

Board of Zoning Appeals

Mon, Feb 20, 2023 7:30PM • 1:36:27

Paul McCann (BOZ Chair) 04:06

All right. Good evening, everybody. Thank you very much for waiting. We needed to finish up the meeting before ours before we could get started. So I would like to call the Board of Zoning Appeals meeting to order. We'll start with a roll call of the membership. Mr. Loosen? Miss Cain.

Karen Cain (Board Member) 04:25

Here.

Paul McCann (BOZ Chair) 04:26

Mr. Babbitts?

Michael Babbitts (BOZ Member) 04:27

Present.

Paul McCann (BOZ Chair) 04:28

Mr. Engstrom.

Scott Engstrom (BOZ Member) 04:29

Here.

Paul McCann (BOZ Chair) 04:30

I'm Chairman Paul McCann here as well.

Paul McCann (BOZ Chair) 04:34

First order of business tonight would be approval of our minutes from our previous meeting. That meeting was on November 21 of last year.

Scott Engstrom (BOZ Member) 04:43

I'll move to approve the minutes.

Kevin Loosen (Board Member) 04:44

I'll second.

Paul McCann (BOZ Chair) 04:45

Second. Is there any discussion on those minutes? All in favor say aye. Aye. Those minutes are approved.

Paul McCann (BOZ Chair) 04:53

The next part of our agenda is for public appearances. And I see quite a few people in our audience tonight. Some of you may be associated with directly with the cases in front of us. Your time to appear will be during the time when your case is called. If there's someone from the community or someone, a neighbor, or someone else, alderperson that might want to represent one of these cases tonight, you're welcome to come forward during appearances. So we'll do that in whatever order. I don't—Kurt have you signed some of these folks in or? Okay.

Paul McCann (BOZ Chair) 05:34

So if you're interested in speaking on any of the three cases that are before us, I'd invite you to come forward one at a time, or however you feel comfortable. And if you have questions for us, or questions you want us to make sure get addressed during the case, we will certainly take that into consideration.

Scott Engstrom (BOZ Member) 05:53

And again, if you could just please state your name, which case you're appearing on, and your relation to the case, whether you're a neighbor or just general public.

Paul McCann (BOZ Chair) 06:05

Thank you. Alderman Croatt. Yes, sir.

Alderson Chris Croatt (District 14) 06:14

Thank you, Chair.

Paul McCann (BOZ Chair) 06:15

Oh, I better....

Alderson Chris Croatt (District 14) 06:18

Just to clarify, a neighbor of one of the properties on the agenda would speak now during this time?

Paul McCann (BOZ Chair) 06:27

Yes.

Alderson Chris Croatt (District 14) 06:28

Okay.

Alderson Chris Croatt (District 14) 06:30

So you can after me, I guess. Okay. There is a neighbor that had reached out to me, and he's going to speak after me in regards to 1410 E Pershing Street which is the third one on the agenda tonight.

Paul McCann (BOZ Chair) 06:43

Okay.

Alderson Chris Croatt (District 14) 06:44

And I won't read the email that he sent, I'll let him share his own comments, but I just wanted to call attention to the committee, the—in the packet, the city of Appleton memo in regards to this property and wanted to highlight a couple of things in the memo.

Alderson Chris Croatt (District 14) 07:04

The staff analysis part where the applicant where it says the applicant has not demonstrated dimensional limitation of this lot that creates a hardship. As you know, as member—of being a member of this committee. Defining the hardship is key to granting a variance. It also says in that in the memo in the staff analysis that the property may still be used for its intended purpose without the variance. And in conclusion, the review criteria for the variance has not been met—the 25 to 25 foot rear yard setback standard for the detached ADU has not—has been established by the city Council and a variance to the standard requires a legitimate hardship. I would just—as you know, that's an important piece. And I'd just like you to strongly consider that when you make your decision. Thank you.

Paul McCann (BOZ Chair) 07:52

Thank you. So maybe to make the most sense for public appearances, is there anyone else who wants to address 1410 East Pershing? That might help us just keep our notes straight if we do it and, and, and this will kind of be reverse order of the appearances tonight because the Pershing case is the last of three. So go ahead, sir.

Mark D (Resident) 08:16

Okay, my name is [Mark D.] and my property is adjacent to the property on Pershing Street that's in question here. My property runs a different direction. Their's is a corner lot that runs this way. My property runs along with every other house, except the two on the street runs the other way. So my backyard is here. And their house runs here. So I've just been informed by whatever—Deanne?—that their backyard is actually where their garage is. And the front of the house is Pershing Street, but the back of the house is not—that's not their backyard, according to...

Paul McCann (BOZ Chair) 09:03

Does this help you describe what you're trying to...?

Mark D (Resident) 09:08

You can see it. Yeah, I got a drawing right here. Okay.

Paul McCann (BOZ Chair) 09:15

The one thing I'm going to warn you. I think that's a touchscreen so be careful.

Mark D (Resident) 09:21

So Pershing street, this is my house here on Brookdale, okay? And this is my backyard. The whole thing right here. This is the lot line that I share with the Pershing Street house here. And I've been informed that this isn't their backyard even though this is the front of the house. This is the front of the garage. This is their side yard, I've just been informed, which is news to me is about five minutes ago. My problem is they're gonna push this thing closer to my house. They're gonna put this giant thing here and all I'm gonna see coming out of my family room, my kitchen, is this big structure that they're going to put in there. My nice parklike backyard, which I bought and have been paying taxes on for 43 years. And to get a special grant to invade my privacy, bothers me, okay. And if you keep it 25 feet, I still don't want a two story structure, you know, to be honest. I don't want a two story structure sitting there that I have to look at. 25 feet it's going to be a bit of an eyesore, okay. So it'd be an eyesore, it's going to cover the house. And as he's talking, okay, so because legally it's got to be what is where's the hardship, the hardship is they can't build the garage that's big enough to put an apartment on top of it [indecipherable] And so they can turn it—they already have a bed and breakfast in the basement, or the lower level of their split level. So now, they're gonna have to push it back so they can get parking in front of the garage. So they can—so they can get more parking, so that the rest of the people, okay, so now I got three people or three different families per se living in my neighborhood. And that's—I bought that house as a single family dwelling. And I don't understand, I don't understand how that can be the size of the house. I mean, I guess that's all I got. It's gonna cause a hardship to me. And

Paul McCann (BOZ Chair) 11:39

I appreciate your comments. So just for clarification, there's two front yards. Right, you understand that? Just because they're on the corner there. There's two front yards, and then the backyard would be the one that—

Mark D (Resident) 11:50

Behind the house that could go.

Paul McCann (BOZ Chair) 11:52

But I think you're calling the one to the left the backyard. Because of the proportion of that a lot. I mean, it's narrower than it is wide on that—

Mark D (Resident) 12:05

Well, that's a corner lot. I mean, their problem is they needed to buy a different lot if they wanted to...

Paul McCann (BOZ Chair) 12:11

Okay, I'm just trying to clarify why it's a backyard and why one's a side yard, but all right. So can I assume that you're opposed? Okay. Thank you for your comments.

Mark D (Resident) 12:25

I guess I'll have to do everything I can to make sure this doesn't happen. It's going to decrease the property value of my house. All of a sudden I'm gonna have this huge structure in my backyard. I don't know what that's gonna be worth. I probably wouldn't have bought that house with that eyesore there.

Paul McCann (BOZ Chair) 12:42

Okay. I appreciate your comments.

Mark D (Resident) 12:44

Thank you.

Paul McCann (BOZ Chair) 12:46

Anyone else in relation to 1410 East Pershing? Okay. Is there anyone that wants to—I'm sorry. Kurt, do you have? Okay, I don't know if you're turned on here yet. You...

Supervisor Kurt Craanen (Inspections) 13:05

I did get emails from residents that could not make the meeting. So if there's no more—no more appearances, I could read those or have the chair read them.

Paul McCann (BOZ Chair) 13:13

Regarding this property?

Supervisor Kurt Craanen (Inspections) 13:15

Pershing. There's one for Pershing, and there's one for...

Paul McCann (BOZ Chair) 13:16

Okay, please read the Pershing.

Supervisor Kurt Craanen (Inspections) 13:18

Okay.

Paul McCann (BOZ Chair) 13:20

Is there a name associated with it?

Supervisor Kurt Craanen (Inspections) 13:21

Yes. [Clarence S.] [xxx] Brookdale Court. This is his quote, "With a variance of this type, I believe a plan of construction should have been available to those for at least seven days before any meeting. Since there is no plan, I recommend that this request be rejected until more information is available." Now I didn't get the plan until today. So I have that now and I'll be able to have it up on the screen.

Paul McCann (BOZ Chair) 13:49

All right. Thank you.

Supervisor Kurt Craanen (Inspections) 13:52

And then I did get email from a resident next to Pacific Street.

Paul McCann (BOZ Chair) 13:55

And let's cover Badger Avenue Next, if you can. Is there anyone? Come on forward, Sir.

Supervisor Kurt Craanen (Inspections) 14:02

He's the applicant.

Paul McCann (BOZ Chair) 14:04

You're the applicant. Then it's not necessary that you come up at this point. It's—this would just be for appearances for someone not the applicant, someone in the neighborhood.

Matt L. (Resident) 14:15

At any point, can I just provide a little clarification on something?

Paul McCann (BOZ Chair) 14:18

Of course, yep. You'll be called back up on your case is called. Sorry, I didn't make that clear. Are there any public appearances regarding Pacific Street? 516? Alderperson. I think that's you behind the mask right?

Alderperson Vered Meltzer (District 2) 14:36

Yup. Thank you. I'm Alderperson Meltzer, the alderperson for this district. Do I need to give my name and address for the record? Okay. So, speaking about 516 I do believe that there is a real hardship that the applicant is facing. I think that with the way that the setbacks are required and what one would be able to do with a garage versus this accessory dwelling unit, the contradictions there create a hardship as far as placement of the property so that it's available for a functional and compatible use with the other structures on the property. So I would encourage the board to grant this variance. Thank you.

Paul McCann (BOZ Chair) 15:25

Thank you. You had some comments as well.

Supervisor Kurt Craanen (Inspections) 15:31

Yes, I received an email from [Barbara T.] And she stated in her email to me regarding 516 East Pacific Street, quote, "I'm writing to advise that I will be traveling in Minnesota on Monday, February 20, and won't be able to attend the meeting. Hopefully this email can serve as an objection to the project planned at 516 East Pacific street Appleton, Wisconsin. The neighborhood is full of old historic homes, many of which are very closely located to one another. Adding another small home to one of the backyards would be nothing but an eyesore to an already full neighborhood. Thank you for your consideration of my objection to this project, [Barbara T.]"

Paul McCann (BOZ Chair) 16:12

Okay. So, does that complete our public appearances portion of the agenda tonight? There's no one else who wants to come forward that's not on the agenda? Okay, if so, then we'll move on to our action items and these cases will be taken in the order in which they were received by the inspections department. The case will be heard tonight and deliberated upon by the board. It will take four yes votes to get a variance approved tonight, and you'll know that decision before you go home.

Paul McCann (BOZ Chair) 16:51

So we'll go forward. Kurt if you could read the request for 516 East Pacific Street. And while he's reading that if the representatives for that case could come forward.

Supervisor Kurt Craanen (Inspections) 17:07

The applicant proposes to build a detached accessory dwelling unit that is seven feet six inches from the rear property line section 2355(h)(2)(d) of the zoning ordinance requires detached accessory dwelling units to meet the rear yard setback of the principal building. Section 23-94(g)(5) of the zoning ordinance requires a rear yard setback of 25 feet.

Paul McCann (BOZ Chair) 17:34

Sir, if you could introduce yourself?

Andrew Dane (City Plan Commissioner) 17:36

Andrew Dane, and I'm the owner applicants at 516 East Pacific street.

Paul McCann (BOZ Chair) 17:46

So the requirement for us to be able to grant a variance, sir, is to understand what hardship is in place or what hardship you're experiencing that does not allow you to make best use of this property.

Andrew Dane (City Plan Commissioner) 18:03

Okay

Paul McCann (BOZ Chair) 18:03

So if you could just address the hardship situation.

Andrew Dane (City Plan Commissioner) 18:06

I live in a neighborhood here that is very desirable. We've got a couple schools here; they're struggling to for attendance. But we've got existing infrastructure, we have a well laid out street grid. It's very walkable. We've got a lot of potential to add a lot more housing units in this neighborhood, I believe and take advantage of the utilities that are already there without having to spend a lot of money building new utilities. At any rate, so the best, in order—I believe that it is a hardship because in order to make the best use of my property, I would like to take advantage of this ADU ordinance and ADU would allow me to put a detached home in the back, in the back of the lot.

Andrew Dane (City Plan Commissioner) 18:06

Yeah, so I guess it comes back to the best use of the property. The city, like a lot of cities across the country, has adopted an accessory dwelling unit. I lose my kids in high school with their buddies. And so it, you know, comes down to the words you use: "the best use". A lot of cities across the country have adopted these accessory dwelling unit ordinances in order to encourage some of the goals and objectives that they've come out of their comprehensive plan, their housing plans, we're trying.

Andrew Dane (City Plan Commissioner) 18:52

According to the current—the way it's currently structured, I would have to build this home within this envelope that's this rectangular envelope that's set back 25 feet from the rear property line. That would essentially mean that I would be plopping a house right in the middle of my yard and then I would be rendering the balance of the yard pretty much unusable. I'd just have some smaller remnant side lots and whatnot. If I'm able to put this home all the way towards the back—and the reason I put seven and a half feet is because the neighbor to the north there, this is actually their backyard and they have a garage that then sits right off of my two and a half feet north of my of my rear yard property line. So that would maintain a 10 foot separation between the two buildings. Building it 7.5 feet off the rear setback there would again allow me to create a very desirable infill home that would have a front yard that would be shared with my current backyard. My neighbor directly—I don't know, Kurt, if you can pull up the overhead image again of the neighborhood? My neighbor just to the west...

Andrew Dane (City Plan Commissioner) 21:16

the other side of the street. So this is a great example. So this is my house.

Paul McCann (BOZ Chair) 21:29

And that's your current garage?

Andrew Dane (City Plan Commissioner) 21:30

My current garage. I just want to put the ADU back here. This is my neighbor's garage. It's not going to impact them. This is the woman who emailed. But it's so—and I don't even think she know, I mean, so she wants me to put this right in the middle which is completely obstructed, would obstruct her view. I want to put it in the back corner there. My neighbor over here recently redid his garage. This is his old garage, which he's tearing down. This is his new three story garage, which sits at just a three foot setback from...

Paul McCann (BOZ Chair) 22:08

Three, three car garage?

Andrew Dane (City Plan Commissioner) 22:10

Yeah, three car garage, there's a beautiful garage.

Paul McCann (BOZ Chair) 22:12

It's not three stories.

Andrew Dane (City Plan Commissioner) 22:13

It's not three stories.

Andrew Dane (City Plan Commissioner) 22:15

No, it's two stories. But I'm proposing to build something that essentially would be similar to this at the same location over here. I'm going to be ten feet off and seven and a half. He's three and three. It's the exact same from an architectural standpoint of his garage looks like a house. I'm proposing to do the exact same thing over here. But instead of storing snowmobiles and vehicles and cars in there, I'm going to have my mom. So I don't know that there's—again, it's the highest and best use it would be for me to be able to have my mom or a relative living in the back here. I could look after her as she gets older. And I think it is a hardship because again, my neighbor here was able to just build that garage three feet off the side. It was wonderful. He's completely on

board with me doing that here. So I'll just leave it at that. I'm probably just repeating myself at this point anyways.

Paul McCann (BOZ Chair) 22:15

Thank you

Paul McCann (BOZ Chair) 23:21

So for us—I mean, as a technicality, this is an area of variance. I mean, there's two different kinds: area variance or use variance. This is an area variance. There's a number of criteria set up around an area variance, and what needs to be clarified by the applicant is—I'll read this definition. It says "an area variance can be awarded in the situation where there's unique physical property limitations." And it says what an—it asks the question "what exceptional or extraordinary circumstances or special factors or unique property limitations, including but not limited to an irregular shape of the lot, topography, soil conditions, wetlands, floodplain environmental contamination or other considerations or conditions are present, which apply only to the subject property?" So what it says is you have to show us how this property is different than every other property in that neighborhood that makes it a hardship. And my concern—and Kurt I don't, the person who built the garage, that's a compliant garage three feet off the backlot line, three feet off the side lot line?

Supervisor Kurt Craanen (Inspections) 24:42

Are you referring to the garage at 516?

Paul McCann (BOZ Chair) 24:44

Next door.

Supervisor Kurt Craanen (Inspections) 24:45

The next door garage? I don't know if it's compliant or not. Likely, it's not.

Andrew Dane (City Plan Commissioner) 24:50

Well, he just built it so likely it is.

Supervisor Kurt Craanen (Inspections) 24:53

Oh likely which garage you're referring to?

Andrew Dane (City Plan Commissioner) 24:55

But it's a garage so isn't a garage side yard setback just three feet or something?

Supervisor Kurt Craanen (Inspections) 24:59

Three feet setback.

Andrew Dane (City Plan Commissioner) 24:59

So it meets

Paul McCann (BOZ Chair) 25:01

Three feet in the back three feet to the side?

Supervisor Kurt Craanen (Inspections) 25:03

Yes.

Paul McCann (BOZ Chair) 25:03

Okay, so. So this gentleman could build a garage, three feet to the back three feet to the side. It could be as big as what he's proposing.

Andrew Dane (City Plan Commissioner) 25:12

Or bigger. So...

Paul McCann (BOZ Chair) 25:14

But as long as it's an ADU, it would not meet the code requirements for that.

Supervisor Kurt Craanen (Inspections) 25:21

Correct. Because you're gonna live in the building.

Paul McCann (BOZ Chair) 25:24

Yeah. Because of the rear yard setback.

Supervisor Kurt Craanen (Inspections) 25:25

[Indecipherable] the rear yard setback of the principal building. Yep.

Paul McCann (BOZ Chair) 25:28

Okay. And I appreciate you could build this on your property.

Andrew Dane (City Plan Commissioner) 25:35

Yes. Yep. But I don't think it would be the highest and best use.

Paul McCann (BOZ Chair) 25:39

And I may have overstated that criteria.

Andrew Dane (City Plan Commissioner) 25:42

Well, I'm latching on to it because it's about all I got.

Paul McCann (BOZ Chair) 25:44

I appreciate that you, you certainly were paying attention. It doesn't create a hardship in and of itself.

Andrew Dane (City Plan Commissioner) 25:53

Yeah, I mean, I guess the hardship is, I've got to plop this this secondary home, right smack dab in the middle of the lot. So the whole impetus behind these ADUs was to create these little pocket neighborhoods to create gentle density, to do infill that made, that makes sense. And here, we're just creating a little island situation where I can—even the way the ordinance is written, I can build a house, that's, you know, as big as the house that I—almost as big as the house that I have right now, it just has to be plopped down right in the middle of the lot. So I guess my hardship is that that's going to render the rest of the yard unusable. And that if we could build this back in the corner—again, just like my neighbor did—that, then you have this big open green space here that would be further away from my neighbor over here who's complaining. And also would allow me to share my backyard here with the front yard you know with my mom back here being a common space back here to preserve sight lines for all the adjacent properties.

Paul McCann (BOZ Chair) 27:08

I mean, I think I fully understand. Kurt, could you put the drawing of options or the—what was submitted. So the black, the darkened is where it would comply, is that correct?

Andrew Dane (City Plan Commissioner) 27:27

Actually, anywhere if I tear down...

Paul McCann (BOZ Chair) 27:29

Either one, either one.

Andrew Dane (City Plan Commissioner) 27:30

If I tear down the garage, which is that 20 by 20, then I can be anywhere within the rectangle. If I leave the garage, then I can be anywhere in the dark rectangle.

Paul McCann (BOZ Chair) 27:41

Understood.

Andrew Dane (City Plan Commissioner) 27:42

Which means, unfortunately for my neighbor right here, if this plays out as it as it might and I don't get a variance, that garage is staying. This thing is getting built right here, right next to her backyard instead of off in the corner over there. So...

Paul McCann (BOZ Chair) 27:58

So and if you were to build it where the hashed, the proposed site, it would be a garage and an ADU in the same building?

Andrew Dane (City Plan Commissioner) 28:08

Yeah, it would probably be like, one half of this bay would be a parking stall and then the rest would be living space.

Paul McCann (BOZ Chair) 28:21

And if you put it in the dark grey, you wouldn't incorporate a garage. You would not intend to ever put it in the dark—er the light gray?

Andrew Dane (City Plan Commissioner) 28:29

I don't think I would because if I—because then I would just keep my existing garage probably and just build a house in that. This is where the house would end up going. Right? If I don't get the variance. It ends up just going smack dab in the middle of the backyard, which is again more of [indecipherable] hardship on my neighbor.

Paul McCann (BOZ Chair) 28:50

May—my question is, why doesn't it go where the light gray?

Andrew Dane (City Plan Commissioner) 28:54

Well, I can't do—I'd have to tear down the existing garage/

Paul McCann (BOZ Chair) 28:57

Which you plan to do if you put it in the back?

Andrew Dane (City Plan Commissioner) 29:00

Yeah, because I want to push it towards the back so I've got more usable space here. That that's why a priority of mine—a desire to push it back in the corner so we maintain—see how it maintains all this green space right there? So you've got windows, southern exposure, outdoor area and a lot of green space, open space here. Here there's a—there's a garage already right here for my neighbors right here. This this would allow me to maintain the green space proper with my neighbors on this side. These guys are fine.

Paul McCann (BOZ Chair) 29:42

Okay, but maybe I'm just confusing myself here. You could put it where the gray, the light gray. You could incorporate a garage and you could comply.

Andrew Dane (City Plan Commissioner) 29:55

Yeah, yep, I could.

Paul McCann (BOZ Chair) 29:56

Or you could put it where the dark gray is, keep your existing garage, and comply?

Andrew Dane (City Plan Commissioner) 30:02

Right. I could build anywhere within that that rectangle according to the ordinance. So yeah,

Paul McCann (BOZ Chair) 30:07

So you have at least two compliant options on this property that would fit the code.

Andrew Dane (City Plan Commissioner) 30:15

I could build anywhere within that entire **[not picked up by microphone]** I just don't think it makes...

Paul McCann (BOZ Chair) 30:19

But the dark

Andrew Dane (City Plan Commissioner) 30:21

...to do so for my own personal reasons, and also for my neighbors. I mean, I think it's just common sense that that's—I don't want my neighbor to build a garage or a house or anything right in the middle of their backyard, either. You know, push it towards the, towards the corner, push it towards the back. That's how these homes were built anyways. These little carriage homes were always towards the back.

Andrew Dane (City Plan Commissioner) 30:47

You know, in our neighborhood, there's a lot of older homes that were that used to have this exact scenario. And those little carriage houses are all the all the way at the back of the lot. So we're actually in a local historic district. This would actually maintain more the integrity of the of the character, the district. Should have put that in my application.

Paul McCann (BOZ Chair) 31:09

Are there any other questions of the applicant? Thank you very much for your input.

Andrew Dane (City Plan Commissioner) 31:18

Yep.

Paul McCann (BOZ Chair) 31:18

Could I ask both of our alder people? Were both of you representing your districts when this was passed?

Aldersperson Vered Meltzer (District 2) 31:32

I was actually one of the cosponsors of the ADU resolution. And yes, I've been representing District Two since that time.

Paul McCann (BOZ Chair) 31:42

So, I mean, it's written to not allow what's being asked for here because of the setbacks that were included in the, in the change or amendment to the code.

Aldersperson Vered Meltzer (District 2) 31:55

So just to speak for myself as a cosponsor of that resolution, the ADU, we wanted to put into our ordinances to allow these types of units. So you have to start from somewhere. So some parameters were put together. And I think that, you know, certainly since this hasn't been allowed before, this is sort of like a trial run. And certainly, you know, there might be things that were significantly flawed about the way that that ordinance was written, because it was the creation of something new. And so, going through a scenario like this, I think is a learning experience. And I'm here taking notes as far as, you know, what, what could be problematic, what could be kind of self imposing of hardships about the ordinance itself.

Paul McCann (BOZ Chair) 32:46

Okay.

Aldersperson Vered Meltzer (District 2) 32:47

Thank you.

Paul McCann (BOZ Chair) 32:48

Yeah. I mean, it's so new. I mean, it's recent. It it's not hard to remember what was taken under consideration when this was put together. And, and, I mean, my concern is that it's clearly expected that the setbacks are maintained unless there's a hardship. So did you have something you want to mention too? Yeah, I don't remember if the timing fits your...

Aldersperson Chris Croatt (District 14) 33:13

No, it was the during the two year period when I was not on Council is when that was brought forward and passed. I served for 12 years, and then I was off Council for two years, and I returned last April.

Paul McCann (BOZ Chair) 33:23

Okay.

Aldersperson Chris Croatt (District 14) 33:24

Thank you.

Paul McCann (BOZ Chair) 33:25

Sure. Thank you. Okay, so we will entertain a motion on the variance.

Karen Cain (Board Member) 33:36

Paul, is it okay, if I asked the aldersperson question? Could I ask you a question? I'm familiar with ADUs. But I'm just wondering what the motivation was to establish this new guideline.

Aldersperson Vered Meltzer (District 2) 33:48

So prior to this, ADUs were just not allowed. There was nothing in our ordinance ordinances that permitted them. So the resolution was brought forward to change that so the ADUs could become a part of legal Appleton home dwelling culture. So definitely, to think of it as a work in progress, to think of it as you know, a door that we've just opened would be a good way to look at it. But the primary purpose of the resolution and the change in ordinances was to make something possible that had not previously been possible.

Karen Cain (Board Member) 34:30

Thank you.

Paul McCann (BOZ Chair) 34:32

Thank you. I'll entertain a motion on the variance.

Scott Engstrom (BOZ Member) 34:40

I'll make a motion to approve for purposes of bringing this to discussion.

Paul McCann (BOZ Chair) 34:43

Is there a second?

Karen Cain (Board Member) 34:47

Second it.

Paul McCann (BOZ Chair) 34:49

Moved and seconded. Is there any further discussion by the board?

Scott Engstrom (BOZ Member) 34:52

In this instance, I personally don't see the hardship. There are two compliant options for placing this ADU on the property. The change to the ordinance is relatively new. I don't think it's really our place as a board to be making a modification to something that would be more appropriately changed through the local legislative process. It's not that we don't want to allow people to provide these options and allow people to age in place. It's certainly a valid intent as outlined in the code. But in this particular instance, it's self created in that it's a new unit that's being added to the property. We've heard no indication here on the record that not having this ADU will harm the use of the property. So I personally don't see the hardship here. I think that the applicant made some very, very good points. But points that are probably better addressed through the local legislative process.

Paul McCann (BOZ Chair) 36:13

Any other discussion? The one other thing that I would want to comment, with an area variance, we're also required to make sure that there's no harm to public interests. And I think there has—I mean, there's, I believe there will always be concerned about ADUs doubling up the density maybe on the property, and I think too, without a significant hardship or a noted hardship, it will be difficult for us to justify creating those issues that the neighbors are objecting to. I mean if this goes in according to the code and the setbacks allowed in the in the amendment to the ordinance, people may still not care for the visual nature of it just like you don't, or you recognize that the neighbor's garage is just as big of a an impediment to somebody's view, but it's compliant. And so our job is to make sure that we're finding a hardship when we vary from what the local legislative bodies of the city have passed in the ordinances. So I'm concerned too that—9f there was a significant type of topographical problem with a lot where it had to be pushed back to a flat spot or some other thing that we

could point to, I could see justifying it, but it's difficult for me with at least two other options. Anybody else? If not we'll take a vote. Mr. Engstrom?

Paul McCann (BOZ Chair) 36:13
Mr. Babbitts?

Michael Babbitts (BOZ Member) 36:13
No.

Scott Engstrom (BOZ Member) 38:08
No.

Paul McCann (BOZ Chair) 38:09
Miss Cain

Karen Cain (Board Member) 38:10
No.

Paul McCann (BOZ Chair) 38:11
Mr. Loosen?

Kevin Loosen (Board Member) 38:11
No.

Paul McCann (BOZ Chair) 38:15
Four noes. There's no chance of four aye votes. The variance is not granted. Thank you for your time.

Paul McCann (BOZ Chair) 38:34
Tissue break here. **[Note: one of the board members had to blow his nose.]** The next case, Kurt if you could read that is for 314 South Badger Avenue. That applicant can come forward while he's reading the request.

Supervisor Kurt Craanen (Inspections) 38:45
The applicant proposes construction of a two story accessory building. Section 2343F(1)(h) of the zoning ordinance limits accessory buildings to one story.

Paul McCann (BOZ Chair) 38:58
Okay, sir, if you could introduce yourself, please.

Matt L. (Resident) 39:00
Can you spell that for me please?

Matt L. (Resident) 39:00
Hi. **[Matt L.]** 314 South Badger. **[Matt L.]**

Matt L. (Resident) 39:09
[Spells name]

Paul McCann (BOZ Chair) 39:15

All right. Make sure I've got my paperwork. So you've heard the process here a little bit. We're looking to see if we can understand a hardship that exists with this property that that would not allow you to enjoy the use of the property as it's intended. Kurt's working on flipping your drawing here a little bit, but go ahead and fill in between the lines if you would for us, tell us what's going on.

Matt L. (Resident) 39:51

House is built in approximately the 1880s The garage was built pre 1920. City shows it as 1920 but give or take. That structure is beyond repair. Carpenter ants—give you an idea of how it was set up. True two by four studs on the ground, the cement around it poured in after the fact. Chipmunks, other rodents have burrowed underneath causing the slab to crack. And also the outward outside walls bowing outward. So I got opinions from builders and heard the same thing over and over. Tear down rebuild.

Matt L. (Resident) 40:35

The position—I don't know, if you have the survey that you can bring up. It actually would be bringing it in compliance with the setback. If Kurt has the survey that we can show where the fence is in correlation to the existing structure and where the lot line is

Paul McCann (BOZ Chair) 40:53

It's been shared with us.

Matt L. (Resident) 40:54

Okay, good.

Paul McCann (BOZ Chair) 40:55

So and now it's up on the screen.

Matt L. (Resident) 40:56

Yeah, so if you can see plotline right off the road. Garage [indecipherable]. Driveway runs parallel a couple feet from the fence 2.4 feet. I'd be bringing it back an additional eight inches to 3 feet and less than an inch. [indecipherable]

Matt L. (Resident) 41:25

So that would bring it in compliance with the setbacks for the side yard. Backyard is not an issue. As far as reason for the—I'll call it a half level, because it's not really, wouldn't truly be a full second story. I'm talking five feet to make it under the 15 foot height for the north facing wall. No windows on that north facing wall, which is where the lot line is facing the neighbors. To the east, commercial property, it's a law firm. And then to the west is Badger Avenue.

Matt L. (Resident) 41:57

I wouldn't have any windows facing anyone within well over 30 feet, probably more like 40. I won't be my neighbors to the south. Really is for storage because I don't want to lose storage. We'll put vehicles in, seasonal equipment, thinks patio tables, fishing equipment, hunting gear like pop up tents, that sort of thing. Really, that's what I'm looking for, just for the storage aspect of it. And also to improve the property.

Matt L. (Resident) 42:28

Neighbor to the north of me built a very large garage sometime within the last 10 years. I don't remember the exact date. So that's an improvement to the neighborhood. A lot of improvements being done surrounding

houses and structures. The existing one, like I said, complete disrepair—old cedar shakes, shingles falling off, carpenter ants, rot, buckling slab. This would be all 100% improvement upon that both aesthetically matching it with neighboring properties, structures, and also to match the house.

Paul McCann (BOZ Chair) 43:03

So coming back around to—again, this is what we refer to as an area of variance I think. Kurt, is that is that true? Or? My comment about—because I mean there's a use variance it says well, you're not going to use the land for a purpose other than what's allowed. So yeah this is an area variance, but it's the height of the building and the fact that it's a second two story structure on the property right? So if this were a three car garage, just this high twice the footprint of this and it was, it met the setback requirements, what's the restriction on putting a floor in the you know, in the joists and put a storage area above?

Supervisor Kurt Craanen (Inspections) 44:03

Okay, talking about storage trusses in a garage.

Paul McCann (BOZ Chair) 44:06

Right.

Supervisor Kurt Craanen (Inspections) 44:07

When this ordinance was changed 15 years ago, we were just told, "Okay, you can't have two stories." So then we as a staff needed to have established like a policy on how to define a second level. So people who have storage trusses don't aren't considered second level.

Supervisor Kurt Craanen (Inspections) 44:22

So basically, if you have the peak and eve of the property of the roof system. We're defining a second level as if the floor of that second level is—and there's walls above that floor between the eve and the floor. So like if you have a wall that's a second story that is beyond the truss, the trusses of the roof. If there's an exterior wall, that would, that's considered a second story.

Paul McCann (BOZ Chair) 44:52

Because his wall on the one side is as high as a...

Supervisor Kurt Craanen (Inspections) 45:01

No, it's just that it's even there. Clearly there's a second level on this because there's a wall. You see the floor, and then there's a wall. And then like...

Paul McCann (BOZ Chair) 45:09

There's 1000 garages in the city of Appleton have second level storage, right? I mean, I

Supervisor Kurt Craanen (Inspections) 45:15

Yes because they were built before the ordinance was changed.

Paul McCann (BOZ Chair) 45:18

Okay. So if this were a gable roof, in this—I mean, how would you treat that if it was, you know, if it was a simple gable roof, and it was five feet on each side of that gable above the floor or above the ceiling above the garage? How would you treat that?

Supervisor Kurt Craanen (Inspections) 45:42

There's it—under that eave of that gable roof, if there's a wall that is above the floor...

Paul McCann (BOZ Chair) 45:48

Any wall?

Supervisor Kurt Craanen (Inspections) 45:49

Yep, any—even if it's a foot—it's considered a second level. That storage area up there needs to be inside the roof system.

Paul McCann (BOZ Chair) 45:59

Right. Okay.

Matt L. (Resident) 46:00

As I understand it, there have been variances allotted for existing or new structures that have been rebuilt in similar situations in the past 10 years, where they have actually put up four foot or more walls, not necessarily six or higher, but kind of a tear down, rebuild in the same location or roughly the same location.

Paul McCann (BOZ Chair) 46:21

I've only been doing this about 30 years, so I don't—I mean I do remember, I do remember some situations where they were sort of trying to replace in kind in a historic neighborhood that we said it was acceptable or you know, okay.

Paul McCann (BOZ Chair) 46:44

So that that, is there an unusual situation? Is there a reason that you can't build a compliant garage, maybe adding another bay for your storage and a conventional garage?

Matt L. (Resident) 46:58

I can't go any further to the south mainly because of drainage issues. I have a sump pump coming from my house as well as downspouts from the eaves that flow directly to the center of the lot, and also right up along the edge of the driveway. And then my neighbor's house to the south also has a sump pump outlet that actually flows onto my property along with their eave downspout onto my property. So from like, really March into late spring, my backyard many times can be a pond. So there's no way I could build over any further to gain or storage or space, and setback, again, I think I'm accomplishing that by moving over almost a foot

Paul McCann (BOZ Chair) 47:45

Kurt, could you go back to the survey or the plan view?

Scott Engstrom (BOZ Member) 47:51

So it may not be a floodplain or wetlands but you have a recurring annual water issue for...?

Matt L. (Resident) 47:59

Yeah like when snow melts in winter or rainstorms that we've had. If you imagine, right here and then go right here. There's the outlet for the sump pump. Then over here there's my neighbor's house sump pump.

[indecipherable]

Scott Engstrom (BOZ Member) 48:29

So there's infrastructure kind of on each property that lends itself to that recurring water issue too?

Matt L. (Resident) 48:35

Correct. The running joke is that we expect to have ducks coming in the spring.

Paul McCann (BOZ Chair) 48:48

So is this a—this is a two car garage?

Matt L. (Resident) 48:51

Single car.

Paul McCann (BOZ Chair) 48:51

Single car garage.

Matt L. (Resident) 48:52

I guess technically, you could say two if you went front to back, but that's only because with...

Paul McCann (BOZ Chair) 48:58

But the garage door you're putting in?

Matt L. (Resident) 49:01

10 foot wide.

Paul McCann (BOZ Chair) 49:01

Oh, it is. Okay. It's hard—I mean, we can't tell from the materials we have.

Paul McCann (BOZ Chair) 49:20

What would the—what's the elevation change that we're talking about from say the edge of your garage to the bottom of the pond in the spring? Is that three feet, 10 feet?

Matt L. (Resident) 49:34

Edge of the garage I would say eight inches to a foot sloped like this. Front of yard from the rear of the house towards back of the yard, that's a—best guess would be maybe foot and a half, you know because it slopes kind of like this.

Paul McCann (BOZ Chair) 49:52

So a two car garage and filling that in is not outside the realm of possibility or it's not possible?

Matt L. (Resident) 49:58

No it would be sitting in water. Because where the existing garage—that was pitched over with soil and everything, so kind of sloped off to the edge. So water and whatnot runs off, goes towards the center of the yard as well. So I didn't even take into account that consideration. The water from garage, house, house, and, of course, sump pumps from both. And that's a major concern, because in the springtime, the second pump that I had installed, runs pretty much continuously.

Paul McCann (BOZ Chair) 50:33

Okay. Any other questions?

Scott Engstrom (BOZ Member) 50:38

I'm sorry if I missed it, but how does the footprint of the existing garage compare with the footprint of the new one?

Matt L. (Resident) 50:45

Same—not same foot footprint. It's over, it's—it'd be south eight inches so that it's actually like I said.

Paul McCann (BOZ Chair) 50:55

It's closer.

Scott Engstrom (BOZ Member) 50:55

That's right. Yep, yep. Yep. Okay.

[Note: it sounded like Matt L. continued to say things while Scott Engstrom nodded and expressed understanding.]

Paul McCann (BOZ Chair) 51:08

Total footprint, square feet is similar or just slightly larger?

Matt L. (Resident) 51:12

Slightly larger.

Paul McCann (BOZ Chair) 51:15

But you've got plenty of room for that.

Matt L. (Resident) 51:18

Yeah, if I could go over like you said, I would, but it doesn't make sense to pour concrete where it's very wet.

Karen Cain (Board Member) 51:27

And who is the neighbor at lot six?

Scott Engstrom (BOZ Member) 51:33

Looks like the...

Karen Cain (Board Member) 51:34

Right behind

Scott Engstrom (BOZ Member) 51:34

Right to the north

Matt L. (Resident) 51:36

That is—the owner is [...]. He's a DA from up by, I think, Eagle River or Minocqua, one of the two. He actually rents that out.

Karen Cain (Board Member) 51:48

I'm sorry. It's a private property, then?

Matt L. (Resident) 51:50

It's a private property. That's a rental

Paul McCann (BOZ Chair) 51:52

A rental. Single family rental.

Matt L. (Resident) 51:53

Yeah.

Karen Cain (Board Member) 51:53

Thank you.

Matt L. (Resident) 51:54

And he's the one that most recently put a garage up.

Paul McCann (BOZ Chair) 51:59

Do you have the bird's eye view of this to the...?

Scott Engstrom (BOZ Member) 52:07

Duck's eye view.

Paul McCann (BOZ Chair) 52:09

I always call it a bombardier view, but that's not...

Paul McCann (BOZ Chair) 52:21

So I'm trying to understand or make sense of the hardship of the drainage issue that you have. It seems—topographically it doesn't seem like it would be that difficult to pour a slab and a footing that sits in water in the spring, and, you know, it wouldn't really be that big of a problem for the concrete and would allow you to build a standard garage.

[Matt L responded but his words were not picked up by the microphone]

Paul McCann (BOZ Chair) 53:04

Okay, what other questions do we have? Is the parking lot to the back that you said it was a commercial property?

Matt L. (Resident) 53:13

Yeah, that's a law firm. That would sit right between my backyard and Memorial. And just—probably considered hearsay—but just general feedback is that most of my neighbors are glad to have any kind of improvement done. Quite frankly, the existing structure that's there's a horrible eyesore. And could I improve it and make improvements on it, I would. But it doesn't pay, and I've consulted experts and they said the same thing.

Scott Engstrom (BOZ Member) 53:50

And Kurt, I don't think we had any public appearances for this and we didn't have any emails either come in?

Supervisor Kurt Craanen (Inspections) 53:54

I did not receive any calls.

Scott Engstrom (BOZ Member) 53:55

Okay, thank you

Paul McCann (BOZ Chair) 53:56

So just an irony with this property—if this was an auxiliary dwelling unit. If this is an ADU, could he build it where he wants to build it?

Supervisor Kurt Craanen (Inspections) 54:16

No, because he's too close to the side lot line. He would have to meet the setbacks, the principal building, which in this case—are you R-1C? I can probably look in the application.

Paul McCann (BOZ Chair) 54:25

Six feet?

Supervisor Kurt Craanen (Inspections) 54:29

This is R1C so it's five foot side yard setback.

Paul McCann (BOZ Chair) 54:32

So if he were five foot off the lot line, he could build an ADU, two stories.

Supervisor Kurt Craanen (Inspections) 54:38

Not two stories. I don't think he can build two story.

Paul McCann (BOZ Chair) 54:44

Why is that?

Supervisor Kurt Craanen (Inspections) 54:50

Yeah, I think there is an exemption for a second story.

Paul McCann (BOZ Chair) 54:53

Yeah, I think there is.

Supervisor Kurt Craanen (Inspections) 54:54

Yeah, there is.

Matt L. (Resident) 54:56

So you're saying I should change my application type?

Paul McCann (BOZ Chair) 54:58

I—well I mean, we're just trying to—as the alderperson talked about, this is kind of a.... There's some, there's some contradictions here in motion here.

Matt L. (Resident) 55:10

Frankly, I'm on a very odd lot. I mean, my neighbors to the south there, their house is actually sitting on my lot along with their driveway. I've got eight inches of a corner of their house on my lot along with two feet of their driveway. So that's, you know, an additional two feet that I can't use.

Paul McCann (BOZ Chair) 55:28

Yes, sir.

Supervisor Kurt Craanen (Inspections) 55:28

Can I ask a question. We spoke—and I just want to clarify this, you are three feet from the lot line?

Matt L. (Resident) 55:34

Yes. If you look at the survey, again, it says 2.4 feet. I'll be moving back and other eight inches from that, which will make it three feet and just under an inch.

Matt L. (Resident) 55:57

Actually, like I said, it'll be more in compliance because the existing garage was, for whatever reason angled, just like everything about my lot.

Paul McCann (BOZ Chair) 56:12

Kurt, in the in the comments, in the city comments, you say "the applicant has not identified a dimensional or use hardship that meets the review criteria." Did you consider the drainage issues for this lot?

Supervisor Kurt Craanen (Inspections) 56:25

No. I don't consider that dimensional. It's not a unique shape or, you know, it's just a completely different issue. If you have a drainage problem then put in a drain, resolve it.

Paul McCann (BOZ Chair) 56:37

Sure.

Supervisor Kurt Craanen (Inspections) 56:38

There's other ways to resolve that.

Matt L. (Resident) 56:41

The issue there, though, is where do I drain to? The neighbor's lot, the other neighbors lot, or law firm? That's a [indecipherable]

Paul McCann (BOZ Chair) 56:48

He's talking about a catch basin of some kind that goes to the storm sewer.

Scott Engstrom (BOZ Member) 56:55

Yeah, I mean, I look at the, you know, 2367, which is the variances section of the code. And you look at the definition of area variance. And Kurt's, correct that it doesn't mention anything about the water issue that we talked about. And then you go down to subsection F, where it talks about the review of the Board of Appeals, area variances, unique physical property limitation standard, and it does talk about irregular shape, topography, soil conditions, wetlands, floodplain, environmental contamination, other conditions. So under those review criteria for that area variance standard—you know, again, I'm not saying it's a wetlands or a floodplain, but we have...

Paul McCann (BOZ Chair) 57:53

soil condition issue potentially.

Scott Engstrom (BOZ Member) 57:54

Yeah, that's probably the best way to categorize it. So we really have, you know, the uncontroverted statement of the applicant here. No one has said otherwise.

Paul McCann (BOZ Chair) 58:09

Yeah, the question in that section F says, "In what manner do the factors listed prohibit the development of the subject property?" And that's what I was asking the applicant is, why can't you build a standard garage wide enough, you know, wider than what you're proposing here? And that—and the answer back was, there's a soil condition or a wet? And I don't know that that's, you know, for two months of the year, eight weeks, six weeks, whatever it is, if that's a valid hardship, but that's what we need to consider.

Matt L. (Resident) 58:41

Additionally, you know, anytime it rains, because the sump pumps kick in every time it rains. So it's not just spring.

Paul McCann (BOZ Chair) 58:48

Yep. Okay, any other...? Then I'll entertain a motion on the variance now.

Karen Cain (Board Member) 59:08

In the interest of moving this forward for discussion, I move to approve the variance as requested.

Paul McCann (BOZ Chair) 59:13

Okay. Is there a second?

Scott Engstrom (BOZ Member) 59:15

I'll second.

Paul McCann (BOZ Chair) 59:17

Moved and seconded, any further discussion by the board?

Paul McCann (BOZ Chair) 59:26

I mean, I would say that this is a little perplexing when you talk about ADUs versus garages. I mean I think we're going to trust that the two alder people that are here tonight will help us wrestle with that going forward, because it's going to be a mess if we don't—as the previous applicant talked about, there's a huge garage in their backyard. And I have no doubt that there's storage up above that garage, but you know, there's—it's compliant because of the little idiosyncrasies here in the code. So, if you guys would just nod your head that you're gonna look at that for me, I'd appreciate it. I mean, it's this is a difficult situation.

Paul McCann (BOZ Chair) 1:00:19

Any further discussion?

Scott Engstrom (BOZ Member) 1:00:22

Just to confirm you said that that original garage was built at, again, that speculative date of 1920. Correct?

Matt L. (Resident) 1:00:31

Correct.

Scott Engstrom (BOZ Member) 1:00:32

Okay.

Paul McCann (BOZ Chair) 1:00:34

And it needs to be torn down?

Matt L. (Resident) 1:00:35

Correct. I think my neighbors will be actually happy once the carpenter ants are fully evicted from the neighborhood.

Paul McCann (BOZ Chair) 1:00:42

They go somewhere.

Matt L. (Resident) 1:00:46

That's true.

Paul McCann (BOZ Chair) 1:00:48

So if you replace in-kind, you replace with a single, single stall garage with a gable roof as it's shown there. What hardship does that create?

Matt L. (Resident) 1:01:02

Again, the old one, it was very high up where I could actually walk up in most of the upper level. And there were sheets of plywood down. So I'd actually be losing that completely.

Paul McCann (BOZ Chair) 1:01:16

If you replace it in kind, exactly what you've got right now. Because this, this is a different design than what you have today. Right?

Matt L. (Resident) 1:01:24

It is, just to maximize the space that's available.

Paul McCann (BOZ Chair) 1:01:36

Okay. Any other comments or questions? Then we'll take a vote. Ms. Cain?

Karen Cain (Board Member) 1:01:50

I struggling. Can I make some comments? Sorry.

Paul McCann (BOZ Chair) 1:01:53

Of course.

Karen Cain (Board Member) 1:01:54

I'm struggling a bit because I understand what your need is. And I know that you can divert water in a lot of cases, but water typically wins in most situations. I'm a little more comfortable with it being that it's a commercial property to—that's adjacent to that area. So I would be—and it sounds like the current the current garage is, is not that different from what you're proposing in terms of the height. So I would lean towards a yes vote on this issue.

Paul McCann (BOZ Chair) 1:02:32
And you get an opportunity to vote.

Karen Cain (Board Member) 1:02:34
Yes.

Paul McCann (BOZ Chair) 1:02:37
Your vote is yes?

Karen Cain (Board Member) 1:02:37
Yes.

Paul McCann (BOZ Chair) 1:02:38
Okay. Mr. Engstrom.

Karen Cain (Board Member) 1:02:42
I'll vote yes.

Paul McCann (BOZ Chair) 1:02:44
Mr. Loosen?

Kevin Loosen (Board Member) 1:02:45
I'll vote, yes.

Paul McCann (BOZ Chair) 1:02:46
Mr. Babbitts?

Michael Babbitts (BOZ Member) 1:02:47
I think there's hardship with the site that's been identified and even a bit beyond with it being kind of the angular shape. That really does limit the buildable area. And the best buildable footprint is in the back and collecting water. While that is able to be addressed I think it's in the best interest that that we allow the variance here, and I vote yes.

Paul McCann (BOZ Chair) 1:03:11
Okay. Four yes votes, variance is granted.

Matt L. (Resident) 1:03:15
Thank you.

Paul McCann (BOZ Chair) 1:03:16
Good luck with your project.

Paul McCann (BOZ Chair) 1:03:20
Okay, finally, thank you for your patience. 1410 East Pershing Street. Kurt, if you could read that request for a variance while the applicant comes forward.

Supervisor Kurt Craanen (Inspections) 1:03:32

The applicant proposes to build a detached accessory dwelling that is six feet from the rear property line. Section 2355h(2)(d) of the zoning ordinance requires detached accessory dwelling units to meet the rear setback of the principal building. Section 23-94(g)(5) of the zoning ordinance requires a rear yard setback of 25 feet.

Paul McCann (BOZ Chair) 1:03:51

Thank you. Sir, if you'd introduce yourself, please.

Greg C. (Contractor Representing Applicant) 1:03:54

I'm [Greg C.] I'm the contractor representing the family today.

Paul McCann (BOZ Chair) 1:04:01

Okay. Tell us a little bit more about the project and what hardships we might consider.

Greg C. (Contractor Representing Applicant) 1:04:09

Sure. We're looking at an area hardship that we'd like to go for. I'd like to back up just for a moment and give a little background.

Greg C. (Contractor Representing Applicant) 1:04:18

So our company specializes in granny pods, [indecipherable] feet additions, and ADUs. We've got about five different families come to us in the last two months looking to do something like this. This is the one that we've come forward with but our company is experiencing difficulties with the code.

Greg C. (Contractor Representing Applicant) 1:04:37

I think the main difficulty is that when the code was written, the setbacks were written to use the setbacks that were in place for the existing primary dwelling. And I think that what we're gonna continue to find is that those setbacks are extremely limiting. I know that's not for you guys to change tonight. I just wanted to bring that up. I think we're gonna find that more and more, and I think that's an easy thing that you can amend, in the same way that other cities across the country have, to be able to do things like the previous applicant had looked for, pushing towards the outsides of the lot. So just wanted to mention that.

Greg C. (Contractor Representing Applicant) 1:05:18

To share the story here a little bit, the family is looking to move their mother in with them. She's getting a little bit older, and they want to take care of her. And they've looked at buying a house in the neighborhood. They simply can't afford it. They're looking for a more affordable type of housing. So they're interested in doing like a Fonzie suite or accessory dwelling unit above the garage there.

Greg C. (Contractor Representing Applicant) 1:05:44

So the existing garage is about 480 square feet there. It's just not tall enough to accommodate the second story to be built out. And they do need to maintain their garage for parking. So what they'd like to do is remove that garage from the site and build new garage that's slightly taller, is still as short as can be. I approximate we need another four to eight feet in height. And to build out that top story as the ADU for their mother so that they can have an affordable housing to be able to take care of her as she ages.

Greg C. (Contractor Representing Applicant) 1:06:20

So it'll be about the same size as the garage that's there now. On the site plan, I have moved it a little bit closer to the existing home, only to try to get closer to what the setbacks are. Ideally, they'd like to stay right where

the garage is, not make it any bigger, just get a little bit taller. Now the hardship that we're looking at is an area hardship. I think that's the right one, given the circumstances and what we're going for. And...

Paul McCann (BOZ Chair) 1:06:59

So is there an irregular shape or a topography issue? Or?

Greg C. (Contractor Representing Applicant) 1:07:03

Yeah, these are the unique qualities that that I believe are causing a hardship, and there's four of them, I believe that alone maybe should not be considered as unique or extraordinarily limiting but considered together, I think that the hardship compounds, and that they're really left with no other adequate solution. So I think the fact that all four of these are present compounds the problem and the hardship. And those are the one the lack of the depth of the lot, as you can see. Two, the dual use of rear yard setbacks on these two sides.

Paul McCann (BOZ Chair) 1:07:53

So my understanding was that to the top of this picture that's being treated as a side yard.

Supervisor Kurt Craanen (Inspections) 1:08:00

That's correct. Yeah.

Paul McCann (BOZ Chair) 1:08:00

Okay, so, so you don't have two 25 foot setbacks. You have the one to the left.

Greg C. (Contractor Representing Applicant) 1:08:06

Just to be clear, on this lot line, this is being treated as a side yard.

Supervisor Kurt Craanen (Inspections) 1:08:15

I'm not even seeing what you're pointing to.

Scott Engstrom (BOZ Member) 1:08:16

He's pointing to the top.

Greg C. (Contractor Representing Applicant) 1:08:17

What would normally be considered the back yard.

Supervisor Kurt Craanen (Inspections) 1:08:23

Where the garage is, where the bigger yard is, is usually the rear yard.

Greg C. (Contractor Representing Applicant) 1:08:27

Does that means [...]

Supervisor Kurt Craanen (Inspections) 1:08:29

The north is the side yard. The west is the rear yard. Yep, so your setback—and you know you, the diagram you just gave us is different than what we first talked about. You now want a 10 foot setback from the rear property line. In your diagram here, you're going—your proposed building is 10 feet from the west property line, the rear property line. Okay, so that's what you're proposing. So we might we might have to change when a motion is made, maybe change it from I think it was six.

Greg C. (Contractor Representing Applicant) 1:09:05

Yeah. Originally it was six. I'd really like it to be six still. We'd like to be where the existing garage is. I just moved it a little bit. And [indecipherable] all of our chances. But given there's a 25 foot setback it's probably not worth it. But I misunderstood previously, Kurt. I believed that this and this were both going to be treated as rear yards for purposes of setback now that wasn't correct.

Supervisor Kurt Craanen (Inspections) 1:09:37

Correct.

Greg C. (Contractor Representing Applicant) 1:09:41

So if you could remind me, this is the north is that right?

Supervisor Kurt Craanen (Inspections) 1:09:46

It's north.

Greg C. (Contractor Representing Applicant) 1:09:48

So the North is where we really need to maintain six feet [indecipherable]

Paul McCann (BOZ Chair) 1:09:54

Much to the chagrin of the gentleman who spoke earlier because I just places it closer to the property line.

Greg C. (Contractor Representing Applicant) 1:10:02

Right. Right. But given the 25 foot setback from the west lot line, it's still quite limiting. I don't think it'll.

Paul McCann (BOZ Chair) 1:10:13

Yeah, it doesn't appear that you can be compliant here.

Greg C. (Contractor Representing Applicant) 1:10:16

Right. And then the third point. The second point's negated I suppose. But the third point would be the relatively small, total size of the lot. And the fourth point would be given the sidewalk running through the front yard. The property has been—the principal building and the garage have been pushed further back to maintain the setback from that sidewalk. And I think these are all relatively normal things. And I understand that I think this is a bit of a stretch. But I've come here and identified these as a number of inequalities, I think, when compounded together, do make it quite difficult and leave no alternate option on the lot, especially given the size for them to be able to utilize the ADU portion of the code to accommodate their mother in an accessory dwelling unit.

Paul McCann (BOZ Chair) 1:11:15

So we don't have much detail on what's being proposed here. Kurt, do you have any detail the board doesn't have? All we have is a description really.

Supervisor Kurt Craanen (Inspections) 1:11:29

I gave you what I what I got.

Paul McCann (BOZ Chair) 1:11:30

Okay.

Supervisor Kurt Craanen (Inspections) 1:11:31

And then.

Paul McCann (BOZ Chair) 1:11:32

So now there's something here that's been added?

Supervisor Kurt Craanen (Inspections) 1:11:33

Yeah, he just brought this tonight.

Paul McCann (BOZ Chair) 1:11:36

What does this—in comparison to what's existing, what does this look like?

Greg C. (Contractor Representing Applicant) 1:11:43

It is very similar. Right now you have—I don't know if you can go to street view or not Kurt—but you got a garage, two stall garage. And it's got a low roof on it, probably like a eight foot where the bottom of the rafters are, 10 foot, and it's got a 4, 5, 12 gable-pitched roof right there.

Greg C. (Contractor Representing Applicant) 1:12:11

We really just want to raise the height of that garage and other 4-8 feet. I haven't done the exact plans to understand with a bonus truss how high we need to go to make a sufficient living space there. But we don't want to go any bigger, we just want to go a little taller and be able to build that out. It's gonna look almost exactly the same, just make that garage a little bit taller.

Paul McCann (BOZ Chair) 1:12:38

Roof pitch would be the same or you would switch it 90 degrees to..."

Greg C. (Contractor Representing Applicant) 1:12:42

It might be beneficial to increase the roof pitch in order to better utilize a bonus truss. And that might look better aesthetically than going higher and staying with the four or five twelve pitch. You know what I mean?

Karen Cain (Board Member) 1:13:03

You're tearing down the existing garage, correct?

Greg C. (Contractor Representing Applicant) 1:13:06

We would remove the garage. I've inspected it and it appears that it would be better off just rebuilding it.

Karen Cain (Board Member) 1:13:13

And how much space is there between the garage and the home currently? My thought is can you move the garage closer to the home so that you can agree with the backyard lot line setbacks.

Greg C. (Contractor Representing Applicant) 1:13:30

I do not believe there's enough space to accommodate a 25 foot setback from that rear yard. We did look at that, and they are open to moving the ADU anywhere on the lot. And we have looked at all the locations. Just given the size and the setbacks being enforced, there are no other locations.

Paul McCann (BOZ Chair) 1:13:54

It could be attached.

Greg C. (Contractor Representing Applicant) 1:13:56

It could be attached. But if you look at the setbacks, still, there's very little that you can build out in any direction. I think the maximum additional footage is 10 feet extra off of the what would commonly be considered the rear yard there.

Paul McCann (BOZ Chair) 1:14:13

So the back of the house is only 35 feet off of the backlot line?

Greg C. (Contractor Representing Applicant) 1:14:19

Can you repeat that question?

Paul McCann (BOZ Chair) 1:14:20

The west face of the house that we see here is only 35 feet from the lot line? You're saying there's only 10 feet till you get to the 25 foot setback on an attached on an attached garage?

Paul McCann (BOZ Chair) 1:14:33

One more time, please. I apologize.

Paul McCann (BOZ Chair) 1:14:37

If you were to attach a this same structure, right up to the west face of the existing property, existing building...

Greg C. (Contractor Representing Applicant) 1:14:47

The main principal dwelling?

Paul McCann (BOZ Chair) 1:14:49

Yeah, you would—you'd have more than 25 feet, wouldn't you in the backyard?

Greg C. (Contractor Representing Applicant) 1:14:55

That's a good question. Are you able to measure on? No, on Earth, you can measure but

Paul McCann (BOZ Chair) 1:15:03

We love to challenge Kurt with these things.

Supervisor Kurt Craanen (Inspections) 1:15:06

Not right now. I won't be able to.

Paul McCann (BOZ Chair) 1:15:12

But so let's look at that. It's a little bit skewed isn't it? Dimensionally it looks like there's 20 feet between the garage and the house. Maybe I'm wrong.

Greg C. (Contractor Representing Applicant) 1:15:29

I've got 20 feet drawn from the garage to the rear lot line. Looks like the house is a little bit closer so you might have 16 feet. I could approximate, requiring a six foot setback from that side yard, leaving you with 10 feet. Does that sound about right? I'm just doing that now in my head. But that's the number I had previously and they both line up which makes a lot of sense.

Paul McCann (BOZ Chair) 1:15:52

So I didn't follow you exactly. But does that mean that you could put something attached to this house and be compliant?

Greg C. (Contractor Representing Applicant) 1:15:59

I can run you through that to help you understand what I was saying.

Paul McCann (BOZ Chair) 1:16:02

Sure.

Greg C. (Contractor Representing Applicant) 1:16:02

Looks like's about 20 feet [...]. Principal [...] is closer approximately [...]. We know we have to maintain six foot setback in this side yard giving us [...]

Paul McCann (BOZ Chair) 1:16:23

No, I'm sorry. So let me let me just explain. If you, if you took the garage and moved it tight to the house, right, right where it is, would that west face of the garage be 25 feet off the west property line?

Greg C. (Contractor Representing Applicant) 1:16:40

I don't know. It's possible, but you do introduce a number of complications in that scenario. Now you're required, you're—I would recommend building with the frost protected foundation in order to attach a garage to the principal dwelling to accommodate not changes from frost to even that's adding a lot of costs of the project, of course. And you also are now tying into the existing exterior finishes, which adds complications and opportunities for water damages. And I don't know that it's the most practical solution as opposed to maintaining what's there a detached garage that's functioning really quite practically. And simply raising the height of it a little bit to accommodate an ADU above.

Paul McCann (BOZ Chair) 1:17:34

I mean, I think one of the concerns I have is you don't know the answer to is it, is it four feet or is it eight feet? Higher than existing?

Greg C. (Contractor Representing Applicant) 1:17:46

Sure.

Paul McCann (BOZ Chair) 1:17:48

Right. You said somewhere between four and eight feet.

Greg C. (Contractor Representing Applicant) 1:17:50

I haven't finalized the drawings to know exactly how much space we're gonna get out of the bonus trusses and exactly how much I need. That's correct.

Kevin Loosen (Board Member) 1:17:58

Or how much higher it's gonna be than the house. Because you're gonna have a ranch house and a two story garage.

Greg C. (Contractor Representing Applicant) 1:18:06

The—can you pull that street view again, Kurt, if you don't mind?

Greg C. (Contractor Representing Applicant) 1:18:19

Yeah, so you can see the house is taller, whatever word you want us to describe, might be two feet, you can see. We are going to end up taller than the house. And my approximations is it's going to be kind of marginal. It's not going to be outlandish, and the houses to the left there is quite a bit taller as well. That's a little bit subjective, what you think looks normal, what doesn't. My opinion, I think it's gonna be a pretty normal looking garage.

Greg C. (Contractor Representing Applicant) 1:18:55

We do intend to make use of bonus trusses to minimize the height and not to simply build out a two story garage and add a 4/12 common pitch truss on there. So we have the interest of minimizing that height and keeping it as aesthetically normal as possible.

Paul McCann (BOZ Chair) 1:19:24

Any other questions?

Paul McCann (BOZ Chair) 1:19:25

If no questions we'll entertain a motion on the variance.

Scott Engstrom (BOZ Member) 1:19:40

I'll move to approve for purposes of bringing this to discussion.

Paul McCann (BOZ Chair) 1:19:46

Is there a second?

Karen Cain (Board Member) 1:19:47

Seconded.

Paul McCann (BOZ Chair) 1:19:48

Moved and seconded. Is there further discussion by the board?

Michael Babbitts (BOZ Member) 1:19:55

I just asked the question—you know I'm looking at the accessory dwelling unit portion of the code. Is that a right to provide at each—that each lot has the right to build an accessory dwelling unit? Or is that? Is that simply a feature if your lot is large enough?

Paul McCann (BOZ Chair) 1:20:14

I think the intent is...

Michael Babbitts (BOZ Member) 1:20:18

I'm not seeing anything that says it says lots are entitled.

Paul McCann (BOZ Chair) 1:20:23

But it says it has to be compliant. You're entitled to build one as long as it's compliant with the setbacks for the principal dwelling.

Michael Babbitts (BOZ Member) 1:20:34

So a small footprint would not be a hardship.

Paul McCann (BOZ Chair) 1:20:39

Doesn't seem it would be.

Scott Engstrom (BOZ Member) 1:20:41

Yeah, I'm considering those hardships that you identified that you said, you know, individually would not rise to that level and then taking that aggregate argument, which is—you know it's a good argument. Like you said, it's you're working with what you got.

Scott Engstrom (BOZ Member) 1:20:56

You know, there's lack of depth, but I don't know that it's an extraordinary lack of depth compared to some of the other lots that we have in the city. You know, same with it's relatively small size. It's not, I wouldn't say abnormally sized. And the sidewalk as well. I mean, I don't know what the percentage is of homes in Appleton that have sidewalk, but it's, I'm sure, a significant percentage, so it's not unique to this property. And I'd be concerned about opening up a windfall when we're still very early in figuring out how to apply these standards with respect to the ADUs.

Paul McCann (BOZ Chair) 1:21:43

Yeah, I tried to understand the sidewalk hardship. If it's the public sidewalk that's, that's not their property. Right. So it doesn't seem like a public sidewalk could cause any kind of hardship.

Greg C. (Contractor Representing Applicant) 1:21:56

My, my approach on that is, because this, the sidewalk is there. And because it's as far into their lot as it is. That's the right of way that the setback is drawn from as opposed to a lot that may not have a setback where you would begin the setback at the road or a lot where the sidewalk may be closer to the road.

Paul McCann (BOZ Chair) 1:22:19

Yeah, I don't think that's how it works. I mean, if the city owns the right of way to the edge of sidewalk or no sidewalk, it's not your property to build on or consider.

Greg C. (Contractor Representing Applicant) 1:22:34

I agree with that completely. My point is that the setback begins at that right of way and the location of the right of way, is what I'm trying to say...

Paul McCann (BOZ Chair) 1:22:43

Begins with the edge of your property. Right. That's right. Okay. You were you're making a point, I think I don't know if you were done or not. You're talking about the three hardships that he has?

Scott Engstrom (BOZ Member) 1:22:56

Yeah, no, I think I'm done.

Paul McCann (BOZ Chair) 1:22:58

Okay. Sorry to, I don't know if I interrupted or not. I think.

Michael Babbitts (BOZ Member) 1:23:03

Is there anything limiting the height of houses in this area? One story, two stories?

Paul McCann (BOZ Chair) 1:23:12

There's nothing? No, other than in any other neighborhood. Right?

Supervisor Kurt Craanen (Inspections) 1:23:18

Is the question, what is the height limitation in this zoning district?

Michael Babbitts (BOZ Member) 1:23:21

Yes.

Supervisor Kurt Craanen (Inspections) 1:23:22

I'm gonna go off the top of my head, I think it's 35 feet [indecipherable]. That's typically what it is for a for a single—for a home for dwelling.

Paul McCann (BOZ Chair) 1:23:31

So two stories and 35 feet are the.

Michael Babbitts (BOZ Member) 1:23:33

So the applicant could add vertically without—if he was coming here, he wouldn't have to come here, if you wanted to add just add on to his house.

Supervisor Kurt Craanen (Inspections) 1:23:41

Correct. He could put a second level onto the house.

Michael Babbitts (BOZ Member) 1:23:43

I understand that's not what you're trying to do.

Unknown person 1:23:47

It's an alternative.

Michael Babbitts (BOZ Member) 1:23:48

What I see is, you know, I see a potential solution for the site where the, if the garage were an attached accessory dwelling unit, you could go two stories high, you could have a garage underneath, and you could be completely compliant. You did mention that would increase costs. Cost is not a hardship we can really consider. But to me something like that would solve the problem on this site.

Paul McCann (BOZ Chair) 1:24:19

And because it's difficult to clarify a hardship that would prohibit you from doing something compliant. It just makes it very difficult for us to to—because there's nothing unique about this lot and so hundreds—

Greg C. (Contractor Representing Applicant) 1:24:42

Could I bring up on question.

Paul McCann (BOZ Chair) 1:24:43

Sure.

Greg C. (Contractor Representing Applicant) 1:24:44

So previous to this meeting, there was a miscommunication. I believed that both of those west and north lot lines were going to be enforced as rear yards.

Paul McCann (BOZ Chair) 1:24:53

Sure.

Greg C. (Contractor Representing Applicant) 1:24:55

Is there a way to change which one of those is used as the rear yard. I understand it's on the corner. And if we were able to enforce a rear yard from, I think that's Brookdale. It's coming from Brookdale right now instead of Pershing. If it was coming from Pershing, we'd be much closer to being able to make the structure work in conformance. It—I think it'd be quite attainable. And I don't know the rules for that. But we're here. So I thought I'd ask.

Scott Engstrom (BOZ Member) 1:25:26

I think it might trigger its own notice requirements too, as well.

Paul McCann (BOZ Chair) 1:25:31

Go ahead, Kurt, what do you got?

Supervisor Kurt Craanen (Inspections) 1:25:32

Let's talk about this. Okay. So when a corner lot is built on, at the time of the building permit, it's—this is the side yard and the rear yard is established. I think in this case, and I don't have the measurements, because we don't have that tool right now. But the north property line is probably less than 25 feet from the building. That seem—

Greg C. (Contractor Representing Applicant) 1:25:56

I'm seeing it at 20, I thought right now.

Supervisor Kurt Craanen (Inspections) 1:25:57

It would not have been legal to build that 20 feet from the lot line. It would have to be—that north property line would have had to have been 25 feet, at least, from the building. So it's—this is 100% the side lot line, because otherwise, it's non-conforming. So when the property was built, and a building permit was issued, the west yard was considered the rear and the north yard was the side yard.

Paul McCann (BOZ Chair) 1:26:25

And if you were in a situation where the north was 35 feet from the, you know, I mean it, like at 35 feet, and you had 40 feet for the back, and someone had decided one was a side and one was a rear, you might be able to come to someone like this board and say, the hardship is that it was established, you know, incorrectly for what we're trying to do. But that's not your situation here. You're not, you would—you're in compliance now. And we cannot agree to something that would put you out of compliance in order to just shift the burden, I guess, or the factors in your favor. If you had 25 feet to the back, it would be an interesting argument, but it's not there.

Paul McCann (BOZ Chair) 1:27:20

So [Mr. Mark D.] If I could just ask you what—you imagined that this addition or this change was going to be much closer to the lot line than the existing garage, or didn't that matter in your concern?

Mark D (Resident) 1:27:45

I didn't get proper information. I was only notified last Thursday that this hearing was going to take place. And I've heard a lot of things, and I have—I'm having a hard time processing it. Okay?

Paul McCann (BOZ Chair) 1:28:00

Sure.

Mark D (Resident) 1:28:00

And I think, to be honest with you, I deserve to be treated better than I was. I've been sandbagged by the contractor.

Paul McCann (BOZ Chair) 1:28:10

Sir, talk to me. Okay.

Mark D (Resident) 1:28:12

I'm at a loss to—you know if he's gonna get denied, it looks like to me, but for a completely different reason than I would thought. And what's gonna happen here is amazing to me. I can't understand it. And but, the main thing is, yes. Because I thought that he was gonna move the thing back, you know—but he has the six feet. He can move back to six feet, or what—is that the side yard? He can move it six feet from my yard, and that just blows my mind. I don't know where that came from. But I do—but I had absolutely no clue that that's what I was going to [indecipherable] Okay.

Paul McCann (BOZ Chair) 1:28:54

Well, that's—

Mark D (Resident) 1:28:55

I never got a picture of this this project. And so I walked in here tonight. Okay. All I got was conflicting written—

Paul McCann (BOZ Chair) 1:29:04

Is it is it? Is it clear to you what he's proposing today?

Mark D (Resident) 1:29:08

Yes.

Paul McCann (BOZ Chair) 1:29:09

Okay.

Mark D (Resident) 1:29:11

I think I have go talk to my wife about it. She's then engineer okay.

Paul McCann (BOZ Chair) 1:29:17

Well, I—we first got the plan view depicting where this was going to sit tonight as well. So

Greg C. (Contractor Representing Applicant) 1:29:24

And all that is—that's my fault. I apologize. I was late with my plans.

Paul McCann (BOZ Chair) 1:29:28

So don't feel left out or treated, treated poorly.

Mark D (Resident) 1:29:33

I do feel like I've been treated poorly.

Paul McCann (BOZ Chair) 1:29:35

Well, join the join the group.

Mark D (Resident) 1:29:37

Because this is my house, you know?

Paul McCann (BOZ Chair) 1:29:38

Sure. So my reason for asking you to stand up one more time here was to ask you: if there were a structure placed exactly where the existing garage is placed today, and it was four feet taller or eight feet taller, or six feet taller, would that be as big biggest concern to you as when you walked in here today? Or would it be a concern to you at all? Please try to go back in time, two hours. And just, because I'm just saying that your concerns when you walked in, were largely the proximity of this to your property.

Mark D (Resident) 1:30:22

And how large it was going to be. And the large—the second story still bothers me. The added people bother me, but there's nothing that I can do about that.

Mark D (Resident) 1:30:31

If I had been in the loop before, so I could have come up with the—I would have thought about it differently. I would come in here with a different attitude for sure. But I still would have been here. Does it bother me? Yes.

Paul McCann (BOZ Chair) 1:30:31

Right.

Paul McCann (BOZ Chair) 1:30:50

Okay. Thank you. Does anyone have any other? We have a motion to approve and a second on the table; is there any further discussion? We'll take a vote. Mr. Loosen?

Kevin Loosen (Board Member) 1:31:10

Nay.

Paul McCann (BOZ Chair) 1:31:11

Miss Cain?

Karen Cain (Board Member) 1:31:12

No.

Paul McCann (BOZ Chair) 1:31:13

Mr. Babbitts?

Michael Babbitts (BOZ Member) 1:31:14

No.

Paul McCann (BOZ Chair) 1:31:15

Mr. Engstrom?

Scott Engstrom (BOZ Member) 1:31:16

No.

Paul McCann (BOZ Chair) 1:31:19

No variance granted. I guess it's back to the drawing board to see if you can find something that will comply on this property.

Greg C. (Contractor Representing Applicant) 1:31:28

Thanks for your consideration.

Paul McCann (BOZ Chair) 1:31:30

Thank you.

Paul McCann (BOZ Chair) 1:31:33

Is there any informational items Kurt for tonight?

Supervisor Kurt Craanen (Inspections) 1:31:36

No other than I have printed out new zoning codes for you. If you want to stick around after the meeting.

Paul McCann (BOZ Chair) 1:31:43

And we did, in the in my previous version? We did have the adu?

Supervisor Kurt Craanen (Inspections) 1:31:48

Oh. Were they in there?

Paul McCann (BOZ Chair) 1:31:49

It's in mine. I don't know if it's in everyone's.

Supervisor Kurt Craanen (Inspections) 1:31:52

It is in there?

Paul McCann (BOZ Chair) 1:31:53

Yeah. So if that's what you printed them all for? We made—I mean, I may do it anyway, replace them.

Paul McCann (BOZ Chair) 1:31:59

But I wanted to make mention that. I'll be in Texas in March, and probably over the period of time of a potential March meeting. So Mr. Engstrom I'm hoping that you will be in town in March, to take over the chairmanship and that our alternate is available as well.

Paul McCann (BOZ Chair) 1:32:21

So. Okay, I'll entertain a motion to adjourn. So moved? Moved and seconded. All in favor say aye. Aye. Okay. Thank you, everyone. Thank you for your patience in our audience tonight.