

MINUTES OF THE ZONING BOARD OF APPEALS – Nov. 16th, 2010 – 5:15 pm

MEMBERS PRESENT: Paul Steinbrecher, Frank Rodriguez, Joe Mrotek,
Mike Pappathopoulos, Jean Wakefield, Howard Zimmerman

MEMBERS ABSENT: Donald Orth

OTHERS PRESENT: Roberta Kelley, Michael Kelley, Jim Muenzenmeyer,
Lisa Mueller

The meeting was called to order by Acting Chairman Paul Steinbrecher at 5:15pm. It was moved by Howard Zimmerman and seconded by Joe Mrotek to approve the minutes of the October 19th, 2010 meeting as submitted. Vote by the board was unanimous.

The appeal of Michael and Roberta Kelley, 824 Lincoln Boulevard, Manitowoc, Wisconsin, was read.

Acting Chairman Paul Steinbrecher read a letter from Dr. Mark Herring, Mr. Kelley's physician, into the record and opened the meeting for discussion.

Secretary Muenzenmeyer summarized the appeal request for the board and read the definition of a non-conforming structure. He stated that the proposed addition would not infringe into the required side yard. Secretary Muenzenmeyer noted that the home was a contributing structure in the 1988 HNTB study of the proposed Lincoln Boulevard Historical District. The proposed alterations will not meet Federal ADA requirements but will meet Mr. Kelley's current health needs.

Jean Wakefield asked Mr. and Mrs. Kelley for clarification of the proposed first and second floor layouts and how it would meet both Mr. Kelley's current and long term health needs. Of concern was the location of a new ½ bath and large entry area on the first floor and accessibility to an enlarged master bathroom and new laundry area on the second floor. Mrs. Kelley explained that the project designers she and her husband had consulted with determined that layout options for a larger bathroom area on the first floor were limited as a driveway was being installed on that side of the home and to maintain the historic nature of the home they would prefer not to alter the adjacent dining room. Mrs. Kelley continued that should the installation of a chair lift be required to access the second floor in the future the existing four foot wide staircase could accommodate it.

Additional discussion by the board members and Mr. and Mrs. Kelley ensued.

Mike Pappathopoulos and Joe Mrotek agreed there was no doubt of the existence of a hardship but that the question must be addressed if granting the appeal will fully alleviate the hardship and meet both Mr. Kelley's current and long term health needs.

Board members concurred ADA compliance was not a requirement in a private residential home and discussed that while the existing layout was challenging and that others may design the proposed addition layout differently, what was important was that in Mr. and Mrs. Kelley's opinion the proposed project would meet Mr. Kelley's current and long term health needs.

Howard Zimmerman made a motion to grant the appeal. Mike Pappathopoulos made a motion to amend Mr. Zimmerman's motion to include that no further additions be allowed to the building for the purpose of disabled access or use of the building. Frank Rodriguez made a motion to second the amended motion. The vote to grant the appeal by the board was unanimous.

There being no further business a motion was made by Mike Pappathopoulos to adjourn at 5:45 pm and seconded by Joe Mrotek. Vote by the board was unanimous.

Submitted by,

Jim W. Muenzenmeyer
SECRETARY
ZONING BOARD OF APPEALS

JWM / lmm