

Item 24-0811: 1006 N. Linwood Dr. The applicant proposes to construct a detached garage five (5) feet from the front property line on Badger Ave. and Linwood Dr

24-0814: 1006 N. Linwood Dr. The applicant proposes to construct a detached garage five (5) feet from the front property line on Badger Ave. and Linwood Dr

Board of Zoning Appeals
Mon, Jun 17, 2024 7:00PM

Paul McCann (BOZ Chair) 23:44

Next up is the case for 1006 North Linwood drive. The applicant for that could come forward while Kurt reads the request.

Supervisor Kurt Craanen (Inspections) 23:54

The applicant proposes to construct a detached garage five feet from the property line on Badger and Linwood. Section 23-93(g)(4) of the zoning ordinance requires a 20-foot front yard setback. Now actually, I moved ahead. There's two variances because there is no accessory buildings allowed in the front yard, period. Then if you do allow it, if you do grant in the front yard, then you have a front yard setback for anything.

Paul McCann (BOZ Chair) 24:23

Right.

Supervisor Kurt Craanen (Inspections) 24:23

Okay.

Paul McCann (BOZ Chair) 24:24

Okay.

Supervisor Kurt Craanen (Inspections) 24:24

So that's why there's two applications and cases. And I actually read the second one.

Paul McCann (BOZ Chair) 24:31

So, well, let's—which one's the appropriate one to take first?

Supervisor Kurt Craanen (Inspections) 24:34

Well, maybe we could take the first—the first one.

Paul McCann (BOZ Chair) 24:39

Right. That's allowing an accessory building—

Supervisor Kurt Craanen (Inspections) 24:41

An accessory building in front yard, and let's say, hypothetically, you prove it then you have finished the other issue to deal with it. So

Paul McCann (BOZ Chair) 24:46

We'll take 0811 first.

Supervisor Kurt Craanen (Inspections) 24:48

Let's do that. I'll read that one. The applicant proposes to construct a detached garage five feet from front property line on Badger and Linwood Avenue. Section 23-43(f)(1)(e) of the zoning ordinance prohibits accessory buildings in the front yard.

Paul McCann (BOZ Chair) 25:01

Okay, so let's talk about that one, sir. Could you introduce yourself and.

Glenn W. (Resident) 25:05

I'm [Glenn W.]

Paul McCann (BOZ Chair) 25:07

Glenn, could you go ahead and lift that up if it's more comfortable for you, and then give us whatever information you'd like to share, that's maybe not in the materials that we have.

Glenn W. (Resident) 25:17

Um, just being on that corner, being a non-conforming lot, of course, I'm very limited on space as you can tell on my lot. So, coming the—right now, I parked my 250 truck on the slab that's there now coming off of Badger, which is very difficult to pull in off of Badger, lot of traffic all the time. I'm holding up traffic trying to back in, trying to—because I prefer to back in because pulling out is even more dangerous with the truck and being able to see traffic so I pull—I back in to make it as easy as possible. But of course that involves stopping and backing up and trying to time it, or I'm sitting across the street for 10 minutes trying to pull in my driveway.

Glenn W. (Resident) 26:04

So last time I was here, I proposed—they denied it, but I think it was this gentleman here he had mentioned that, hey, have you ever thought about maybe coming off of Linwood? And I go I never thought about that. It's actually a good idea. So, we went back to the drawing board and propose maybe a single car garage coming off of Linwood to make it a lot easier to pull in and out, since it's less busier—less busy as Badger is and less dangerous for sure.

Paul McCann (BOZ Chair) 26:39

Okay. And so, this is the—this is the new proposal. It would be still in the front yard because you have multiple front yards and a very irregular shaped lot. Is this causing—you talked about vision issues and difficulties backing in and out. Is your proximity to Badger Avenue the back end of this causing anyone else trying to get on to Badger or off of Badger any kind of visual problem? I don't know what it's like. I'm trying to think of what that is. Is that north of you then?

Glenn W. (Resident) 27:17

They have their property next to ours as far as that. I know he has had problems with telephone pole and everything as far as pulling out.

Unidentified Woman 27:25

He like—a potential that the board that would symbolize what a garage would look like. You could have a clearer view of the road and the sidewalk there.

Paul McCann (BOZ Chair) 27:36

So that's, that's the

Unidentified Woman 27:39

So, and this would be another one too.

Paul McCann (BOZ Chair) 27:41

This is the distance that the back of the garage would be—

Unidentified Woman 27:44

Well, not necessarily.

Glenn W. (Resident) 27:45

The height.

Unidentified Woman 27:45

But we're—we would be like five feet from the sidewalk on this side and the other side to get a 24-foot single car garage. So, it'd be five feet from each sidewalk—Badger and Linwood, each corner.

Paul McCann (BOZ Chair) 28:04

But this doesn't portray five feet. This portrays 16 feet.

Unidentified Woman 28:08

No, it's on the drawing. It's just more just to portray what it would not visually interfere anyone from the roadway.

Paul McCann (BOZ Chair) 28:18

Okay, I'm gonna put these back here. I don't know that that satisfies my question exactly, but it's good to see that. So, this particular first variance is for both the dimension on the top of that rectangle and the dimension on the bottom of that rectangle, right? Both streets—he's asking for both front yards to have a five-foot setback—

Glenn W. (Resident) 28:44

Instead of coming in this way like I always do now backing in with a slab that's right here, I'm proposing to coming in here and having my slab go this way so I can come in—

Paul McCann (BOZ Chair) 28:54

Sure.

Glenn W. (Resident) 28:55

—and pull out there.

Unidentified Woman 28:55

But there's a variance on both.

Paul McCann (BOZ Chair) 28:57

But you're required to be 25 feet off of each of those streets.

Unidentified Woman 29:00

We don't have 25—

Glenn W. (Resident) 29:01

Right yeah 'cause my lot is just—

Paul McCann (BOZ Chair) 29:04

And the and the reason that you're required to be 25 feet, and everyone is required to be 25 feet, is so that people can see down the street when they're backing out of their driveways or other—

Glenn W. (Resident) 29:16

Right. And that's what she's trying to say that no matter what—putting that garage there—since my house is here, I have a fence here—it doesn't inhibit anyone from seeing anything as far as traffic-wise. When they get to the corner, they can see plenty of all traffic here. It doesn't inhibit anybody from their view. By her putting that board there that was like by my fence here I'll—it won't inhibit anyone that's coming down there, oh, they can't see—like I said, I won't be pulling out that way anyway. So being on this way, you come to the stop sign doesn't inhibit 'cause you still have all this until you can get to the corner to see traffic. You know, when you're turning you can see traffic plenty as far as—

Paul McCann (BOZ Chair) 29:55

Ma'am, may I see that picture just one—I apologize for giving it back prematurely here. I just want to see one—

Karen Cain (BOZ Member) 30:09

And you would eliminate your entrance on Badger?

Glenn W. (Resident) 30:11

Yeah.

Unidentified Woman 30:12

You can see the board barrier, but that would be the corner.

Paul McCann (BOZ Chair) 30:16

I saw what I thought I saw. Just recall. So, Kurt, that's a front yard, and that fence should be three feet high.

Unidentified Woman 30:29

Technically the backyard.

Glenn W. (Resident) 30:30

Yeah, that was a variance. That was—

Paul McCann (BOZ Chair) 30:34

No, I appreciate that. But I mean, by code, that fence in the front yard, and we, we allowed that at that time,

Supervisor Kurt Craanen (Inspections) 30:45

I think I remember this. I think I pulled it up, and there was a variance given many years ago.

Glenn W. (Resident) 30:50

1970.

Unidentified Woman 30:51

1974.

Paul McCann (BOZ Chair) 30:55

Just before I got on this board.

Kelly Sperl (BOZ Member) 30:56

Are you bragging or complaining?

Paul McCann (BOZ Chair) 31:04

So, I'm sorry, you didn't make an appearance tonight, sir, but are you in the white house next door?

Joe S. (Resident) 31:09

Yeah.

Paul McCann (BOZ Chair) 31:10

Do you mind stepping forward just for a second? We'll go back to public appearances if we could, please. Could you introduce yourself?

Joe S. (Resident) 31:20

My name is [Joe S.] and I live in the white house [XXXXX].

Paul McCann (BOZ Chair) 31:26

Mr. Stephens, do you have any questions or concerns about this and its effect on your property or your ability to see when you get in or out of your driveway or any...?

Joe S. (Resident) 31:38

No, the—when they had brought this up last time, they were looking at putting the garage coming off of badger, which I was totally fine with as long as it didn't restrict my view of when I'm backing out of my driveway. That fence there has been grandfathered in. It's all approved; you guys had looked into that last time. And from what I can see on their diagram here, the garage is not going to protrude any further than where that fence is. And so, when I'm backing out, you know, I've got to be careful. But you know, once I'm past that fence, then I can see, you know, down the road there.

Paul McCann (BOZ Chair) 32:18

Yeah, so the fence is already probably causing as much visual impairment as anything is going to cause the rest of the way down to the corner. I remember last—thank you.

Joe S. (Resident) 32:30

Yeah, and for what it's worth, if they were coming off of Linwood, I could totally see that being a much safer option for them. So—because Badger is busy. There's lots of traffic.

Paul McCann (BOZ Chair) 32:44

Thank you.

Joe S. (Resident) 32:44

Yep.

Supervisor Kurt Craanen (Inspections) 32:45

Since we're back at appearances, I thought I mentioned this now. One of the neighbors did call me today. I advised her to either show up or write a letter, but she just was concerned about the tree. What would be the plan for that that big tree right there?

Unidentified Woman 32:58

Let the city take it down.

Glenn W. (Resident) 32:59

Have the city of Appleton take that down for us.

Unidentified Woman 33:02

Because it's too large, and—

Supervisor Kurt Craanen (Inspections) 33:04

Is it in the right of way?

Glenn W. (Resident) 33:05

Cotton everywhere. It's a really a big nuisance.

Scott Engstrom (BOZ Member) 33:09

I do remember talking about the tree last time too, I think.

Paul McCann (BOZ Chair) 33:14

Sir, I think if the city's gonna start taking down cottonwood trees, I think I have some that will be priority to that.

Glenn W. (Resident) 33:20

My neighbors would all be appreciative.

Paul McCann (BOZ Chair) 33:21

No so, does the person—is the person interested in saving the tree?

Supervisor Kurt Craanen (Inspections) 33:29

I think she's concerned about it falling down. I think.

Glenn W. (Resident) 33:33

Oh, yeah, 'cause there's a lot of big branches.

Paul McCann (BOZ Chair) 33:34

So, will you be removing that tree in this construction project?

Glenn W. (Resident) 33:39

Well, at the price we got at \$8,000, no. I just can't afford—

Paul McCann (BOZ Chair) 33:43

So, it fits?

Glenn W. (Resident) 33:45
Yeah.

Paul McCann (BOZ Chair) 33:47
So now—

Supervisor Kurt Craanen (Inspections) 33:48
—the garage, the garage would fit without getting rid of the tree?

Glenn W. (Resident) 33:51
Yeah. On this side. Yeah.

Paul McCann (BOZ Chair) 33:53
That's hard.

Kelly Sperl (BOZ Member) 33:54
Might be an optical illusion, but I don't see how anything's gonna fit on that lot. That's tiny.

[Glenn speaks off microphone.]

Paul McCann (BOZ Chair) 34:03
So, all kidding aside, though, you're going to come out and that tree—I mean, you'll have five feet to the sidewalk, and that tree takes up three of them visually at least. Are you going to be able to see a kid on a bicycle on that sidewalk when you back out of, or get out of your garage on Linwood?

Unidentified Woman 34:29
The same issue is even with the driveway as it is where it is currently.

Paul McCann (BOZ Chair) 34:35
I'm not. I can't address that. I can't address that tonight, but I can address this.

[Unidentified woman and Glenn speak off microphone.]

Paul McCann (BOZ Chair) 34:44
And I can't address that tonight either. I mean, there's all kinds of—

Unidentified Woman 34:48
I'm on the sidewalk with my [...] so.

Glenn W. (Resident) 34:52
Yeah, so it's—just like I do now, I back in. I would just be pulling out slow as I do now just because I never want to ever—

Paul McCann (BOZ Chair) 35:04
So, you're—I mean, I appreciate the irregular shape of this lot, and—

Glenn W. (Resident) 35:08
Essentially the hope is that tree will go away, and that's the goal, you know, but right now I just can't afford it.

Unidentified Woman 35:15

Ultimately, we just want the variance so that [...]

Glenn W. (Resident) 35:18

So...

Supervisor Kurt Craanen (Inspections) 35:20

I just want to point out that 23-50 of the zoning code was a relatively new language that there's a 10-foot vision corner on private driveways. So, when you look at the situation now the—what they have right now is technically not compliant because there's no vision at all backing out on that sidewalk, and then if you were to put the garage where I think you're going to put it, that that the tree, the existing tree, would be in that vision corner.

Paul McCann (BOZ Chair) 35:20

Kurt, did you...?

Paul McCann (BOZ Chair) 35:46

That's what I'm recognizing. I think.

Supervisor Kurt Craanen (Inspections) 35:48

So, there is a code for that.

Paul McCann (BOZ Chair) 35:49

Yeah. Okay. I don't think we can make this property any safer tonight. You know, you've got all kinds of issues where you've been careful over the years to get in and out of here, but I'm also concerned about making it more dangerous tonight, and that's not something that I'm inclined to be in favor of, but so I, it—do we have, do you have a plan view of again of where this garage goes and show me to the best extent you can, sir, where this tree sits and...?

Supervisor Kurt Craanen (Inspections) 36:29

You want to show them on the map where the tree is?

Paul McCann (BOZ Chair) 36:31

If you could just point to where you think that that sits.

Glenn W. (Resident) 36:36

Right here.

Paul McCann (BOZ Chair) 36:37

Right on the sidewalk pretty well, right?

Glenn W. (Resident) 36:40

No. Um, yeah. Because the sidewalk goes out a little bit.

Paul McCann (BOZ Chair) 36:45

Okay.

Glenn W. (Resident) 36:46

For this tree.

Paul McCann (BOZ Chair) 36:47

Oh, yeah. So, they didn't, okay.

Glenn W. (Resident) 36:49

I was hoping when they're putting the—'cause they put all new sidewalk here, out here, so they—because the whole road's being done right now on Linwood, so I was hoping that when they put all [...] the sidewalk, the bump out over that tree, I was hoping that maybe that would be a nuisance as far as what that tree, but like you said, unless there's wires the city's not gonna probably....

Paul McCann (BOZ Chair) 37:09

So currently, you park there with no garage, is that—

Unidentified Woman 37:12

Correct.

Glenn W. (Resident) 37:13

Right.

Paul McCann (BOZ Chair) 37:14

And so, you can see the whole way back. You can see what's coming. You—now you're only going to have five feet, and most of it is obstructed once you get out.

Glenn W. (Resident) 37:24

When I pull out now, I can't see anything coming that way until I get up to the sidewalk just like I would be here. Coming down Badger I won't see anything until I'm legitimately on the sidewalk.

Paul McCann (BOZ Chair) 37:36

Because of the fence.

Glenn W. (Resident) 37:37

Yup. That's why I back in because it's just more safe for me.

Paul McCann (BOZ Chair) 37:45

So, your hardship is an irregular shaped lot that does not provide you with reasonable front yard.

Glenn W. (Resident) 37:51

Yeah.

Paul McCann (BOZ Chair) 37:53

Okay.

Kelly Sperl (BOZ Member) 37:53

Plus the lot size is smaller than minimum—

Scott Engstrom (BOZ Member) 37:56

It's irregularly shaped and it's small.

Glenn W. (Resident) 37:58
Right.

Paul McCann (BOZ Chair) 38:01
Okay.

Kelly Sperl (BOZ Member) 38:14
But we can't create a non-conforming scenario with that tree if variances allowed.

Paul McCann (BOZ Chair) 38:23
Are there any other questions for the applicant tonight? If not, we'll move it forward and entertain a motion on the variance. This is for the front yard setback allowance of two five-foot setbacks on this property. Is there a motion?

Kelly Sperl (BOZ Member) 38:56
I'll moved to take it—to approve so we can get to the next level here.

Paul McCann (BOZ Chair) 39:02
Is there a second?

Karen Cain (BOZ Member) 39:03
Seconded.

Paul McCann (BOZ Chair) 39:04
Moved and seconded. Any further discussion?

Kelly Sperl (BOZ Member) 39:06
I think I think it all—I mean everything about this says variance, but that tree we can't—I don't know how we create a non-conforming scenario with that tree there. I mean the lot size is smaller than typical or standard. It's got front yards. It's irregular shaped.

Unidentified Woman 39:31
But I think because of the angle the tree will not cause an issue of the angle of the road.

Glenn W. (Resident) 39:38
It just kind of sets back when I come out [...]

Unidentified Woman 39:44
That corner is gonna be back further, and you should be able to see around the tree before you even exit.

Paul McCann (BOZ Chair) 39:51
Well now, my concern would be today you have—it's open, and whatever you can see out your windows you can see. Now you won't be able to see out your windows until you clear the garage. Right? So, you'll be—and you said you have a 250 truck. You got a big truck. And so, you're gonna be 10 feet out of the garage before you can see out of the garage almost. And that's only five. You only have five feet to work with.

Glenn W. (Resident) 40:19

Same thing now I got right now.

Paul McCann (BOZ Chair) 40:21

Yeah, so I—cars have cameras and all that stuff and you can see where you can't see, but not everybody's going to have that technology necessarily, and this is for the life of the property. So, I just in discussion, we're—for discussion with the board I am concerned that, you know, I guess in my opinion, right now, there's no way to build a garage on this property and have it be safe with the fence that's there on the one side you can't really come out of Badger without causing safety issues, with the tree that's there on Lynwood not that the tree's there forever. But even without the tree, I think you showed there's still a lot of visual impairment. You've got other fences and things along that side that just make it really hard to safely put a garage on this property.

Glenn W. (Resident) 41:22

The fence is lower.

Paul McCann (BOZ Chair) 41:26

Yep.

Glenn W. (Resident) 41:27

As far as, I mean, so I mean, it's way over as far as visual, and that's not blocking the views as far as like I said when pulling out. We can see clearly down Linwood as far as you'd be able to see down Linwood as far as visually. I don't see that as an issue. Like it's no different than where I'm at now. It's just a lot less traffic, a lot less problems pulling in, I would have pulling in off of Linwood.

Paul McCann (BOZ Chair) 41:53

Right.

Karen Cain (BOZ Member) 41:54

I guess that that would be my question is, if this were approved, are we—we're not fixing the situation (we understand there still going to be vision issues), but I think we all agree that Badger is busier than Linwood. So, would an approval improve this situation that they currently have, in terms of traffic?

Supervisor Kurt Craanen (Inspections) 42:20

With what they have now, if I may, their access is on Linwood, and this would also be on Linwood. So, I don't think there's any part of this—

Glenn W. (Resident) 42:30

My access is on Badger right now.

Supervisor Kurt Craanen (Inspections) 42:31

So—oh you do have access on Badger.

Kelly Sperl (BOZ Member) 42:35

Yeah.

Paul McCann (BOZ Chair) 42:35

You can drive through now.

Supervisor Kurt Craanen (Inspections) 42:37

But there's no garage there. It's just a it's just a drive—a driveway.

Kelly Sperl (BOZ Member) 42:42

Garage or not though, the same scenario exists with the visual block of the existing fence.

Paul McCann (BOZ Chair) 42:54

Okay, so, Miss Cain, your point is that allowing something here doesn't make it worse.

Karen Cain (BOZ Member) 43:06

I don't think it makes them worse. I think it also probably improves their situation because they don't have to go in and out of Badger.

Paul McCann (BOZ Chair) 43:15

It eliminates that possibility.

Karen Cain (BOZ Member) 43:16

It eliminates that. I mean, the fence—we know that the fence that's higher that's been approved in the past in 1974, we know that could be minimized so that you wouldn't have that kind of visual impairment.

Paul McCann (BOZ Chair) 43:31

It's on the Badger side. So—

Erin O. (Resident) 43:32

Right.

Paul McCann (BOZ Chair) 43:33

Yep.

Karen Cain (BOZ Member) 43:33

But Badger is much busier than Linwood.

Paul McCann (BOZ Chair) 43:35

Right.

Karen Cain (BOZ Member) 43:37

And that in combination with the irregular lot; they have a couple of front yards. I mean, these are all things that we've worked through the process.

Paul McCann (BOZ Chair) 43:50

I do believe it makes it safer no longer pulling out onto Badger or pulling in off of Badger. That makes it 50% safer than what it is now at least. But you already said that you primarily come in off of Linwood because it is safer for you to do that.

Unidentified Woman 44:08

No, he can't.

Karen Cain (BOZ Member) 44:09

She does. He...

Unidentified Woman 44:10

I have a little parking stall.

Paul McCann (BOZ Chair) 44:12

Okay.

Kelly Sperl (BOZ Member) 44:13

His truck comes in off of Badger.

Paul McCann (BOZ Chair) 44:14

You don't have a curb cut on Linwood now. Understood. Oh, got it. Yeah, got it. Okay.

Kelly Sperl (BOZ Member) 44:22

Kurt, question: if this variance is approved does the curb access or curb cut driveway on Badger go away?

Supervisor Kurt Craanen (Inspections) 44:33

Yes, it should. I'm sure that would be part of any deal that's made with the engineering department that you can only have one curb cut and you have to get special approval for two, and I don't think they would go for three.

Paul McCann (BOZ Chair) 44:43

And you're okay with that?

Glenn W. (Resident) 44:44

Yeah.

Supervisor Kurt Craanen (Inspections) 44:51

I think the catalyst for you coming here was the road project on Linwood, where they were working on it. You were hoping that the timing would work out better where you could get your driveway, but they wouldn't give—they he requested a driveway on Linwood and they wouldn't give it to him.

Paul McCann (BOZ Chair) 45:03

Okay.

Supervisor Kurt Craanen (Inspections) 45:04

Because it didn't go anywhere. It didn't go to, you know, to a garage.

Paul McCann (BOZ Chair) 45:07

Okay. Understood. Thank you. Any further discussion by the board?

Glenn W. (Resident) 45:07

I had to get this stuff done first. And so, they could maybe do a curb cut.

Kelly Sperl (BOZ Member) 45:18

I guess I might have to amend the motion because if this goes through, I think the tree creates a nonconforming scenario for the private drive, that visual corner that Kurt was talking about. That—is that a fair statement?

Supervisor Kurt Craanen (Inspections) 45:38

Yes.

Paul McCann (BOZ Chair) 45:38

Is that, is that—it's not covered in either one of these requests.

Kelly Sperl (BOZ Member) 45:46

No, but I don't think we can approve something that's going to be non-conforming or non-compliant, right?

Supervisor Kurt Craanen (Inspections) 45:56

Correct.

Scott Engstrom (BOZ Member) 46:00

I also know that we can vote on something that wasn't noticed to the public, and—

Paul McCann (BOZ Chair) 46:04

Well, right. You can approve both of these, and he still can't have a garage until he gets a variance for that.

Supervisor Kurt Craanen (Inspections) 46:11

I mean, let's say you, hypothetically you approve it, and we issue a permit, we would probably immediately issue a notice of non-compliance for having a tree in the in the vision corner and then you have to cut it down. He could do that without a variance.

Paul McCann (BOZ Chair) 46:26

But he can't build a garage with a tree there.

Kelly Sperl (BOZ Member) 46:29

He can't have driveway access without, without—or with the tree there.

Paul McCann (BOZ Chair) 46:33

You understand?

Supervisor Kurt Craanen (Inspections) 46:34

I mean, it's not a—it's not a zoning—well, it's a zoning code issue, but it has nothing to do with a dimensional code.

Paul McCann (BOZ Chair) 46:45

But the tree will be in an area that's too close to your garage. It's in the vision corner of your garage, and would—you'd not—you won't be given a permit to put a garage there. You'd be given a permit to put a garage, five feet from the property line or—right?—on both sides, but that tree is going to cause you a problem. So, it'll need to be cut down before you're gonna get a permit for the garage.

Glenn W. (Resident) 47:10

If you approve it, we could cut it down.

Paul McCann (BOZ Chair) 47:14

Well, you'll—

Unidentified Woman 47:14

We could get a variance.

Paul McCann (BOZ Chair) 47:15

There's a possibility tonight still that you could get approval for everything that you proposed, and you still won't get a permit because the tree's in the way.

Glenn W. (Resident) 47:22

Right.

Unidentified Woman 47:23

Right.

Paul McCann (BOZ Chair) 47:23

So, you'll get your new curb cut. You'll get—Badger curb cut will be eliminated. All that can still happen. But you won't get a permit for your garage as long as that tree's there.

Glenn W. (Resident) 47:33

That's fine, because then we can stave off because it's expensive.

Unidentified Woman 47:38

If we can get this

Glenn W. (Resident) 47:39

At least that's one step down, and then we can get the tree down and—

Paul McCann (BOZ Chair) 47:44

Go ahead.

Supervisor Kurt Craanen (Inspections) 47:45

I just wanted to make a statement that I don't think we can approve tonight a curb cut for him. That's outside of our purview. I think that engineering would say "We need a permit for a building before we give you a curb cut." I just want to make sure he's clear that you're not getting approved for a curb cut tonight.

Glenn W. (Resident) 48:03

Yeah, I talked to Mark and he said that you have to get this approved first and then then it's a separate application, you just to get a curb cut as far as that. But he said he couldn't give me an answer because I needed this answer first. Because you can't—I mean why would you do that if...? So, then I would apply, yeah, for a curb cut.

Paul McCann (BOZ Chair) 48:23

But if he if he was not building a garage at all, could he get a curb cut?

Supervisor Kurt Craanen (Inspections) 48:29

I think he would have already if—he requested one, and he said no.

Paul McCann (BOZ Chair) 48:33

But if he eliminated his curb cut on Badger and requested a curb cut on Linwood, he could do that if there were no structure?

Supervisor Kurt Craanen (Inspections) 48:42

I won't say that that's absolutely true. I don't know if engineering would approve that. I don't think they allow curb cuts just—

Kelly Sperl (BOZ Member) 48:50

For concrete pads.

Supervisor Kurt Craanen (Inspections) 48:51

—just for concrete pads. Yeah, I don't—I think it has to go to garage.

Paul McCann (BOZ Chair) 48:55

All right.

Scott Engstrom (BOZ Member) 48:57

I love this one.

Paul McCann (BOZ Chair) 48:57

This is really—we can't make this more simple for you I don't think. It's going to be complicated. But we're still talking about whether or not it's appropriate. And we've seen a hardship for five foot from the property line when 25 is—or uh, no. I'm sorry. We're at accessory building in the front yard, and we have a motion to approve and a second.

Michael Babbitts (BOZ Member) 49:28

Feel like a lot of what we're talking about is to the side from what was brought forth, the five-foot setbacks.

Paul McCann (BOZ Chair) 49:36

Yep.

Michael Babbitts (BOZ Member) 49:37

Think, and what we've also discussed is that the vision triangle's still an issue that would have to be dealt with and approved in a separate committee. Curb cut would have to be dealt with and approved by someone else.

Scott Engstrom (BOZ Member) 49:49

Yeah, I agree with that. I think. I think we've kind of gone a field a little bit of what we need to worry about in terms of being a zoning board. I think it's really, you know, do we think that what we're going to do here tonight is making it more dangerous if we approve, or do we believe that we're potentially alleviating it? Because I do think that the dimensional—

Paul McCann (BOZ Chair) 50:12

What we're dealing with, does this property have a hardship that would necessitate allowing a property to be—or a building to be built in the front yard?

Scott Engstrom (BOZ Member) 50:27

Right.

Paul McCann (BOZ Chair) 50:28

That's the first thing we're dealing with. And I think in a discussion, we've talked about the irregular shape of this lot, and all the other problems, whether the answer that will be found in the next vote. We talked more about the second—

Scott Engstrom (BOZ Member) 50:42

Right.

Paul McCann (BOZ Chair) 50:43

—then we have the first. Let's take care of the first part. Is there a, is there a—there's a motion and a second in discussion. I believe that this property is so irregularly shaped that you can't do anything here without building in the front yard. So, is it, you know, is it appropriate? Let's vote unless there's other? So, Mr. Sperl?

Kelly Sperl (BOZ Member) 51:12

Aye.

Paul McCann (BOZ Chair) 51:13

Mr. Engstrom.

Scott Engstrom (BOZ Member) 51:14

Aye.

Paul McCann (BOZ Chair) 51:14

Miss Cain.

Karen Cain (BOZ Member) 51:15

Aye.

Paul McCann (BOZ Chair) 51:16

Mr. Babbitts.

Michael Babbitts (BOZ Member) 51:16

Aye.

Paul McCann (BOZ Chair) 51:17

Okay, so you are now allowed to build in the front yard. Now, in addition to that, we need to talk about—and you want to read this one, again, Kurt? Or do we understand what this is? This is the five foot versus 20-foot requirement. So, you could build in the front yard, and—

Supervisor Kurt Craanen (Inspections) 51:41

Let me read it, and then I'll explain.

Adam Davis (Principal Government Partnerships Manager - Bird) 51:42

Yep.

Supervisor Kurt Craanen (Inspections) 51:44

The applicant proposes to construct a detached garage five feet from the front property line on Badger Avenue and Linwood drive. Section 23-93(g)(4) of the zoning ordinance requires a 20-foot front yard setback. So usually, it's for a principal building. It's 20-foot setback. Now, he he's been allowed to build an accessory building in the front yard. But nothing is allowed in the first 20 feet. So, there's another layer of variance we need.

Paul McCann (BOZ Chair) 52:16

So, if your home were 40 feet off the lot line, that would establish a line down the neighborhood, and you wouldn't be allowed to build an accessory building in front of that. That's the first thing that you just got approval for. Now the 20 feet comes into play, because every building has to be 20 feet from the property line, or more. So, this is where we are. You want five instead of 20, and does that five instead of 20 cause problems? Now, if you wanted to build a—I don't know how you build anything in there and stay 20 feet off of both of those lines, right?

Michael Babbitts (BOZ Member) 52:56

Sandbox maybe.

Paul McCann (BOZ Chair) 52:58

Tree fort.

Scott Engstrom (BOZ Member) 53:01

Couldn't be a box. It would be a triangle

Kelly Sperl (BOZ Member) 53:04

Buy a triangular car.

Paul McCann (BOZ Chair) 53:06

So do we need—I don't know that we need any more information from the owner. Is there a—I'll entertain a motion on the second component of this, which is to allow it to be five feet from the front property line?

Scott Engstrom (BOZ Member) 53:19

I'll move to approve.

Kelly Sperl (BOZ Member) 53:22

I'll second.

Paul McCann (BOZ Chair) 53:23

Moved and seconded. Any further discussion? Yes, sir.

Supervisor Kurt Craanen (Inspections) 53:27

I guess I'll just refer to my memo that I—my position is this is self-created. This property's existed for many years. They have a parking place in this area. They have a second parking spot, and I don't think variance should be granted if the hardship was self-created.

Paul McCann (BOZ Chair) 53:49

Okay.

Supervisor Kurt Craanen (Inspections) 53:49

That's staff's position.

Paul McCann (BOZ Chair) 53:51

Yep. Sure. Any other discussion?

Kelly Sperl (BOZ Member) 53:56

I don't deny that statement, but I think throughout the past discussions we've had I think everything kind of points to the fact that this should make things a little safer than the current access point off of Badger for the other driveway. So.

Paul McCann (BOZ Chair) 54:16

Kelly, I agree that eliminating that Badger curb cut is a plus, is a improvement. And then that whole issue that we had last time we spoke with this applicant about the fence and visual impairment there, that all goes away. My concern remains, and I think the city is going to have to take care of this with that other—that 8000-foot problem there—or \$8,000 problem—is that it's impossible to back out of the garage that's being proposed here and see anything before the back of your Ford 250 has to be out on the sidewalk, and I just oppose adding that safety issue in the situation. Even when the tree is gone, I think it's going to be difficult.

Glenn W. (Resident) 55:12

It's no different than my other driveway. Same thing. So, no matter what driveway on Linwood I—both the driveways I'm going to have, this just gives me another access point to be able to pull off of a less busy street. That's the whole point.

Paul McCann (BOZ Chair) 55:28

No, I.

Glenn W. (Resident) 55:29

You know.

Paul McCann (BOZ Chair) 55:29

Yep. Yes sir?

Supervisor Kurt Craanen (Inspections) 55:33

So, a motion's on the table, I understand that, but there wasn't any condition for the tree being removed. So, we would issue a permit, if this is approved, with that tree there.

Kelly Sperl (BOZ Member) 55:44

I thought you said you wouldn't issue a permit because—

Glenn W. (Resident) 55:47

I wouldn't be able to get a permit

Kelly Sperl (BOZ Member) 55:47

—the tree has to go because.

Supervisor Kurt Craanen (Inspections) 55:49

We, yeah, we'd have to do something. We'd have to issue a notice of non-compliance.

Paul McCann (BOZ Chair) 55:55

Okay, so any other property owner coming in here to build a garage where this was would create a non-compliance, the vision corner.

Supervisor Kurt Craanen (Inspections) 56:02

You have to understand it's very rare that anything is 10 feet from a driveway, so that—we're not never going to have this issue. But you're granting a variance to have something five feet from the front property line. Usually trees and—

Paul McCann (BOZ Chair) 56:17

But it's now non-compliant with a different section of the code.

Supervisor Kurt Craanen (Inspections) 56:21

Yes.

Paul McCann (BOZ Chair) 56:22

And he'd need a variance for that.

Supervisor Kurt Craanen (Inspections) 56:23

Yes, or you could—

Paul McCann (BOZ Chair) 56:26

So, you're gonna decline a permit because he can't build a complying garage because of that tree.

Supervisor Kurt Craanen (Inspections) 56:33

We could do that. I mean, I'm not saying right now what we would exactly wouldn't do.

Paul McCann (BOZ Chair) 56:38

You have to do that. It's—you can't build a garage there because there's something inside the 10 foot that we haven't dealt with tonight. It's not on our...

Glenn W. (Resident) 56:47

I wouldn't get a permit until I of course, got that tree [...]

Kelly Sperl (BOZ Member) 56:54

And it sounds like they won't issue one, and rightfully so.

[Glenn says something of microphone.]

Paul McCann (BOZ Chair) 56:59

Which concerns me a little bit about all these steps that have to fall into place for you to get the curb cut you want and get the Badger curb cut eliminated all that stuff, because people at people at City Hall are gonna want to see you've got a footprint, you know exactly where that curb cuts gonna go, and it's gonna stay that way because you have a permit for that. And he's not going to give you a permit for that till the tree's down. So—and that's gonna be long after, according to you, because you need to raise some money or save some money to knock the tree down. It's going to be much after the street's done.

Glenn W. (Resident) 57:34

The street's done.

Paul McCann (BOZ Chair) 57:35

Okay. All right. Just so I understand. I'm trying to work my mind through this.

Karen Cain (BOZ Member) 57:44

Well, what we also don't want to do is have them remove the tree and then not get the permission and the variance for this building.

Paul McCann (BOZ Chair) 57:53

Right. So, I—my understanding or my belief would be there's still no guarantee they'll get a curb cut. Because none of us control that.

Karen Cain (BOZ Member) 58:03

But we do our part tonight.

Paul McCann (BOZ Chair) 58:06

Right.

Karen Cain (BOZ Member) 58:06

Yeah.

Paul McCann (BOZ Chair) 58:09

So, we could do our part tonight, he could cut the tree down, and engineering could tell him he can't come off on Linwood. We don't control that.

Kelly Sperl (BOZ Member) 58:19

Yeah.

Glenn W. (Resident) 58:20

You make an approval for an variance for a curb cut?

Paul McCann (BOZ Chair) 58:27

We're not involved with that, sir. Engineering, engineering controls that. They'll make that decision, and they'll do that based on. Yeah, because I don't know the distance from the intersection. I don't know any of the other particulars of this that might change their or influence their decision.

Glenn W. (Resident) 58:46

There's a restaurant right across the street from—they got a whole driveway, the whole thing there.

Paul McCann (BOZ Chair) 58:51

Right. Okay, so it's moved and seconded. Any further discussion? Take a vote. Mr. Sperl.

Kelly Sperl (BOZ Member) 59:04

Aye.

Paul McCann (BOZ Chair) 59:05
Miss Cain.

Karen Cain (BOZ Member) 59:06
Aye.

Paul McCann (BOZ Chair) 59:07
Mr. Babbitts.

Michael Babbitts (BOZ Member) 59:08
Aye.

Paul McCann (BOZ Chair) 59:09
Mr. Engstrom.

Scott Engstrom (BOZ Member) 59:10
Aye.

Paul McCann (BOZ Chair) 59:11
Four I votes. You are now entitled to build within five feet of the property line. So, you can build in your front yard, you can build within five feet of sidewalk, and you've got other things to work out with the city. Good luck with the project.

[Glenn says something off microphone.]

Tracy (City of Appleton) 59:35
The curb cut? Call tomorrow and talk to Renee.

Supervisor Kurt Craanen (Inspections) 59:43
I got to tell you. This review for the curb cut comes back to me. I'm one of the people that sign off on it, and I—how can I sign off on it with the tree there? So that's kind of what I'm struggling with right now. So, I'll—we'll have to deal with that at a later time.

Glenn W. (Resident) 59:58
[He was speaking off microphone, but his words were picked up. This is close to what he said but perhaps not as accurate as if he was speaking directly into a microphone.] Yeah, and if, like I said, if they make us, of course I don't have that done, but yeah, like I said, I don't want to—if I can get that he says, "Yeah, if that tree is gone, we'll be fine with the curb cut." We already got that other one. Okay, then we're all good. If he says "No," well, then everything's dead in regards to that, because I can't obviously have a driveway or garage without that curb cut. So, if he says, "Yeah, as long as that tree is gone," which I'm gonna need to build the garage anyway, so I would, that's what I would provide the city, you know. [...] or whatever show them that, hey, the tree is gone. Yes, we said we would approve it if the tree's gone. Yes, the tree's gone. Great. We're fine. So that's, if you'd be fine with that.

Tracy (City of Appleton) 1:00:43
If you call and ask for me, Tracy, tomorrow, I see a couple of tree services that come through for permits through the city. I can give you names of them. I don't know if they're cheap or not, but I can give you names that I see coming through. Maybe they are. I don't know.

Glenn W. (Resident) 1:00:59
That'd be great.

Tracy (City of Appleton) 1:00:59
I just see the permits.

Paul McCann (BOZ Chair) 1:01:03
Okay. All right. Thank you.