

## Item 24-1051: Variance Request for Driveway Extension

### Municipal Services Committee

Mon, Sep 23, 2024

**Alderson Denise Fenton (District 6) 49:38**

All right, moving to 24-1051, the variance request for the driveway extension at [XXXX] North Ballard Street. And the initial recommendation was to deny by this committee. Then it was referred back by council, and it was held until this week.

**Alderson Vered Meltzer (District 2) 50:21**

Question. We were expecting participants to show and speak on this, right? Okay, so they—all right, we do we do have someone to speak on this in the audience.

**Alderson Denise Fenton (District 6) 50:32**

Yes, yes. Okay. Do we have a motion on this?

**Alderson Brad Firkus (District 3) 50:37**

I'll make the motion for denial then.

**Alderson Denise Fenton (District 6) 50:39**

Okay, so we have a motion for denial.

**Alderson William Siebers (District 1) 50:41**

Second.

**Alderson Denise Fenton (District 6) 50:42**

All right, so we have a motion and a second for denial. And did you want to speak on this, sir? Yes, please. Please give your name and address for the record.

**Michael S. (Variance Applicant) 50:52**

It was my understanding that the mayor was going to be here today.

**Alderson Denise Fenton (District 6) 50:56**

Excuse me?

**Michael S. (Variance Applicant) 50:57**

It was my understanding that the mayor was going to be present today.

**Alderson Denise Fenton (District 6) 51:00**

I did not hear that the mayor—I had understood that Alder Croatt was going to attempt to be here, but he is out of town and was unable to be.

**Michael S. (Variance Applicant) 51:11**

And also, he told me that he was going to be on screen.

**Alderson Denise Fenton (District 6) 51:15**

I don't—Deputy Director Neuberger, do you have something on that?

**Deputy Director Pete Neuberger (Public Works) 51:20**

Yes, I'm looking at an email from Alder Croatt from Sunday saying that he would attempt to get virtual access if that's made available to him for from to tonight's meeting.

**Alderson Denise Fenton (District 6) 51:34**

Okay, I believe I heard from him later that said he his meeting schedule would not—he's away on business—

**Deputy Director Pete Neuberger (Public Works) 51:40**

Okay.

**Alderson Denise Fenton (District 6) 51:40**

—and his meeting schedule would not allow him to be here.

**Alderson Denise Fenton (District 6) 51:43**

Yeah, I heard from him. We had originally heard that he would try to be here, and then I heard from him more recently that he was unable to.

**Alderson Brad Firkus (District 3) 51:43**

I was just gonna—thank you, I was just gonna say I was bringing up the email because I was copied on this as well, because he won't be at the next committee meeting. But he did mention that he was not going to be available to attend virtually today. And that came in about 10 o'clock this morning.

**Alderson Vered Meltzer (District 2) 52:05**

Did he say that he's unable to be at the next upcoming meeting as well?

**Alderson Denise Fenton (District 6) 52:10**

He was going to try to be at that one.

**Alderson Vered Meltzer (District 2) 52:13**

So, would it make sense to hold this at this time?

**Michael S. (Variance Applicant) 52:20**

I mean, everybody's denying me right now for the variance. So why why—why prolong it?

**Alderson Vered Meltzer (District 2) 52:28**

I'll take your direction on that.

**Michael S. (Variance Applicant) 52:29**

I mean, but I mean, my whole purpose of this slab is for safety purposes, for my wife, my grandchildren. As you know, Ballard Road is a main artery going in and through Appleton. It's very busy. Traffic travels very fast, way above the speed limit, and it makes it a lot more safe to back into that and be able to see the traffic coming from the north to the south through your rear—your mirror, your side mirror on your door. And when it's clear, you can see all the traffic coming all the way from Capital. Can see people of they're walking down the street, and I just don't understand why, for safety purposes—I feel that if it was your family, you'd probably want to do the same thing.

**Michael S. (Variance Applicant) 53:30**

Again, I'd like to I'd like to hear again what the reasons were that—I know there's a code, but I wanted to say that I'm a Christian, so that I'm going to share a story, but you probably already heard this story that Jesus Christ Himself reprimanded the Pharisees because they were handed down to 10 commandments. And on to these 10 Commandments, they added all these laws, codes. So, Jesus reprimanded them for burdening the people with so many things that they could not possibly do. These codes—we have a lot of codes on laws that are attached to the law that people—I just think it's a burden to the people.

**Michael S. (Variance Applicant) 54:24**

I mean, this this slab in the front of my yard is not hurting anybody on Ballard Road. I don't know I don't know. Somebody—they said somebody called in a complaint. Somebody has been calling in complaints about neighbors with their fences. There's been a lot of issues going on in this area right now. But, again, this slab is not hurting anything. I don't think anybody would know anything or said anything if it wasn't brought up for whatever purpose it was brought up. Um. I don't know. I just don't understand why. Again, I'd like to hear all the reasons why this is not allowed and why it's not justifiable.

**Alderson Denise Fenton (District 6) 55:12**

All right, thank you. Alder Meltzer.

**Alderson Vered Meltzer (District 2) 55:17**

Thank you. So, I have been considering this item since it was brought forward the first time, and I've actually gone and taken a look at that Ballard area. And I understand that we really don't want to set precedent. The way that slab was set in there was, I think, a crime committed by the contractor for not getting the proper permit. But I also do see a hardship with the structure of the building on your property that I don't see how else you would work around it. So, in my opinion, after thoroughly reviewing this, I feel that I could support a variance for this particular property. I think being on Ballard Road with the traffic the way that it is, is very different from a resident—from more residential areas. And while I would not vote—I would not—I would not be inclined to support this in, you know, a regular street with slower traffic, I can definitely see how that positioning really is about safety.

**Alderson Vered Meltzer (District 2) 56:27**

So, at this point, I would say that while this is certainly something I think that we should discourage and always find if there are other options so that we wouldn't have to do something like this, I really don't see how else you could improve your driveway on your property. So, I would be willing—I, at this point, am prepared to vote in favor of the variance request.

**Alderson Denise Fenton (District 6) 56:51**

I see Alder Hartzheim.

**Alderson Sheri Hartzheim (District 13) 56:56**

Thank you, Chair. Obviously, we have municipal code for a reason, and we could all speculate, because none of us in this room wrote this municipal code, but we can all speculate that this is to discourage folks from basically paving their yards. While that's not essentially true in this case, this particular space—there's aerial view on google.com, Google Maps, that shows that it is used as a parking space. So, there's nothing to discourage from folks from basically parking on their front yards, and that's one of those community things that we have as a city that we want to keep. I think we want to keep the neatness factor of being in a city where you are living amongst other folks and not having everyone's front yard being a parking lot. And I believe that that is—if we

could go back in time and find out who and why we wrote this portion of the municipal code, I think that is the reason why. And I believe that while it may seem like excess governance, it is important, because we live in a city. If this should change, if there is this true safety issue here, then it should change in the code, not a variance be granted in this instance, in my opinion, thank you.

**Alderson Denise Fenton (District 6) 58:20**

Thank you.

**Alderson Brad Firkus (District 3) 58:26**

Thank you, Chair. I do feel bad for this situation, that the gentleman, the property owner is in. I totally understand why they want for this turnaround. But to Alder Hartzheim's points and others have been shared is that if we allow, start allowing things like this, we start allowing, we can't say, "Okay, build this and then never use it as a parking space." Once it's there, we really don't have the ability to come in and say, "You or the next owner, or the next owner of this property, can use this as a parking spot." So, we have to make decisions that at least adhere to some extent of the code, but also really something that we can enforce and keep consistent later.

**Alderson Brad Firkus (District 3) 59:10**

I remember something similar to this, I believe, it was on Richmond street about two years ago, and there were some modifications I believe, that were made to that slab. I don't know if Supervisor Craanen would be able to speak to that incident. The it was about—I want to say it was on Richmond Street. It was about two years ago. A person had basically paved the front yard. They were going to use it as parking. They came here a couple times, and were—it was...

**Alderson William Siebers (District 1) 59:38**

Packard.

**Alderson Brad Firkus (District 3) 59:39**

Packard? Packard. Okay. I—and not to, not to bring other things into—because we are discussing a particular item, but just I wonder if there's any possibility of—because I believe the one I'm thinking of was resolved through a modification of the slab that was put in that should not have been put in. That maybe had kind of been kind of a half loaf solution where it was technically allowed and provided some value, but was—I'm sorry if I'm misremembering this situation.

**Supervisor Kurt Craanen (Inspections) 1:00:14**

I do remember that case, if I may?

**Supervisor Kurt Craanen (Inspections) 1:00:16**

Yep. Please, please.

**Supervisor Kurt Craanen (Inspections) 1:00:17**

They did. They did remove the paved area in that case.

**Alderson Brad Firkus (District 3) 1:00:21**

Okay.

**Supervisor Kurt Craanen (Inspections) 1:00:22**

It was on Packard Street.

**Alderson Brad Firkus (District 3) 1:00:23**

Okay. And I must have been misremembering. I thought there was a scenario where slab was shortened up and, like, the middle of it was removed and green space was added in there. So, there was basically almost, like two small sidewalks that became almost like where you where the tires could go, and it wouldn't destroy the lawn, and then they could back out, because this with Rich—and I thought it was Richmond Street, because it was a busier road situation.

**Alderson William Siebers (District 1) 1:00:46**

You are right. You're right. The middle portion was taken out, but nothing was put back in. So, there's a hole there, you know. But you're right.

**Alderson Brad Firkus (District 3) 1:00:57**

Okay.

**Alderson William Siebers (District 1) 1:00:59**

But it was Packard Street.

**Alderson Brad Firkus (District 3) 1:01:00**

It was Packard? Okay.

**Alderson Denise Fenton (District 6) 1:01:04**

So, my thought on this, the—honestly, the person I'm angry at about this is the contractor who misled his customer, and if—because the city staff is here to work with people. And had they come and requested the permit, they would have said, "Oh, well, this. We can't do this. Maybe we can look at some other ways to accomplish what you need to do without putting this 225 square foot slab in in the front yard." And I think quite a few of us have seen the photo from Google Maps, if—I was just looking to see the number of residential and commercial properties in that area, and there was a car parked on the on the slab.

**Alderson Denise Fenton (District 6) 1:01:57**

So, with the what my what my colleagues have said, I would be amenable to, you know, in the future, maybe looking at some sort of action we could take to encourage contractors to take the proper actions. I know it's ultimately the homeowners responsibility, but in this particular case, I think I agree with most—with my colleagues here, that we can't set a precedent for this, and so I would vote to deny as well. Anybody else have anything? All right, I think we're ready to vote. And again, the motion before us is a motion for denial. So, on that, let's have a vote. All in favor. Aye. Opposed?

**Alderson Vered Meltzer (District 2) 1:02:52**

Nay.

**Alderson Denise Fenton (District 6) 1:02:53**

All right, so that is three to one for denial of the variance request.