



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, AUGUST 16, 2021, 5:30 PM
Virtual Meeting. Public may join via Zoom.

A. Zoom Meeting Information.

1. This item contains documents which provide call in information and instructions for the Zoom meeting.

B. Roll Call.

1. Members: Don Carlson - Chair, Gregory Babcock - Vice Chair, Tommy Everman, Noel Halvorsen and Jim Hutchison
Alternate: Tom Hoy
2. Does anyone need to abstain from voting? Was anyone out to see any of the properties? Did you speak to anyone regarding this variance request?

C. Approval of the Agenda.

1. Approval of the Agenda for the August 16, 2021, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

1. Approval of the Minutes from the July 19, 2021, meeting of the Zoning & Planning Board of Appeals.

E. Regular Business.

1. (Appeal 21-026) Tim Ambrosius, property owner, proposes to expand two existing driveways in a Low Density Residential (R1) District at 2363-2365 Basten Street. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-1747(3), Parking for single and two family uses (Ald. C. Stevens, District 5).
2. (Appeal 21-027) Michael and Lea Walschinski, property owners, propose to retain an existing

pool in a Low Density Residential (RI) District at 2733 Mariner Lane. The applicants request to deviate from the following requirements in Chapter 44, Green Bay Zoning Code, Section 44-519, Required permit, Section 44-520(a) & (b), setback and required fencing (Ald. B. Dorff, District 1).

3. (Appeal 21-028) David and Molly Trever, property owners, propose to install a pool in a Low Density Residential (RI) District at 3108 West Point Road. The applicants request to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-520(b), setback (Ald. J. Brunette, District 12).
4. (Appeal 21-029) Aaron Breitenfeldt, Robert E. Lee & Associates, Inc. on behalf of Dave Charles, SRL2, Inc., property owner, proposes a building expansion within the AE District of the 100-year floodplain and Business Park (BP) District at 1810 Cofrin Drive. The applicant requests to deviate from the following requirements in Section 44-1193(4) flood protection elevation, Section 44-1283 flood proofing standards and Section 44-802, Table 44-12, side yard setback (Ald. K. Lefebvre, District 6).
5. (Appeal 21-030) Steve Bieda, Mau & Associates, on behalf of Joe Mirhashemi, Mirashemi, Inc., property owner, proposes to construct a new parking lot in a General Commercial (CI) District at 215 Elizabeth Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 44-720, Table 44-9, front yard setback and Section 44-1918, landscape setback (Ald. C. Stevens, District 5).
6. (Appeal 21-031) Tyler and Jennifer Lenz, property owners, propose a detached garage in a Low Density Residential (RI) District at 704 S. Jackson Street. The applicants request to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-590, Table 44-4, side and rear yard setbacks (Ald. B. Galvin, District 4).

F. Informational.

1. Second Quarter Variance Report (April - June 2021).
2. Discussion on procedural items related to the Board of Appeals.
3. Next Meeting Date: August 16, 2021.

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

Zoom Meeting Information

Join Zoom Meeting

<https://us02web.zoom.us/j/82345213442?pwd=TFBbFNiKIFqZUhIUzIEWEhiVmZlZz09>

Meeting ID: 823 4521 3442

Passcode: 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 (Washington DC)

+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>

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





Report to the
Zoning & Planning Board of Appeals
of the City of Green Bay

MEETING DATE

August 16, 2021

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.1

(Appeal 21-026) Tim Ambrosius, property owner, proposes to expand two existing driveways in a Low Density Residential (R1) District at 2363-2365 Basten Street. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-1747(3), Parking for single and two family uses (Ald. C. Stevens, District 5).

BACKGROUND**RECOMMENDATION****FISCAL IMPACT****ATTACHMENTS**

1. 2363-2365 Basten
2. Green Bay Property-Model

[illegible]

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).

44-1747 (3)

no parking in front setback

ALTERNATIVES:

Describe alternatives to your proposal, to include other locations, designs, construction techniques, etc.

Alternatives that you considered that comply with existing regulations:

Discussed with tenants to park on street which is allowed. They expressed examples of danger specifically on Basten St drive - being just after curve on road. They don't feel safe parking on road. Backing out onto road more often due to narrow drive & only 1 stall wide is also scary due to a blind view around the corner looking east down Basten St.

Reasons for not pursuing the alternative(s) listed above:

I am looking for a safer alternative for tenants to park & also less backing out onto the street into traffic & specifically the situation on Basten St but also on Fred St. If you only want to approve one I think the Basten St drive situation is more dangerous.

THREE STEP TEST - To qualify for a variance, the applicant must demonstrate that their property meets the following three (3) requirements:

Does unique physical characteristics of your property prevent the compliance with the ordinance? Explain

The code only recognizes that attached garages are allowed 8' of concrete on each side of the door where older single/duplex houses with detached garages are only allowed to have drive the width of garage door.

Would granting the variance be contrary to the public interest? Explain.

No - It would keep personal vehicles off the street and with wider drive no need to keep moving vehicles if one is parked in front of garage door.

Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome?

It has become difficult to have tenants having more than one vehicle - and each tenant unit is a (2) bedroom meaning most people have 2-3 vehicles & have difficulty with narrow drive on street with blind curve & quite a bit of traffic.

I HEREBY CERTIFY THAT I HAVE READ AND FULLY UNDERSTAND THE VARIANCE PROCEDURE AND FAILURE TO COMPLY WITH CITY REQUIREMENTS WILL RESULT IN THIS APPLICATION BEING WITHHELD FROM CONSIDERATION BY THE ZONING BOARD OF APPEALS.

Tim Ambrosius

Signature of the Property Owner

David O'Brien

Signature of Applicant (working as "Agent" for owner)

Tim Ambrosius

Print Name:

David O'Brien

Print Name:

7-14-21

Date

7/14/2021

Date

OFFICE USE ONLY:	Parcel#	Residential \$75 ____	Commercial \$150 ____
District: Zoning:	Meeting Date:	Receipt #:	
Submittal Date:	Staff Signature:		





Report to the
Zoning & Planning Board of Appeals
of the City of Green Bay

MEETING DATE

August 16, 2021

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.2

(Appeal 21-027) Michael and Lea Walschinski, property owners, propose to retain an existing pool in a Low Density Residential (R1) District at 2733 Mariner Lane. The applicants request to deviate from the following requirements in Chapter 44, Green Bay Zoning Code, Section 44-519, Required permit, Section 44-520(a) & (b), setback and required fencing (Ald. B. Dorff, District I).

BACKGROUND**RECOMMENDATION****FISCAL IMPACT****ATTACHMENTS**

1. 2733 Mariner
2. DSCN0952
3. DSCN0953

[illegible]

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).

Sec 44-519 Permit Required for pool
Sec 44-520 (a) Setback 25 ft front setback
(b) Fencing Required

Per Scott Nelson order complaint 117280

ALTERNATIVES:

Describe alternatives to your proposal, to include other locations, designs, construction techniques, etc.

Allowing pool to be placed in rear section of side yard. The side of the yard is 43 ft from house. Pool is placed 25 ft from street and 15 feet from lot line.

Alternatives that you considered that comply with existing regulations:

moving pool to rear yard. Draining pool every 7 days

→ would not comply because there isn't enough room

Reasons for not pursuing the alternative(s) listed above:

Due to the size and shape of yard, moving it to the rear is not possible. Rear yard is 22 feet from house property line. The pool is 11 feet in diameter. There is not enough room to be safe and compliant. Also considered draining the pool every 7 days. This would put enormous strain on water supply.

THREE STEP TEST - To qualify for a variance, the applicant must demonstrate that their property meets the following three (3) requirements:

Does unique physical characteristics of your property prevent the compliance with the ordinance? Explain

Please see note above

Corner lot, very small backyard. Side yard is 43 ft from house to street and 22 ft from house to lot line in rear.

Would granting the variance be contrary to the public interest? Explain.

no it would not. It is safely in the rear section of the side yard. It is 25ft from the street and 15ft from lot line.

Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome?

Type text here

we should be allowed to have a small pool & enjoy it.

I HEREBY CERTIFY THAT I HAVE READ AND FULLY UNDERSTAND THE VARIANCE PROCEDURE AND FAILURE TO COMPLY WITH CITY REQUIREMENTS WILL RESULT IN THIS APPLICATION BEING WITHHELD FROM CONSIDERATION BY THE ZONING BOARD OF APPEALS.



Signature of the Property Owner

Signature of Applicant (working as "Agent" for owner)

Lea C Walschinski

Print Name:

Print Name:

7/19/2021

Date

Date

OFFICE USE ONLY:	Parcel#	Residential \$75 ____	Commercial \$150 ____
District: Zoning:	Meeting Date:	Receipt #:	
Submittal Date:	Staff Signature:		

Part 2: Review Process

Please check with the Zoning Administrator for further information on application deadlines, meeting dates, times, and when your appeal may be scheduled. Appeal applications are reviewed and scheduled on a first come first served basis. Once an appeal is scheduled, public hearing notices for that appeal will be (1) published in the City's official newspaper, (2) mailed to property owners who are within 100 feet; and (3) mailed to you along with an agenda for the meeting your appeal is scheduled. On or prior to the meeting date, ZBA members may visit your property prior to conducting a public hearing of your appeal.

Once the public hearing and testimony have been completed, the ZBA will act on your appeal (or continue to the next meeting if additional information or clarification is needed). Once decided, an Appeal summary will be prepared by the Zoning Administrator and will be recorded in the minutes as part of the proceeding of the ZBA meeting.

Each applicant (or a representative of the applicant) is required to attend the hearing or the appeal may be denied by the ZBA. In granting variances, the ZBA may impose special conditions to ensure that public interest and welfare will not be threatened. Variances granted by the ZBA remain valid for one year from the hearing date or as stipulated in the decision. If work to implement the variance has not begun within that time, the variance shall expire requiring the ZBA to re-approve the variance should the applicant wish to implement the plan.

If necessary, an applicant may postpone the hearing of an appeal provided it is received by staff in writing prior to the hearing. The appeal will be postponed for one month or at a future meeting agreed upon by the ZBA. An application for appeal may be withdrawn provided it is received by staff in writing prior to the hearing date.

No application which has been denied by the ZBA shall be reconsidered without material alteration or revision within one year of the board's decision, except pursuant to a court order or motion to reconsider made by a member voting with the majority. The ZBA may refuse to act upon an appeal if the applicant has failed to implement previously granted appeals.

Part 3: Criteria for Variance

To qualify for a variance, an applicant must demonstrate that all three statutory standards will be met:

1. **Unnecessary Hardship.** A matter to be determined from the facts and circumstances of each individual appeal, including:
 - A. Unnecessary hardship is situation where, in the absence of a variance, an owner can make no feasible use of a property or strict conformity is unnecessarily burdensome. *A variance is not warranted if the physical character of the property allows a landowner to build or develop in compliance with a zoning ordinance.*
 - B. Hardship must be peculiar to the parcel in question and different from that of other parcels. Hardship arises because of some unique property limitation of a parcel, or because the property was created before the passage of the zoning ordinance.
 - C. Self-imposed hardship is not grounds for a variance. Improvements that were made in violation of the ordinance are generally considered to be self-imposed hardships.
 - D. Hardships cannot be one that would have existed in the absence of a zoning code.
2. **Unique Property Limitation.** Unique physical characteristics of the property, not the desires of or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. These features may be a wetland, soil type, parcel shape, or a steep slope that limits the reasonable use of the property.
3. **Protection of the Public Interest.** Granting of a variance must neither harm the public interest nor undermine the purpose of the ordinance. The public interest includes the interest of the public at large, not just that of nearby property owners. Lack of local opposition does not in itself mean that a variance will not harm public interest. Property owners within 100 ft. of the property area and Alderpersons will be noticed of the request prior to the meeting.



08.04.2021



08.04.2021



Report to the
Zoning & Planning Board of Appeals
of the City of Green Bay

MEETING DATE

August 16, 2021

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.3

(Appeal 21-028) David and Molly Trever, property owners, propose to install a pool in a Low Density Residential (R1) District at 3108 West Point Road. The applicants request to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-520(b), setback (Ald. J. Brunette, District 12).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 3108 West Point Road



ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

APPLICATION DEADLINE: FIRST TUESDAY OF THE MONTH AT 12 NOON.

DATE:	PROJECT #:	APPEAL #: 21-028
APPLICANT INFORMATION:		
Name: David + Molly Trever		
Business Name:		
Address: 3108 West Point Road		
City, State, Zip: Green Bay Wi		
Phone: 920-639-1987		
Email: kateom19@gmail.com		
Property Owner Information (if different from above):		
Name:		
Business Name:		
Address:		
City, State, Zip:		
Phone:		
Email:		
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:		
Location/Address: 3108 West Point Road, 54313		
Tax Parcel Number(s): 6H-4405		
Describe the Variance Request: We are requesting that we may be allowed to put an inground pool closer to our back lot line than the 10 Foot away ordinance contends.		
In order for us to have a pool in our yard, we need to have it 2 or 3 feet away from our back lot line.		
We are able to meet the 10 foot away ordinance from the side line - east and west, sides of our property. The width of our back yard is 80 feet.		

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).

Chapter 44, Section 44-520(b) Setback

ALTERNATIVES:

Describe alternatives to your proposal, to include other locations, designs, construction techniques, etc.

If and when the project manager or Green Bay City official advises us to add ~~or change~~ any building plans to prevent any erosion or any other concern, we would adhere to any extra building involved, such as possible retaining wall, drainage system etc... and follow all building codes.

Alternatives that you considered that comply with existing regulations:

Our pool will have a secure fence that ~~has~~ can bare ~~at~~ at least 200 pounds, ~~to~~ not permit a 6 inch or larger object through and be 48 inches or higher encompassing the pool. It will have locking gates at all entry points. Also a licenced project manager will ^{oversee} ~~help~~ the installation + building project.

Reasons for not pursuing the alternative(s) listed above:

THREE STEP TEST - To qualify for a variance, the applicant must demonstrate that their property meets the following three (3) requirements:

Does unique physical characteristics of your property prevent the compliance with the ordinance? Explain

The distance from the back of our house to the back lot line is a shorter distance than other yards with pools. It is 29 feet, and 80 feet wide. The ordinance for a pool to be 10 ft away from a lot line would prevent us from having a pool big enough to swim in. A pool could fit if we are allowed to place it closer to our back lot line.

Would granting the variance be contrary to the public interest? Explain. I feel certain that any neighbors now and in the future, or any public would not be affected if we are allowed to place our pool 3ft or 2ft away from our back lot line.

* The land directly behind our lot is not intended for building or public access. There is a retention pond directly behind us.

Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome? In order for us to have a pool (family size) we need to place it closer than 10 ft to just our back lot line. Depending on what the building manager helps us design we would like to be allowed to place our pool 2 or 3 ft away from the back line. Other houses very near by have pools, just a neighbor just 500 feet away has an inground pool overlooking the same retention pond. Those neighbors were blessed with a large backyard. On a nightly basis, our children have a minimum of 5 other neighborhood children over to our house

I HEREBY CERTIFY THAT I HAVE READ AND FULLY UNDERSTAND THE VARIANCE PROCEDURE AND FAILURE TO COMPLY WITH CITY REQUIREMENTS WILL RESULT IN THIS APPLICATION BEING WITHHELD FROM CONSIDERATION BY THE ZONING BOARD OF APPEALS.

Molly Trever
Signature of the Property Owner

Signature of Applicant (working as "Agent" for owner)

Molly Trever
Print Name:

Print Name:

7-29-2021
Date

Date

OFFICE USE ONLY:	Parcel#	Residential \$75 _____	Commercial \$150 _____
District: Zoning:	Meeting Date:	Receipt #:	
Submittal Date:	Staff Signature:		

125.04'

6H-4405

10,063 SF

80.50'

15x32
pool

29 ft to lot line

125.04'

On a nightly basis, our children have a minimum of 5 other neighborhood children over to our house. It is the Westpoint community preteen hangout destination. Think of the burden and all the sad faces if these kids knew that we tried and failed to get an Inground pool for them all to swim in.



Report to the
Zoning & Planning Board of Appeals
of the City of Green Bay

MEETING DATE

August 16, 2021

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.4

(Appeal 21-029) Aaron Breitenfeldt, Robert E. Lee & Associates, Inc. on behalf of Dave Charles, SRL2, Inc., property owner, proposes a building expansion within the AE District of the 100-year floodplain and Business Park (BP) District at 1810 Cofrin Drive. The applicant requests to deviate from the following requirements in Section 44-1193(4) flood protection elevation, Section 44-1283 flood proofing standards and Section 44-802, Table 44-12, side yard setback (Ald. K. Lefebvre, District 6).

BACKGROUND**RECOMMENDATION****FISCAL IMPACT****ATTACHMENTS**

1. 1810 Cofrin Dr Revised variance application
2. 2035392D-SITE



ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

APPLICATION DEADLINE: FIRST TUESDAY OF THE MONTH AT 12 NOON.

DATE: 7/28/2021	PROJECT #:	APPEAL #: 21-029
APPLICANT INFORMATION:		
Name: Aaron Breitenfeldt		
Business Name: Robert E. Lee & Associates, Inc.		
Address: 1250 Centennial Centre Blvd		
City, State, Zip: Hobart, WI 54155		
Phone: (920) 662-9641		
Email: abreitenfeldt@releeinc.com		
Property Owner Information (if different from above):		
Name: Dave Charles		
Business Name: SRL2 Inc.		
Address: 1740 Cofrin Drive, Suite 2		
City, State, Zip: Green Bay, WI 54302-2024		
Phone:		
Email:		
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:		
Location/Address: 1810 Cofrin Drive		
Tax Parcel Number(s): 21-1187-3		
Describe the Variance Request:		
The proposed project includes the construction of a 35,500 square foot building addition to 1810 Cofrin Drive (Cash Depot). The first floor elevation of the existing building is at elevation 103.69 and the owner would like to construct the proposed building at the same first floor elevation as the existing building in order to avoid internal ramps and/or steps inside the building between the existing and proposed buildings. Internal ramps/steps would not work with the necessary work flow inside the building. The proposed project area is located within currently mapped Zone AE flood zone and the associated flood plain elevation is currently mapped at an elevation of 102.21. City of Green Bay zoning code requires new buildings/additions be constructed at least 2' above the flood plain and the area surrounding the foundation must be filled to at least 1' above the flood plain elevation for a distance of 15 feet beyond the limits of the structure. Because the existing building is not located the full 2' above the current flood plain elevation, a variance is being requested to construct the proposed building addition roughly 1.5' above the current flood plain elevation. And because the west and north sides of the building addition will have loading docks, a variance is also being requested to allow for these areas adjacent to the building to be constructed lower than the 1' above flood plain elevation. This area of the City is also currently being re-mapped by FEMA and the proposed project area will no longer be within the flood plain once the re-mapping is finalized. If the mapping updates were done already, this project would no longer require these variances. But due to the timing of the project and the FEMA re-mapping, these variances are still being requested. The project also includes constructing additional asphalt on the west side of the building to provide access to additional loading docks and at-grade garage doors. The pavement is proposed to extend past the western property line to connect to the existing pavement on the adjacent parcel. The two parcels are owned by the same ownership group and an agreement will be put in place to allow cross-access and shared parking between the two parcels. Because of this, a variance is also being requested to allow for pavement to be placed within the required 10' side setback.		

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this). Sec. 44-1193 (3) -Any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of subsection (1) of this section. Subject to the requirements of subsection (5) of this section, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property. Subsection (1) b. 2. states that under this provision, the bottom of the lowest basement openings, such as doors and non-sealed windows, must be placed at least two feet above the 100-year regional flood elevation. Subsection (1) b. 3. states the area surrounding the entire foundation must be filled to at least one foot above the 100-year regional flood line for a distance of 15 feet beyond the limits of the structure. Sec. 44-1773 (b) (1) Driveways shall be set back as established for buildings in the zoning district for which the property they service is situated.
Describe alternatives to your proposal, to include other locations, designs, construction techniques, etc. The proposed building addition could be built at a higher elevation to meet the City's flood plain requirements and the proposed loading docks could be removed so that the grades within 15' of the exterior of the building are greater than 1' above the flood plain elevation. Other locations were not considered as the owner already owns the current building as well as adjacent properties and relocating to an alternate location is not feasible. Other loading dock/garage door locations were considered along the building to avoid constructing pavement up to the lot line but due to the narrow nature of the site, alternate locations were not feasible as they did not provide adequate truck maneuvering space.
Alternatives that you considered that comply with existing regulations: The proposed building addition could be built at a higher elevation to meet the City's flood plain requirements and the loading docks could be removed so that the grades within 15' of the exterior of the building are greater than 1' above the flood plain elevation. Other loading dock/garage door locations were considered along the building to avoid constructing pavement up to the lot line but due to the narrow nature of the site, alternate locations were not feasible as they did not provide adequate truck maneuvering space. One loading dock was added to the north side of the building but this was the only one this spaced allowed.
Reasons for not pursuing the alternative(s) listed above: The proposed building addition could be built at a higher elevation to meet the City's flood plain requirements but this requires a step or ramp between buildings and this would not be practical for the interior work flow of the buildings. The loading docks cannot be removed as they would no longer have a feasible way of shipping/receiving materials to and from the building. Other locations were not considered as the owner already owns the current building as well as adjacent properties and relocating to an alternate location is not feasible. Other loading dock/garage door locations were considered along the building to avoid constructing pavement up to the lot line but due to the narrow nature of the site, alternate locations were not feasible as they did not provide adequate truck maneuvering space.
THREE STEP TEST - To qualify for a variance, the applicant must demonstrate that their property meets the following three (3) requirements:
Does unique physical characteristics of your property prevent the compliance with the ordinance? Explain The project area being located within existing mapped flood plain provides a unique physical challenge for the project. The existing building is not able to be expanded or new loading docks added without variances to the city flood plain ordinance. Due to the narrow width of the project parcel, pavement is needed up to and through the west lot line in order to provide proper truck maneuvering to access the proposed loading dock. The existing lot is only 195' wide and the proposed building is 126' wide, therefore there is not adequate space for the required 125' of pavement adjacent to the loading docks to allow maneuvering of trucks to access these docks.

Would granting the variance be contrary to the public interest? Explain.

The granting of this variance would not be contrary to the public interest. The project area is inaccurately mapped as flood plain and the flood plain mapping is currently underway to remove this project area and a large portion of the City from flood plain. The new flood plain mapping would allow this project to be constructed without a variance if it were already in place.

The proposed pavement within the building setback would not be contrary to the public interest as this would not create any safety issues or impacts to the general public.

Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome?

Because the FEMA flood plain re-mapping is already in progress and the existing flood plain elevation is known to be inaccurate, not getting the variance would unreasonably add restrictions to the building height of the proposed building addition and constructability of loading docks on the proposed addition.

Because the site is so narrow, the necessary loading docks could not be constructed on this site and an alternate site would be needed. However, because the adjacent lot is under the same ownership, the required cross-access between lots will not be an issue and the existing business would not need to be relocated.

I HEREBY CERTIFY THAT I HAVE READ AND FULLY UNDERSTAND THE VARIANCE PROCEDURE AND FAILURE TO COMPLY WITH CITY REQUIREMENTS WILL RESULT IN THIS APPLICATION BEING WITHHELD FROM CONSIDERATION BY THE ZONING BOARD OF APPEALS.

Signature of the Property Owner

Signature of Applicant (working as "Agent" for owner)

Print Name:

Print Name:

Date

Date

OFFICE USE ONLY:	Parcel#	Residential \$75 ____	Commercial \$150 ____
District:	Zoning:	Meeting Date:	Receipt #:
Submittal Date:	Staff Signature:		



Report to the
Zoning & Planning Board of Appeals
of the City of Green Bay

MEETING DATE

August 16, 2021

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.5

(Appeal 21-030) Steve Bieda, Mau & Associates, on behalf of Joe Mirhashemi, Mirashemi, Inc., property owner, proposes to construct a new parking lot in a General Commercial (C1) District at 215 Elizabeth Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 44-720, Table 44-9, front yard setback and Section 44-1918, landscape setback (Ald. C. Stevens, District 5).

BACKGROUND**RECOMMENDATION****FISCAL IMPACT****ATTACHMENTS**

- I. 215 Elizabeth St

[illegible]

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).
5 foot landscaped frontage (Sec. 44-1918)
Outdoor sales and display areas shall be separated from any adjacent street, sidewalk, or public walkway by a landscaped frontage strip at least five feet wide.
ALTERNATIVES:
Describe alternatives to your proposal, to include other locations, designs, construction techniques, etc.
Other designs of the proposed parking lot have been considered. However, due to the nature of the business that this lot will be conducting, the necessity of having pavement to the right of way is a crucial. This type of business relies heavily on visual attraction from passer-byes.
Alternatives that you considered that comply with existing regulations:
Alternatives we have considered that do meet the regulations are to move the proposed parking areas back and add a landscaped strip between the sidewalk and the parking lot.
Reasons for not pursuing the alternative(s) listed above:
The used car sales business relies heavily on the visual attraction from those who are driving / walking by the lot. Having the cars for sale setback from the road will be very detrimental to this type of business.
THREE STEP TEST - To qualify for a variance, the applicant must demonstrate that their property meets the following three (3) requirements:
Does unique physical characteristics of your property prevent the compliance with the ordinance? Explain
The property has residential neighbors to the North and West. By allowing the pavement to be placed to the right of way allows us to get the needed parking and also increase the green space buffer between the existing residential neighborhood and this commercial property. Whereas, across the road from this property is storage units which does not have regular people there to essentially care what the view from the road is.

Would granting the variance be contrary to the public interest? Explain.
Granting this variance would not be contrary to the public interest. Many businesses in this area have pavement to the right of way. Many neighbors in the area have shown support of this development.
Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome?
A used car sales lot is a very competitive business. Having the cars displayed as close to the road as possible is a key component to a successful business of this type.

I HEREBY CERTIFY THAT I HAVE READ AND FULLY UNDERSTAND THE VARIANCE PROCEDURE AND FAILURE TO COMPLY WITH CITY REQUIREMENTS WILL RESULT IN THIS APPLICATION BEING WITHHELD FROM CONSIDERATION BY THE ZONING BOARD OF APPEALS.

Signature of the Property Owner



Signature of Applicant (working as "Agent" for owner)

Print Name:

Steven M Bieda

Print Name:

Date

7/22/21

Date

OFFICE USE ONLY:	Parcel#	Residential \$75 ____	Commercial \$150 ____
District:	Zoning:	Meeting Date:	Receipt #:
Submittal Date:	Staff Signature:		



Report to the
Zoning & Planning Board of Appeals
of the City of Green Bay

MEETING DATE

August 16, 2021

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.6

(Appeal 21-031) Tyler and Jennifer Lenz, property owners, propose a detached garage in a Low Density Residential (R1) District at 704 S. Jackson Street. The applicants request to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-590, Table 44-4, side and rear yard setbacks (Ald. B. Galvin, District 4).

BACKGROUND**RECOMMENDATION****FISCAL IMPACT****ATTACHMENTS**

1. 704 s Jackson
2. Attachment 1 - Application Responses
3. Attachment 2 - Site Plan and Construction Plans

ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

APPLICATION DEADLINE: FIRST TUESDAY OF THE MONTH AT 12 NOON.

[illegible]

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).

SECTION 44-590, TABLE 44-4 SIDE AND REAR SETBACKS

ALTERNATIVES:

Describe alternatives to your proposal, to include other locations, designs, construction techniques, etc.

see attachment

Alternatives that you considered that comply with existing regulations:

see attachment

Reasons for not pursuing the alternative(s) listed above:

see attachment

THREE STEP TEST - To qualify for a variance, the applicant must demonstrate that their property meets the following three (3) requirements:

Does unique physical characteristics of your property prevent the compliance with the ordinance? Explain

see attachment

Would granting the variance be contrary to the public interest? Explain.
<i>See attachment</i>
Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome?
<i>See attachment</i>

I HEREBY CERTIFY THAT I HAVE READ AND FULLY UNDERSTAND THE VARIANCE PROCEDURE AND FAILURE TO COMPLY WITH CITY REQUIREMENTS WILL RESULT IN THIS APPLICATION BEING WITHHELD FROM CONSIDERATION BY THE ZONING BOARD OF APPEALS.

Tyler Lenz
Signature of the Property Owner

Signature of Applicant (working as "Agent" for owner)

Tyler Lenz
Print Name:

Print Name:

8/2/2021
Date

Date

OFFICE USE ONLY:	Parcel#	Residential \$75 _____ Commercial \$150 _____
District: _____ Zoning: _____	Meeting Date: _____	Receipt #: _____
Submittal Date: _____	Staff Signature: _____	

**BOARD OF APPEALS VARIANCE APPLICATION
TYLER AND JENNIFER LENZ
704 S. JACKSON STREET
PARCEL 14-561**

Describe the Variance Request:

The variance request for this application pertains to the setback requirements. The project contemplated is the replacement of an aging and deteriorated existing garage at the property with a new structure. The proposed variance is to construct the new garage with a footprint that maintains the existing setback along the southern edge of the property, which is at just 2'. The property is a corner lot and the setback at the west edge of the property would be in compliance with the minimum 4' setback.

Describe alternatives to your proposal, to include other locations, designs, construction techniques, etc.

The alternative to the requested variance would be to construct the new garage with a footprint that is shifted 2' to the north and such that it would allow for the 4' setback. Additionally, if the garage could be constructed with a double car door rather than two single car doors in order to make it functional. The Landmarks Commission specifically discussed maintaining the two single door design as an element important to the design.

Alternatives that you considered that comply with existing regulations:

Same as above.

Reasons for not pursuing the alternative(s) listed above:

Due to the close proximity of the house to both the existing and proposed garage, moving the footprint of the garage by 2' would not allow for navigating a vehicle into the garage. The existing garage currently sits a distance of 10'6" from the garage and the position of the garage doors relative to the width of the driveway are such that a vehicle approaching and entering the garage must do so on an angle as not to strike the garage door frame, the side porch, or the column supporting the porte cochere. The videos included demonstrate how challenging it is to navigate vehicles in the current garage location.

Maintaining the garage door location relative to the drive and porte cochere were specific design elements that were discussed during the approval of the Certificate of Appropriateness 21-06 by the Landmarks Commission.

Does unique physical characteristics of your property prevent the compliance with the ordinance? Explain

Yes, due to the positioning of the house on the property there is only one location where a garage can be located. Additionally, elements of the house that add character to its historic value such as the covered side and the porte cochere add to the complexity of complying with the zoning ordinance. This house is within the defined historic district and exterior projects are subject to the approval of the Landmarks Commission. Significant changes to exterior elements to comply with zoning, would not likely be approved and are not appropriate for a contributing historic home. The current (and proposed) location of the garage allows for navigating vehicles in and out of the structure, but with little room for error. Moving the footprint to comply with code would render a new garage useless for the actual storage of vehicles since there would not be room to navigate a vehicle in or out of the garage. See the videos included with this application which demonstrates the existing challenge at the current (and proposed) footprint of the garage.

Would granting the variance be contrary to the public interest? Explain.

No, the variance would allow for a new garage to be placed in the same location as the current garage. It would be located in the back corner of this corner lot and not in a location that is prominent from the view from the street and not detrimental to the neighboring properties.

Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome?

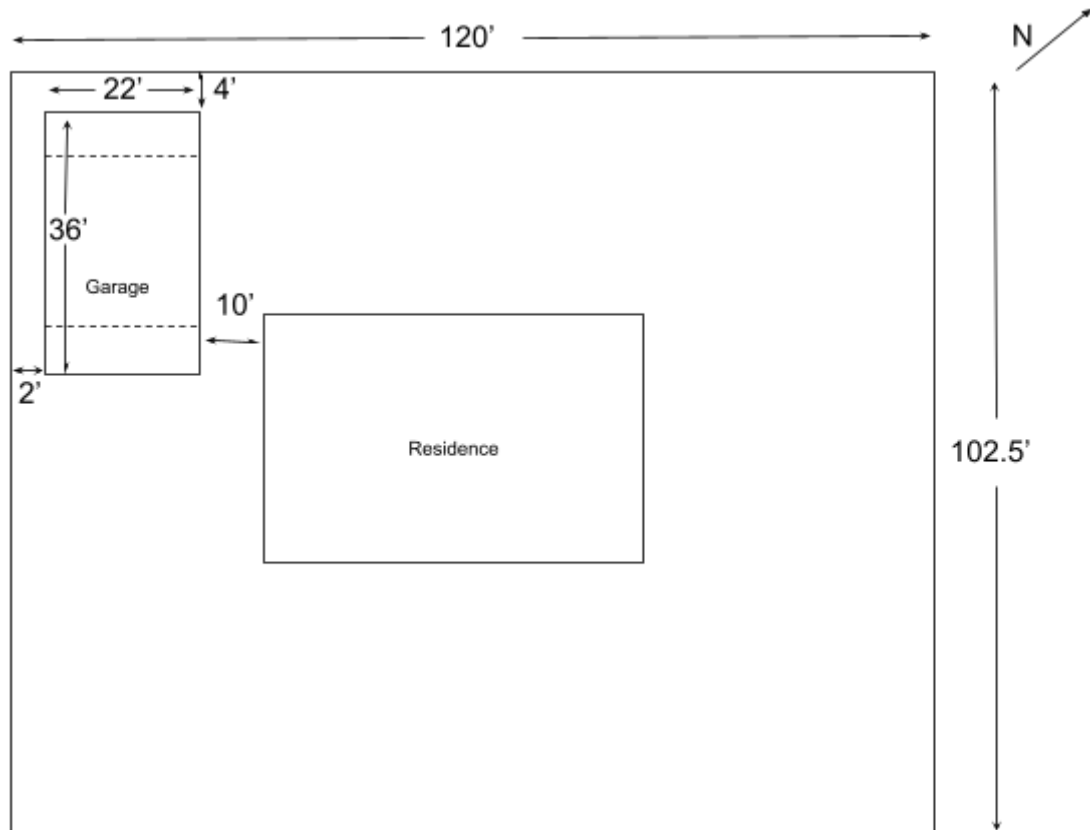
Yes, as mentioned above without the variance the new garage would not be a usable structure for vehicle storage. The current garage is deteriorated and unsafe and its demolition was approved by the Landmarks Commission in the COA. Several of the commissions visited the existing garage to view its condition.

VIDEOS OF EXITING CURRENT GARAGE

Video 1: <https://youtu.be/QYR1sPZqTcE>

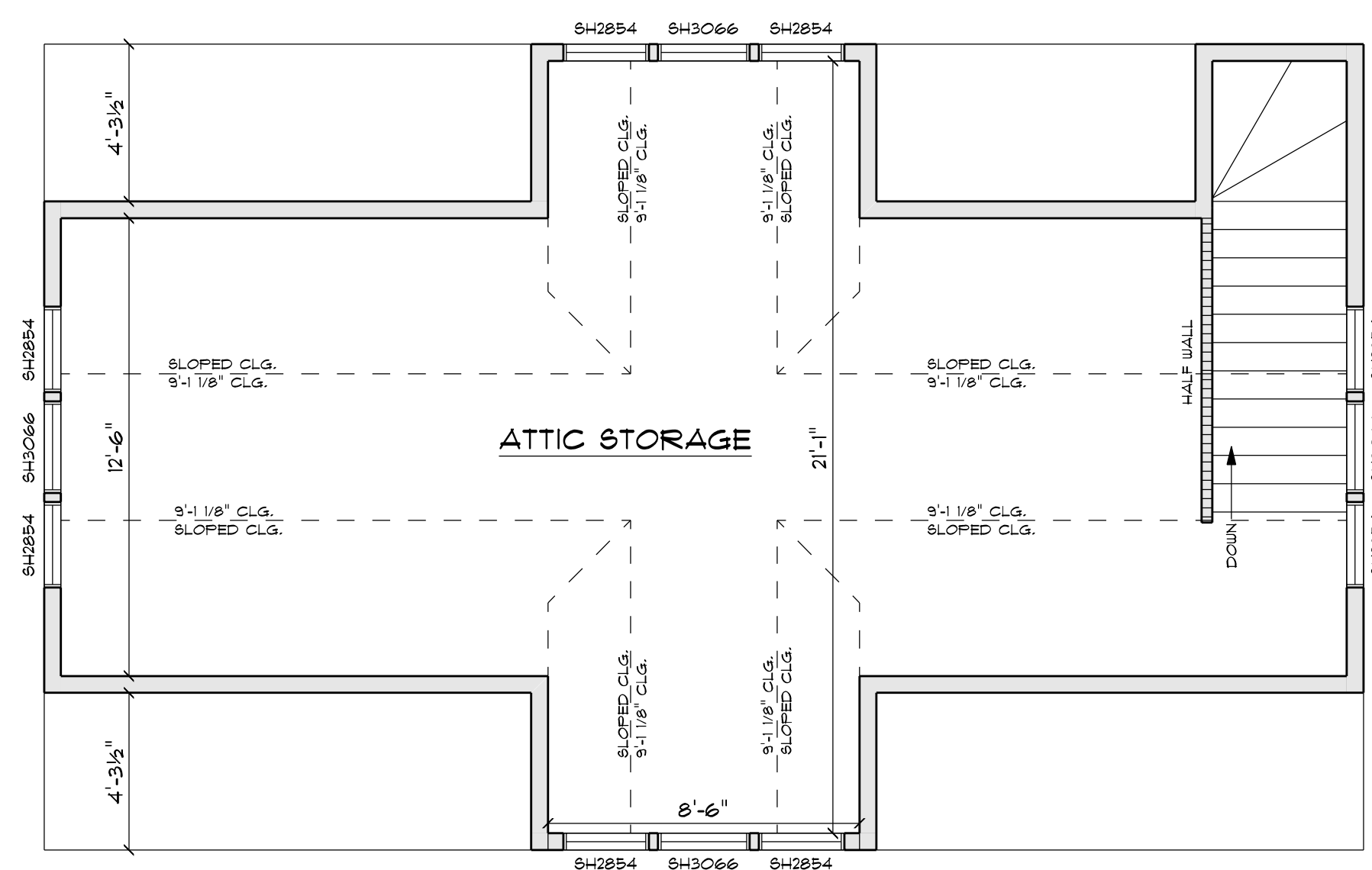
Video 2: https://youtu.be/YS_Wck8Agdg

Site Plan

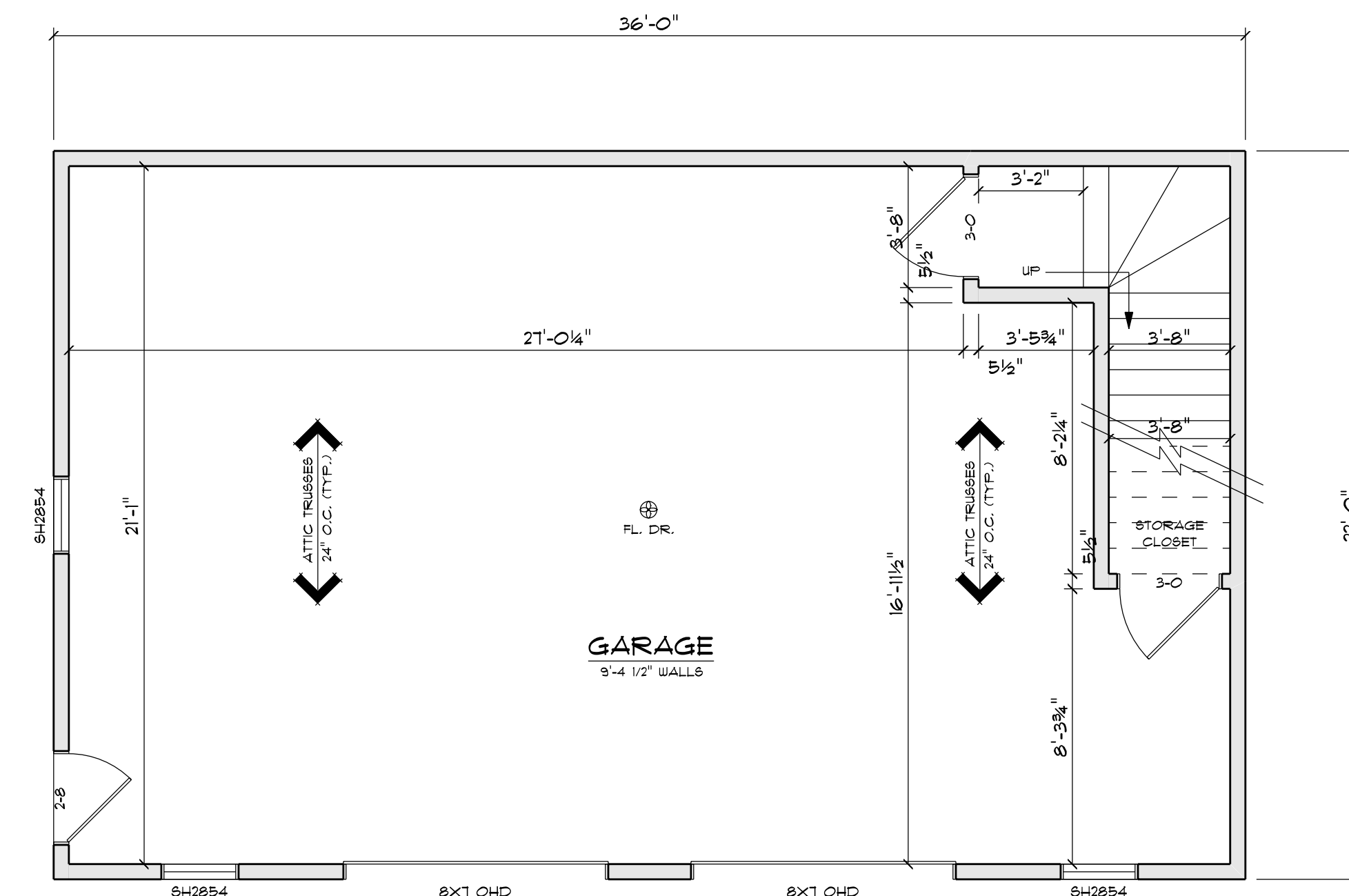


The site plan above shows the location of the rebuilt garage in the southwest corner of the property. The dashed lines represent an approximation of current garage walls.

FIRST FLOOR: 792
BONUS ROOM: 564



SCALE: 1/4" = 1'-0"

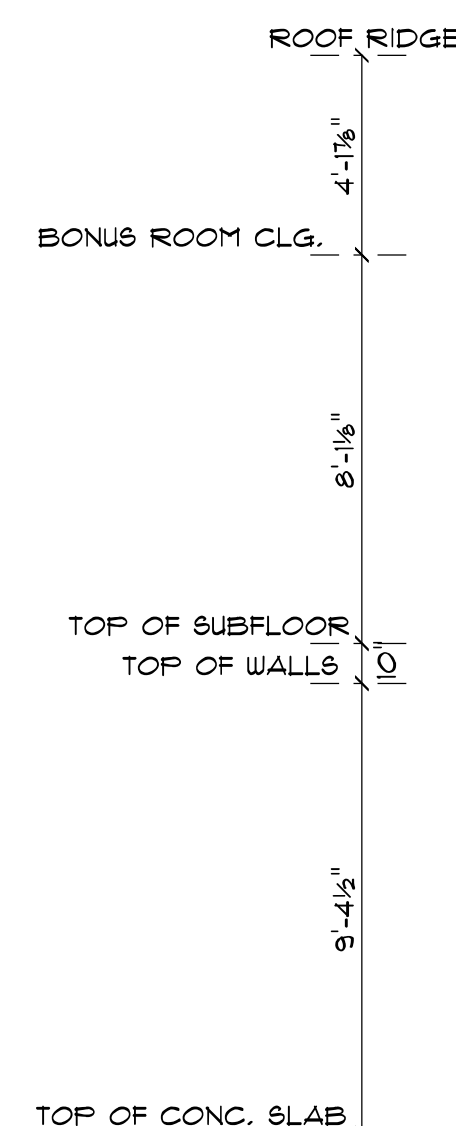


SCALE: 1/4" = 1'-0"

-NOT FOR CONSTRUCTION-



SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"

IMPORTANT NOTE:

- IT IS AGREED THAT ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING AND CHECKING THESE PLANS FOR ACCURACY, THE GENERAL CONTRACTOR/OWNER MUST REVIEW ALL DIMENSIONS, DETAILS AND NOTES BEFORE BEGINNING ANY CONSTRUCTION AND IS HEREBY HELD RESPONSIBLE FOR ANY DISCOVERED DISCREPANCIES.
- IT IS UNDERSTOOD THAT THE WISCONSIN SAFETY AND PROFESSIONAL SERVICES CODE AND LAYOUT DRAWINGS FOR FLOOR AND ROOF TRUSSES SHALL TAKE FINAL PRECEDENCE OVER THESE ARCHITECTURAL PLANS.

A 120

21 120 A
RHAGH



Wisconsin
BUILDING SUPPLY

2nd Quarter										
April - Special Mtg										
21-005	R1	I3-604, Table 6-2	1696 DECKNER AVE	21-2299-2	04/05/2021 (Special Meeting)	DENIED AS REQUESTED		5	N	N
21-009	R1	I3-604, Table 6-2	1692 DECKNER AVE	21-2299	04/05/2021 (Special Meeting)	DENIED AS REQUESTED		5	N	N
April										
21-008	C1	13-810, Table 8-2	1302-1306 E MASON & 615 S IRWIN	17-445	4/19/2021	GRANTED AS REQUESTED		4	N	N
21-010	R1	13-531(a)	1959 EVANS DR	6H-2433	4/19/2021	GRANTED AS REQUESTED		11	N	N
21-011	R1	13-615, Table 6-4	1043 S CLAY	17-158	4/19/2021	GRANTED AS REQUESTED		4	N	N
21-014	D2	13-2019	301 N ADAMS	12-195	4/19/2021	GRANTED W/ CONDITIONS	GRANT THE VARIANCE WITH THE CONDITION THAT THE EMC SIGN ON THE EAST SIDE OF THE BUILDING BE TURNED OFF AT 9 PM.	7	N	N
May										
21-015	R1	13-1716(b) 13-1715(c)(3)	1244-1248 LIBERTY	1-2697	5/17/2021	HOLD OVER REQUEST	TO HOLD REQUEST UNTIL NEXT SCHEDULED MEETING.	8	N	N
21-016	R1	13-1716(b)(c)(d)	2592 CHERRYWOOD LN	6H-1247-12	5/17/2021	GRANTED AS REQUESTED		11	N	N
21-017	R1	13-515(e)(10)	2867 OGDEN WOODS DR	6H-4121	5/17/2021	GRANTED AS REQUESTED		12	N	N
21-018	R1	13-1715(b)(2)	1861 PARKLAND	6-2254	5/17/2021	GRANTED AS REQUESTED		10	N	N
June										
21-013	C1, R1	44-720, Table 44-9	1979 MAIN ST	21-1328	6/21/2021	GRANTED AS REQUESTED		3	N	N
21-015	R1	13-1716(b) 13-1715(c)(3)	1244-1248 LIBERTY	1-2697	6/21/2021	DENIED AS REQUESTED		8	N	N
21-019	R1	44-358(3), Table 44-2	1718 ACORN WAY	6H-2113	6/21/2021	GRANTED AS REQUESTED		11	N	N
21-020	R1	Section 44-358(3)	456 TYROLIAN DR	21-3476	6/21/2021	GRANTED AS REQUESTED		2	N	N
21-021	R1		2468 WEST POINT RD	6H-1683	WITHDRAWN			12	N	Y (100 YR FP)
21-022	R1	44-1747(b)(3)(d) & (E)	2010-2014 ZEISE AVE	21-2827-H-25	6/21/2021	DENIED AS REQUESTED		3	N	N
21-023	R1	44-358(3), Table 44-2	617 PINE TERRACE	6-153-E-3	6/21/2021	GRANTED AS REQUESTED		11	N	N
21-024	R1	44-358(3)	1726 11TH AVE	1-1268	6/21/2021	GRANTED AS REQUESTED		9	N	N