



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, SEPTEMBER 20, 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 September 20, 2021, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

1. Approval of the Minutes from the August 16, 2021, meeting of the Zoning & Planning Board of Appeals.

E. Regular Business.

1. Election of Chair and Vice-Chair of the Zoning & Planning Board of Appeals.
2. (Appeal 21-032) Mason and Molly Crosby, property owners, propose to modify an existing driveway in a Low Density Residential (R1) District at 157 Garden Gate Court. The applicants request to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-1746(3)(a), Parking for single and two-family uses, driveway width (Ald. J. Brunette, District 12).

3. (Appeal 20-017) Brian Johnston, property owner, proposes to reconstruct an attached garage located in a Low Density Residential (RI) District at 1265 Rockdale Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, side yard setback and Section 13-613(c), general requirements accessory use area. This is a request for an extension of a previously approved variance with conditions from July 20, 2020 (Ald. C. Wery, District 8).

F. Informational.

1. Discussion on procedural items related to the Board of Appeals.
2. Next Meeting Date: October 18, 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

+1 312 626 6799,,82345213442# US (Chicago)

+1 646 876 9923,,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

September 20, 2021

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.2

(Appeal 21-032) Mason and Molly Crosby, property owners, propose to modify an existing driveway in a Low Density Residential (R1) District at 157 Garden Gate Court. The applicants request to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-1746(3)(a), Parking for single and two-family uses, driveway width (Ald. J. Brunette, District 12).

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

- I. 157 GARDEN GATE CT



ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 8/31/21	PROJECT #: 105774	APPEAL #: 21-32
APPLICANT INFORMATION:		
Name: Mason & Molly Crosby		
Business Name: _____		
Address: 157 Garden Gate Court		
City, State, Zip: Green Bay, WI 54313		
Phone: 920.264.8263		
Email: mollycc@me.com		
Property Owner Information (if different from above): N/A		
Name: _____		
Business Name: _____		
Address: _____		
City, State, Zip: _____		
Phone: _____		
Email: _____		
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:		
Location/Address: 157 Garden Gate Court, Green Bay WI 54313		
Tax Parcel Number(s): 6H-1069-7		
Describe the Variance Request: Our house is 30 years old and we moved in 5 years ago. We have not made our garage any wider nor do we intend to however our driveway is in sore need of repair. We are applying for a variance to avoid losing the functionality of our current driveway (being able to back out of the 3rd stall without having to make extreme maneuvers) while still complying with the vast majority of current permit regulations. The driveway 30 years ago violates current permit parameters they must have changed since the house was originally built.		
Specifically we would like to be granted permission to put a small section of driveway over the city easement leading off the front of the lot. We can still continue the sidewalk inset for city access with no problem.		

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

Chap 44 Art XVIII Div 3 Sec 44-1746
Dr. Jeway width and taper

DPW specs for aprons

ALTERNATIVES:

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

The alternative we have is to leave our decrepid driveway as is and pour a sidewalk along the side so as to not require a variance.

The city recommended plan is not a viable alternative as we would be investing significant money into a new driveway that would decrease in functionality as well as create a very odd footprint that would

Alternatives that you considered that comply with existing regulations: probably deter future buyers.

The city has been very helpful educating us as to the challenges of the size of our house and its position on the lot which is basically the source of our issue. The alternative countered by the city after permit application is to cut significantly into the footprint of the driveway we already have, angling acutely towards the center of our garage.

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

If we were to follow what is permissible we would be paying a significant amount of money for a driveway that would be less functional and markedly more difficult to use than the one we have now. We had an architect draw up both proposals we submitted and he agreed what is permissible is not a viable option for replacement and would be worse than what we have now. We want to follow the ordinances in absolutely every way possible and have tried hard to find solutions but without a variance this isn't an option.

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 unique way that the house was built 30 years ago (1991) prevents compliance with the ordinance because the width of the house, garage specifically, and orientation on the property (at an angle to the street with a 3 car garage) makes it inconceivable to spend over 20k on a driveway that would be significantly more difficult to back out of/pull into than the one we inherited when we bought the house.

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

Granting the ordinance would not be contrary to public interest because prior to applying for the permit this area contained landscaping that made this part of the permit unusable to anyone else. Therefore it would not impinge on public use as to our knowledge for 30 years it was already inaccessible. Also it would not be something that the public would have to look upon or make an accommodation of any sort. 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?

Should we pour a new driveway to the outline permitted our driveway would immediately and constantly become significantly harder to use. To back out from the third stall it would be very, very difficult to stay in the driveway and not hit the front of the car on the house. We would be pulling into where we wanted to go. We would most likely be off the driveway everytime we back out. We cannot improve the driveway without using

Furthermore we designed the driveway with the interest of the public in mind. By making the changes we propose guests could move easily park in our driveway whereas now visitors are mostly on the street congesting the cul de sac and usually pulling in front of the mail boxes inconvenient. 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

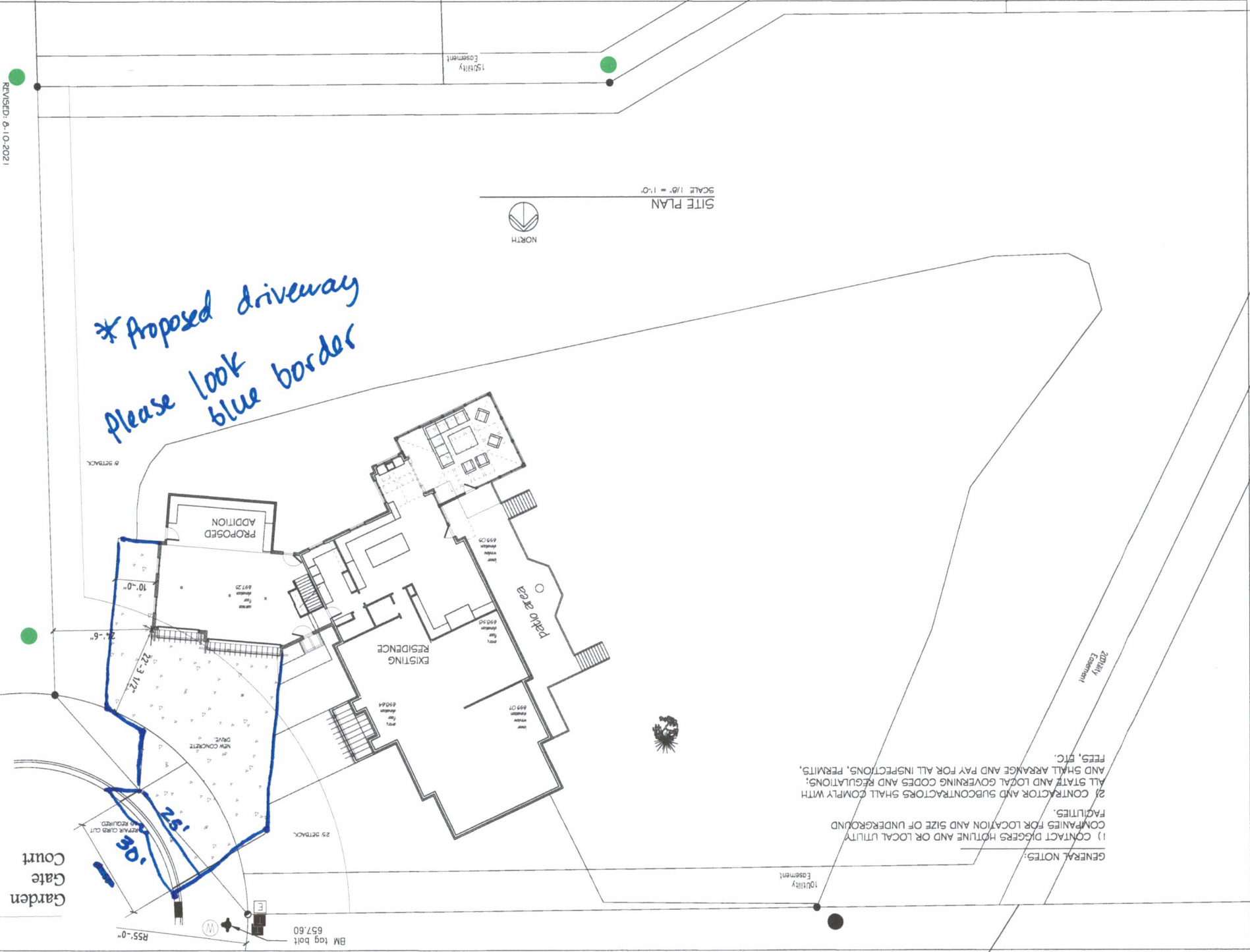
• function as it exists now. Not getting the variance and repaving as permitted would be a hardship on the neighbors as we would have even less functionality than we do now and would mean even more people parking in the cul de sac; which due to neighboring driveway openings doesn't have very much space for parking as it is. Our driveway needs to be addressed as it is crumbling, uneven, and gathers ice in the low points.

OFFICE USE ONLY:	Parcel# 6H-1069-7	Residential \$75 ☒ Commercial \$150 ☐
District: 12 Zoning: R1	Meeting Date: 9-20-21	Receipt #: 2759089-1
Submittal Date: 9-07-21	Staff Signature:	



PROJ. NO.	C1.1
SHEET	8/6/2021
DATE	8/6/2021
DESIGNED BY	C. RENIER ARCHITECTS, INC.
DRAWN BY	REMAIN AVENUE DE PERE WISCONSIN 5415 PH: (920) 760-0000 WWW.RENIERARCHITECTS.COM
CHECKED BY	
DATE	
PROJECT	M & M CROSBY RESIDENCE ADDITION GREEN BAY WISCONSIN

GENERAL NOTES:
1) CONTACT DIGGERS HOTLINE AND/OR LOCAL UTILITY COMPANIES FOR LOCATION AND SIZE OF UNDERGROUND FACILITIES.
2) CONTRACTOR AND SUBCONTRACTORS SHALL COMPLY WITH ALL STATE AND LOCAL GOVERNING CODES AND REGULATIONS, AND SHALL ARRANGE AND PAY FOR ALL INSPECTIONS, PERMITS, FEES, ETC.



GENERAL NOTES:

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Picture A- This is to show relative to our existing driveway what cutting back to the middle column of our garage mean to backing out and how we would lose driveway space we already have (is intact since the home being built 30 years ago). We have done renovation work to the house but we have not expanded the width of the garage in anyway; which we believe qualifies us for consideration for the variance as we could not avoid this problem nor did we create this issue for ourselves. This is due to the width of the garage in relation to the angle at which the house sits on the lot. Perhaps the permitting ordinances were different when the house was built. I do know that originally this lot wasn't part of the neighborhood so that could be a reason for why the driveway that we have differs markedly from what is permissible by the city.

Picture B- This is the same picture but marked with what we would like to do. Currently our driveway is not as wide as the city ordinance would dictate (18' instead of the required 30') and lacks the tapering of 2.5' on either side into 25'. Our new driveway design that we are asking the variance for would meet this requirement and allow for use of our third stall of the garage without falling off the driveway or risking scraping the front of our car on the garage opening to try and stay on the pavement.

Picture C- We would like to use this picture to illustrate how this variance would not be contrary to public interest and how in fact it could enhance public interest if granted. The portion circled used to have very mature trees on it. They were rotted to the core and so we had them removed. Had I known that the area they were in was city land perhaps I could have had you all take them down and saved several thousand dollars. But that is probably a different form ☺ Our point is that the space that we would like to have a little driveway on has not been accessible to the public for at least if the house has been built if not longer. The trees were easily 50-65 years old as determined by the arborists we had out when the limbs started falling and they were clearly a threat. Therefore, it would not negatively impact the public as it hasn't been usable until very recently when the dying trees were cleared.

The reason we feel that the variance would be a benefit is because if you look at the cul de sac and how close the driveways are together there is very little room to park on the street. Any given Packer football weekend we have a full house and then being a family of seven there is no shortage of coming and going. As a result, daily we have people stopping by and mostly parking on the street. Most of the time they pull alongside the mailboxes and park there, inadvertently obstructing the mailboxes. If we could have that little bit of extra space in the front it would allow access to the oversized sidewalk along the side of the garage and keep our company off the street. Our neighbors are lovely people and never complain and our USPS lady is also very accommodating but I think that it would be appreciated all around if we could keep that section, the only parking in front of our house, available to our neighbors and mail delivery.

Picture D- I feel as though the pictures don't quite do it justice but the driveway is in sore need of repair. The sunken section gathers water and freezes into a dangerous ice patch. The Kids bump around on it while riding their bikes and can't bounce basketballs around in certain sections. The curb is crumbling and there are cracks everywhere. If we are not granted this variance then we have no choice but to keep our existing driveway. We will not make a significant investment into a driveway that is more difficult to use.





25'

30'

B



c





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

MEETING DATE

September 20, 2021

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.3

(Appeal 20-017) Brian Johnston, property owner, proposes to reconstruct an attached garage located in a Low Density Residential (R1) District at 1265 Rockdale Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, side yard setback and Section 13-613(c), general requirements accessory use area. This is a request for an extension of a previously approved variance with conditions from July 20, 2020 (Ald. C. Wery, District 8).

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

1. 1265 Rockdale
2. Variance extension



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
www.greenbaywi.gov

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

Date: 6/17/20 Project Address: 1265 Rockdale St. Project #: 101385 Appeal #: 20-017

PROPERTY OWNER	APPLICANT INFORMATION
Name: <u>Brian Johnston / Lisa Hartman</u>	Name: <u>Brian Johnston</u>
Address: <u>1265 Rockdale St.</u>	Address: <u>1265 Rockdale St.</u>
City, State, Zip <u>Green Bay, WI 54304</u>	City, State, Zip <u>Green Bay, WI 54304</u>
Phone: <u>920-980-4421</u>	Phone: <u>920-980-4421</u>
Email: <u>bjohnston54304@att.net</u>	Email: <u>bjohnston54304@att.net</u>

Describe proposed plan:

The proposed plan is to take down the current attached garage and rebuild a new one that is two feet wider to accommodate fitting our two vehicles in. Also will be 24 feet longer to accommodate our kids toys and all my tools from being an auto mechanic. Hoping to also get all yard tools and equipment in garage to eliminate the need for the shed.

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

- * Ordinance 13-604 Amd. GO 11-14 Side yard setback is 8 feet for a 1 1/2 story home and this plan would only allow 5 feet.
- * Accessory larger than principal 13-613

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

We have a Dodge caravan and a Ford F150 that do not fit side by side in the garage where you are able to open the door to exit the vehicle.

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

Its an attached garage and due to the house position we are unable to move any further from the lot line.

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

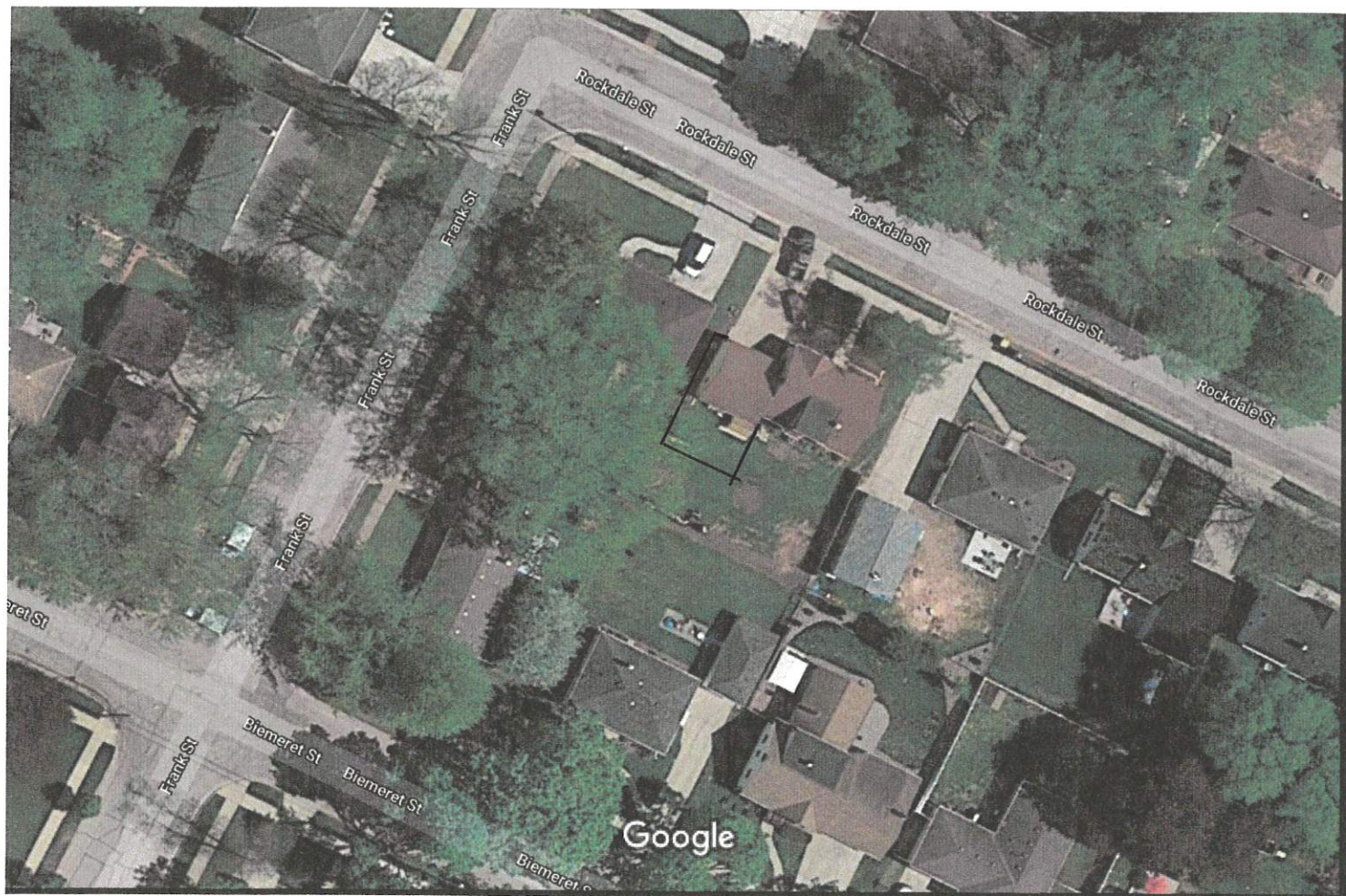
We have talked to all the neighbors around us and across the street. All of them are ok with what we have planned for building the garage. With the garage plan and all paved ways and fixtures we will still have over 50% green space.

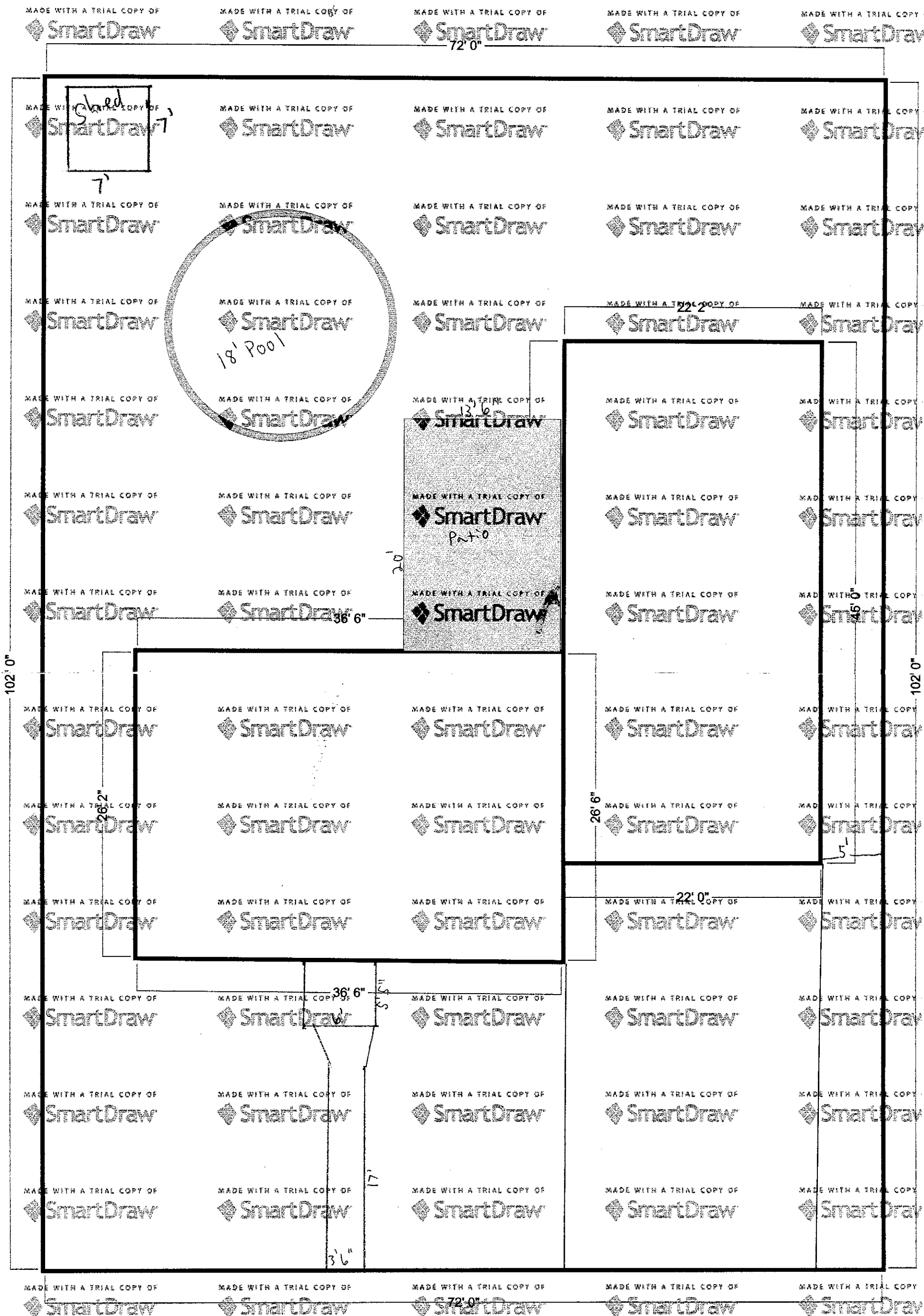
Prepare and submit a copy of a site plan (NO LARGER THAN 11X17) detailing your request completely and any additional information which will support your variance request.

Brian Johnston
Signature of Applicant

6/17/2020
Date

OFFICE USE ONLY:	Parcel# <u>1-1978</u>	Residential \$75 <u>X</u>	Commercial \$150 _____
District: <u>8</u> Zoning: <u>R1</u>	Meeting Date:	Receipt #: <u>2756154-2</u>	





From: [bjohnston54304](#)
To: [Paul Neumeyer](#)
Subject: Variance extension
Date: Monday, August 30, 2021 9:12:51 PM

Hi Paul I am looking for an extension on my variance to build a garage at 1265 Rockdale St. I was unable to get it built before lumber prices sky rocketed and would like to extend for a year in hopes prices return to normal.

Thank you very much

Brian Johnston

Sent from my Verizon, Samsung Galaxy smartphone