Noel Halvorsen, seconded by Jim Hutchison to open the floor for the duration of the meeting. Motion Passed.

Yes- Don Carlson, Noel Halvorsen, Jim Hutchison, Thomas Hoy, No- None, Abstain- None.

1. (Appeal 21-013) Brian D. Smith, SmitCo Eateries, Inc., on behalf of Thomas G. Adamany, property owner, proposes to construct a new restaurant building and parking lot in a General Commercial (C1) District at 1979 Main Street. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-720, Table 44-9, Floor Area Ratio (FAR) (Ald. L. Gerlach, District 3).

Moved by Noel Halvorsen, seconded by Thomas Hoy to grant the variance as requested. Motion Passed.

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

2. (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 44, Green Bay Zoning Code, Section 44-1746(2)(c), Parking for single and two family uses and Section 44-1746(3) driveway width taper (Ald. C. Wery, District 8).

Moved by Tommy Everman, seconded by Don Carlson to deny the variance as requested. Motion Passed.

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

3. (Appeal 21-019) Patti Nelson, property owner, proposes a deck on the rear portion of a single-family home located in a Low Density Residential (R1) District at 1718 Acorn Way. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-358(3), Table 44-2, rear yard setback (Ald. J. Vander Leest, District 11).

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

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

4. (Appeal 21-020) Thomas Grosenick, property owner, proposes to retain an existing egress window in a Low Density Residential (R1) at 2747 Little Edelweiss Drive. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-358(3)

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

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

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

5. (Appeal 21-022) Randall & Kathleen Van Lanen, property owners, propose to widen an existing driveway in a Low Density Residential (RI) District at 2010-2014 Zeise Avenue. The applicant requests to deviate from the following requirements in Chapter 44, Green Bay Zoning Code, Section 44-1747(b)(3)(d) & (E), Parking for single and two family uses (Ald. L. Gerlach, District 3).

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

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

6. (Appeal 21-023) Myles Mathes, property owner, proposes a deck on the rear portion of a single-family home located in a Low Density Residential (RI) District at 617 Pine Terrace. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-358(3), Table 44-2, rear yard setback (Ald. J. Vander Leest, District 11).

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

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

7. (Appeal 21-024) Sara Beckers, property owner, proposes to install an egress window in a Low Density Residential (RI) at 1726 11th Avenue. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-358(3) setback encroachment (Ald. B. Johnson, District 9).

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

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

F. INFORMATIONAL.

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

Moved by Noel Halvorsen, seconded by Jim Hutchison to close the floor. Motion Passed.

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

There was no discussion,

2. Next Meeting Date: July 19, 2021.

G. ADJOURNMENT.

Moved by Noel Halvorsen, seconded by Tommy Everman to Adjourn. Motion Passed.
Yes- Don Carlson, Tommy Everman, Noel Halvorsen, Jim Hutchison, Thomas Hoy, No- None,
Abstain- None.

VERBATIM MINUTES

- On the road. Oh, this has been recording. Fine. Great. Folks, we've got four people here tonight. I'll note for the benefit of the quorum. We have me, the chairman, Don Carlson. We have Jim Hutchison. We have Tom Hoy sitting in for Greg Babcock. We have Noel Halvorsen. We do not yet have Tommy Everman but he may appear at any time. Members of the board, does anyone need to abstain from voting tonight?

- No.

- No.

- All right. Was anyone out to see any of the properties before us tonight?

- Nope.

- All right. I'll take that as a no from you .

- I went to items one, two, four and five.

- Okay, Tom, you went to one, two, four and five.

- Correct.

- And finally, did any of you speak with anyone regarding the variance requests before us?

- No.

- All right. I think we're ready to move along with the approval of the agenda. Do we have any alterations? If not, a motion would be an order.

- So moved.

- Second.

- All in favor?

- Aye.

- Aye.

- Minutes of the agenda is approved. Next, we should consider the minutes from the last meeting. I was not there, but I understood it went well.

- Move to approve.

- Second.

- I'll second. All in favor of approving the minutes from the last meeting, aye?
- Aye.
- Aye.
- Very good. Okay, at this point, we should open the floor for discussion.
- So moved.
- Second.
- Very well. We are ready to proceed with our regular business. Stephanie, is there anything we need to know before we start in on this?
- You know as much as I do.
- All right, that's not much. I haven't been here for a couple months, so. All right, guys, Let's talk about the first item. I understand a Holder Person Gerlach is on regarding this. Might to assume that that's the case.
- I'm here if you need me.
- Alrighty, thank you. Stephanie, why don't you lead us in on this item?
- Sure, can everybody see my screen?
- Yup.
- Okay. So the first thing we is for 1979 Main Street. This is near the corner of Main and Mason intersection on the city's east side, better known as Wally's Spot. This was recently before the Planning Commission for a Popeyes, they are looking to re-look to locate here. They got a CUP for a drive-through facility. That was approved. We are now looking to get a variance for the floor area ratio. So currently, their site plan looks like this with the aisle wrapping around the building here. Plenty of parking on site. However, this is a very large lot. As part of the conditional use permit, we are requiring them to initiate some sort of a land division to lop off this back portion for a different use. But even with the full lot or the potential future lot, they do not eat the floor area ratio requirements. So that is what the request is for.
- Okay, so even if they carve off the part in white and save the part that looks to me, be highlighted in gray. They still fail.
- What Paul has told me, they definitely are well under currently. So for any reason that land division doesn't occur or it occurs in a much smaller area, we do believe they'll still be under the floor area ratio for this district.
- Ah, okay. Got it. Good. Is there anyone representing the applicant on?
- [Mark] Yes sir. This is Mark Rodriguez and I represent Smitco Eateries. We're the developer or potential developer of the property. And so, yeah, so I think to Stephanie's point, even if we will negotiate, we just started the conversation about trying to segment out that additional property in the future with the city. And we'll work with you guys to see what the best use of that is. But regardless whether we segment that portion off and rezone it or whatever, I think we still will be under that .I requirement. And I think any particular area that we go into, we'll probably have the same obstacle in the sense that we are ideally working with probably a

2,400 square foot building which would limit us to just over half an acre if we were to meet that .1 measurement. And with a drive-through concept, that becomes highly problematic regardless where we go. Especially ones that are notoriously successful. I think with this particular site, I think having the additional space actually becomes mutually beneficial in the sense that I think the largest concern from the Planning Commission was the concern of traffic potentially bleeding out to the highway. And we obviously wanna avoid that. So by having the additional real estate, even the additional space that we're talking about fragmenting off in the future will allow us to prevent that overflow from bleeding into the street. So either way we go, even when we do portion that off in the future, we'll still be under that .1 metric. So I think we'll have to have that variance in any scenario we can look at.

- What hardships do you face if you don't get a variant?

- [Mark] So, I mean, I'm sure the people on the commission are aware of our west side development and kind of the business that it enjoys. And so the problem that we have with our business just in general is a sense that even pre-COVID, you have about 70% of your business being generated in a drive-through format. So you can imagine the number of cars and space that takes up that exceed beyond the perimeters of the building itself. Post-COVID, that's even become more compounded in the fact that just more people tend to pay contactless approach being a drive-through. Even mobile ordering and pickup, it's just a different dynamic. But even pre-COVID, it was heavily weighted to a drive-through concept. And so with a town like Green Bay, and we've been very successful in Green Bay. Those drive-through queues can get pretty long. Which if you don't have adequate spacing, you can't fit it. And so I don't know if I've ever built a Popeyes on a half acre lot. I would be scared to know how tight that would get. But so generally speaking, about .75 is about the minimum size lot that we can make it fit with just how large the drive-throughs have become in terms of weighted revenue. Even now, the brand is taking a more of a approach to drive-throughs just to offset the shift in demand for people that are gravitating more to drive-through formats. So that would probably be the hardship we would face is just not having the real estate space available to accommodate the demand of the business. And that would likely affect traffic and ingress egress and a whole host of other things.

- Okay, I'll turn this over the other board members for questions. I have no further questions of the applicant.

- Don, I have one question. Could we see that plan view again? I just wanna make sure it's clear in my mind. Thank you, Stephanie. So the floor space we're talking about is that dark line area.

- This is the building.

- That's the building. And so the white is what? Kinda creek or something around the building where their picnic tables and whatnot?

- [Mark] Green space, I think is the space in the back, directly behind the building.

- Okay, okay. I'm clear, I'm good. Thank you.

- [Mark] The shaded areas really just represent areas of paving that will probably be removed and redone versus existing paving that will likely just be left as it is. But essentially, all that area is parking in the back.

- Stephanie, could you summarize what the Plan Commission considered and discussed regarding this property?

- Sure. This actually went before the Planning Commission twice. It was originally held because we did not have a traffic impact analysis completed. It was just back before the board at the beginning of June where that traffic impact analysis was approved through our city engineering staff. So currently, the traffic impact analysis shows that this site can handle well over the amount of cars that they're anticipating at this location. Aside from that, there was just the discussion about the rear portion of this because this does a button

neighborhood. So they were had some concerns about the type of use and buffering here. But once we added that condition about this being parceled off for potential future use, issues were put to bed. I think it was approved with five different conditions and most of them are related to protecting that neighborhood and making sure that that traffic impact analysis was approved and that was approved the day of the meeting. So mostly, it was surrounding traffic issues.

- [Mark] Yeah, and I'll add that I think one of the factors that Dave Hanson from the city engineer wanted us to be able to accommodate was a stacking queue that was large enough to handle a metric that the traffic study basically implied would be kind of our maximum or high end level. And so in order to accommodate that, we did queue it through all of this available space, which again, kind of coincides with the need for the variances to have the space to accommodate exactly what the traffic study kind of dictated. So we do have that space. We have adequate stacking size for more than what the city would like us to, if we are meaning to handle it, we have it.

- I think that they said that it can handle like somewhere between 55 and 70 cars before.

- [Mark] 76.

- [Stephanie] Yeah, it's quite a large amount

- But through all that, you just have one entrance and egress off of Main Street?

- [Mark] Yes, sir, that's correct.

- Holder person, Gerlach, did you have anything you wish to say regarding this?

- Well, I would say that I certainly support the development of the Popeyes fried chicken here. I would just mention that this is part of old problem neighborhood. And in case you don't know, this is one of the newer neighborhoods in the city of Green Bay was the neighborhood of the year in its first year of existence in 2019 and was named the most resilient neighborhood last year in 2020. And so Wally's Spot has always been a very active part of the neighborhood, a very supportive business. I'm hoping that Popeyes fried chicken is going to take over and support the neighborhood. There are homes, private homes right behind this and there is some wonderful opportunity for that approximately one acre of land to be well-used. This City of Green Bay has some good ideas for how that can be used for the community. And so I'm hoping that this is gonna be a successful business and that they wanna be a good part of the neighborhood association and full transparency. I am an officer in the neighborhood association also. And also that they will be generous and understanding with the City of Green Bay and help us make good use of that land. That's where I stand.

- Very good, thank you. We'll note that Tommy is on. Mr. Everman, greetings.

- I've been listening in. Just there was a lot going on in the background, so I didn't . The staff's all leaving. I just wanna question, is the variance that we're approving today for the entire property or just the proposed area that they're potentially building on? Or is this no matter what happened to that other property, the variance to proved across the board? No Noddings, that's a yes.

- It's currently for the whole of the property.

- Got it.

- And just for the record, Tommy, did you see any of the properties before? Did you go out to look at any of them? Did you speak with anyone regarding these requests? Very good. And if you need to recuse, you can, but I do formally ask that at the beginning of every meeting so. All right, we're good. I think we'll recall that we

talked about the Popeyes on the west side and some of the same issues came up. I don't have a problem with this like--

- Noel has a question.

- Noel, go ahead.

- I put my hand up, see the little yellow hand.

- Oh yeah, yes.

- Just to ask. Just two things, I guess one Mr. Rodriguez is, what's the average half life of the amount of time you guys have, the bar is trying to come through a Popeyes? I know it was kinda crazy on the west side. Does that last a month? Does that last two months? I mean, how long before there's no more is set up here in this extra parking area, the old Wally's parking area to direct the traffic through the drive-through lanes when you guys are brand new?

- So it's a little variable, but yeah. The market penetrating restaurant is always the most impacted. So that very first restaurant in a market is the one that usually has the most stigma around it. I would say that those restaurants tend to settle down in some more normalized business around six months but each subsequent restaurant is dramatically different. So this second restaurant at Josie, and we had this long discussion in the Planning Commission, it's very hard to illustrate exactly. It's that second location is from that first. From multitude of different reasons. You'll probably see 2/3 of what we saw at Green Bay west and the retention rate will fall off much, much faster. So, whereas in Green Bay west, we probably dropped anywhere between a week over a series of weeks. You'll see that fall off more like 10 to 12% in a matter of weeks and it will probably settle off into more of a stabilized business within a matter of probably three to four months. So much, much different. And I think one of the other, I forget which other council member asked the question but as opposed to the variance, I think the variance applies regardless of a full site or the smaller site but there is a contingency in our conditional use permit in that we will have a discussion with the city on how to better use that back portion into the Alderman's point. We are fully on board with doing whatever we can to benefit the community behind us, as well as the City of Green Bay. To Noel's point, four months down the road. We probably won't need that Pinot portion of this flag shaped lot. And so whatever we can do to better the city, we won't need it at that point 'cause our business will be stabilized and our drive-through queuing will not need to be structured in a way that needs to utilize that extra real estate. I would rather give it to the city 'cause we don't wanna upkeep it. We'd rather give it to you guys to have a better use than just having a huge parking lot that we can't use.

- Thank you. I would note that that might be your normal experience, but this is Green Bay. There are probably east siders, haven't ever been to the west side in their lives. So you might have a completely new experience.

- [Mark] I'll give you two examples. We've done two locations very similar in the City of Columbia, Missouri. Population density is roughly the same. You've got that geometrical split instead of it being an east and west, it's north and south, but same concept. And you kinda saw that trajectory on those sites. We don't typically build multiple locations in one city unless we think that that city can support it. Green Bay obviously can. So from our experiences, they've all been in towns with this same dynamic or are similar dynamics. Springfield, Missouri, same concept. So we have set some experience with it, but yeah, we would pleasantly be surprised if we are just as busy over there but in our 27 restaurants that we've done, that's never happened. So we'll see.

- And Mr. Chairman, I think, when I look at this request, especially as it relates a drive-through restaurant, and we've seen a couple of these in recent months already where the provision of drive-through lanes, the double drive-through lane requirement to pass by on the exterior. These are all requirements of the code. And they create in the compliance of off-street parking spaces and the drive-through lane widths, they force floor area

ratio. I think that's not per code. This is the situation we've got one part of the code creating a conflict with another part of the code with regard to the density, we can build on a lot. So this is a building footprint that the developer believes meets their business needs. And then all of the rest of this is practically required by other parts of the code and then creates a situation of noncompliance. So I think, maybe it's something that staff ought to think about in terms of reviewing the zoning as it relates to drive-through businesses, particularly with that extra wide pass by lane and drive-through. And see if we can eliminate future requests by making some tweaks to the code on this per floor area ratio. But that's my editorial comment for this item.

- Well said, Noel, I appreciate that. I think you're right. We've got a new kind of business, a new kind of environment that promotes this type of thing. We also got an oddly four. So there are a number of reasons why, well, to me. And perhaps before we go further, I wanna make sure that I know if there's anyone else and I'll get to you, Tom. If there's anyone else that wishes to speak for or against this. Mr. Hoy, you had a question.

- I do. It's mostly it's really holder person. The current customer profile, Wally loose, it's a supper club, folks drive in. They have a sit down, they leave 30 to 45 minutes later. Is there a chance for any later a combination in regards to the folks who live behind this property? If there becomes an issue with traffic noise, a potential?

- Well, there's certainly a potential for it. And I mean, I've never experienced, I live a half block from Wally's Spot, behind Wally's Spot. I've never experienced living right behind a drive-thru restaurant. No one has expressed their concern to me. I don't know what to, I don't see any reason to let that be a factor when no one has expressed a concern. The one thing they have said is that privacy fence must remain. That's one thing that Wally's Spot always kept a privacy fence between itself and the neighbors. Nobody's mentioned any possibility of noise being a problem.

- And was that fence a condition of the plan commission's approval?

- Don't think so.

- No, it's not. But there are buffering requirements between commercial sites and residentially zoned areas. So I imagine that's part of the buffer that was required for Wally's to go in in the first place

- I'd list an action by us.

- Yeah, that's just a standard site plan review thing.

- Are we in agreement?

- I'll move approval of the request as presented.

- I'll second.

- We have a motion made by Mr. Halvorsen. Seconded by Mr. Hoy to approve the variance for Popeyes as is given to us. All in favor?

- Aye.

- Aye.

- Any opposed? I saw your hand, Tom. I wanna make sure I understand. Were you a yes or a no.

- I'm yes.

- Very good. I detect five, zero. You have your variance.

- Thank you.

- You're welcome. We have item number two. You wanna do this one up, Stephanie?

- Sure. This is a variance for 1244, 1248 Liberty Street, which is on the city's west side. This is actually for two separate sections are code related to parking. So this is a photo of the property submitted by the property owner. This has the already existing expansion of this paved driveway. So the variances would be for it to have the front yard space no greater than eight feet width beyond the garage door here and then they have no tapering. So they're looking for the variance to maintain this with on both sides. And then also to have no taper area. The request was submitted in order to not have tenants driving over the yard. So I think that this has come up many times the Board of Appeals, whether or not that space is needed, what we should be doing with the code if there's anything additional or any changes that we should be making to our parking code about this. But as of right now, it still reads that we do need that tapering here. So that is what the request is for.

- Okay, so presumably, this was done without a permit.

- Yes, from what I understand I do believe the applicant is on though if there are any questions.

- Okay, why don't we get right to the applicant? Who wishes to speak on behalf of this variance request?

- The owner? = Yes.

- [Man] There was a permit taken. And what happened is we got on the job and the guys that were helping me, they said, well, we did other ones in the neighborhood. They'll be fine with it. Otherwise, you're gonna have you drive an overtop of the lawn. I was like, I don't know. So it's kind of weird. I got kind of stuck or caught in that one. And I also submitted 13 other pictures of driveways, not immediate adjacent streets. Where the driveways do come out to the sidewalk. I kind of shrugged my shoulders like, well, if it kind of fits in with everywhere else. And I have a couple pictures of where people drive over that grass, makes a mess in the street and a mess on the sidewalk. This kind of alleviates that.

- I'm a little confused. And Stephanie, you haven't been here long enough to know that that's not unusual. However, what is the objection here?

- There's not a taper. It doesn't angle back toward the driveway before, just a sidewalk.

- I understand. But it sounds to me as if the applicant is almost arguing that he would like to put a taper in. I wanna make sure I understand what we're approving and why we're approving it and why we're not approving something else.

- [Man] No, no, no. What I'm trying to just explain is just be 100% open and honest, this is after the fact now that that taper should have been from five feet next to the grass there. Up the lot over there like that. And what I'm doing is asking to be okayed rather than having to saw it out. Can I leave it like it is because there's so many of them like that in the neighborhood and then it alleviates a problem?

- Ah, okay, okay.

- And so you pulled a permit to paved but what you paved didn't match the permit?

- [Man] Correct.

- You paved more than the permit.

- [Man] Correct. Just trying to be 100%. I kinda got stuck with the concrete on the truck with these guys, blah, blah, blah, blah, blah. I'm like, okay.

- Okay. I wanna hear what the questions are from the rest of the board. I'll be quiet. Don, Noel, Tommy, Jim?

- I don't have any questions.

- Nobody has questions?

- Well, I guess I have a question. The reason for the taper is a cosmetic, I would think. Is that correct? Or do we know why we require a taper?

- It's generally cosmetic to keep people off of grass. We don't want people driving over sidewalks and then destroying grass also in that process. So from the planning side, we've discussed a few times whether or not it's been useful. I feel like a lot of people initially put in the Boulder and the taper and whatever they need to protect that portion. And then people drive over it anyway, which is generally what's been happening. So from the planning side, we've been having discussions on if that code needs some editing in the first place. 'Cause from our inspection team, they're saying it's kind of a nightmare to enforce 'cause someone can put something there with that taper. And then the moment you leave, they can remove it and drive over it. It's generally just to protect that sidewalk so we don't have to do that and had to keep the curb cuts from getting larger because we want that curb cuts remained the same.

- Okay, thank you.

- That's a good explanation. I understand this now.

- And I wanna just clarify that the only thing we're talking about is the taper, the weight and the placement. Not an issue. So being in front of the garage door from a safety perspective, none of that matters. It's literally just the taper.

- Taper and then the width here. From what I understand, this is a little bit wider than it is allowed to be. So does not match the plan submission. It ended up being the full width, over a car. So over eight feet.

- What's the actual?

- [Man] There was never any mention of that with situation in anything I got.

- That is what I'm viewing here on this site plan and from the application

- [Man] What measurement do you have on the site plan?

- Let's see. Not to exceed 25 feet total. I think it says maybe eight feet. I'm not sure what that says.

- I think it's max eight feet.

- [Man] Max eight feet. I believe so also 'cause it's on the other side, I can see it.

- Okay. Your eyes are better than mine. So what I'm assuming happened is that the extension is more than eight feet.

- But the whole thing's supposed to be 25 then they went eight and eight, which then makes it 32. Is that the idea? So it should have been like that.

- I don't think that's the total width that's the issue. From what I can see from Paul's notes, it's that this was not installed at eight feet. This must be wider than eight feet on both sides.

- Well, if the existing part of the driveway, if you look at one of the views from the front, the existing driveway was 16 feet wide to eight foot slabs. It actually kind of looks like it's two additional eight foot. So it is a 30, I would say it's 32 feet instead of 25 feet. But that's a maximum eight foot. So if the maximum total with the side slabs is 25, then it certainly is beyond that.

- Does it matter that this is a duplex? I see two addresses. I mean, this isn't one location, really, it's two.

- No, I think that those are the requirements for single and doubled all the same. I'm gonna pull up the code section right now if my computer cooperates with me.

- So if it's 16 feet plus eight, plus eight, 32 is allowable.

- I'm not sure. I might've did a variant estimate. 'Cause you could add eight feet each side. I might've came in for that. Do you have a folder by you? 'Cause there's no problem with the width.

- The question is what was presented to the city in the original permit request. If that's what Stephanie had, now you can see there's a little bit of confusion.

- Yeah, this was on the application itself. But of course, we just changed all of our code, all of our code numbers. So I'm gonna try to figure out where that is in our new code. But this was what was applied for. And that Paul noted, both of these are required for this.

- [Man] Oh, Paul wrote that in there after I submitted it.

- Yes, those are his notes.

- [Man] Front yard space no greater than eight feet in width beyond garage door.

- Yeah and I mean, just looking at that front photo, it doesn't look like they're wider than eight feet. Is that, are we looking at also another limit that's not being addressed here of 25 feet maximum total width that's been exceeded by seven feet here? But that wouldn't make sense 'cause we've had certainly quite a few of these where we've put eight feet on either side of the driveway. With the taper but we've done that. So I'm not sure that there is a 25 foot.

- I apologize. Thought I was having about being there for variance was a different property and you guys were gracious enough for me on a different duplex to put 12 feet on one side versus just eight feet on both sides. So forget that last statement I made about this one. For Stephanie's advice on that.

- So from what I could see, I think I'm in the right section of code. They have the minimum and maximum width of driveways on their own. And then it knows that driveway slid into garages are limited to a maximum width of 25 feet at the property line and 30 at the curb pavement. But may increase to the width of the garage. I think that the issue here is that it leads directly up to a garage that is not as wide as that pavement is. So that's where the 25 feet comes in.

- Well, that'd be another reason for that taper because that taper brings it down to 25 at the property line which would be the inside edge of that sidewalk. So, that's another reason then we're exceeding that maximum width of the driveway by not having the taper. It's an aesthetic thing, but it's also getting in line. If you guys are thinking about changing ordinance language to allow, to retire the taper, and I know that's not necessarily the case but I think that would weigh on my decision as to what to do here.

- I guess my reaction is that I'm okay with what's there, but I like the taper.
- I guess I would prefer to see the taper in this case.
- Steph, do you have the pictures I submitted with the dirt and the stuff on each side of the driveways?
- I received an email with a couple of photos today. Are they those?
- Yeah.
- Okay. Let me pull those up quick.
- Or I can, I'm used to the other meeting thing where I can present.
- [Man] Oh, I forgot to mention. Thank you guys for seeing . I'm a school teacher and the COVID made me crazy. So thank you for your service and thank you for letting me reappear today.
- Is this the photo that you're referencing, Glen?
- Yeah, there's actually two one of each side of that property. But that gets to the general idea. I don't think that taper looks as good as mine.
- Is the question whether or not the taper encourages people to not drive on the dirt or is the, you know, in other words, there's at the end of the, in the middle of the, what you'd cut out of your concrete? And then encourage anybody to drive then only on the taper and get to the driveway and be out. I can see the benefit of a taper for aesthetic reasons and for encouraging people not to drive on the lawn but I believe what the applicant may be arguing and well put is that if the taper is there, there's gonna be driving on the lawn in either case in any event.
- Yeah and I would say from just looking at something like this, if there's a car parked up against that garage door and I'm trying to get onto that side slab, I'm not gonna have my housemate moved that car so that I can get into that slab. I'm just gonna drive directly onto that slab. And if it's just paved as it is here in this photo, that I'm driving in like that. So I can angle in off the driveway and onto that slab taper. I might be doing a little bit of off-roading there and getting the effect that we saw in that photo just now.
- Okay, I understand what you're saying.
- So, I mean, it's--
- [Stephanie] Catching that own.
- You could also argue though, that with the taper missing is that you're gonna visually create a new taper and the grass that is leading to the curve is going to get torn up as well. 'Cause I'm gonna come off that slab and go off towards the curb. And so you're gonna have all this dirt right here coming out of it as well.
- So I'm thinking if there's only one car in that driveway and it's pulled up, you wouldn't have over the apron. Whereas, yeah, if there were two cars parked there and you were trying to park a third in there, then, then you're off-roading again but.
- We were looking at a minute ago, are we under the assumption that that taper is to code? 'Cause that didn't look like that example was a good example.
- Yeah, they're kinda curved, aint it?

- And currently, our code reads that you have to have some sort of vegetation hardscaping, something in that taper area to prevent people from driving over it. So that one wasn't in compliance. So to Noel's point, the Planning Department is discussing or moving that portion, not necessarily the whole taper but how much stuff do you put in that taper to stop people from driving in it? So that's more what we're looking to get rid of. Do you really need a big boulder or is that just gonna go away anyway? But the taper itself is meant to protect like this portion of the apron. So that way people aren't constantly driving over it.

- I have another photos of the neighborhood where they don't drive over that part if you wanna present any of those or if anybody had a further question on that. Otherwise, I'll leave it up to you guys, thank you.

- What do you think, guys?

- I'll jump out there. I'm leaning to deny. Plan was submitted correctly and approved. And I understand it. I've told this story before where I came from, in California, we had the same situation with multiple cars jockeying for position and all that stuff. And so I understand the frustrations of what all that looks like, but I don't feel that the three-step variance requests that we've asked for to say yes to all three of these, it's been demonstrating, it's an inconvenience kind of thing. And so I'm gonna vote to deny.

- [Man] Can I just step in there? I submitted a one step variance request and somehow in either people's minds or on paper, it became three. So I'm really not sure.

- I'm referring to the end of the application. There's three questions. It has to be yes to all three of those to consider it.

- I thought that was three problems, I'm sorry.

- Nope. There's a three-step verification tests that all applications and all applicants should go through. It needs to be a hard yes to all three of those for us to consider it. I don't feel that the case has been made that all three of those are being demonstrated right now for me, but that's one.

- [Man] Thank you

- Jim, Tom, Noel?

- Tom, was that a motion to deny, Tommy?

- I thought, you know what I mean? I can do that if that's where we're at. If no one has any comments or questions. I'll make a motion to deny the variance. Do we have a second?

- Okay, I will. I will take my chairmanship authority and I will second Tommy's motion. So this puts a motion with for, with respect to the Schachner property to deny the variance. All variances as requested. Fairly put, Tommy? Very good. All in favor? Say aye.

- Aye.

- Mine is an eye. Tom, or Jim and Tom?

- No.

- The motion was to deny. We have three ayes and two nos. Therefore, the motion holds and we have denied the variance request. So do all five of you understand it?

- Yes.
- Yes. Okay, great. We've settled that one. Can we move on to number three?
- [Man] Thank you all for your service. I'm gonna check out now.
- Thank you. Thank you, sir.
- [Man] I'll Check with you guys, Steph. See what we can do in there.
- Sounds good.
- Thank you.
- Thank you, sir.
- [Man] Again, thank you for your guys' service. I know you don't get paid for it. So I got a father in city government, so. All right.
- You are correct, we do not.
- Sometimes, you pay your money and take your chances, so. Okay, thank you. Bye, bye.
- You're welcome.
- I wish they were all like that.
- I do too.
- That's the nicest denial I think we've ever gotten.
- I know.
- Let the record show that there are some good denials. Let's talk next about number eight and number three. Steph, do you wanna set it up?
- Yes, this is at 1718 Acorn Way. This is way out on the west side. So this property located here, it's a corner lot with the rear yard being this portion of the property. they are requesting variance to their rear setback 4A deck. So a deck had previously existed onto the home. It had deteriorated, they had taken it off, had already rebuilt it from what I understand to the specifications of the last deck, without realizing that there was encroaching, it's the rear setbacks. So with that rebuild, they needed to get this variance. So this is one of the roadways, the other roadway here and this is a visual of that rear yard. So very heavily landscaped, not very visible from the right of way. I don't see the applicant but she may be on the call. They are just requesting to get this six-foot setback in the rear.
- So can you go back to the parcel image? So this deck is actually on the left of that house then, right? It looks, it's the side from our previous.
- Yes, it looks like a side. It is technically the rear but this is where the deck is located.
- Is there anyone on the call tonight wishes to speak for or against this property?
- We did receive one letter of support from a neighbor also.

- Do we know which one? Where they're at? Is it 2200?
- No, I'll look it up quickly though. I'll try to figure it out.
- She's looking it up. So this is technically a side setback or a rear setback? I'm just clarifying again.
- Rear.
- Rear.
- Individually, if it was a side setback, if it was a side setback, what's the requirement for a side setback?
- Five or six feet, depending on the zoning districts.
- So in theory, they're at nine feet right now or based on the design that it's a nine foot setback?
- I believe it's six.
- Well, nine.
- They want nine. The code says 25 based on it being the rear of the building.
- But if it was a side setback, could be five or six feet as a side, depending on which way we're viewing the house.
- If it weren't a corner lot, we wouldn't be having this conversation.
- So there is a real hardship.
- Does anybody on the call because I can move. I personally can move quickly on this if everybody else walked through it quickly
- Move quickly, Tommy.
- I move to approve the variance.
- The neighbor is the neighbor that would be mostly impacted by it too, so.
- Even better.
- All right, we have a motion made and seconded to approve the variance for the Acorn Way as it has been presented to us. All in favor?
- Aye.
- Tommy, you're an aye, I assume. Very good, five, zero. Ms. Nelson has her variance. Moving right along. We're at the property on Edelweiss Drive. You wanna discuss this one, Steph?
- Yes. So to bring to your attention that there are two similar applications on your agenda today for egress windows. So there some sort of internal policy or maybe set policy regarding different types of setbacks and what can encroach into those and that egress windows have not historically been a part of that policy. So keep

that in mind with these two applications to see if we're gonna recommend any changes to the code or any policies that we'd like to have for the zoning administrator once he returns.

- Before you go further, Steph what you're saying is that the terms that have been assumed and interpreted for the code by the planning staff, there has been no exceptions made for each egress construction?

- Yes, all egress windows have had a hard line of the setback law when other things have been giving some leniency into setbacks. So Paul wanted, I'm not quite sure I understand it fully 'cause I don't do this very often, but for the egress windows, I think that he had mentioned that there's just not a high enough volume of them for us to ever have considered it, but see if this is, I think third application this year that's similar. So to maybe try to figure out if there's some sort of staff level leniency or policy that we can create regarding that.

- Yeah, you're gonna be seeing a lot more of them.

- I can imagine. So the site plan will look similar to this. So this is where the window is being proposed and it goes within the, I believe side yard, front yard setback. I think the other one is very similar in nature that you'll just, this is another corner lot. So wherever you put it, you're gonna see it. So it's going within that setback area.

- It's an extra deep window well and an extra wide window well if you think about it that way, right?

- Yeah, so as we're looking at the picture that Stephanie has up, the new egress would be an expansion of the little window well on the left, is that correct?

- Yes. But typically these are also limited to side and rear yards when you have a corner lot, everything's the front. So it's also a little bit more complicated with this application, but that would be the location of it.

- I think it would be a completely different conversation if these were above grade. But what's really above grade with one of these egress windows is just the sill around the window. And that's not more than really a few inches high. I just, a dinner for administration. It should just be allowed. Period. I intend to support that.

- I agree with you, Noel. It's simply not visible enough to matter enough to me to be a part of that variant, part of that setback concern. So yeah, I won't allow this comment to prejudice necessarily our discussion of item number seven but at least for item number four, I'm okay with it. Is there an applicant or someone who wishes to speak for item number four?

- Yes, my name is Thomas Grossnick. I'm the owner and I live on the Tyrolean Drive side and my tenant lives all the way to the right side.

- So could you explain to us the reason why you are proposing what you're proposing?

- Well, two reasons. One is the tenants landed a third bedroom, which is why I went ahead and did this and had a contractor. I didn't realize there was a permit problem, but that was... It was just one of those things. But the point is that a third bedroom was required by the tenants and they were very good tenants and I wanted to keep them, which is why I decided to put it there.

- Okay, so this is an existing construction. Is that what you're saying?

- Yeah, it's actually about 75, 80% completed before it was stopped.

- Okay.

- And I take the blame for that as the owner. I should have known better. I should have investigated more, but I found out later that an owner of a duplex can apply for a building permit which blew me away. But I guess it is what it is.

- Well, what you're saying is that you have a tenant who needed it? There's a need to put a bedroom in the basement.

- That's correct.

- What bothers me is that if we do not grant the variance, I suspect there would still be that strong desire to use the basement as a bedroom. So for simple safety reasons alone, it's kinda hard to argue against this, but in addition, because of the fact that it's really not that visible I don't think it's a big deal. I guess I'm speaking around the same argument that Noel made. Therefore, if we're all in agreement with that. I think we can dispatch this one.

- I would move approval of the variance as requested subject to the petitioner doing everything they need to do vis-a-vis permits to get the thing constructed.

- Do we have a second?

- I'll second.

- We have Jim seconding Noel's motion to approve with the qualification that we're not gonna waive suitable permitting requirements. All in favor?

- Aye. Any opposed? Good, Mr. Grossnick, you have your variance.

- Thank you very much. I appreciate your help.

- But be sure you get your permit squared away.

- Absolutely.

- Thank you, sir.

- Thank you. All right, we'll move on to the next one. Item number five is on Zeise Avenue. Do you wanna talk to us about this, Steph?

- Yes, this is another fun driveway expansion. So here's the property located here. A good idea of their site plan and the driveway location. And here's the front view. So they are looking to add some extension onto that pavement. I believe the dimensions are pretty small. Two to three feet by 21 long. So not as wide as the last one that we saw, basically just taper up to that door. I'm guessing it's for additional parking. And that's all that I have on that application.

- And those front doors like entry doors?

- Yes.

- Okay. Is there someone from the applicant that wishes to speak regarding this variance request? No one from the applicant? Okay, Tom, you had some discussions with Paul regarding this. I did not get a chance to go through all the correspondence but could you summarize what that was about?

- It's my understanding that the applicant submitted some follows of existing homes with the drive way in front of the front doors. In an attempt to justify by what they wanna do. And I thought, okay, well, if we look at it that way, if they've been there in the past, would they be grandfathered in? And Paul said, no. They would be judged on a case by case basis. So there's an already driveways out there that are blocking the front doors. It should not be weighing on our decision in regards to this variance. In addition to that opinion from Paul, he also shared with me and I forward this to the other board members, the comments from the Green Bay Police Department and from the Fire Department that they are not in favor of allowing variances of this sort. Where they're blocking the egress from the home. Because if we would, constitutes a hazard to the first responders. So in the , I would submit that we deny a variance request.

- Do we have a motion, Tom?

- I mean, if the floor is open but the reasoning here, my thoughts on it are we're getting pretty direct information from the fire department and the police department that this is gonna constrict how they deliver their services to a homeowner. That a car park in front of the doorway. It's gonna gonna slow down a fireman with a stretcher or a police officer. And that's the reason why.

- They've communicated that to us on previous requests of similar nature, right?

- Right, they did. In fact, Tom was the one who pushed hard on this in his previous service on the board. I take it, that Kathleen on here, is Ms. Vanlondon?

- Yes it is.

- Do you wish to speak regarding what you've heard about?

- I understand your concerns. And I understand the fact that the police department and the fire department are concerned about that. My concern would be, that we have on that side, we would be able to shovel that away. So we don't have to move our vehicle over right now as it stands, we move our vehicle over for me to actually get in that side, on the grass side. But if we have that extra three feet, we can shovel that and then safely at our ages, we can get in and out of our vehicle without having to move in on our renter's end. I'm not sure if I'm explaining it correctly, but if I have to move my truck over for me to get in, then I'm impeding on my renter's side.

- So in a sense, you're saying this is more a sidewalk than a--

- Right. That is the reason why we're trying to keep it within whatever you call that, where you slide up and you keep our variance widen up with the front door and everything. I understand it's a hindrance, but most of the time when your fire department and your police department come, if they have to move anybody out of the area, they're gonna have to move a vehicle anyways. And where it is setting right now, they're not gonna be able to get a straight shot in the door. They'd have to go through the garage.

- This is adding six feet.

- With the way.

- Property here.

- Right. That would give us an extra six feet for them to work with and for us to work with. And right now, we parked on the grass, then that's a beautification problem. All the pictures that I sent and everything wasn't to point out, you're the bad person, this has gotten away with that. We just want to do it the right way. And to be in compliance and to be good with the neighborhood. I mean, I don't have any neighbors that are around us don't have a problem with.

- Sure. I guess my question is, are we gonna see three cars side by side by side in this driveway? Or are we gonna see two?

- Okay, and you might. Because their son, when he is home, he's now 17, 18. When he comes home on certain weekends, that has them, there will be three cars across. But it's not gonna be an everyday occurrence and it's not gonna be 365 days out of the year. We just wanted to have that option to offer to our renters. If their son stays with them, he goes with this mom and the other weekends, he's with his dad, which happens to be living here. That will give him not so that he has to park on the street. 'Cause we've already had a problem on the street where we just put the car on the street to shovel the snow. Guy across the street ran right into his car. So, we're just trying to have everybody all and concerned.

- This is a partial explanation of what you may hear regarding the vote. This is an issue that we specifically brought before the council and got specific advice back. I will vote no on this for that reason simply because we have received very clear instructions in my mind that the discretion that this board has to grant certain variances does not apply in the case of front doors. I realized that those types of rental properties like you have with one garage are always going to be an issue regarding that. And that is the exact reason why we had brought this before the city council, and we got our direction. So to the extent that we vote on this, I will vote no. I will vote to oppose. Holder person Gerlach, do you wish to speak?

- Yes, I wanna acknowledge that this is a very difficult situation and I will support whatever decision the board makes. Of course, I have no expertise in this area. I just want to go on record saying that have been wonderfully cooperative and honest and upfront about this all along and they have worked within the system. The first thing they did was call me, I put them in touch with the right person who said, you can't do this but here's the next step you could take. And they've gone through all the steps very respectfully and cooperatively. And I know that you probably are gonna have to deny this request but I don't want to miss the chance to thank them for trying to follow the process and do the best they could to speak for themselves.

- Thank you.

- Very good, thank you. Thank you, holder person Gerlach. Do we have a motion on this, gentlemen?

- I make a motion to deny.

- I'll second.

- Made a motion to deny the variance request for the variance on their duplex advisee. Seconded the motion. So we have before us now the motion to deny it. All in favor, aye.

- Aye.

- Aye.

- An aye from you, Noel.

- Yeah, I'm still trying to see if I can live in a reality where I hear just the sidewalk part of this driveway widening and not that there's gonna be three cars parked across there, but yeah, I think I gotta be a no too. I think I gotta be a no.

- Thank you.

- Therefore, we have five votes no and the variance request is denied. Thank you, Ms. Vanlondon for your interest in presenting this to us I wish we could have had a better answer. But in this particular case, discussion with the powers would be and they have given us their opinions.

- So thank you for not granting the request.

- Thank you for giving me the time.

- Sure, you're welcome. Thank you, ma'am. Steph, we have a 617 Pine Terrace as item six.

- We sure do. So this one is another rear yard setback request to minimize that rear setback. So this is Burns Avenue here, Pine Terrace here. Property located with the star. The general site layout looks like this. So this is their full rear yard. The back from the house is 41 feet. What they're looking to do is add this deck onto the house, which would be 14 feet making that setback line both 15 and approximately six, or I'm sorry, 18 and 15 feet along that rear property line. So going from 25 down to 18 and 16 respectively. I have no idea what this photo is of. Paul put it in here. I'm guessing that the applicant can help me figure out what this is referencing but that is in here in case we need it. But this is generally what we're looking at is this setback here. And applicant is on the line.

- Okay. I'd like to hear from the applicant. Mr. Or Ms. Mathis, are you on? Did I get the last name correct?

- Mathis.

- Very good. Could you explain to us why you're proposing the deck the way you are?

- [Ms. Mathis] Sure. So in regards to a property in the back, the property shape is angled. So the angle that's closer to the house is where then the patio door comes from which would be where you would place deck. And unfortunately, then like in that photo, the setback for that is we just can't accommodate the 25 feet from our property line.

- [Man] Excuse me, can anyone hear me?

- [Don] Yes, yes.

- Sorry to interrupt you.

- Nope, you're all good.

- I'm a licensed general contractor that's looking to build this deck. You get the phone down, you then I would talk during it. The picture that you work, if you can go to that other one. Do you see the string line that's surrounding?

- [Don] Yup.

- That would be, that's their back door that the deck would go off but where you see the temporary step. That line is where 25 feet. That's a parallel line with their lot line to get the 25 foot setback. Their deck would only be six foot to 10 foot and like a triangle piece if I went off the setback. That's what how you said you did noting is where 25 feet would be parallel with their property line. The drawing of the item 26. The drawing makes the property line look a lot more square than it is. It's one of the oddest property lots that I've ever come across and beyond. I'm sure there's already been a bunch of variances. This house is a brand new home. They knocked down a house and put up two new houses side by side. I'm sure if you looked in the file, there's already a bunch of variances. Both driveways in the front are way too close to the property line. They would have to have a variance there. The neighbor that if you went back to item 26. So if you're looking at this sheet,

the rear blue dot that would in the case, on your left when you look at it, the neighbor that would be to the left to the signs driveway is actually on their property. So that's more information than you need to know but the drawing of the deck, those are when I say approximate, it's within a couple inches of what that would be and that would be the furthest for turning point of their deck.

- All right. So the argument is that the deck that we would be allowed to build according to the ordinance is insufficient and we need the variance to accommodate the deck that we believe is required or appropriate.

- [Man] Correct.

- All right, I'll turn this over to the rest of my board members. I have no further questions.

- I'm really confused just on some of the basics here. I have the drawing of the deck just alone and it says house at the bottom. And then, and then a rectangle, let's say deck. And so if the house is, if the deck is adjacent to the house and it's only 14 feet deep, then I look at the site plan that shows the house and shows 41 feet to the rear lot line, does it not? And so if you had a 14-foot deck off the back of that house, would you not have 31-foot rear yard setback?

- No, . Sorry. The 41 feet is that the corner of their house. That rear lot line. That's what I was saying this drawing makes it look a lot more square. When you're looking at that drawing. If you can put the, okay, that 41.

- Here, I'm gonna share a natural area, that may help.

- Yeah, oh, there. That's the one.

- [Man] Yeah, so at the Northwest Northeast corner of this house, you might have enough for a bigger set. So if you, where it says 6-153 that six, that would be the corner of the house where it's 41. The lot line, the house is not even close to parallel with the rear lot line. So where the J is on that drawing, if you went all the back, that would be the center of the deck because that's where they're sliding patio door. That's why that all pictures in there with the orange string line to show you how close to foot setback is to their house. It's literally that other drawing, and their surveyed markers. I actually went out there. There are two survey markers laid out all their property lines with, I'm a certified . There you go. So that what you just drew and that is still the deck, that would already be past the, where you drew that line. If you went back to that string line picture, that's showing you 25 feet off their property line.

- Quick question. Is there a taste being presented as to the reason for a 14-foot deck?

- There's more than one reason. One is from a cost effectiveness, you won't wanna be in two-foot increments. Anything from a 10 foot to 14 foot, your price per material wise is not gonna drastically change that much. Even if they wanted to do any sort of activities or entertainment area with what they have right now, it would be senseless to put on a patio or deck on the back of their house using that 25 foot setback. You couldn't set a chair in there and then have a person walk past the chair on the one side. That's what I was trying to show with the orange string line.

- So just one other thing here if I can in the fundamentals. Is this deck starting in the notch between the garage and the house, or is the deck completely off the rear of the house as measured from Pine Terrace?

- [Man] Can you go back to the picture with the string line?

- Yup.

- Okay, do you see the patio door in the background where there's two temporary? Do you see the dryer vent?

- Yup. That dryer vent would be that the one edge of the deck coming, that would be the far end of the deck coming back towards you in the picture. The patio door would be almost center of the deck. So seven feet each way of the deck. The garage bump out, the deck won't even nearly come to the garage. The deck is based center of the rear of the home.

- So it's on the rear of the house. It's not anywhere near the side.

- No, yeah. So that dryer vent where you can see the sun shadow there, that would be their side property line. And it's not anywhere within the setback requirements where we need a variance.

- Yeah, okay. I think I understand.

- [Man] But there is only like 10 feet. If you actually look, you can see what I was talking about. That's two brand new homes next to one another. There's not, that sunshade is all the gap that there is between the houses on the side. This is very odd laid over that whole area.

- I can see the argument for a variance, excuse me. I just want the board to think about how much detail we want. If everybody agrees that a variance is needed. Do we agree that the deck should be that large? And if not, how much micromanagement of the size of the deck do we want?

- Right, Mr. Chairman, I'm not questioning the size of the deck. It's like a perfectly reasonable deck size. My arms around where it was in relation to the house and the dimensions that we saw on that drawing which don't seem to match up here with this and I'm struggling with is the yeah, do we ask for a drawing showing the location of the deck relative to the actual house on the parcel as it exists? Or can we just get our brains around it enough to act on it with the descriptions we've got tonight?

- Yeah, I'm in favor of granting a variance.

- Yeah, I'm leaning that way too. Just 'cause of the way this lot is jiggered. You're gonna have a conflict there. Even if you're in compliance on the one end or close to it on the one end.

- And I'm also hesitant to have the board get into the shenanigans of saying, well you can have a deck this size, but not that size but we'll give you the variance for such and such.

- Yeah, can we just go to the aerial one more time, please, Steph?

- Like the full map aerial?

- Yeah.

- [Man] So, if you're looking, you see where it says 10.177 square feet? We're at that. That would be the, when you're looking at this drawing, that would be rear of the house. So the deck would be where it says 3CSM601. The deck would be between that one and the bottom of the F. And that would send the, the patio door that you saw in the other drawing is pretty much centered. Where you have the mouse right now. And if you look what I was talking about, if you look at the far corner where the widest point would be of the lot line, you can see the driveway from the neighbor is on their property. I don't know how this area was laid out.

- Interesting.

- So the homeowners did their diligence as well to make sure that the survey marks are true. Metal detector the whole nine. And then I made sure that the stakes were actually done by a surveyor before I even begun to lay any of the salt.

- All right, are we at a point where we can have a motion?

- I think so. And I would note too, on that aerial when you see the curvature on the front of the house of the lot off the street, it looks like they use the farthest in part to set the house in terms of setting that setback for the front yard. So they didn't contend with this issue then if they had, they could have argued for a setback that was at the average of 25 feet from the front yard based on the . But because they went back there, they actually kinda short-changed themselves on the rear yard. And I think that's part of the reason why we're dealing with this plus that weird angle. An acute angle at the back corner of the property. And I think it just makes for a little bit of a wonky site layout. And I think we should let them have their variance and I would move to approve as requested.

- We have a second for Noel's motion.

- I'm gonna vote yes on this. I just wanna make a note on record. I feel like it's our job to hear the case be presented to us rather than assume. And I understand the cost-based thing but that's not a consideration for us. An average deck. This is the size, this is my intended use. This is a normal use for a house. This is what a deck should look like. And the setback, or the lot line doesn't allow me to use this in a way that allows me to do. If that was the presentation, I would be a slam dunk but it wasn't what the presentation was. And then it doesn't follow the three-step but we're filling that in for them. So I just wanna call that out. Like, to me, that's the case that should have been made. I'm hearing that indirectly being made. So therefore, I will vote yes but just putting that out for the board

- Fair point, Tommy. But you seconded anyway?

- Yes.

- Okay, we have a motion made by Mr. Halvorsen, seconded by Mr. Everman. To approve the variance request for the property . All in favor?

- Aye.

- Aye.

- Any opposed? You have your variance.

- [Man] Thank you guys.

- Okay, we get to the last one and I'm guessing that the property owner is on for this one as well but why don't you tee us up, Steph?

- Sure. I think the property owner will have more information than I do on this one 'cause we don't have a site plan. This is on 11th avenue. This is another request for an egress window in the front yard. As you can see from this building, there is a driveway on the one side that would probably prohibit some of the, like being able to put an egress window there. And this is a little bit better view of this current set up. Beyond that, I'm not really sure where they're proposing to put it. I guess I'm assuming under one of these windows. That would make the most sense but I think that the applicant can speak to that.

- Okay, does the applicant wish to present the case for the variance?

- Hi.

- Hello, Sarah.

- Hi. Well, we weren't sure because they said they would be able to put it on the other side of the house too but they weren't sure because our property lines are kinda weird also. I did talk to my neighbor that is closest to the other side of the host. So away from my driveway. And he said he doesn't care as long as it's not on his property. But if we cannot do it on, I'm just asking if we could do it underneath that small window in the front. Right there, yes.

- I'd like to be able to see the proposed. I'm not sure if we can, given the discussion that we've had before, you can see that we may be receptive to this but at this point, we were kind of left with not any kind of a plan of what this could be. So maybe I'm just the only one that is concerned about this. Let me pass the buck to my fellow board members and they can ask some of the .

- Yeah, I don't have any problem with the window in the front of this house.

- Do you think we have enough information, Noel?

- Yeah, I mean, what's the...

- Egress window on the front of the house in the south corner. I mean, she's describing that they're gonna put it below that window. So yeah, I'm in favor of that. I think that that's a reasonable thing to do.

- Yeah, and the applicant has explained the reason which certainly explains, explains why there's an urgency to have this done.

- Yeah, and again, I think this is a shortcoming in the way we're administering egress windows right now. Not necessarily an issue with kind of a conventional hardship.

- Right. Okay, if we are in violent agreement again, then a motion would be an order. Unless any of the rest of the board have questions to ask.

- I move approval of the request as presented for an egress window under the window on the front of the house.

- I'll second.

- Okay, Mr. Hutchison has provided a second, motion in a second. We can jump right into the vote. All in favor, aye.

- Aye.

- Aye.

- Very good. I see five, zero.

- All right, thank you, guys, very much.

- Thanks, Sarah.

- Good luck, thank you. All right. We're ready to, I think at this point, the meeting that I missed last time, gentlemen, was there any discussion or Steph, do you have any information regarding the lawsuit?

- I don't at this time. I don't have any report anyway.
- All right.
- Move to close the floor.
- Yes.
- I'll second.
- All in favor to close the floor?
- Aye.
- Aye.
- That's the only additional point I wanted to raise. So I think this point, we can go to adjourn.
- Move to adjourn. Tommy's got something.
- Yeah, I'll second that but quick question. Has there been any discussion about this moving to an in-person thing in the next month or two?
- You know, that's a really good question. I would like to know too, as a staff member. Our city council went to their first hybrid this month or late last month. So there's discussions surrounding us moving back in person but then, each different committee has to adjust their meeting schedule because we have so many meetings that overlap like right now, Planning Commission is happening. So we as staff, haven't really gotten the details of that. I think that like our monthly meetings might get more of like, you might get blindsided a little bit faster with this. I run our landmarks commission and I'm a little concerned with how quickly they're gonna make us come back. But right now, I know they're at least trying a hybrid model for city council. So we don't have any direction as staff yet.
- Second the motion.
- Wait, I have a question.
- Withdraw my motion.
- Do we have any indication of the timeframe in regards to the habitat for humanity home and when that supports to be done by?
- I don't know. I don't have any update on that. I could ask somebody and have them email you all.
- Okay, 'cause I drove past and I still seem to be where it was before. There just hasn't been any new construction on it.
- Yeah and they haven't yet. I don't believe they've even started on the other lot yet either. But it looked like they were getting ready. I've been out of town for a week. Maybe the whole thing may be done for a while now. But yeah, Steph, for that, both of those issues, I understand why you wouldn't have any information, but to the extent that there's any kind of information that can come from legal or anything like that regarding the lawsuit and then the one that we expected to be the lawsuit, there wasn't, the habitat for humanity. Both of those are kind of lingering in our minds right now. So any information--

- I'll try to get an update Emailed out to you all.

- All right, good.

- Okay, great.

- On the subject of returning to in-person. With the exception of the hardship at the remote meetings might put onto certain people who don't have the technology that we all seem to have. I kinda liked these. I wouldn't be back to in-person although I love you all and liked the comradery when we're physically together and talk in the hallway as we're done and stuff like that. But we don't have to do that. And I think as long as we're not hearing complaints from petitioners that they're not able to access the meeting in some fashion, I think we should continue to do this for as long as we can.

- Yeah, I don't think that they've worked out the case. So, I mean, I think that they had like each individual council person had to have their own iPad anyway sitting there. So it was really just in case people wanted to come in to listen to the meeting, but even then, there can only be so many people in a room still. It seemed a little sloppy. So I don't think there were, I don't think we're there yet.

- Yeah, maybe have the petitioner to come in.

- Yeah, there's so many people.

- Is there a limit to the number of people that are allowed on a Zoom?

- I don't think so. Not on our account anyway. We pay good money for this. So I think we can go as long as we want with as many people as we want

- If they start having the petitioner come in person, that does feel a little like general Zod in Superman, where they come before the screens like 1984 George Orwell, but that's all right.

- Yeah, we could maybe come up with a weird lighting or something and like, do you want something?

- The banishing the Phantom zone and they go fly off into space.

- I noticed that none of you have put a fake background up yet. I've been thinking about that. I should have clicked my medicine here. Let's revert to Noel's motion. And we have a motion made to adjourn. And I think somebody seconded it. Good, all right. All in favor.

- Aye.

- Aye.

- So we're done. One more thing, one more thing, one more thing. Stephanie, heck of a job. Thank you very much.

- Good job.

- Yeah.

- Good.

- You did a great job.

- I'm good.
- She made me nervous about Paul there. She didn't have like a tool where she was pulling out digital measurements and everything.
- They started to tell him that I kicked his butt in this. I would appreciate it.
- We'll your absence next time.
- Good call out, Don, good call out.
- Great, thank you.
- Thanks, guys.
- Take care.