



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, OCTOBER 19, 2020, 5:30 PM
Virtual Meeting. Public may join via Zoom.

A. Zoom Meeting Information.

- I. This item contains documents which provide call in information and instructions for the Zoom Meeting.

B. Roll Call.

- I. Members: Don Carlson - Chair, Gregory Babcock - Vice Chair, Tommy Everman, Noel Halvorsen and Jim Hutchison

Alternate: Tom Hoy

Does anyone need to abstain from voting? Was anyone out to any of the properties? Did you speak to anyone regarding this variance request?

C. Approval of the Agenda.

- I. Approval of the agenda for the October 19, 2020, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

- I. Approval of the minutes from the September 21, 2020, meeting of the Zoning & Planning Board of Appeals.

E. Regular Business.

- I. (Appeal 20-031) Garritt Bader, GB 901 Main, LLC, property owner, proposes to permit the installation of a drive-thru for a potential restaurant use in a Downtown One (D1) District at 901 Main Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1606(1)(6) emergency pass lane for the drive-thru (Ald. R. Scannell, District 7).

2. (Appeal 20-032) Katherine Fettig, property owner, proposes to expand an existing driveway in a Low Density Residential (R1) District at 310 Northern Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-609, impervious coverage (Ald. M. Steuer, District 10).

F. Informational.

1. Discussion on procedural items related to the Board of Appeals.
2. Date of next meeting: November 16, 2020.

G. Adjournment.

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this Zoning & Planning Board of Appeals meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.

Virtual Meeting Instructions



Zoning & Planning Board of Appeals 10/19/2020

Zoom Meeting Information

Join Zoom Meeting

<https://us02web.zoom.us/j/82345213442?pwd=TFBbFNiKIFqZUhIUzIWEhVmZlZz09>

Meeting ID: 823 4521 3442

Password: 483400

One tap mobile

+13126266799,,82345213442# US (Chicago)

+16468769923,,82345213442# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Germantown)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 823 4521 3442

Find your local number: <https://us02web.zoom.us/j/82345213442?pwd=TFBbFNiKIFqZUhIUzIWEhVmZlZz09>

Additional Information

1. Wisconsin Open Meetings Law still applies
 - a. Persons interested in speaking to an item must give their name and address
 - b. Committee/Commission/Board members will still follow *Roberts Rules of Order*
2. All zoom meetings will have a password in the instructions. Please enter when prompted.
3. Please log into the Zoom meeting 10 minutes before the meeting starts to ensure proper technology is working.
 - a. If you are a Board Member, please log into [CivicClerk](#) with a computer, laptop, or tablet device.
4. Once you are in the meeting please mute yourselves.
 - a. You may unmute yourself when you are called upon to speak.
5. Waiting room
 - a. When you call in, all callers/participants will be placed in a “waiting room.”
 - b. Persons on the agenda will be admitted to the meeting, and then once the item is concluded, the host will permanently mute you from the meeting (you can still hear the meeting).
6. Using Zoom with a tablet or computer
 - a. Tablet—you will be asked to sign in. Download the app either with the Apple Store or the Play Store
 - b. Computer—you will be asked to sign in. You may download the app or click on the link to open Zoom in your browser.
7. Registering
 - a. The host may ask you to register for the meeting. A registration link will be sent to you along with the invite. You’ll receive another email confirming that you’re registered for the meeting.
 - b. If you’re using a phone, your registration will still be tied to an email.
8. Raising your hand
 - a. Committee members—you can either use CivicClerk and request to speak or you can “raise your hand” in the zoom meeting (you’d need to use a computer or tablet) to let the host know you’d like to speak. You can also un-mute yourselves and start speaking.
 - b. Persons on the agenda—you can “raise your hand” but you’d need to use a computer. You will be allowed to speak, per Wisconsin Open Meetings Rules, once the committee has “opened the floor for interested parties to speak.” Once the committee is finished with your agenda item, the host will mute you permanently, unless the committee opens the floor again.
9. What devices should I use?
 - a. Smart phone (please see more detailed instructions on page 3)
 - b. Land line
 - c. Tablet—well in advance of the meeting, please download the Zoom Meeting app before you join a meeting by using either the Apple Store or the Play Store. You will be asked to input your name, thus identifying you for the meeting. You’ll also be asked to verify your email.
 - d. Computer—well in advance of the meeting, please download the Zoom Meeting app, but you can also click on a link to open the Zoom Meeting in your browser. You will be asked to input your name, thus identifying you for the meeting.
 - e. For tablet and computer users—if you download the app you will be asked to verify your email.
10. Zoom etiquette
 - a. Muting yourselves when you’re not talking will prevent your background noise from interfering with others’ ability to listen to and participate in the meeting.
 - b. If you’re using a telephone, please identify yourself with your phone number and name before you speak. Zoom meeting hosts can see only your telephone number and will ask you to identify yourselves.
11. Closed session
 - a. Persons in the Zoom meeting will be put into a waiting room while the committee meets in Closed Session. Participants will be admitted back into the Zoom meeting once the committee reconvenes in Open Session.
 - b. Persons watching live on YouTube will see a gray screen with the City logo during closed session.
12. Persons interested in listening to the meeting can go to www.youtube.com/CityofGreenBay

Calling into the Zoom meeting using a smartphone

1. Dial the phone number listed at the beginning of this document.
2. When prompted, enter the Meeting ID number followed by #
 - a. If you're using a smartphone, you can access the keypad by clicking "Keypad" on your screen



3. Once you are in the meeting, notify the meeting host that you are in and state your name.
4. If you do not need to talk, please make sure your phone is on **Mute**
 - a. If you're using a smartphone, look at your screen and click the Mute button



- b. If you're using a computer, you should see a Mute button in the Zoom application





MINUTES OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, SEPTEMBER 21, 2020, 5:30 PM
Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INFORMATION.

I. This item contains documents which provide call in information and instructions for the Zoom Meeting.

Chair Don Carlson called the Zoning & Planning Board of Appeals meeting to order.

B. ROLL CALL.

I. Members: Don Carlson - Chair, Gregory Babcock - Vice Chair, Tommy Everman, Noel Halvorsen and Jim Hutchison

Alternate: Tom Hoy

Does anyone need to abstain from voting? Was anyone out to any of the properties? Did you speak to anyone regarding this variance request?

Present: Tommy Everman, Don Carlson, Jim Hutchison, Thomas Hoy, Excused: Gregory Babcock, Noel Halvorsen

Chair Don Carlson asked if anyone needed abstain from voting, if anyone was out to any of the properties and if anyone spoke to anyone regarding the variances on tonight's agenda. All stated no, with the exception of Tom Hoy. He stated he will be recusing himself from Agenda Item #1, 2029 Lakeside Place, under Regular Business.

Others Present: Ald. Kathy Lefebvre

C. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the September 21, 2020, meeting of the Zoning & Planning Board of Appeals.

Moved by Tommy Everman, seconded by Jim Hutchison to approve the agenda with the correction that the next meeting date is October 19, 2020. Motion carried.

Yes- Don Carlson, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the August 17, 2020, meeting of the Zoning & Planning Board of Appeals.

Moved by Tommy Everman, seconded by Jim Hutchison amend the minutes by adding the attachment to the packet. Motion carried.

Yes- Don Carlson, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

E. REGULAR BUSINESS.

Chair Don Carlson asked for a motion to open the floor.

Moved by Tommy Everman, seconded by Jim Hutchison to open the floor for discussion for the entire meeting. Motion carried.

Yes- Don Carlson, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

1. (Appeal 20-025) Steven M. Bieda, Mau & Associates, on behalf of Darrel and Diane Hawley, property owners, propose to construct a single-family dwelling along with site alterations within the AO District of the 100 year floodplain and Low Density Residential (RI) District at 2029 Lakeside Place. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1330(a)(1) fill area and Section 13-1330(a)(1)(c) retaining wall height (Ald. K. Lefebvre, District 6).

Moved by Tommy Everman, seconded by Don Carlson to grant the variance as requested. Motion carried.

Yes- Don Carlson, Tommy Everman, Jim Hutchison, No- None, Abstain- Thomas Hoy

2. (Appeal 20-028) Juliane Kania, property owner, proposes to retain an existing driveway in a Low Density Residential (RI) District at 333 South Webster Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1717(b)(1), minimum driveway setback (Ald. R. Scannell, District 7).

Moved by Tommy Everman, seconded by Thomas Hoy to grant the variance as requested. Motion carried.

Yes- Don Carlson, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

3. (Appeal 20-029) Jerry Hanson, on behalf of the Green Bay Packers, City of Green Bay, property owners, propose to install various directional signs in a Public/Institutional (PI) District at 1265 Lombardi Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-2005(d) directional signs-sign area (Ald. C. Wery, District 8).

Moved by Thomas Hoy, seconded by Jim Hutchison to grant the variance as requested. Motion carried.

Yes- Don Carlson, Jim Hutchison, Thomas Hoy, No- Tommy Everman, Abstain- None

4. (Appeal 20-030) George LeFevre, on behalf of Norman and Virginia Johnson, property owners, propose a deck on the rear portion of their single-family home located in a Low Density Residential (R1) District at 2456 Morning Star Trail. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, rear yard setback (Ald. C. Stevens, District 5).

Moved by Tommy Everman, seconded by Thomas Hoy to grant the variance as requested. Motion carried.

Yes- Don Carlson, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

Moved by Tommy Everman, seconded by Thomas Hoy to close the floor for discussion. Motion carried.

Yes- Don Carlson, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None

F. INFORMATIONAL.

1. Discussion on procedural items related to the Board of Appeals.

Board discussion regarding procedures of the Zoning & Planning Board of Appeals.

2. Date of next meeting: September 21, 2020.

Correction - Next meeting is October 19, 2020.

G. ADJOURNMENT.

Moved by Tommy Everman, seconded by Jim Hutchison to adjourn. Motion carried.

Yes- Don Carlson, Tommy Everman, Jim Hutchison, Thomas Hoy, No- None, Abstain- None



Zoning & Planning Board of Appeals

VARIANCE APPLICATION

Department of Community
and Economic Development
100 N. Jefferson Street, Rm 608
Green Bay, WI 54301-5026
(920) 448-3300 - phone
(920) 448-3426 - fax

Application Deadline: First Tuesday of the Month at 12 Noon.

Date: 10-4-20 Project Address: 901 Main Street Project #: 102627 Appeal #: 20-031

PROPERTY OWNER	APPLICANT INFORMATION
Name: GB 901 Main, LLC, c/o Garritt Bader	Name: Same
Address: 300 N. Van Buren Street, Green Bay, WI 54301	Address:
City, State, Zip: Green Bay, WI 54301	City, State, Zip
Phone: (813) 500-0296	Phone:
Email: gb@gb-re.com	Email:

Describe proposed plan:



Please see attached addendum for answers and exhibits to all questions below. Thank you!



List variances required to implement the proposed plan (include ordinance numbers and short explanation of each):

Describe what hardships are imposed by zoning ordinances listed in section above making conformity unfeasible or unnecessarily burdensome:

Describe what unique physical characteristics affect this property which prevent you from complying with the zoning ordinance:

Describe how granting this variance will neither harm public interest nor undermine the purpose of the ordinance:

Prepare and submit a copy of a site plan (NO LARGER THAN 11X17) detailing your request completely and any additional information which will support your variance request.

Signature of Applicant

Date

10-5-20

OFFICE USE ONLY:	Parcel# 9-48	Residential \$75 _____ Commercial \$150 ☒
District: 7 Zoning: D1	Meeting Date: 10/19/20	Receipt #: 2756829-1

Describe proposed plan:

My request of the Zoning & Planning Board of Appeals is to approve a drive-thru lane without a bypass lane—required by city code—at my 901 Main development. As can be seen in the accompanying site plan image, space exists for a single-lane drive thru on the north side of the building, with traffic exiting to Main Street around the west side of the building. If approved, buildout for a drive-thru local coffee operator will begin later this fall and be completed in the spring of 2021.

List variances required to implement the proposed plan (include ordinance numbers and explanation):

The variance required to implement the proposed plan is relief from Ordinance Number 13.1606 (I) (6) requiring that all drive-thru facilities *with menu boards* be required to have a bypass lane.

Describe what hardships make conformity unfeasible or unnecessarily burdensome:

The ordinance states that a drive-thru facility *without a menu board* is permitted without a bypass lane, meaning our site currently works so long as no menu board is installed. One can assume that the intent of the ordinance is to limit the amount of time that a vehicle is “trapped” in a drive-thru lane without emergency accessibility that a bypass lane affords; in other words, that an operation without a menu board results in faster use of the drive-thru lane. By contrast, having a menu board presumes more ordering and longer wait times in a “trapped” drive-thru lane. While I believe this reasoning is debatable, it’s likely the intent that drove the ordinance language.

As will be noted below, 901 Main was developed on a very tight urban site. Making these types of space-constrained and expensive urban in-fill developments physically and financially feasible rests on the ability to maximize income generation of the property. The projection for 901 Main, like similar projects, is to attract commercial tenants that (1) are in demand for the traffic and neighborhood; (2) complement the neighborhood; and (3) pay rent to achieve needed financial returns.

Before COVID-19 the projection was that, specifically, a restaurant or coffeeshop could operate primarily with indoor table service and limited (if any) drive-thru service. Quite frankly, our single-lane drive-thru was designed as a *bonus* where a menu board to necessitate the bypass lane wouldn’t be needed. But what COVID-19 has shown us is that most restaurant operators *need* the ability to sell through a drive-thru window. It’s no longer bonus; it’s survival. As such, commercial tenants for this space are nowhere to be found without full drive-thru capability like any suburban drive-thru. Incredibly, this pandemic, in less than two years, has rendered obsolete a new building and its ability to perform as permitted.

I feel the need to respectfully insist that this is *not* a self-imposed hardship; it’s a sudden obsolescence caused by a once-in-a-lifetime global pandemic. 901 Main was developed according to all applicable ordinances, approved by the city, and with the understanding of market conditions as to how commercial users could be successful. COVID-19 has re-written these rules, and as such, I ask for relief in order to ensure that this development can be successful and encourage future similar developments.

Describe what unique physical characteristics affect this property that prevent compliance with the zoning ordinance:

As prefaced above, 901 Main was developed on a very tight urban site. In order to design a “sweet spot” of density that (1) respected the existing building to our north; (2) fit within the existing building to our east; (3) married the number of residential units to required on-site parking; and (4) adhered to urban design principles desired by both me and the city, we were only able to reserve approximately ten feet on the north side of the property for a single-lane drive-thru against our northern parcel boundary. We simply don’t have additional room to include a bypass lane for a full-service drive-thru with menu board as code requires, even as market realities now dictate that drive-thru capability be provided for commercial users to be successful. What we can provide is very close access to the vast majority of the drive-thru lane for emergency vehicles as described below.

Describe how granting this variance will neither harm public interest nor undermine the purpose of the ordinance:

As noted earlier, the intent of the ordinance appears to want to provide accessibility for drive-thru patrons in the event of an emergency. If so, I believe our site design already nearly eliminates the risk even with only a single lane. Please see the accompanying site plan exhibit that shows the ability for emergency vehicles to drive into the rear parking area to the north and east, or the drive thru exit and adjacent properties to the west. Only 57 feet—barely three car lengths—is directly inaccessible.

Secondly, compared to their competition, my user’s demand will likely be far lower based on data from one of their other locations, reducing the ability to be “trapped.” Currently, most Starbucks drive-thrus are queuing upwards of 45-50 vehicles per hour at peak morning times; my user’s experience is that a maximum of 20 vehicles are using their drive-thrus at peak—less than half as much.

Finally, I want the committee to consider nearly 40 years’ worth of data on the existing Burger King restaurant at 2219 Main Street, in operation since 1981 with a single drive-thru lane and no bypass. According to the Green Bay Metro Fire Department, there are no known calls over this time for emergency response of any kind—medical or otherwise—specifically to the drive-thru lane.

Adjacent Properties
Where Emergency
Vehicles Can Directly
Access D-T Vehicles

Rear Parking Lot
Where Emergency
Vehicles Can Directly
Access D-T Vehicles

Removed Parking
Stall To Create D-T
Queue Lane

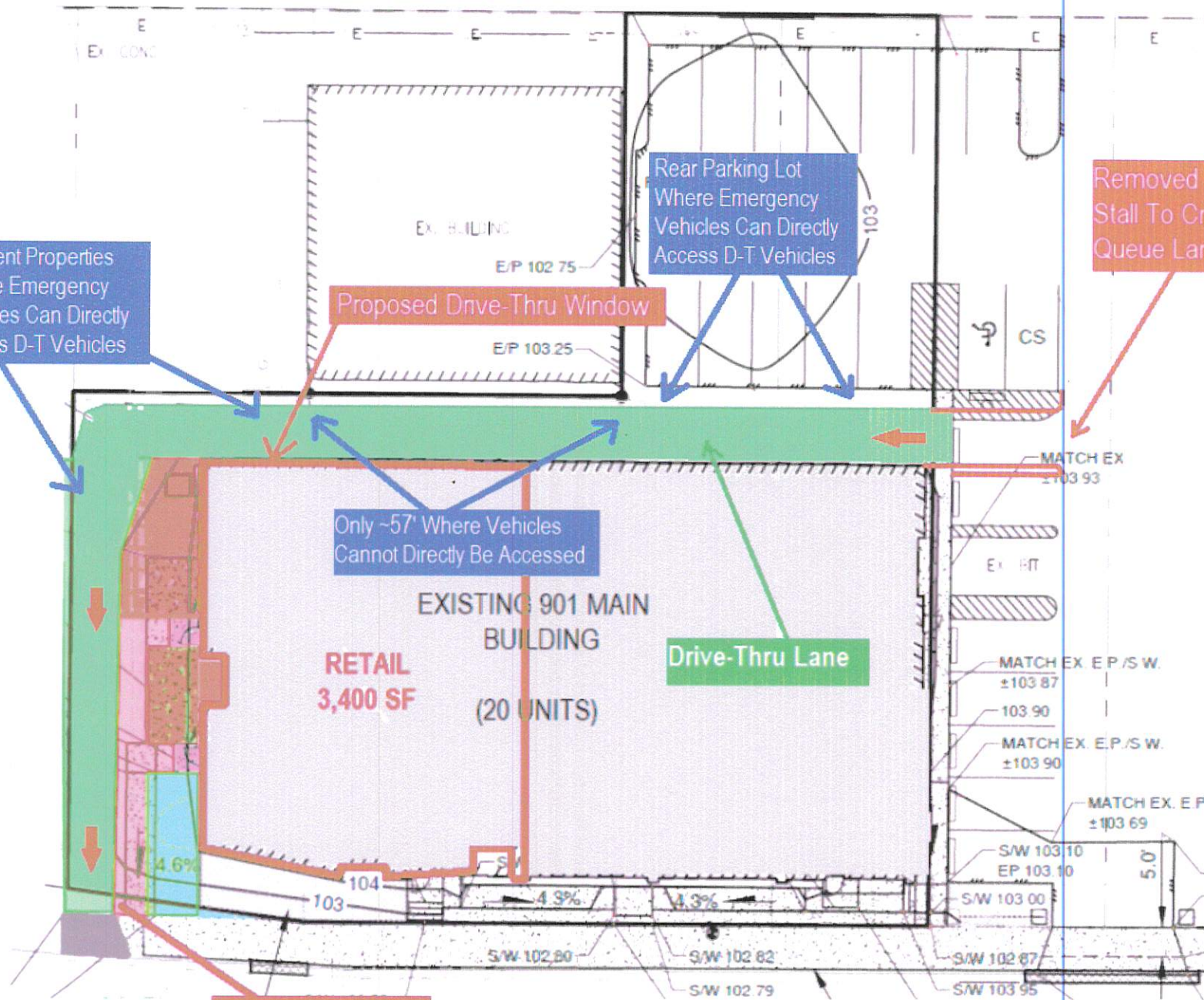
Proposed Drive-Thru Window

Only ~57' Where Vehicles
Cannot Directly Be Accessed

Drive-Thru Lane

EXISTING 901 MAIN
BUILDING
RETAIL
3,400 SF
(20 UNITS)

Drive-Thru Exit To
Main Street With
Widened Driveway





Zoning & Planning Board of Appeals

VARIANCE APPLICATION

Department of Community and Economic Development
100 N. Jefferson Street, Rm 608
Green Bay, WI 54301-5026
(920) 448-3300 - phone
(920) 448-3426 - fax

Application Deadline: First Tuesday of the Month at 12 Noon.

Date: 10/31/2020 Project Address: 310 NORTHERN AVE Project #: 102337 Appeal #: 20-032

PROPERTY OWNER	APPLICANT INFORMATION
Name: <u>KATHERINE R. FETTLG</u>	Name: _____
Address: <u>310 NORTHERN AVE</u>	Address: <u>SAME</u>
City, State, Zip: <u>GREEN BAY, WI 54303</u>	City, State, Zip: _____
Phone: <u>920-497-3062</u>	Phone: _____
Email: <u>KDRN98@AOL.COM</u>	Email: _____

Describe proposed plan:

ADDITION TO MY DRIVEWAY ALONG SIDE OF MY GARAGE FOR EXTRA PARKING SPACES

List variances required to implement the proposed plan (include ordinance numbers and short explanation of each):

THE EXTRA DRIVEWAY WOULD CAUSE MY SMALL LOT TO BE LESS THAN 569. GREEN SPACE

ORDINANCE # SECTION 13.609

Describe what hardships are imposed by zoning ordinances listed in section above making conformity unfeasible or unnecessarily burdensome:

WHEN MY CAR IS IN THE GARAGE THE CAR IN THE DRIVE WAY HAS TO BE MOVED TO GET THE CAR IN THE GARAGE OUT.

Describe what unique physical characteristics affect this property which prevent you from complying with the zoning ordinance:

MY ENTIRE LOT IS ONLY 64'8" WIDE BY 59'8" DEEP.

Describe how granting this variance will neither harm public interest nor undermine the purpose of the ordinance:

I STILL HAVE PLENTY OF WATER RUN OFF AREAS ALL AROUND MY LOT. THE ENTIRE LOT NEXT TO ME IS 100% GREEN SPACE. THERE IS ATLEAST 5 FEET OF GRASS AROUND ALL OF MY DRIVEWAYS + BUILDINGS.

Prepare and submit a copy of a site plan (NO LARGER THAN 11X17) detailing your request completely and any additional information which will support your variance request.

K. Fittig
Signature of Applicant

10/31/2020
Date

OFFICE USE ONLY:	Parcel# <u>5-1186</u>	Residential \$75 <u>X</u>	Commercial \$150 _____
District: <u>10</u> Zoning: <u>R1</u>	Meeting Date: <u>10/19/20</u>	Receipt #:	

