



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, FEBRUARY 21, 2022, 5:30 PM
Virtual Meeting. Public may join via Zoom.

A. Zoom Meeting Information.

1. This item contains Zoom information, instructions, and a link to the Virtual Comment Form.

B. Roll Call.

1. Members: Tommy Everman - Chair, Noel Halvorsen - Vice Chair, Don Carlson, Jim Hutchison, and Tom Hoy
Alternate: Vacant
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 February 21, 2022, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

1. Approval of the minutes from the January 17, 2022, meeting of the Zoning & Planning Board of Appeals.

E. Regular Business.

1. (Appeal 22-003) Jennifer Bastien, property owner, proposes to retain a detached accessory structure in a Low Density Residential (RI) District at 3526 Blackwolf Run. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-590, Table 44-4, corner side yard setback (Ald. B. Dorff, District I).
2. (Appeal 22-004) Denise Fassbender, property owner, proposes to retain a fence constructed in the front yard in a Low Density Residential (RI) District at 430 Fairview Court. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay

Zoning Code, Section 44-450(1), height (Ald. M. Steuer, District 10).

F. Informational.

1. Discussion on procedural items related to the Zoning & Planning Board of Appeals.
2. Next meeting date: March 21, 2022.

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=T1FBbFNiK1FqZUh1UzIWEhiVmZ1Zz09>

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

Passcode: 483400

Find your local number: <https://us02web.zoom.us/j/82345213442?pwd=T1FBbFNiK1FqZUh1UzIWEhiVmZ1Zz09>

Public Comments

If you wish to speak at this public meeting or leave a comment, please fill out the online [Comment Form](#) prior to the meeting.

Additional Information

1. Wisconsin Open Meetings Law still applies
 - a. Persons interested in speaking to an item must state their name and address for the minutes.
 - b. Committee/Commission/Board members will still follow *Roberts Rules of Order Newly Revised 12th edition*.
2. Please log into the Zoom meeting at least 10 minutes before the meeting begins to ensure a proper connection and that your technology is working.
 - a. If you are a Board Member, please log into [CivicClerk](#) with a computer, laptop, or tablet device.
3. Once you are in the meeting please mute yourself.
 - a. You may unmute yourself when you are called upon to speak.
4. Waiting room
 - a. When you call in or connect via web or Zoom app, you will be placed in a “waiting room.”
 - b. The meeting host will then admit you to the meeting, and mute you upon entrance (you will still be able to hear and or otherwise observe the meeting).
5. 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 be tied to an email.
6. Raising your hand
 - a. Committee/Commission/Board members—you can either use CivicClerk and request to speak or you can also utilize the “raise your hand” tool in the Zoom platform (you'd need to use a computer or tablet) to let the host know you would like to speak. You can also un-mute yourself and start speaking.
 - b. Persons with items on the agenda or other interested parties—you can also utilize the “raise your hand” tool on the Zoom platform via computer or mobile device. You will be allowed to speak once the committee, commission, or board has moved to “open the floor for interested parties to speak.” Once discussion on your agenda item has concluded, the host will mute you, unless the committee opens the floor again.
7. What devices should I use?
 - a. Smart phone (please see more detailed instructions on page 3)
 - b. Land line
 - c. Tablet—in advance of the meeting, please download the Zoom Meeting app by using either the Apple Store or the Play Store. You will be asked to input your name, to identify you for the meeting.
 - d. Computer—you can access the meeting through a web browser by clicking on the meeting link, or through the Zoom Meeting app. If using the app, please download it in advance of the meeting. You will be asked to input your name, to identify yourself for the meeting.
 - e. For tablet and computer users--if you download the app you may be asked to verify your email.

8. Zoom etiquette
 - a. Muting yourself when you're not speaking 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 state your name and address before you speak. Zoom meeting hosts can see only your telephone number and will ask you to identify yourself.
9. Closed session
 - a. Persons in the Zoom meeting will be put into a waiting room while the committee/commission/board meets in Closed Session. Participants will be admitted back into the Zoom meeting once the committee reconvenes in Open Session.
 - b. Persons watching a Common Council meeting live on YouTube will see a gray screen with the City logo during closed session.
10. Persons interested in attending anonymously or listening to the meeting may call in by dialing *67 followed by the phone number in the Zoom Meeting Information box.

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





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

MEETING DATE

February 21, 2022

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.1

(Appeal 22-003) Jennifer Bastien, property owner, proposes to retain a detached accessory structure in a Low Density Residential (R1) District at 3526 Blackwolf Run. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-590, Table 44-4, corner side yard setback (Ald. B. Dorff, District I).

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

1. 3526 Blackwolf Run
2. Picture 1
3. Picture 2
4. Picture 3
5. Picture 4



DATE: 01/17/22	PROJECT #: 104947	APPEAL #: 22-03
APPLICANT INFORMATION:		
Name: Jennifer Bastien		
Business Name:		
Address: 3526 Blackwolf Run		
City, State, Zip: Green Bay, WI 54311		
Phone: 920-857-9974 H#		
Email: smileyjen_23@yahoo.com		
Property Owner Information (if different from above):		
Name: same as above		
Business Name:		
Address:		
City, State, Zip:		
Phone:		
Email:		
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:		
Location/Address: 3526 Blackwolf Run Green Bay, WI 54311		
Tax Parcel Number(s): 22-1855		
Describe the Variance Request: Shed and Egress		
Addition of 7.5' x 11' Resin Outdoor Storage Shed (gray) and addition of egress windows to unfinished basement. Egress put in same location as prior basement window from when house was built.		

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

Sec. 44-590(C)(1) Detached accessory structures shall be located to the side or rear of the principal building and are not permitted within the required front yard or within a side yard abutting a street [continued on back]

ALTERNATIVES:

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

Alternatives that you considered that comply with existing regulations:

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

House is on a corner lot. Driveway runs up to Northwest side of the fence for access.

Sec. 44-358 - Permitted Setback Encroachments. All required setbacks shall remain open and unobstructed, except for the following permitted obstructions. In no case however, shall the identified permitted obstructions be located closer than one foot to a property line, except for fences. The vision triangle shall be regulated by the standards in Section 44-359.

- (1) air conditioning, heating, ventilation or other mechanical equipment, subject to the screening requirements in Section 44-1919, located only within rear or side yards and no closer than one half the appliance setback to a side or rear property line.
- (2) awnings, cornices, canopies, eaves, and other ornamental features, projecting not more than three feet into a yard.
- (3) Chimneys, fire escapes, uncovered stairs, ramps and necessary landings, bay windows no closer than one-half the applicable setback to a side or rear property line.
- (4) Containers for the storage of household refuse, compost, or firewood if screened from view.
- (5) Fences in compliance with Section 44-450.
- (6) Light fixtures, lampposts, and flagpoles.
- (7) Recreational playground equipment.
- (8) Signs in compliance with the provisions of Chapter 30 signs.
- (9) Walkways and steps not exceeding four feet in width.
- (10) Landscaping as not to infringe on the vision triangle as regulated in Section 44-359.
- (11) ~~over~~ covered porches are permitted in the front setback compliant with the conditional use permit requirements found in Section 44-83.
- (12) Ramps that provide access to a principal building compliant with ADA requirements.

Sec. 44-359 ~~(S)~~

- (3) Chimneys, fire escapes, uncovered stairs, ramps, and necessary landings, bay windows no closer than one-half the applicable setback to a side or rear property line.

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

Jennifer Bastien
Signature of the Property Owner

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

Jennifer Bastien
Print Name:

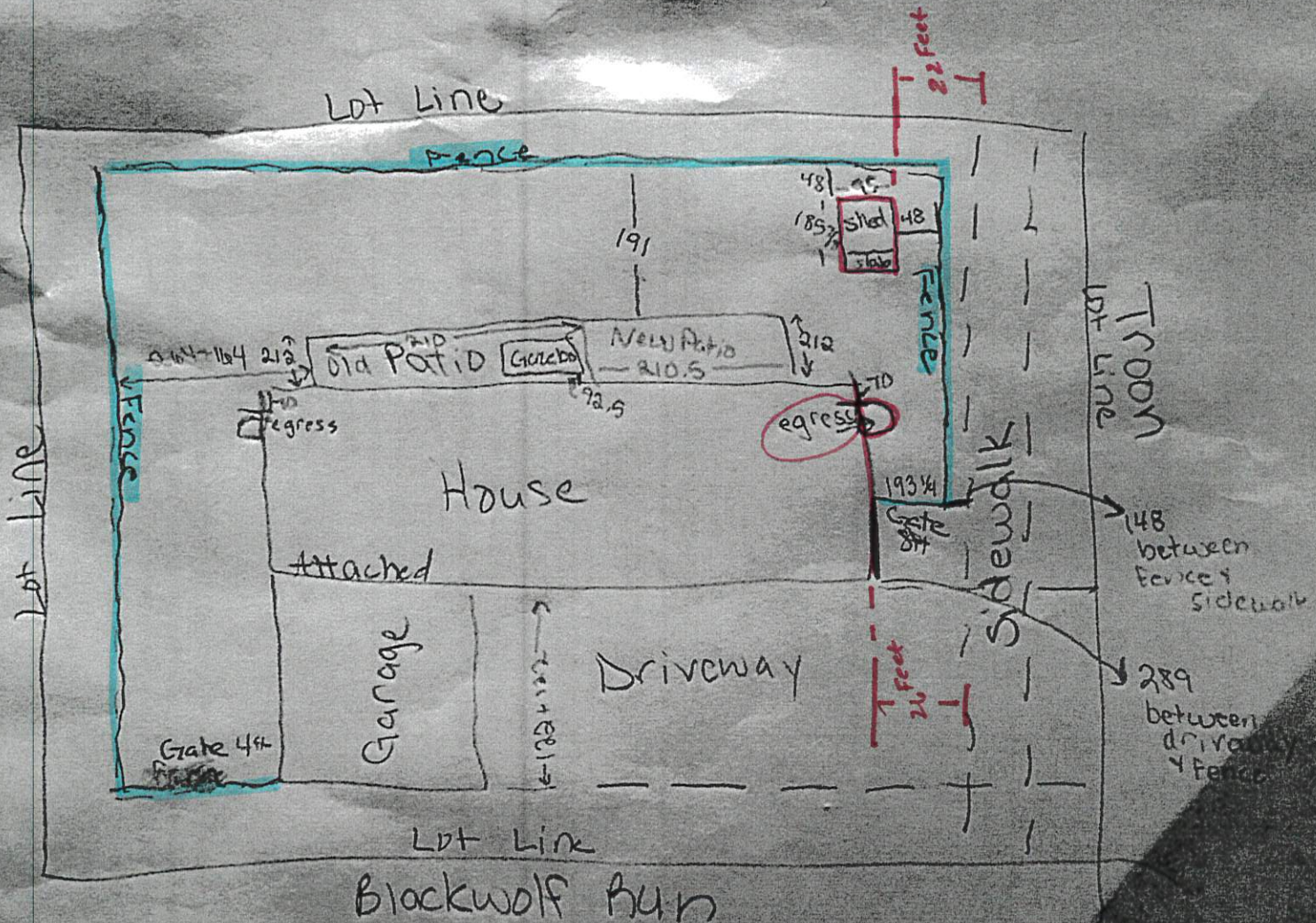
Print Name:

01/17/22
Date

Date

OFFICE USE ONLY:	Parcel# 22-1855	Residential \$75 <u>X</u> Commercial \$150 _____
District: 1 Zoning: R1	Meeting Date: 02/21/22	Receipt #: 2760170-2
Submittal Date: 02/01/22	Staff Signature:	

3526 Blackwolf Run
Parcel # 22-1855



Measure
Lot line
Fence
Shed + slab
Patio
Gazebo









2800 TRON AVE
2800 BLACKWOLF AVE



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

MEETING DATE

February 21, 2022

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.2

(Appeal 22-004) Denise Fassbender, property owner, proposes to retain a fence constructed in the front yard in a Low Density Residential (R1) District at 430 Fairview Court. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-450(1), height (Ald. M. Steuer, District 10).

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

- I. 430 Fairview Ct



ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 1-15-2022	PROJECT #: 105162	APPEAL #: 22-004
APPLICANT INFORMATION:		
Name: Denise Fassbender		
Business Name: N/A		
Address: 430 Fairview Ct		
City, State, Zip: Green Bay, WI 54303		
Phone: (920) 737-5912		
Email: denisefassbender.34@gmail.com		
Property Owner Information (if different from above):		
Name: Same as Applicant		
Business Name:		
Address:		
City, State, Zip:		
Phone:		
Email:		
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:		
Location/Address: 430 Fairview Ct		
Tax Parcel Number(s):		
Describe the Variance Request:		
Presently the fence is 7ft off of the sidewalk on Elmore St. It was connected to an existing fence my neighbors put up, on my property. In 2017 I submitted my site plan for the proposed fence as well as the dimensions for the proposed fence. I recieved my site plan back along with my building permit. No revisions were requested in writing or marked on my site plan. I will also be able to provide you with pictures of other fences in my neighborhood that dont meet with your current code requirements.		

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

Section 44-450(1)(a) Front yard fence height

ALTERNATIVES:

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

There are no alternatives at this time.

Alternatives that you considered that comply with existing regulations:

There are none. I want to be able to use as much of my back yard as possible. If made to move it back 8 more ft, I will loose the use of approximately 40% of my back yard. I dont have the funds to redo my fence.

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

Living on a corner, people cut through my yard in the dark, breaking pots (flower), stepping on & breaking sprinklers, stealing lawn furniture & tank from my gas grill, dumping garbage including a car tire. No security or privacy - vandalizing my car & my garden

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

Living on a corner, people cut through my yard at night. My garden was vandalized, pots broken, sprinklers broken, vegetables taken & sometimes smashed in my or neighbors yards. Lawn furniture & tank from my gas grill stolen. The fence has eliminated these problems.

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

I have recieved compliments from many of my neighbors on my fence and the landscaping in front of it. It has stopped people from cutting through my yard and creating problems with theft and vandals.

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?

No privacy or security. I wont be able to use my back yard. How would I be able to keep my property safe? I dont have the financial ability to "redo" this fence. I took me 9 years to complete the fence. Put it up in sections as I could afford to ~~com~~ complete 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.

Denise Fassbender
Signature of the Property Owner

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

Denise Fassbender
Print Name:

Print Name:

1-15-2022
Date

Date

OFFICE USE ONLY:	Parcel# 5-1602	Residential \$75 <u>X</u> Commercial \$150 ____
District: 10 Zoning: R1	Meeting Date: 02/21/22	Receipt #: 2760170-4
Submittal Date: 02/07/22	Staff Signature:	