

Board of Zoning Appeals

10/17/2022

Variance Requests For Club Car Wash on 1920 E Longview Drive

Paul McCann (Chair) 09:06

So, the second case is actually three different circumstances around 1920 East Longview Drive. First one, Kurt. You'll read them in the order in which we will deliberate on them tonight?

Supervisor Kurt Craanen (Inspections) 09:22

How 'bout I just read the first one?

Paul McCann (Chair) 09:23

Yes, please.

Supervisor Kurt Craanen (Inspections) 09:25

The applicant proposes to construct a drive thru facility in the front yard. Section 2349(a) of the zoning ordinance prohibits drive thru facilities from the front yard. And the applicant is here. And maybe you can come up here. Once grab that mic right over there. And you can refer to this,

Paul McCann (Chair) 09:47

Sir, I think if you'd grabbed the podium mic and bring it with you because we don't have a microphone sitting in front of there. That's awesome. Thank you.

Aaron B. 09:59

So, like

Paul McCann (Chair) 10:00

You can introduce yourself.

Aaron B. 10:02

Yep, yep. My name is Aaron B. with Robert E Lee and Associates. We are the civil engineer on the project here on behalf of Club Carwash tonight. Just a little background on Club Carwash. They are a nationwide carwash chain from down south—Kansas Missouri area. And right now, they currently have 54 carwash is throughout the country, but they've been rapidly expanding. They're actually building 24 new washes this year alone in the country, with eight of those being here in Northeast Wisconsin, either in the valley here or in Green Bay. Next year, they're slated for a number of in Madison, Milwaukee. So, there'll be quite a few around here in the near future.

Aaron B. 10:44

And as they start to move into the area, what they really looked for. And what they found makes a economically viable project is they need to be on busy intersections, streets with a lot of high traffic, a lot of visibility. So that's really what they're looking for. So, it kind of starts to narrow down where they can site their facilities. And that's why they kind of settled on this Longview site. It is on a busy street corner and was available. And we're here tonight, for actually three variances all of them have to do—are tied to improvements being located in the front yard. And really our main hardships here tonight are, one first of all, just being that finding property on the street corners that are available and fit their criteria for size and area to fit their longer tunnel wash buildings. And then two, this site particular has—it's not a standard two corner or two-sided corner lot. It actually is

fronted by three streets along the north, east and south side. And the shape of it's really long and linear. So, when you start to look at the parcel, 90% of the perimeter of the site would be considered front yard. So, it really gets challenging to locate a trash enclosure or drive through queuing area. And then they have a canopy that they like to put above the pay stations to keep people dry as they're operating the pay station.

Aaron B. 12:13

So those are the three variances that—those three are all located in a front yard. But as you can see, they're really—we're limited on where we can put those items on site being that the street, that we have streets on three sides. So, we start to lay this out, we couldn't turn it north/south. We couldn't spin it 90 degrees to try and get the drive thru on our west side because it really just doesn't have the lot dimensions that are [needed] to make that work. So, we're stuck kind of orienting it the way we are. And we decided to keep the drive thru along Longview being that that's probably the least busy of the three of the three streets there.

Paul McCann (Chair) 12:57

So, the first aspect of this, the drive thru in the front yard, is the lower portion of this on long view right? The lower

Aaron B. 13:06

Yep. So, we got the cars you can see stacking up and then just to the right of his mouse there is the is—are the pay stations and the canopy where cars are queued up waiting to purchase and pull into the tunnel wash.

Paul McCann (Chair) 13:23

So, Kurt, the size of this lot dimensionally—what is the dimension from Longview to the Northland? We know that?

Supervisor Kurt Craanen (Inspections) 13:37

What the dimensions of the property are?

Paul McCann (Chair) 13:39

Yeah.

Kelly Sperl (Board Member) 13:40

The north/south dimensions.

Paul McCann (Chair) 13:42

I'm trying to understand what the usable space would be for a different use. Right. So, if you take 20 feet off the Northland long side and you take 20 feet off the Longview side, and 20 feet off the Ballard road side. What's left of this?

Supervisor Kurt Craanen (Inspections) 14:00

You know, I could get text I know you're used to getting the GIS. And I don't have that. I think he might. Yeah, he'd be better to answer that

Aaron B. 14:08

The far west lot line is 100 and—is 175 feet wide. But then as you see it kind of narrows up as you move east so it's probably only about 145-150 feet wide on that in the center of the property.

Paul McCann (Chair) 14:22

So, you'd have 100 feet in the in the middle

Aaron B. 14:25

Right

Paul McCann (Chair) 14:25

To work with if you took the two 20 feet

Aaron B. 14:27

And the way their operations are, it's a continuous tunnel wash so you pull in and get pulled through on the conveyor. And in order to keep all the wash equipment and the blowers for the dryer on the end all contained to keep all the noise inside, they can't really go a whole lot shorter on that that length the building. Can't really orientate it much different than it is.

Kelly Sperl (Board Member) 14:59

The property directly to the south is a credit union, correct? You know? it is a credit union right. Community First?

Paul McCann (Chair) 15:06

And that is a—it's a carwash today,

Aaron B. 15:23

Right. Yeah. So that's also kind of why they set on this site. It was a carwash. We did have to go through and get a conditional use to maintain a carwash use there, which we did go through already and get that approved. So really, we're just looking to maintain that use and just improve this, this, this corner. This building will be quite a bit nicer than what's there now.

Paul McCann (Chair) 15:46

Okay, any other questions for the applicant on this? I'll entertain a motion on this variance.

Karen Cain (Board Member) 15:58

We're voting one variance at a time?

Paul McCann (Chair) 16:08

Yes, Ma'am

Karen Cain (Board Member) 16:09

And the first one is?

Paul McCann (Chair) 16:10

Front yard.

Karen Cain (Board Member) 16:13

For the sake of moving this forward to a vote, I vote to approve the variance as stated.

Scott Engstrom (Board Member) 16:19

I'll second

Paul McCann (Chair) 16:20

Moved and second. Any further discussion? I would point out that a property like this with three front yards in a commercial area makes it very, very difficult to comply. So, I fully understand. I think they've done what they can do with the layout to maximize the use and to try and comply or to try and fit it in the in the best interest of the neighborhood. So

Aaron B. 16:49

I think you'll find most other uses that could go on that corner—restaurant, bank. They're all going to have the same issues with the drive thru on one side.

Paul McCann (Chair) 16:59

Right.

Aaron B. 16:59

The street frontage side.

Paul McCann (Chair) 17:03

Okay, any additional discussion? Miss Cain?

Karen Cain (Board Member) 17:10

Yeah. Er. Yes. Sorry.

Paul McCann (Chair) 17:13

Mr. Engstrom.

Scott Engstrom (Board Member) 17:14

Aye

Paul McCann (Chair) 17:17

Mr. Loosen.

Kevin Loosen (Board Member) 17:18

Aye

Paul McCann (Chair) 17:19

Four aye votes. You are entitled to put a drive through in the front yard.

Paul McCann (Chair) 17:26

So, we move on to the second aspect of this property. Kurt, I guess there's some change in the in the code? The area of the code that should actually be considered tonight. Because instead of being an attached canopy?

Supervisor Kurt Craanen (Inspections) 17:45

Yes. Well, there was just some confusion about the canopy, whether it was attached to the building or not. And when I looked at plan, I thought it was attached to the building. So, the section you see in here is the code section for the front yard setback is if it was attached to the building. But in reality, it's not attached and we're considering in an accessory structure. So how about I'll read that what's the section is and then I'll tell you what the code section is that think you should add here when you make a motion. Okay?

Supervisor Kurt Craanen (Inspections) 18:12

So, the applicant proposes to build a canopy off the principal building into the required front yard, eight feet from the front property line section 23 113(h)(4) of the zoning ordinance requires a 10 foot yards—10 foot setback. The code section that we should use is 23-43(f)(2)(e) which is an accessory building on a commercial land should be 10 feet—I'm sorry, five feet from the side lot line.

Scott Engstrom (Board Member) 18:41

Again, that was 2343(f)(2)(a)?

Supervisor Kurt Craanen (Inspections) 18:45

(f)(2)(e) as in Edward.

Paul McCann (Chair) 18:48

So, let me ask if it if the requirement is five feet, and the proposal is eight feet, aren't they—is this a moot point?

Supervisor Kurt Craanen (Inspections) 18:57

You know what? I'm going to restate that. You just can't have an accessory building in a front yard. I think that's what this section is.

Paul McCann (Chair) 19:04

Understood.

Supervisor Kurt Craanen (Inspections) 19:05

Yep. What I was thinking was if it was an accessory building in the backyard, and it had to be from the rear lot line it had to be five feet. But this is just can't be in the front yard.

Paul McCann (Chair) 19:16

Understood.

Supervisor Kurt Craanen (Inspections) 19:16

Thank you for

Paul McCann (Chair) 19:17

And it's still 43 (f)(2)(a)? Yes. Okay. Mr. B., do you understand the difference between the two?

Aaron B. 19:27

I do. I think it's I think it's 2(e) though. E as in Edward.

Paul McCann (Chair) 19:33

Oh, I'm sorry. Maybe misunderstood. Thank you. Okay, so are there any additional issues with the canopy versus the drive thru?

Aaron B. 19:47

No, they're all kind of tied together. The drive thru needs to be in that front yard. And if the drive thru is there, that's where the pay stations are. That's where the canopy is to shield the pay station. So, it's all They're all more or less the same, the same struggle.

Paul McCann (Chair) 20:02

And is it correct that you want the canopy to be detached? Versus?

Aaron B. 20:07

Yes, that's their standard. Yep.

Paul McCann (Chair) 20:09

Okay, so we'll make sure that that change is made to 2343(f)(2)(e) as in Edward. So, I think we understand the front yard requirement issues with this site. Is there anyone who has other questions for the applicant?

Scott Engstrom (Board Member) 20:31

I mean, I guess it would seem obvious but just for purposes of establishing hardship, is the purpose of the canopy to protect those using the pay stations from the elements rain, hail, snow?

Aaron B. 20:42

That's my understanding.

Paul McCann (Chair) 20:51

No other questions. We'll entertain a motion on the variance.

Kelly Sperl (Board Member) 20:55

I want to approve the variance the—with the corrected section. And the front yards are obviously the hardship of this property.

Paul McCann (Chair) 21:09

Is there a second?

Karen Cain (Board Member) 21:10

Seconded.

Paul McCann (Chair) 21:12

Second. Any further discussion? Take a vote then Mr. Sperl?

Kelly Sperl (Board Member) 21:20

Aye

Paul McCann (Chair) 21:20

Miss Cain?

Karen Cain (Board Member) 21:21

Aye

Paul McCann (Chair) 21:22

Mr. Loosen?

Kevin Loosen (Board Member) 21:22

Aye

Paul McCann (Chair) 21:23

Mr. Engstrom?

Scott Engstrom (Board Member) 21:24

Aye

Paul McCann (Chair) 21:30

Canopy taken care of. And then Kurt, would you read the third aspect of this case for this property?

Supervisor Kurt Craanen (Inspections) 21:39

The applicant proposes to build a trash dumpster in the front yard section 2347(a) of the zoning ordinance prohibits dumpsters from the front yard. And I'll bring this up on the on the map. Somewhere

Paul McCann (Chair) 22:10

While you're looking, I'll apologize to the audience. Normally, you're you'd be able to see up on the screen. But in the state of remodeling here, some of this stuff is not hooked up, as it would normally be.

Supervisor Kurt Craanen (Inspections) 22:23

Here's the bump out. This is the part of the principle building that's closest to the front yard. And here's the dumpster enclosure. Couple of features in it. I know I talked to the applicant a little bit today, and there's question whether this is even in the front yard, but if it's gonna be close, you're already here and might as well just—in case it is just within the setback, a couple of feet, might as well just get a variance for it.

Paul McCann (Chair) 22:52

Okay.

Kelly Sperl (Board Member) 22:53

That's what my initial reaction was to is it's pretty close to being outside of that anyway.

Paul McCann (Chair) 23:03

So, Mr. B., your intentions are to keep that away from Longview, right? I mean, to keep it as far off the street as is reasonable, but stay within—potentially be within that 20 feet but not be five feet or eight feet? Or?

Aaron B. 23:26

Yes.

Paul McCann (Chair) 23:27

So, I am trying to make sure that we can put something together in the form of a motion that does not allow you to put it right on Longview. And that's not your intent. That shouldn't be. I don't know that that's necessary and shouldn't be allowed. So, we got to be a little bit careful with how we put our motion together so that it doesn't just give you carte blanche to put that wherever you want in the front yard.

Aaron B. 23:56

Sure.

Paul McCann (Chair) 23:58

So, could you propose the closest that you would want it to?

Aaron B. 24:03

As it's drawn, that front southeast corner the trash enclosure is 35 and a half feet from the right away from that Longview property line. So, if you wanted to throw a assign a number to that, you know, no closer than 34 feet or something, then we're really limited to basically where it is now. Or further up, and we kind of settled on where we are because it was easy access off of Longview. It got trucks off the street, and really the only area that's not front yard is that little sliver on the west side of the building. And in order to get people in and out of the tunnel wash, we're kind of really limited to that location.

Paul McCann (Chair) 24:43

What was that dimension 30...?

Aaron B. 24:45

35 and a half feet is where the corner is now.

Paul McCann (Chair) 24:48

Okay. And Kurt is that is that still in the front yard?

Aaron B. 24:51

The building—that bump out is 36.2 feet from the right-a-way. So, we're point seven feet in the front yard.

Paul McCann (Chair) 25:06

Okay. So, if we if we were to put something together that says no closer than 35 feet or something like that your?

Aaron B. 25:14

That would work.

Paul McCann (Chair) 25:15

Okay. And does that. Does that make sense? Okay. I haven't made a lot of sense yet tonight, so I'll just gonna double check. Okay, are there any other questions? What is the dimension that will keep it out of the front?

Supervisor Kurt Craanen (Inspections) 25:43

Well, I think the—this bump out was what? 34 feet from the

Aaron B. 25:48

30...36.2

Supervisor Kurt Craanen (Inspections) 25:52

36. Then we should—this should be further away. To make it so it's in back of it.

Paul McCann (Chair) 26:02

Right.

Aaron B. 26:04

The bump out on the building is 36.2 feet. That's 35 and a half feet.

Paul McCann (Chair) 26:09

So are you're saying it's going to encroach a foot and a half

Aaron B. 26:12

It would encroach about a foot.

Paul McCann (Chair) 26:15

But is the that bump out? Is the mark that would...

Kelly Sperl (Board Member) 26:21

Make it the side yard or backyard?

Paul McCann (Chair) 26:23

Yeah. Okay. I'm just trying to think. It's not just a front yard setback, it's actually—the front yard's established by the bump out in the building. And so you can't have any.

Supervisor Kurt Craanen (Inspections) 26:35

We could we could go and read the definition of a front yard and see how we interpret that. Now, I think there may be two ways you could look at it. One is, the front yard is everything—it's a line that moves, yes, go straight. Right. Or you can say well, it's the closest to—the building that's closest to the lotline. And if you want to just, we can look at the definition it is what it is.

Paul McCann (Chair) 27:01

If you have the energy for that go ahead. And it also relates to the neighboring properties that if you're in between two properties, and they're both closer than what would be allowed by code that would establish a different setback line.

Supervisor Kurt Craanen (Inspections) 27:17

This is the definition of a front yard. It means "an open space extending the full width of the lot between the main building and the front lot line unoccupied and unobstructed by buildings or structures from the ground upwards except as provided herein, the depth of which shall be measured as the least distance between the front lot line and the front foundation wall of the main building."

Paul McCann (Chair) 27:41

Okay.

Supervisor Kurt Craanen (Inspections) 27:42

So

Paul McCann (Chair) 27:43

So you can't put a dumpster in the front yard and he wants to be one and a half feet closer than the defining point dimension. Okay.

Paul McCann (Chair) 28:00

So if—what what is the hardship to moving that back a foot and a half? Is there a space for that? Or is there a reason that it can't be moved back?

Aaron B. 28:12

I think part of it was that, based on that definition, there was a little gray area, if that bump out would be considered the front. If that would be setting where our front, our front yard is versus the main tunnel of the building. Because if that's the key, if that would have been the definition, then I don't think we could have slid it

far enough north to avoid that. But if everyone's in agreeance, that the front yard is based on that bump out, then maybe we can slide it a hair back and get get to that setback.

Paul McCann (Chair) 28:44

So again, that that dimension to the bumpout is 37.

Scott Engstrom (Board Member) 28:52

36.2

Aaron B. 28:52

The bump out was 36.2. And the front corner of the trash enclosure is 35.5.

Paul McCann (Chair) 29:01

So if we were to set the requirement of 36.2, to make sure that going forward, the definition of your front yard is that dimension, you can stay inside that?

Aaron B. 29:15

Yeah, we could we could angle that over, slide it back a little bit and hit that 36.2 foot dimension.

Paul McCann (Chair) 29:22

All right, that's just an option for whoever puts the motion together. Any additional questions? If not, we'll entertain a motion on the merits.

Kelly Sperl (Board Member) 29:38

I'll move to approve it, due to all the hardships with the front yards, with a minimum dimension off that southeast corner of 35 feet graphically where it's positioned, according to this drawing that that—I mean it's there either way. I don't see a real need to move it back another foot just to meet meet that 36.2 feet.

Paul McCann (Chair) 30:06

Okay, is there a second?

Scott Engstrom (Board Member) 30:08

I'll Second.

Paul McCann (Chair) 30:10

Any further discussion by the board? So the allowed setback for that now is 35.

Kelly Sperl (Board Member) 30:21

Off the southeast corner, as it's shown on this plan.

Paul McCann (Chair) 30:26

It's 35 feet off of Longview

Kelly Sperl (Board Member) 30:29

Off of the property line on Longview side. South side.

Paul McCann (Chair) 30:32

Okay. All right. We'll take a vote. Mr. Loosen.

Kevin Loosen (Board Member) 30:38

Aye

Paul McCann (Chair) 30:39

Miss Cain.

Karen Cain (Board Member) 30:39

Aye

Paul McCann (Chair) 30:40

Mr. Sperl.

Kelly Sperl (Board Member) 30:41

Aye

Paul McCann (Chair) 30:42

Mr. Engstrom.

Scott Engstrom (Board Member) 30:42

Aye

Paul McCann (Chair) 30:44

Four aye votes. All three of your issues have been approved.

Aaron B. 30:47

Thank you guys.

Paul McCann (Chair) 30:48

Good luck with the project. Take care.