



City of Algoma
Zoning Board of Appeals Minutes
Tuesday, July 10, 2018 at 6:00 P.M.

The July 10, 2018 meeting of the Zoning Board of Appeals for the City of Algoma, was called to order in City Hall at 6:00 PM by Chairman Hutter.

Present at roll call: Bush, Charles, Guth, Hutter, Nell, and Secretary Jeff Wiswell.

The Secretary noted that the July 10, 2018 agenda was posted on bulletin boards in the City Hall, Library, Utility Office, and a public hearing notice was also published in the Green Bay Press Gazette on June 29, 2018, and mailed by first class U.S. Postage to the surrounding property owners. The Chairman declared that the meeting was in compliance with the open meetings law. A motion was made by Bush, and seconded by Nell, to approve the agenda for the meeting. Motion passed.

Bush moved, seconded by Nell, to approve the minutes of the March 8, 2017, April 11, 2017, June 13, 2017, September 12, 2017, and October 10, 2017 regular meetings of the Zoning Board of Appeals. Motion passed.

Administrator – Clerk – Treasurer’s Report

Administrator Wiswell briefly reported to members of the Board on the matters presently before it, including ZBA CASE NO. 2017 – 04 and ZBA CASE NO. 2018 – 01, and provided the Board with a copy of his Zoning Administrators Reports relating to these two variance applications. At Mr. Wiswell’s request, the Chair entered these two reports into each of the case records without objection.

ZBA CASE NO. 2017 – 04 was brought forth by Kristine Ruehl who is the owner of a property located at 202 Clark Street, Algoma, Wisconsin. Most of the lot is paved, having previously served as a parking area for the bank across the street. Ms. Ruehl desires to use the lot to construct a duplex condominium, with attached garages, and other improvements, that would be three stories in height, and approximately 54.00’ wide x 60.00’ long, and will have 3,240.00 square feet of usable space on the first floor.

Planning toward this objective, Ms. Ruehl assumed that the city would agree to a 10 foot rear yard setback for this project. In the opinion of the Building Inspector this project would actually require a 25 foot rear yard setback. As a result of his interpretation of the zoning code the Building Inspector decided he could not issue Ms. Ruehl a permit for this project given the size and configuration of the lot, and the desired project specification set forth. On July 25, 2017, Ruehl filed an appeal with the Zoning Board of Appeals contesting the Building Inspector’s ruling. Ms. Ruehl appeared before the Board to request a variance, and if a variance was granted as requested, a building permit to complete the project. After discussing this matter at length, the Board noted that without having access to a plat of survey for this parcel, that it was difficult to conclude deliberations on this matter. Ms. Ruehl reappeared before Board of Appeals at its next meeting with a copy of a survey in an effort to assist the Board with their deliberations on this matter.

At this point, the Board granted Ms. Ruehl a variance from the City of Algoma Municipal Code, Chapter 18.2 Establishment of Zones and Zoning Map, (3) Schedule of Controls for the property.

It also ordered the building inspector to issue a building permit to Kristine Ruehl, for the property located at 202 Clark Street, Algoma, WI, so that she will be able to construct a duplex featuring two condominiums, with attached garages, and other improvements, that would be three stories in height, and approximately 54.00' wide x 60.00' long, and will have 3,240.00 square feet of usable space on the first floor; with the additional condition that she take out a building permit within six months from the date the variance was granted. Ms. Ruehl is now asking the Board of Appeals to lift its additional condition that she take out a building permit within six months from the date the variance was granted, due to various factors including the rising cost of raw materials, a shortage of skilled labor, etc.

ZBA CASE NO. 2018 – 01 was brought forth by Brian Waszak who is the owner of a parcel located at 414 Fifth Street, (“Donor Property A”), as well as an adjacent property located at 417 Steele St. (“Receiver Property B”). While the adjacent property at 417 Steele St. features a commercial loading dock behind the building, the driveway which serves this adjacent property is actually legally attached to “property A”. Mr. Waszak is seeking to detach the driveway from “property A”, and then attach it to “property B” in order to facilitate the eventual sale of each property. Mr. Waszak presented the Zoning Administrator with a Certified Survey Map, prepared by McNulty Surveying and Mapping, LLC, to facilitate this detachment. In the opinion of the Zoning Administrator authorizing this action would be in conflict with the City of Algoma Municipal Code, Chapter 18.2 Establishment of Zones and Zoning Map. As a result of his interpretation of the Zoning Code the Zoning Administrator denied this request.

On May 29, 2018, Mr. Waszak filed an appeal with the Zoning Board of Appeals contesting the Zoning Administrator’s ruling. He is seeking a variance from the City of Algoma Municipal Code, Chapter 18.2 Establishment of Zones and Zoning Map, (3) Schedule of Controls; and Chapter 18.5 (3) and (4) Zone Regulations so that the applicant can adjust the parcel’s current southerly lot line, by detaching a driveway, and then attaching the driveway to an adjacent property. This request for a variance does not involve building an addition, construction, or making other improvements onto a principal building, or an accessory building located on this parcel.

Public Hearing

The Chair then opened the public hearing on ZBA CASE NO. 2017 – 05 and called upon those present and wishing to comment on this case, including Brian Waszak, to step forward to be sworn in by the Secretary. Brian Waszak was administered the oath by the Secretary.

ZBA CASE NO. 2018 – 01

Brian Waszak began his presentation by stating that the subject lot (“Donor Property A”) is located in the city’s downtown area at 414 Fifth Street. Fifth Street normally experiences moderate vehicular traffic. The lot, which is zoned R-4 (Multi-family), is shaped as a Hexagon. The topography of this lot is generally flat toward the front where the principal building sits. Improvements on the property, include a residential structure and garage. The home’s exterior is very well maintained. The detached garage sits on a raised knoll of approximately five feet in the rear, along the alley. The home is of average size compared with other homes in the neighborhood, with a footprint of 914.20

sq. ft. While the detached garage occupies a footprint of 774.00 sq. ft. The total footprint for both structures is 1,688.20 sq. ft. The home (19.69%) and garage (16.67%) cover about 36.36% of the lot. This parcel also has a second drive way on the south side of the lot.

Peter Simon constructed the house on this site, around 1875. After a series of owners, the parcel was eventually purchased by Algoma Printing Company, around 1995. Brian Waszak is the current owner of Donor Property A”, as well as an adjacent Receiver Property B. Mr. Waszak, is seeking to adjust the parcel’s current southerly lot line, by detaching a driveway, and then attaching the driveway to Receiver Property B. This request for a variance does not involve building an addition, construction, or making other improvements onto a principal building, or an “accessory building” located on this parcel of land. “Donor Property A” is zoned R-4 Residential (Multiple Family), while the adjacent “Receiver Property B” is zoned C-1 Commercial (Commercial – General).

At the conclusion of the presentation on ZBA CASE NO. 2018 – 01, a motion was made by Nell, and seconded by Charles, to close the public hearing.

Old Business

ZBA CASE NO. 2017 – 04

After discussing this matter, it was noted that the Board granted a variance from the City of Algoma Municipal Code, Chapter 18.2 Establishment of Zones and Zoning Map, (3) Schedule of Controls at its October 10, 2017 meeting. At that same October 10, 2017 meeting the Board also ordered the building inspector to issue a building permit to Kristine Ruehl, for the property located at 202 Clark Street, Algoma, WI; with the additional condition that she take out a building permit within six months from the date the variance was granted.

Ms. Ruehl is now asking the Board of Appeals to lift its additional condition that she take out a building permit within six months from the date the variance was granted, due to various factors including the rising cost of raw materials, a shortage of skilled labor, etc.

Guth moved, seconded by Bush, to approve Ms. Ruehls request that the Board lift its additional condition that she take out a building permit within six months from the date the variance was granted. Motion passed.

New Business

ZBA CASE NO. 2018 – 01

After discussing this matter, a motion was made by Nell, and seconded by Guth, to grant a variance from the City of Algoma Municipal Code, Chapter 18.2 Establishment of Zones and Zoning Map, (3) Schedule of Controls; and Chapter 18.8, Nonconforming Land, Structures and Uses, (2)(a),(b) and (3),(a) for the property owned by Brian Waszak that is located at 414 Fifth Street, Algoma, Wisconsin, so that he can attach it to the property adjacent to it that is located at 417 Steele Street, Algoma, Wisconsin and he also owns. This variance does not involve building an addition, construction, or making other improvements onto a principal building, or an accessory building located on this parcel. Instead it is based upon a hardship which exists because the 417 Steele Street, Algoma, Wisconsin property does not have functional driveway serving its loading, and does not have any off street parking. Motion passed.

A motion was made to adjourn at 6:58 PM by Bush, and seconded by Guth. The motion carried, and the Board stood adjourned until further notice.