

March 16, 2015 (Board of Appeals)

**ALLOUEZ BOARD OF APPEALS
MONDAY, MARCH 16, 2015
5:15 P.M., ALLOUEZ VILLAGE HALL**

CALL TO ORDER / ROLL CALL

Chairperson Jaekels called the meeting to order at 5:17 pm

Present: Ewald, Straughan, Kapla, Kornowske, Jaekels

Also Present: Fuller, Lange, Baenen

APPROVAL OF MINUTES FROM 07/14/14

Straughan / Ewald moved to approve minutes dated 7/14/14. Motion carried.

Jaekels had requested, at the July 14, 2014 meeting, that election of a Vice Chairperson be placed on the next agenda. Since it was not on this agenda, he requested it be placed on the next agenda.

PETITION FROM NICK BACKHAUS (Restoration / Maintenance Manager), REQUESTING A 1' VARIANCE PER PARKING STALL WHEN RECONSTRUCTING THE PARKING LOT AT HERITAGE HILL STATE HISTORICAL PARK, 2640 S. WEBSTER AVENUE ON PARCEL AL 119-3 (Village Ordinance 11.13(c)(2), A parking stall shall be the space to park one car, and shall be a rectangle not less than 10 feet in width measured at the lateral centerline, and 20 feet in length measured at the longitudinal centerline).

A hearing was held to consider petition from Nick Backhaus requesting a 1' variance per parking stall when reconstructing the parking lot at Heritage Hill State Historical Park, 2640 S. Webster Avenue on Parcel AL 119-3.

Nick Backhaus provided a revised site plan and explained the redesign of the parking lot at Heritage Hill.

- While exploring options for improving the existing parking lot and the way it flows was when they realized the existing stalls were 9' wide and not in compliance.
- Maintaining the 9' stalls would provide an additional 17 stalls and reduce the number of people parking across the street and having to cross Webster Avenue.
- In the past, they have not recognized any issues with the existing 9' wide parking stalls.
- Their property is landlocked and they want to maximize the number of stalls for their guests.
- During special events they use the CP Center parking lot and shuttle bus people from there.
- They considered constructing an additional lot next to the water tower area but it didn't seem feasible (higher elevation), to the south is a neighborhood and the Cotton House area was found to be an archeological cataloged area.
- They have limited options to keep and maintain as much parking as they can.

Discussion:

- Additional parking options (near water tower / on Riverside Drive side of the park / off of Lazarre next to the church) and establishing another entrance to accommodate other parking

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- options. They would like to keep modern things away from the historic theme areas and don't want to use valuable future development space that could be used for historic programming.
- 4 – 5 times a year a squad car assists in traffic control during large events so people can cross Webster safely.
 - Unnecessary hardship was based on the unique property limitations / feasibility of other areas (there may be ways to develop more parking on the property but it could have an adverse effect on what they are trying to preserve from a historical standpoint).
 - Unique property limitation – the property is used as a park containing historic structures. The neighborhood to the south limits development or connection to Webster Avenue and the park itself and archeology areas and the other areas (next to water tower) don't fit into their program.
 - Protection of the Public Interest is to reduce off street parking and the number of people crossing Webster Avenue. Allowing 9' spaces would provide 17 additional spaces meaning 17 less families will have to cross Webster Avenue to get to an event.
 - This will not solve the lack of parking issue. A long term solution needs to be looked at to fix the problem.

Clarence Matuszek, 2680 S. Webster Avenue

- His only objection was going to be on principle because he likes the 10' width requirement in the zoning code. Questioned whether they are even required a variance because they are a state agency.

Straughan / Kapla moved to approve the variance based upon the protection of the public interest and the unique property limitations. Motion carried (Ewald voted nay).

PETITION FROM KEEGAN PRIES REQUESTING A 1' VARIANCE OF THE MAXIMUM HEIGHT ALLOWED FOR FRONT YARD FENCING AT PACK AND PLAY DAYCARE, 1309 S. WEBSTER AVENUE ON PARCEL AL 862 (Village Ordinance 26.04, Fence Height – beginning at the front yard line, 3-foot maximum).

A hearing was held to consider petition from Keegan Pries requesting a 1' variance of the maximum height allowed for front yard fencing at Pack and Play Daycare, 1309 S. Webster Avenue on Parcel AL 862.

Keegan Pries explained they are currently applying for a license as a small group center daycare in Allouez and that the name of the company has changed from Pack and Play Daycare to You Are My Sunshine.

- There aren't many small group daycares in the area
- The State requires a 4' fence around an on-site play area for safety reasons.
- They don't have any other option for an on-site play area. The rear of the building is a parking lot shared by them and nearby buildings.
- If the variance is not granted, they would have to request an exemption to use an off-site play area (like a nearby park – safety issues) to walk the children to everyday or rid themselves of the building and find a new space.
- The location is ideal and there isn't anything similar offered nearby.

Katrina Katers, works for Pries

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- Suggested that the fence could come back down and go back to the 3' fence that is currently there if the property is no longer used as a daycare

Sara Katers, works in the Village of Allouez

- Asked that the variance be approved to help the project move forward. She feels there is a need for reliable high quality daycare and this property retains the intimacy of an in-home daycare which is hard to find in commercial space.

Discussion:

- The property is not currently used as a Daycare
- The State requires a 4' fence around a daycare play area (3' fence allowed by Village Code)
- There is a need for quality daycare with the in-home kind of atmosphere
- Include the condition that if it is no longer a daycare facility that the fence comes down / the variance would be terminated
- Correspondence was received from Tom Delsart questioning the original reasoning for this ordinance. He says he was told several years ago that it was primarily for the safety of motorists. He also says he was denied a similar request in Green Bay and Wrightstown. He asked why Allouez has a fence ordinance that is contrary to neighboring communities. (per Fuller – DePere is 3', 4' if it is 90% open / Green Bay is 3', 4' is 50% open, 5' is 80% open / Ashwaubenon is 3' / Bellevue is 3')
- Only entrance into the play area would be from inside the building (everyone would park and enter the daycare in the rear of the building)
- Property is zoned Commercial
- Unnecessary Hardship – although they could make feasible use of the property without a variance (it could be used for something else), variance standards 1e. states "Sometimes a legitimate hardship results from the interaction of the provisions of the zoning ordinance with other actions or regulations adopted by public authorities" (the State requires a 4' fence for a daycare facility play area).
- Unique Property Limitation - the rear of the building is a joint parking lot that they can not make use of for a restricted on-site play area.
- Protection of the Public Interest – 4' fence protects the children

Straughan / Ewald moved to grant the variance with the condition that if the property is no longer used as a daycare, the variance would be terminated. Motion carried.

ANNOUNCEMENTS

- none

ADJOURNMENT

Kornowske / Kapla moved to adjourn at 6:15 pm. Motion carried.

Minutes submitted by Debbie Baenen, Clerk-Treasurer