

BOARD OF APPEALS MEETING
Minutes

November 14, 2019

Brillion City Center

4:00 PM

CALL TO ORDER:

Linda Deiter called the meeting to order at 4:00 PM.

ROLL CALL:

Present were Sue Cohen, Roger Schwahn, Ralph Haberland, Bill Konwal, Larry Van Frachen and Alternate Member Linda Deiter. Also present were Deputy Clerk/Treasurer Joy Buboltz and Building Inspector Paul Birschbach. Absent were City Administrator/Clerk-Treasurer Lori Gosz and Public Works Director Andy Geiger

Guests:

Kyle Schmidt, Randy Ryoti, Andy Dumke, and Gary Deiter.

APPROVAL OF THE AGENDA:

Motion – Van Frachen moved to approve the agenda. Seconded by Cohen. Motion carried unanimously.

APPROVAL OF THE APRIL 18, 2019 MINUTES:

Cohen asked, since it was not noted in the April 18th minutes, whether or not the City will be looking at our City Code regarding the size of garages in subdivisions. It was stated that topic was discussed at the meeting. Birschbach stated the Plan Commission is reviewing this issue.

Motion – Van Frachen moved to approve the minutes of the April 18, 2019 Board of Appeals Meeting with the noted comments. Seconded by Haberland. Motion carried unanimously.

HEARING – REQUEST FOR VARIANCE:

Andy Dumke, City Center-Brillion, LLC, requesting a variance of the zoning requirement of Sec. 106-93(g) (1), as it relates to setback and yards to allow for an 11.5 ft. setback on the north side of the building:

L. Deiter opened the Public Hearing at 4:04 pm and asked for testimony for or against the variance request.

Birschbach explained that Andy Dumke applied for a building permit for the construction of a 40 unit apartment building. Due to the north side of the building only having an 11.5’ setback on the north side of the property he denied the permit; per Sec. 106-93(g) (1).

Buboltz informed the Committee that a Public Notice of this Public Hearing was published in The Brillion News for two (2) weeks and that property owners within 500’ of this proposed development was notified of this meeting.

Andy Dumke gave a brief background on this proposed development. He stated that he and the City have been working on this proposed development for two (2) years. At first he was denied the tax credits for this development, but then was notified a few months later that he received the tax credits.

As part of the requirement to receive these tax credits, the complex needed to be 40 units. He tried to maximize as much of the site he possibly could.

Dumke stated he recently met with the Plan Commission and it was determined that moving the building more to the north of the property was the best fit for the building. However, that left only an 11.5' setback. It was noted that the current Dollar General building is closer to the lot line than the proposed 11.5' setback of this proposed building. Dumke explained that only a small portion of the building is 11.5' from the lot line. Most of the building on the north side falls into the setback requirement.

Gary Deiter, 225 Apollo Court, stated he is appearing at this meeting as a concern citizen. He stated he is in favor of this proposed development. He also stated that the City of Brillion is in need of housing. Deiter also reported that it is hoped that someday Jackson Street and Custer Street will become a main road through the City, and that a portion of Center Street may be eliminated.

Discussion of Testimony and Review of Facts:

Van Frachen agreed housing is needed in the City and reported that there is a waiting list for people wanting to move into Heritage Apartments and Parkview Apartments.

Andy Dumke stated this complex is based on the needs of the community. Some units will be for some veterans, some market rate units, and some units will need to meet 60% of the County medium income. Buboltz reported that currently a list is being compiled in the City Clerk's Office of individuals showing interest moving into those apartments.

Randy Ryoti asked what measures will be taken to make sure this complex does not turn into a "slum". Dumke stated that background checks are done on possible tenants and the City will also need to monitor the property.

Birschbach asked Dumke what his hardship is with this proposed development. Dumke stated that due to the requirement of the tax credits he is required to construct 40 units with the apartment complex. Also, he only has a certain amount of land to try to fit this complex onto.

Birschbach stated that three (3) of the four (4) setbacks are met. He also reported that this complex would have a Main Street address. Birschbach stated there will be vision clearance by the stop sign on the corner of Jackson Street and Center Street, since this building will not be built out further than the current Dollar General building.

Cohen asked if the building could be moved so it is more centrally located on the lot. Dumke stated the Plan Commission asked him to move the building to where it is proposed now.

Kyle Schmidt asked if this complex is being proposed to only be built on this site. Gary Deiter stated yes.

The Board of Appeals Committee determined that the hardship with this request is that this proposed structure needs to be a 40 unit facility due to the requirement of the tax credits received for the project. Also the Developer is trying to make this facility fit on the site proposed for this development. It was also noted that it made more sense to move the building to the north than to the south due to the future development projects being proposed for that area of the City.

Motion – Van Frachen moved to grant the variance request as submitted and that this proposed structure needs to be a 40 unit facility due to the requirement of the tax credits received for the project. Also the Developer is trying to make this facility fit on the site proposed for this development. It was also noted that it made more sense to move the building to the north than to the south due to the future development projects being proposed for that area of the City. Seconded by L. Deiter. Call vote taken. Motion carried.

DECISION AND RELATED ACTION:

None.

OLD BUSINESS:

None.

ADJOURNMENT:

The meeting adjourned at 4:32 pm.

Joy L. Buboltz
Deputy Clerk-Treasurer