



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, MAY 16, 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, Barb Dorff, and Tom Hoy
Alternate: Steven Schuchart
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 May 16, 2022, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

1. Approval of the minutes from the April 18, 2022, meeting of the Zoning & Planning Board of Appeals.

E. Regular Business.

1. Election of Officers - Chair and Vice Chair.
2. (Appeal 22-008) Rob Jagodeinski, Loch Construction, on behalf of Joseph and Ann Pryal, property owners, propose to retain an existing driveway expansion in a Low Density Residential (R1) District at 425 Manchester Drive. The applicants request to deviate from the following requirements in Chapter 44, Green Bay Zoning Code, Section 44-1746(2)(c), Parking for single and two family uses and Section 44-1746(3) driveway width taper (Ald. M. Steuer, District 10). (Held over from the March 21 meeting)

3. (Appeal 22-016) Christopher Jandrain, Mobeta, LLC, property owner, proposes to repave an existing gravel driveway in a Low Density Residential (RI) District at 617 South Clay Street. The applicant requests to deviate from the following requirements in Chapter 44, Green Bay Zoning Code, Section 44-1746(1), number of driveways and Section 44-1746(2)(d) side yard setback (Ald. B. Galvin, District 4).
4. (Appeal 22-017) Christopher Jandrain, Mobeta, LLC, property owner, proposes to repave an existing gravel driveway in a Low Density Residential (RI) District at 621-623 South Clay Street. The applicant requests to deviate from the following requirements in Chapter 44, Green Bay Zoning Code, Section 44-1746(1), number of driveways and Section 44-1746(2)(d) side yard setback (Ald. B. Galvin, District 4).
5. (Appeal 21-018) Corey Bogenschutz, property owner, proposes to replace an existing pool in a Low Density Residential (RI) District at 2874 Ogden Woods Court. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 44-385(e)(10) waterway setback (Ald. J. Brunette, District 12).

F. Informational.

1. Discussion on procedural items related to the Zoning & Planning Board of Appeals.
2. Next meeting date: June 20, 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/85419145658?pwd=VWxYY1FIRXBMcXU3dzU0VU0xQ1NKdz09>

Meeting ID: 854 1914 5658

Passcode: 735080

One tap mobile

+13126266799,,85419145658# US (Chicago)

+16468769923,,85419145658# 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: 854 1914 5658

Passcode: 735080

Find your local number: <https://us02web.zoom.us/j/kcPZFUwg9G>

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

May 16, 2022

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.2

(Appeal 22-008) Rob Jagodeinski, Loch Construction, on behalf of Joseph and Ann Pryal, property owners, propose to retain an existing driveway expansion in a Low Density Residential (R1) District at 425 Manchester Drive. The applicants request to deviate from the following requirements in Chapter 44, Green Bay Zoning Code, Section 44-1746(2)(c), Parking for single and two family uses and Section 44-1746(3) driveway width taper (Ald. M. Steuer, District 10). (Held over from the March 21 meeting)

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

1. App 425 Manchester Dr
2. Fw_ contract 425 manchester drive
3. Update pics 425 Manchester Dr
4. Pryal_Plat of Survey_02
5. Re_ Zoning and Planning for Manchester Dr 5-13 Conrad



ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 2-16-2022	PROJECT #: 106382	APPEAL #: 22-08
APPLICANT INFORMATION:		
Name: Rob JAbodzinski		
Business Name: Rob JAbodzinski Builders (Locks (constructor))		
Address: 14408 Warrington Lake Lane		
City, State, Zip: Gillett WI 54124		
Phone: 920 360 9507		
Email: rjabodzinski70@gmail.com		
Property Owner Information (if different from above):		
Name: Joseph and Ann Pryal		
Business Name:		
Address: 425 Manchester Dr		
City, State, Zip: Green Bay, WI 54303		
Phone: 920-615-0672		
Email:		
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:		
Location/Address: 425 Manchester Dr Green Bay, WI 54303		
Tax Parcel Number(s): 6-2690		
Describe the Variance Request: widened the Driveway to the right from Road 6" foot. widened to left 2.5 foot. and the Apron had permits and inspection done. then poured concrete. Now we need to get Variance for the work that was done. driveway was very narrow and hard to get. two vehicles on driveway plus camper was parked on the side of driveway in front lawn wrecking grass and looking terrible many driveways in the area have similar looks we ask that this can be done to be useable and make it easier for use and look's nice. Thanks you.		

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

SECTION 44-1746(3) driveway width

ALTERNATIVES:

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

To be able to use Driveway and camper parking Driveway needs angle for length of camper and truck to back in Driveway. Their 15'1/2 Enough Room (space) between Garage at 425 and neighbor to park in between

Alternatives that you considered that comply with existing regulations:

my understanding and advise Giving to me was. Stay 2.5" of lot line and we would be okay asking for forgiveness or variance on Driveway to make it work for owner

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

the lawn will look terrible mud after time hard to back on the area with camper

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 Driveway widened and angled makes it useful and looks nice for neighbors and passer byers many neighbors have the same or similar Driveways

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

yes neighbors already commented on the look of it and saying how nice it is (looks like a fuction) and anyone would be happy to have that as their own Driveway

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?

Camper would sit on grass and it would look like an eye soar to the area keep road clean and maintain property to look good for neighbor hood

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

Joseph F Poyal

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

Rob J Abadzinski

Print Name:

Joseph F Poyal

Print Name:

Rob J Abadzinski

Date

2/28/2022

Date

2-12-22

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

We needed to expand our driveway
In order to be able to Park our
travel trailer and be compliant
With City regulations. Our driveway
Wasnt wide enough to accomidate
~~and~~ ^{and} We didnt have enough room
On the side of the garage or
On the opposite side of the house

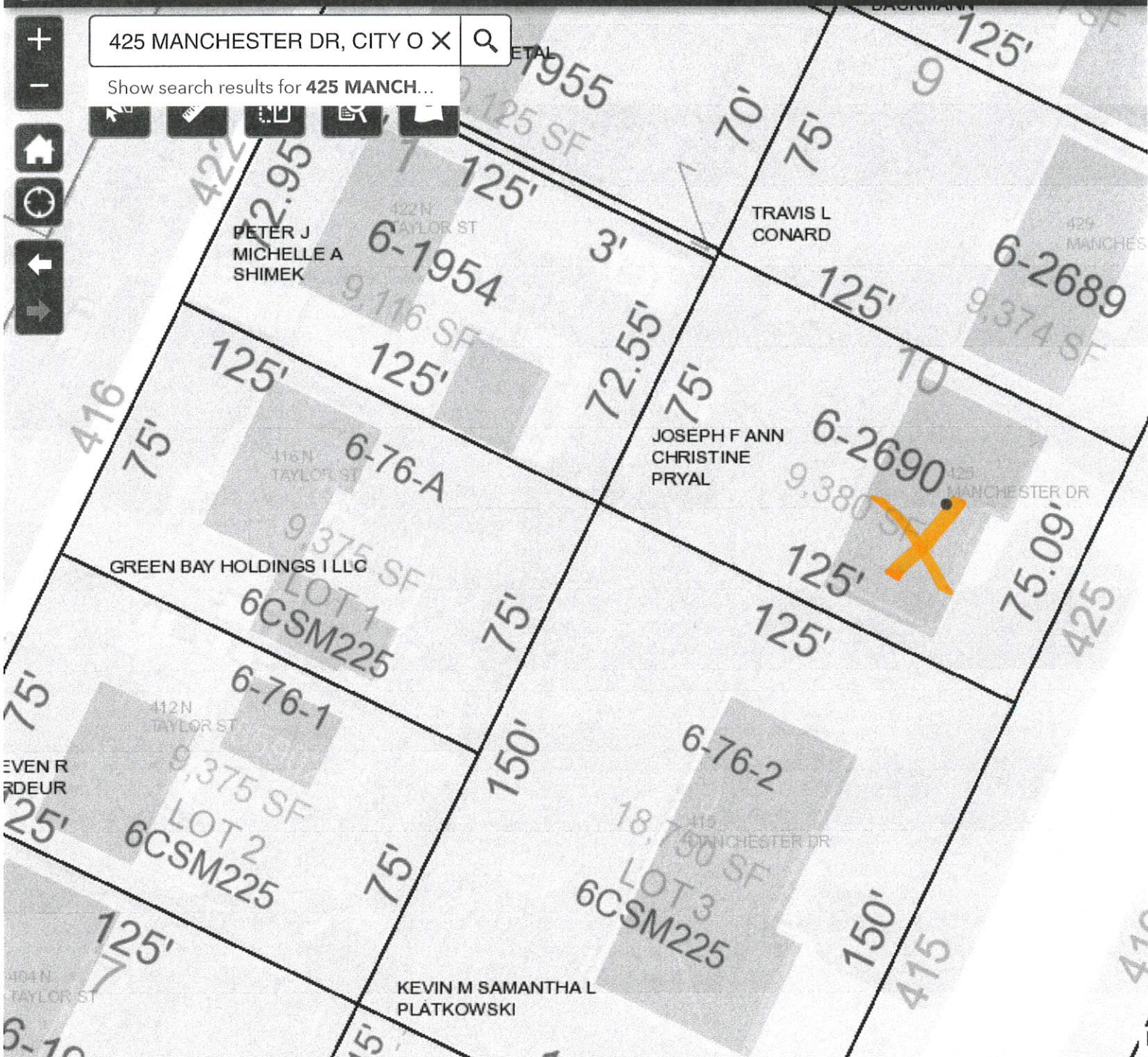
Just FYI



425 MANCHESTER DR, CITY O X



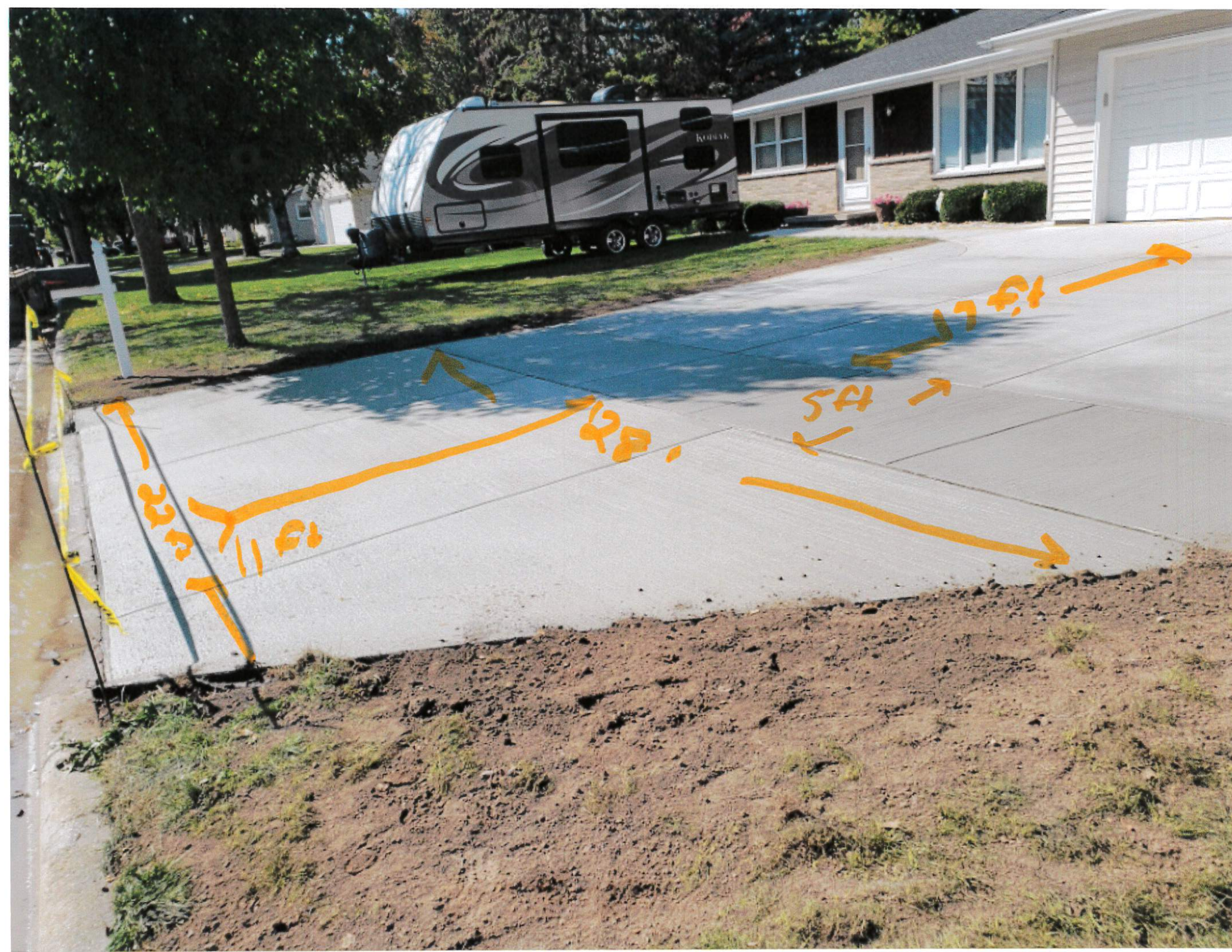
Show search results for 425 MANCH...



111













1265 Lombardi
Ave. Greer Bay wi
54304

1265 Lombardi
Av. Greenbay Wi.
54304

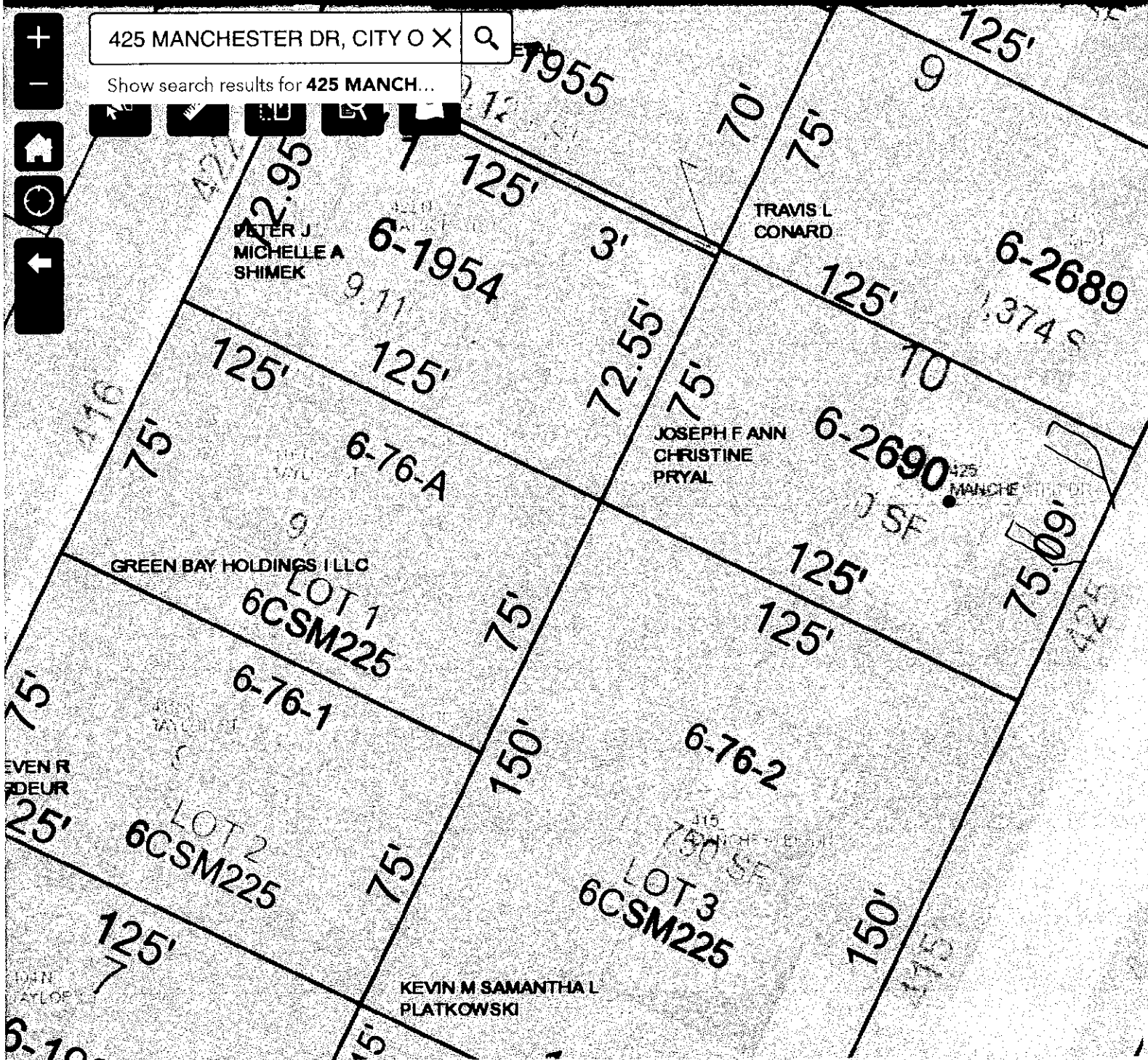
MADE IN U.S.A.
LIFE CONT.



425 MANCHESTER DR, CITY O X



Show search results for 425 MANCH...



From: [ann PRYAL](#)
To: [Paul Neumeyer](#); [ann PRYAL](#)
Subject: Fw: contract 425 manchester drive
Date: Tuesday, May 3, 2022 7:32:48 AM
Attachments: [image0.jpeg](#)
[image1.jpeg](#)
[image2.jpeg](#)
[image001.jpg](#)
[Pryal_Plat of Survey_02.pdf](#)

Hello,

When we last met, we were painted in a light that made it sound like we just went and expanded our driveway without permits. Here is a timeline of the events

Sept 9th they started digging for the driveway expansion

Sept 10th there was a sign put up permit wasn't approved.

Sept 23rd we were told permit was approved

Sept 27th it was inspected because the city was called and the concrete was ready to be poured and Bucky Loch(contractor) was told the pitch needed to be raised 1/2in. it was raised

Sept 28th was reinspected and they gave the green light to pour to Bucky Loch

Sept 30 we rec letter stating proper permits weren't obtained. We emailed Mike Van De Wattering to find out what was going on because we had the permit and we're told it was good to go. found out then 2 permits were needed. never before this point were we informed of this and that the only option was to request a variance

We had alderman Mark Steur out after our last meeting. He said he didn't think there would be a problem with the driveway. But to also make sure we weren't over the lot line. We got a property survey which shows that we are still 2ft 6in from the lot line. Our previous meeting the pictures that were taken made it seem like we were over. Attached is the property survey and pictures of what it looks like to the lot line.

thank-you
Ann Pryal

425 manchester Drive

From: Aaron Ballast <tnt-pls@tntsurveyors.com>
Date: May 2, 2022 at 11:11:55 AM CDT
To: ann PRYAL <apryal@outlook.com>
Subject: RE: contract 425 manchester drive

Ann,

Sorry about that. I misinterpreted my notes to mean that you were worried about your driveway encroaching on the neighbor's property. I have attached a copy of the updated map to show dimensions from the driveway to the property line. I will get hard copies in the mail. Again sorry for the confusion.

Aaron Ballast, PLS, CST

2165 S. Broadway
Green Bay, WI 54304
Office: 920-406-1477
Cell: 920-680-8261
www.tntsurveyors.com







Plat of Survey

LEGAL DESCRIPTION:

All of Lot 10, according to recorded plat of Florence M. Skogg Subdivision recorded as document number 743945, Volume 15, Page 30. In the North 1/2 of Lot 100 Fort Howard Military Reserve, City of Green Bay, Brown County, Wisconsin.

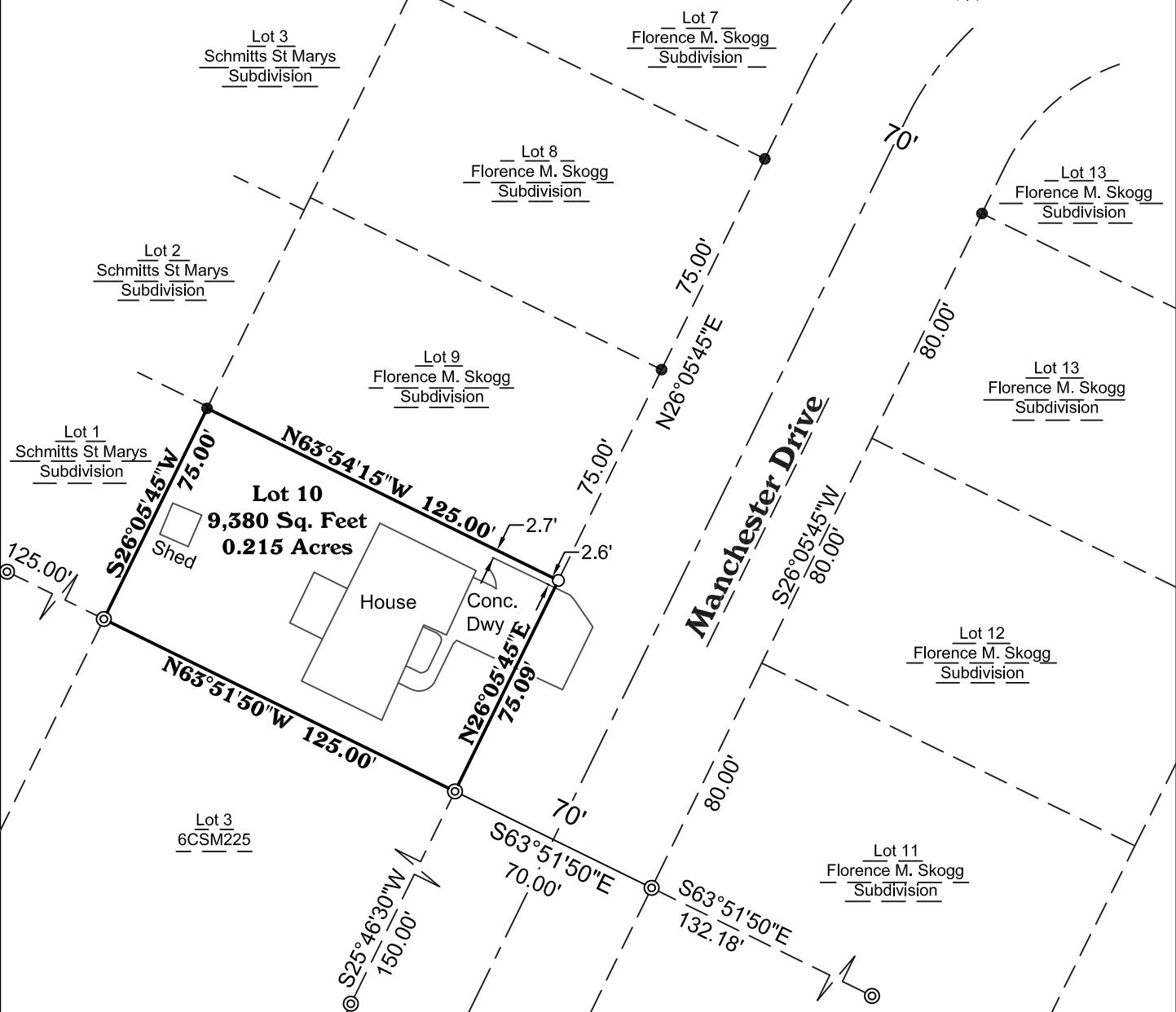
SURVEYOR'S CERTIFICATE:

I, Aaron D. Ballast, Professional Land Surveyor #2880-008, do hereby certify that I have surveyed and mapped the above described lands under the direction of Ann Pryal, owner, and that this survey complies with Chapter A-E 7 of the Wisconsin Administrative Code and is true and correct to the best of my knowledge and belief.
Field work was completed April 29th, 2022

Dated this 29th day of April, 2022



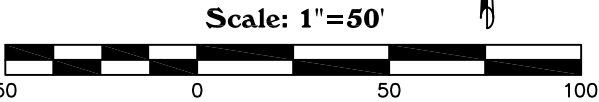
Aaron D. Ballast
S-2880-008





TNT
Professional Land
SURVEYORS Inc.
2154 Early Street
Green Bay, WI 54304
(920)406-1477
Job # 0322-113

Tax Parcel No.: 6-2690
Owner: Joseph F. and Ann C. Pryal
Address: 425 Manchester Dr.



Bearings referenced to the West Right of Way of Manchester Drive recorded to bear N26°05'45"E

- 1" Iron pipe found.
- 1" by 18" Iron pipe set.
- ⊙ 2" Iron pipe found.

Drafted by: AJH
Sheet 1 of 1

From: [Travis Conard](#)
To: [Paul Neumeyer](#)
Cc: [District Ten](#)
Subject: Re: Zoning and Planning for Manchester Dr 5-13
Date: Friday, May 13, 2022 2:14:08 PM
Attachments: [Zoning Code 44-1746 Residential Driveways.pdf](#)
[Email from Travis Conard to Alderman Steuer.pdf](#)

Hello Mr. Neumeyer,

Out of respect for everyone's time on Monday evening, I was wondering if you could please submit my email to Mr. Steuer to the record (see attached). I think it explains my point of view on the whole situation quite well. If the board members were able to read it before Monday's meeting, it could help things go quicker than last time.

Thanks for your consideration.

Travis Conard
429 Manchester Dr, Green Bay, WI 54303
travis.conard@gmail.com
920-543-6789

On Fri, Apr 29, 2022 at 4:04 PM District Ten <District.10@greenbaywi.gov> wrote:

Travis, I have further information to share if you'd like to visit. I can meet you via phone or at a location away from the neighborhood, if need be.

Mark

Sent from my iPhone

On Apr 29, 2022, at 3:59 PM, Paul Neumeyer
<Paul.Neumeyer@greenbaywi.gov> wrote > wrote:

Usually, I do not contact them. If an item was held up for some reason by the Board, most applicants are fairly diligent on providing more information and let me know when they want to come back usually, because they want to build something and don't want to waste too much time. In this case, it is a compliance issue where the driveway has already been improved so, maybe there is not much motivation, not sure. I am hoping they will be able to provide more details and come back to the Board to resolve the issue, enforcement would be the last resort.

From: District Ten
Sent: Friday, April 29, 2022 3:51 PM

To: Paul Neumeyer <Paul.Neumeyer@greenbaywi.gov>

Subject: Re: Zoning and Planning for Manchester Dr

For clarification, Paul, do the folks looking to be placed on the BOA agenda need to contact you, or do you contact them? Some folks are ignorant on City matters, and may not know how to proceed?

Sent from my iPhone

On Apr 29, 2022, at 3:40 PM, Paul Neumeyer
<Paul.Neumeyer@greenbaywi.gov> wrote:

I have not talked with the applicant so he most likely does not realize the timeframe. The Board held over the request until the next available meeting from the original meeting in March so, there is some flexibility however, if he does not return to the Board either for the May or June meeting, I may ask Mike to take enforcement action as necessary.

From: District Ten

Sent: Friday, April 29, 2022 3:26 PM

To: Paul Neumeyer <Paul.Neumeyer@greenbaywi.gov>

Subject: Re: Zoning and Planning for Manchester Dr

My fear is he won't do this. In that case, would Inspection make their own determination? Does he realize that he has til Tuesday to make it onto the agenda?

Sent from my iPhone

On Apr 29, 2022, at 3:03 PM, Paul Neumeyer
<Paul.Neumeyer@greenbaywi.gov> wrote:

Ideally it should be the applicant as it is their request and

the burden is on them to seek compliance and remedy the violation. Before this would head back to the BOA, the applicant should be prepared to provide a strong site plan with dimensions of the improvements and provide any new information relevant to the case.

From: District Ten
Sent: Friday, April 29, 2022 2:28 PM
To: Paul Neumeyer <Paul.Neumeyer@greenbaywi.gov>
Subject: Fwd: Zoning and Planning for Manchester Dr

Paul,

This email is from the neighbor on Manchester who is opposed to the driveway extension. Who should request this to be on BOA? Me? Travis? Joe? Advise.

Mark

Sent from my iPhone

Begin forwarded message:

From: District Ten
<District.10@greenbaywi.gov>
Date: April 13, 2022 at 6:18:10 PM CDT
To: Travis Conard
<travis.conard@gmail.com>
Subject: Re: Zoning and Planning for Manchester Dr

Hello Travis. I'll look this over. Without seeing the agenda, I was wondering if it was on the BOA agenda for this month. I'm at 930-664-6033. I'll contact before Friday evening.

Sent from my iPhone

On Apr 13, 2022, at 1:06 PM,
Travis Conard
<travis.conard@gmail.com>
wrote:

Hello Mr. Steuer,

First of all, I want to say
congratulations on your
recent reelection to the Green
Bay Common Council. I also
want to thank you for
attending the Zoning &
Planning Board of Appeals
meeting on March 21st. I
know that you have a very
busy schedule and I
appreciate that you took the
time to listen.

My name is Travis Conard.
My wife, Michelle, and I own
the property at 429
Manchester Dr. At the March
meeting I voiced my
opposition to the variance for
a driveway extension at 425
Manchester Dr. I'm thankful
that relations with our
neighbor (Joe) have remained
civil to this point, and I have
no doubt we'll keep it that
way going forward.

As confirmed in the meeting
by Zoning Administrator,
Paul Neumeyer, Zoning
Code, Sec. 44-1746 states that
"driveways may increase to
the edge of the garage" (see
attached). I don't quite
understand the rules for the

apron and quite honestly, I don't think I'm concerned with that part. I'm not concerned with the extension of Joe's driveway to the south, either. My concern is with the extension to the north, toward our home. We're being boxed in on both sides by large campers and motorhomes. In effect, there's a 12-foot fence being erected right outside our bedroom window for the majority of the year; the time of year when our windows are open and we would like to enjoy our neighborhood. I'm especially concerned with Joe's plans to have guests stay overnight in the camper. The thought of strangers camping right outside our bedroom window is unsettling and impedes on our privacy. There are also safety concerns with backing out of driveways. There are neighborhood kids that walk to school on our road, and others that frequently ride their bikes up and down the road. The large motorhomes and campers block our view of oncoming vehicles/pedestrians, making it difficult to safely back out of the driveway. It really just boils down to the fact that there's not enough room for a large camper. Having such a large structure so close to our home and the roadway is confining, imposing, decreases safety, and could negatively impact our property value. I'd imagine that's why there are zoning regulations limiting fence height to three feet in front yards (Zoning Code, Sec. 44-

450).

The root of the problem is that the camper is very large and takes up a lot of space. There's a burden involved with storing such a large piece of equipment. By granting a variation to extend the driveway past the garage, it would alleviate the burden for one homeowner (Joe) by shifting it to the neighboring homeowner (me). Simply put, extending the driveway to the north doesn't solve the root problem, it just transfers the ramifications from Joe to me.

I honestly feel bad for Joe and his family. For everyone's sake, I wish his contractor would have followed the proper permitting process. He should have been honest with Joe upfront and told him the code doesn't allow for an extension past the garage. I tried my hardest in the beginning to express my concerns and asked many times that everything just be up to code. Long before any concrete was poured, I showed the contractor the exact zoning regulation about driveway width being limited by the garage width. Whenever I'd ask what they found out about the zoning code, I could never get a straight answer. I was always brushed away and told that things would be fine. Because of the contractor's "*ask for forgiveness, not permission*" approach, I don't

trust that the property line measurements are accurate. When the property line was marked, a third pole appeared to be skewing the line away from the midpoint, closer to my home. I question the location of the front property pin too. [Photographs of the property marker](#) used to measure placement of the extension show a very skewed line that doesn't run parallel to the houses. In contrast, the property line on [Brown County's GIS map](#) appears to be a straight line running parallel to our houses and perpendicular to the street, as one would expect. Although, the property line shouldn't even matter since the code doesn't allow for extensions past the garage.

I also have to question the contractor's characterization of the neighborhood. He made it sound as if this sort of driveway extension is the norm in our neighborhood. While there are some homes with driveway extensions, it's definitely not the norm. I take our dog on walks through the neighborhood probably 3-4 times per week, so I'm quite familiar with the overall norms and aesthetics of the neighborhood (roughly the area between Taylor, Bond, Dousman and Military). While there are some driveway extensions, they're not the norm. Most of the extensions that do exist are on duplexes and other small homes with single stall

garages. They're used to park normal sized vehicles, not large campers and motorhomes. There area few homes with driveway extensions going inward, not outward toward the neighbor (example: [1715 Westfield Ave](#)). With that in mind, and everything else considered, I think the solution outlined below would be fair and appropriate.

- Remove the driveway extension going past Joe's garage toward my house (at the contractors expense).
- Poor a new extension on the other side of Joe's driveway (at the contractors expense).

This would give Joe the space he needs to park his camper, it addresses my privacy/confinement/property value concerns, and keeps the burden of storing the large camper with its owner (Joe). As for the costs involved, I believe the contractor should be held responsible, not Joe. I'd also be happy to help with regrowing grass.

Thank you for stopping by last weekend and briefly introducing yourself. Unfortunately, I was mistaken; I no longer have the campaign flyer with your cell phone number. If you have time before the next board meeting, I'd like to talk and hear your thoughts on the situation. Please let me know what date/time works best for

you. I work 8-5 M-F, and could possibly talk over a lunch break if that would be helpful.

Again, thank you for your time and effort. I'm hopeful that we can all come to an agreement that's fair and reasonable.

Thanks

Travis Conard

[429 Manchester Dr](#)

[Green Bay, WI](#)

920-543-6789



Travis Conard <travis.conard@gmail.com>

Zoning and Planning for Manchester Dr

Travis Conard <travis.conard@gmail.com>

Wed, Apr 13, 2022 at 1:06 PM

To: district.10@greenbaywi.gov

Hello Mr. Steuer,

First of all, I want to say congratulations on your recent reelection to the Green Bay Common Council. I also want to thank you for attending the Zoning & Planning Board of Appeals meeting on March 21st. I know that you have a very busy schedule and I appreciate that you took the time to listen.

My name is Travis Conard. My wife, Michelle, and I own the property at 429 Manchester Dr. At the March meeting I voiced my opposition to the variance for a driveway extension at 425 Manchester Dr. I'm thankful that relations with our neighbor (Joe) have remained civil to this point, and I have no doubt we'll keep it that way going forward.

As confirmed in the meeting by Zoning Administrator, Paul Neumeyer, Zoning Code, Sec. 44-1746 states that "driveways may increase to the edge of the garage" (see attached). I don't quite understand the rules for the apron and honestly, I don't think I'm concerned with that part. I'm not concerned with the extension of Joe's driveway to the south, either. My concern is with the extension to the north, toward our home. We're being boxed in on both sides by large campers and motorhomes. In effect, there's a 12-foot fence being erected right outside our bedroom window for the majority of the year; the time of year when our windows are open and we would like to enjoy our neighborhood. I'm especially concerned with Joe's plans to have guests stay overnight in the camper. The thought of strangers camping right outside our bedroom window is unsettling and impedes on our privacy. There are also safety concerns with backing out of driveways. There are neighborhood kids that walk to school on our road, and others that frequently ride their bikes up and down the road. The large motorhomes and campers block our view of oncoming vehicles/pedestrians, making it difficult to safely back out of the driveway. It really just boils down to the fact that there's not enough room for a large camper. Having such a large structure so close to our home and the roadway is confining, imposing, decreases safety, and could negatively impact our property value. I'd imagine that's why there are zoning regulations limiting fence height to three feet in front yards (Zoning Code, Sec. 44-450).

The root of the problem is that the camper is very large and takes up a lot of space. There's a burden involved with storing such a large piece of equipment. By granting a variation to extend the driveway past the garage, it would alleviate the burden for one homeowner (Joe) by shifting that burden to the neighboring homeowner (me). Simply put, extending the driveway to the north doesn't solve the root problem, it just transfers the ramifications from Joe to me.

I honestly feel bad for Joe and his family. For everyone's sake, I wish his contractor would have followed the proper permitting process. He should have been honest with Joe upfront and told him the code doesn't allow for an extension past the garage. I tried my hardest in the beginning to express my concerns and asked many times that everything just be up to code. Long before any concrete was poured, I showed the contractor the exact zoning regulation about driveway width being limited by the garage width. Whenever I'd ask what they found out about the zoning code, I could never get a straight answer. I was always brushed away and told that things would be fine. Because of the contractor's "*ask for forgiveness, not permission*" approach, I don't trust that the property line measurements are accurate. When the property line was marked, a third pole appeared to be skewing the line away from the midpoint, closer to my home. I question the location of the front property

pin too. [Photographs of the property marker](#) used to measure placement of the extension show a very skewed line that doesn't run parallel to the houses. In contrast, the property line on [Brown County's GIS map](#) appears to be a straight line running parallel to our houses and perpendicular to the street, as one would expect. Although, the property line shouldn't even matter since the code doesn't allow for extensions past the garage.

I also have to question the contractor's characterization of the neighborhood. He made it sound as if this sort of driveway extension is the norm in our neighborhood. While there are some homes with driveway extensions, it's definitely not the norm. I take our dog on walks through the neighborhood probably 3-4 times per week, so I'm quite familiar with the overall norms and aesthetics of the neighborhood (roughly the area between Taylor, Bond, Dousman and Military). While there are some driveway extensions, they're not the norm. Most of the extensions that do exist are on duplexes and other small homes with single stall garages. They're used to park normal-sized vehicles, not large campers and motorhomes. There are a few homes with driveway extensions going inward, not outward toward the neighbor (example: [1715 Westfield Ave](#)). With that in mind, and everything else considered, I think the solution outlined below would be fair and appropriate.

- Remove the driveway extension going past Joe's garage toward my house (at the contractor's expense).
- Pour a new extension on the other side of Joe's driveway (at the contractor's expense).

This would give Joe the space he needs to park his camper, it addresses my privacy/confinement/property value concerns, and keeps the burden of storing the large camper with its owner (Joe). As for the costs involved, I believe the contractor should be held responsible, not Joe. I'd also be happy to help with regrowing grass.

Thank you for stopping by last weekend and briefly introducing yourself. Unfortunately, I was mistaken; I no longer have the campaign flyer with your cell phone number. If you have time before the next board meeting, I'd like to talk and hear your thoughts on the situation. Please let me know what date/time works best for you. I work 8-5 M-F, and could possibly talk over a lunch break if that would be helpful.

Again, thank you for your time and effort. I'm hopeful that we can all come to an agreement that's fair and reasonable.

Thanks

Travis Conard
429 Manchester Dr
Green Bay, WI
[920-543-6789](tel:920-543-6789)



Zoning Code 44-1746 Residential Driveways.pdf

667K

Sec. 44-1746. Single-family and two-family residential driveways.

Driveways shall lead from the public right-of-way directly to a garage opening or parking space and are regulated as follows:

- (1) *Number of driveways.* Single-family uses are permitted one driveway per lot unless otherwise regulated in this chapter, subject to the design regulations specified herein. Two-family uses are permitted two driveways per lot unless otherwise regulated in this chapter, subject to the design regulations specified herein.
- (2) *Minimum driveway setback from property lines.*
 - a. *Narrow lots.* On lots with less than 60 feet of lot width/frontage, driveways shall be set back a minimum of one foot from the side lot line. On lots where the available side yard area prohibits the ability to create/maintain an eight-foot-wide driveway and the required setback as listed below, the setback may be administratively reduced or eliminated.
 - b. *Detached garages.* Driveways leading to detached garages shall meet the applicable side or rear setbacks for accessory structures established in the district in which it is situated or shall meet the side setback of an existing detached garage, whichever is less.
 - c. *Attached garages.* Driveways leading to attached garages shall meet the applicable side or rear setbacks for principal structures established in the district in which it is situated or **shall meet the side setback of the existing attached garage**, whichever is less.
 - d. *Uncovered parking.* Driveways leading to uncovered parking areas shall meet the applicable side or rear setbacks established within the parking section or shall meet the side setback of the existing legal uncovered parking area, whichever is less.
- (3) *Driveway width.*
 - a. Driveways shall be a minimum width of eight feet. Driveways leading to garages are limited to a maximum width of 25 feet at the property line and 30 at the curb/pavement line (2½ foot apron flares), but **may increase to the width of the garage**. See Figure 3.A: Single-Family and Two-Family Drive Width and 3.B: Single-Family and Two-Family Drive Width-Enlarged with Taper.



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

MEETING DATE

May 16, 2022

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.3

(Appeal 22-016) Christopher Jandrain, Mobeta, LLC, property owner, proposes to repave an existing gravel driveway in a Low Density Residential (R1) District at 617 South Clay Street. The applicant requests to deviate from the following requirements in Chapter 44, Green Bay Zoning Code, Section 44-1746(1), number of driveways and Section 44-1746(2)(d) side yard setback (Ald. B. Galvin, District 4).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 617 S CLAY ST



ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 4/21/2022	PROJECT #: 108354	APPEAL #: 22-16
APPLICANT INFORMATION:		
Name: Christopher Jandrain		
Business Name: Mobeta, LLC		
Address: 617 and 621-623 S. Clay St.		
City, State, Zip: Green Bay, WI 54301		
Phone: 630-212-5690		
Email: user634735@AOL.com		
Property Owner Information (if different from above):		
Name:		
Business Name: Mobeta, LLC		
Address: P.O. Box 8733		
City, State, Zip: Green Bay, WI 54308-8733		
Phone: 630-212-5690		
Email: user634735@AOL.com		
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:		
Location/Address: 617 and 621-623 S. Clay St, Green Bay, WI		
Tax Parcel Number(s): 14-1114 and 14-1115		
Describe the Variance Request: Requesting Approval of plans to repave existing gravel driveways at both 617 S. Clay St and 621-623 S. Clay St with concrete. This includes re-paving existing common gravel apron with concrete. Both properties are owned by Mobeta, LLC.		
Requesting permission to construct both concrete driveways so that they abutt each other, and such that the 2 properties driveways will be one continuous concrete surface from the sidewalk to the west most garage at 617 S. Clay St.		
Proposing that there shall be a seam along the property line to properly designate the location of the property line.		

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

Setbacks for driveways are supposed to be 2.5 ft.

ALTERNATIVES:

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

Refresh the existing gravel driveways with a new layer of gravel. This is not esthetically pleasing and does not enhance the look and feel of the neighborhood.

Alternatives that you considered that comply with existing regulations: Both lot widths are exactly 60'. Conforming to the 2.5' setback, and developing the site plan would limit the driveway width on each property to 5.5'. This is not a useable or practical driveway width.

Reasons for not pursuing the alternative(s) listed above: Conforming to the 2.5' setback will not allow for a minimum driveway width of 8'. Consider the existing layout of buildings built in the 1880's - before automobiles. Owner requests that since these 2 lots are right at the threshold of 60', please treat these lots as Narrow Lots (<60') then follow guideline - Sec. 44-1746-2a. "On lots where available side yard area prohibits the ability to create/maintain an 8' wide driveway the required setback may be reduced or eliminated."

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 configuration for the 2 lots and the existing buildings will not allow for a minimum driveway width of 8' unless the driveways are abutted. A 2.5' setback will also not allow for the minimum driveway width of 8'.

Would granting the variance be contrary to the public interest? Explain. *No, to the contrary, granting the variance would allow for a more esthetically pleasing result, which is more functional and easier to maintain for both property owners. Currently both properties are owned by the same owner. The proposed improvement will enhance the look and feel of the neighborhood.*

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? *Both subject properties are duplexes (2 family) Sec. 44.1746 (1) "Two family users are permitted two driveways per lot". Without abutting the two driveways, each property will not be able to enjoy a fully functional driveway with an 8' minimum width. Requiring any green space for setback will create a "muddy mess" as property users will most certainly wander off of the, too narrow, paved surface and "rut up" the green space.*

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

Christopher Jandrain
Print Name: *Mobeta, LLC*

4/21/2022
Date

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

Print Name:

Date

OFFICE USE ONLY:	Parcel# 14-1114	Residential \$75 <u>X</u>	Commercial \$150 _____
District: 4 Zoning: R1	Meeting Date: 05/16/2022	Receipt #: 2760777-5	
Submittal Date: 04/21/2022	Staff Signature:		

Part of Brown County WI

LEGEND / KEY

- Parcel Boundary
- Condominium
- Gap or Overlap
- "hooks" indicate parcel ownership crosses a line
- Parcel line
- Right of Way line
- Meander line
- Lines between deeds or lots
- Historic Parcel Line
- Vacated Right of Way

A complete map legend (map key) is available at:
tinyurl.com/BrownDogLegend

Map printed
4/21/2022



1:240

1 inch = 20 feet*

1 inch = 0.00379 miles*

*original page size is 8.5" x 11"

Appropriate format depends on zoom level

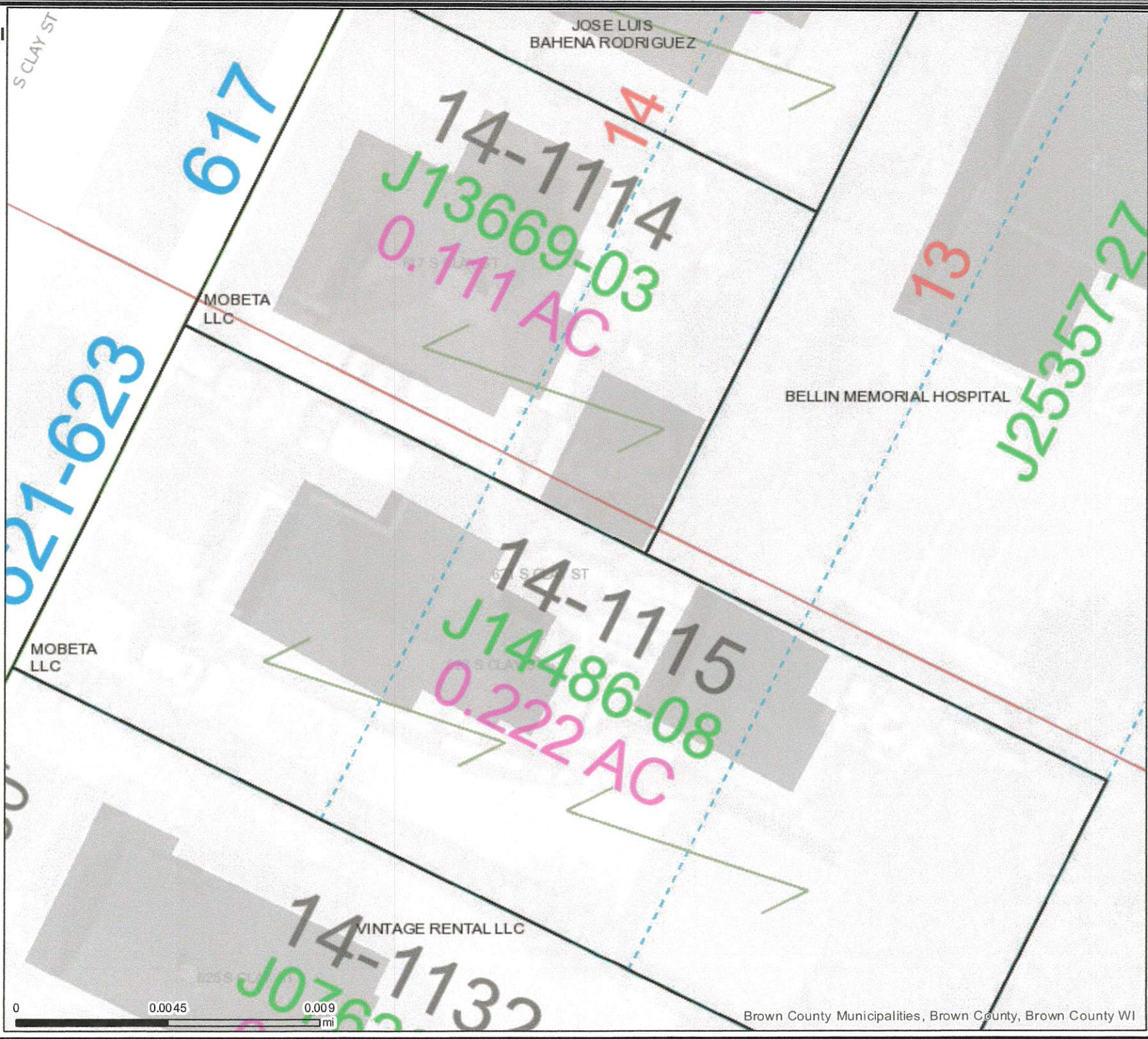
This is a custom web map
created by an online user
of the GIS map services
provided by the

**Brown County Wisconsin
Planning & Land Services
Department**



(920) 448-6480

www.browncountywi.gov

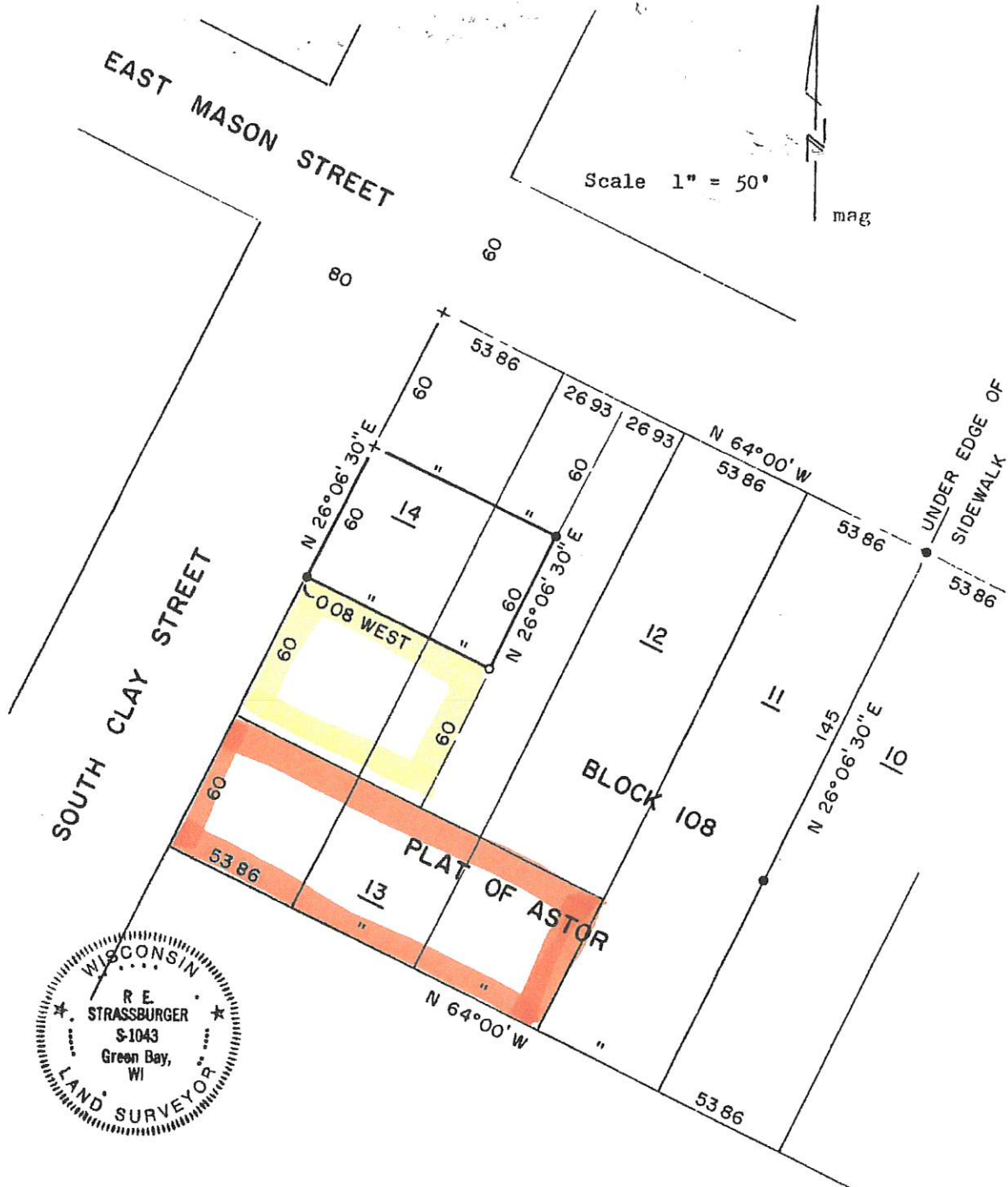


Land Survey for
Rick Burkart
609 South Clay Street
Green Bay, Wisconsin 54301

August 30, 1989

JN 1029

The south 60 feet of the north 120 feet of the west half of Lot 13, and
the south 60 feet of the north 120 feet of Lot 14, Block 108, Plat of Astor,
City of Green Bay, Brown County, Wisconsin.

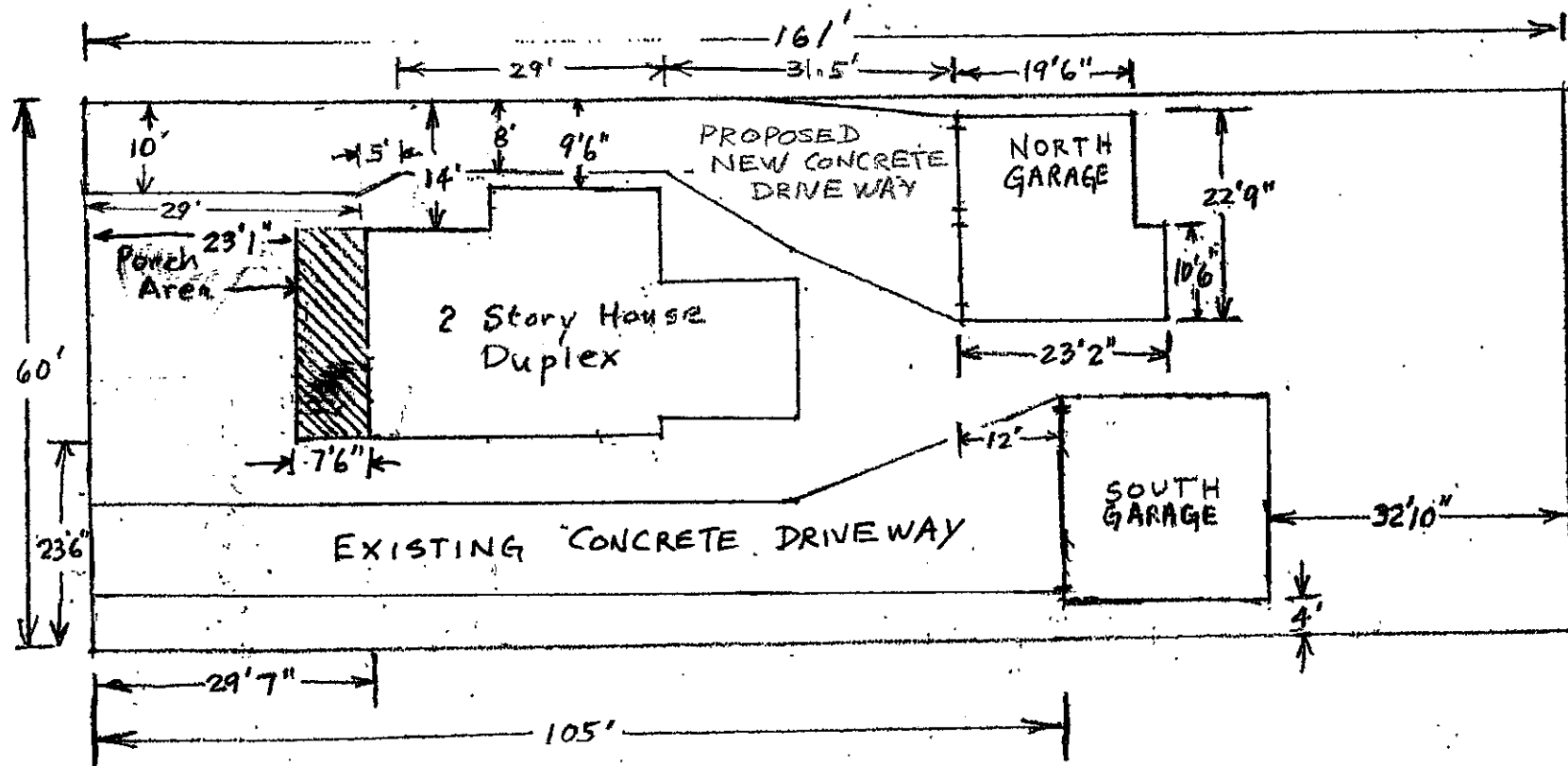


I, R. E. Strassburger, land surveyor, hereby certify that I have made
the survey of the property described above and that this drawing is a
true representation thereof.

- o indicates 1" x 24" steel pipe set
- 1" steel pipe found
- + cross set

R. E. Strassburger
R. E. Strassburger

S. Clay St.

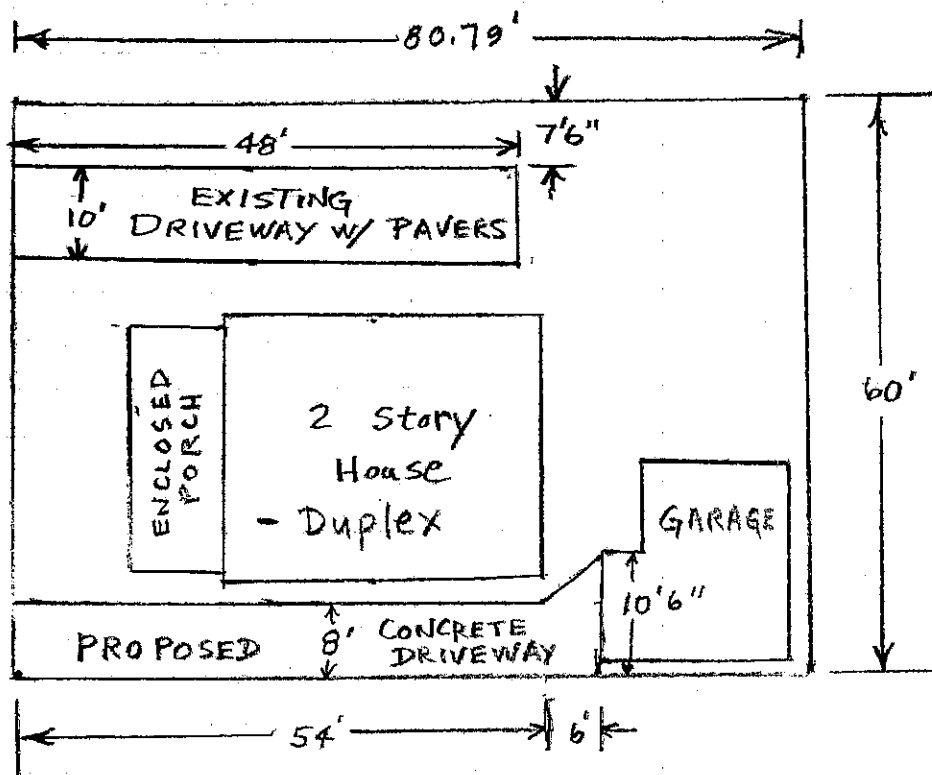


SURFACE AREA NEW DRIVEWAY

$$\begin{aligned}
 &10' \times 29' = 290 \\
 &+ 8' \times 5' + (5' \times 2' \times 0.5) = 45 \\
 &+ 8' \times 29' = 232 \\
 &+ 31.5' \times 8' = 252 \\
 &+ 16.75' \times 31.5' \times 0.5 = 263.8 \\
 &\text{TOTAL} = 1082.8 \text{ ft}^2
 \end{aligned}$$

621 S. Clay St
Green Bay, WI
Site Plan
Scale 1" = 20'

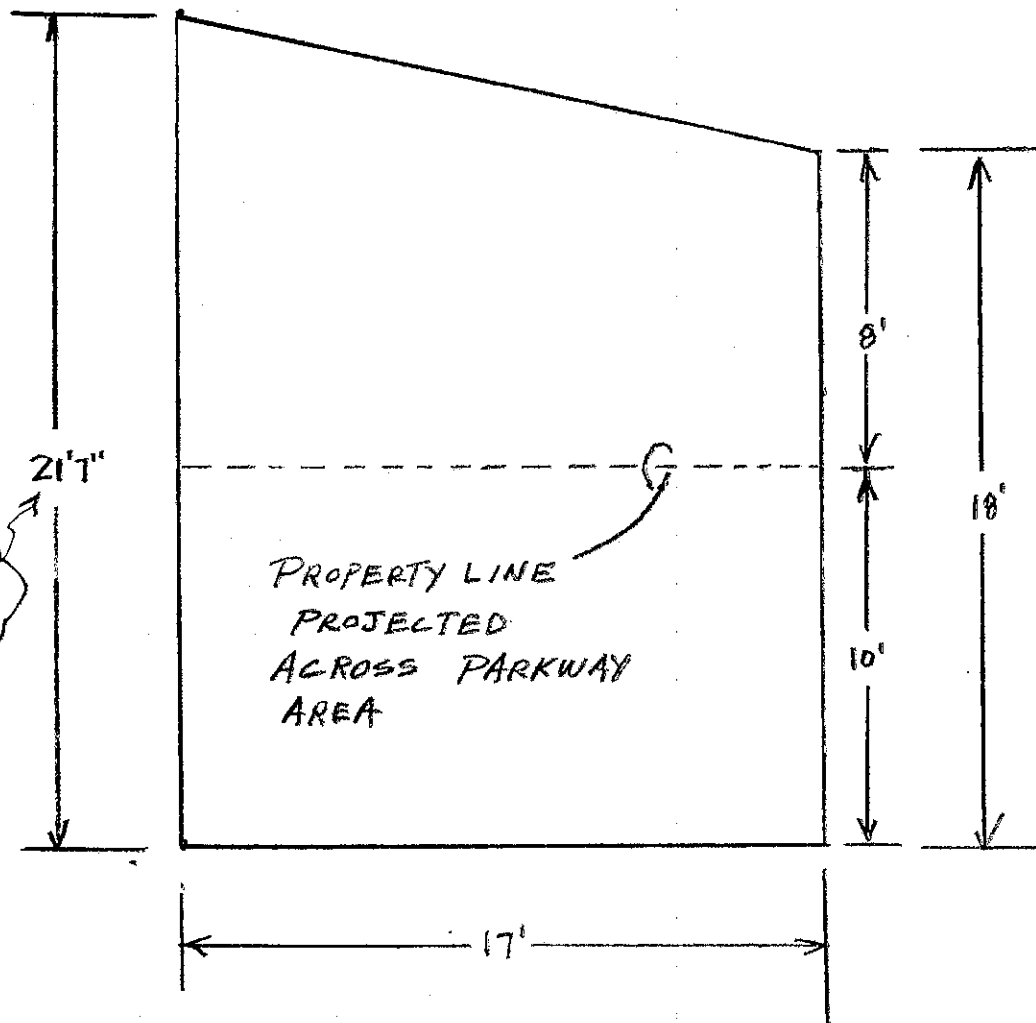
S. Clay St



$$\begin{aligned}
 \text{AREA OF DRIVEWAY} &= 8' \times 54' \\
 &+ 8' \times 6' + 2.5' \times 6' \times 0.5 \\
 &= 432 + 48 + 7.5 = 487.5 \text{ ft}^2
 \end{aligned}$$

617 S. Clay St.
Green Bay, WI
Site Plan
Scale: 1"=20'

S. CLAY ST.



$$\begin{aligned}
 \text{Area of Apron} &= 17' \times 10' = 306 \text{ ft}^2 \\
 &+ (3.583 \times 17) \times 0.5 \\
 &= 306 + 30.5 \text{ ft}^2 \\
 &= 336.5 \text{ ft}^2
 \end{aligned}$$

$$62\frac{1}{3} \text{ Side} = 170 \text{ ft}^2$$

$$617 \text{ Side} = 166.5 \text{ ft}^2$$

PROPOSED CONCRETE
DRIVEWAY APRON
COMMON TO 617 S. CLAY ST.
AND 62 $\frac{1}{3}$ S. CLAY ST.
GREEN BAY, WI
SITE PLAN
SCALE: 1" = 5'



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

MEETING DATE

May 16, 2022

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.4

(Appeal 22-017) Christopher Jandrain, Mobeta, LLC, property owner, proposes to repave an existing gravel driveway in a Low Density Residential (R1) District at 621-623 South Clay Street. The applicant requests to deviate from the following requirements in Chapter 44, Green Bay Zoning Code, Section 44-1746(1), number of driveways and Section 44-1746(2)(d) side yard setback (Ald. B. Galvin, District 4).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 621-623 S CLAY



ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 4/21/2022	PROJECT #: 108355	APPEAL #: 22-17
APPLICANT INFORMATION:		
Name: Christopher Jandrain		
Business Name: Mobeta, LLC		
Address: 617 and 621-623 S. Clay St.		
City, State, Zip: Green Bay, WI 54301		
Phone: 630-212-5690		
Email: user634735@AOL.com		
Property Owner Information (if different from above):		
Name:		
Business Name: Mobeta, LLC		
Address: P.O. Box 8733		
City, State, Zip: Green Bay, WI 54308-8733		
Phone: 630-212-5690		
Email: user634735@AOL.com		
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:		
Location/Address: 617 and 621-623 S. Clay St, Green Bay, WI		
Tax Parcel Number(s): 14-1114 and 14-1115		
Describe the Variance Request: Requesting Approval of plans to repave existing gravel driveways at both 617 S. Clay St and 621-623 S. Clay St with concrete. This includes re-paving existing common gravel apron with concrete. Both properties are owned by Mobeta, LLC.		
Requesting permission to construct both concrete driveways so that they abutt each other, and such that the 2 properties driveways will be one continuous concrete surface from the sidewalk to the west most garage at 617 S. Clay St.		
Proposing that there shall be a seam along the property line to properly designate the location of the property line.		

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

Setbacks for driveways are supposed to be 2.5 ft.

ALTERNATIVES:

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

Refresh the existing gravel driveways with a new layer of gravel. This is not esthetically pleasing and does not enhance the look and feel of the neighborhood.

Alternatives that you considered that comply with existing regulations: Both lot widths are exactly 60'. Conforming to the 2.5' setback, and developing the site plan would limit the driveway width on each property to 5.5'. This is not a useable or practical driveway width.

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Signature of the Property Owner

Christopher Jandrain
Print Name: *Mobeta, LLC*

4/21/2022
Date

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

Print Name:

Date

OFFICE USE ONLY:	Parcel# 14-1115	Residential \$75 <u>X</u>	Commercial \$150 _____
District: 4 Zoning: R1	Meeting Date: 05/16/2022	Receipt #: 2760777-6	
Submittal Date: 04/21/2022	Staff Signature:		

Part of Brown County WI

LEGEND / KEY

-  Parcel Boundary
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Map printed
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This is a custom web map
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**Brown County Wisconsin
 Planning & Land Services
 Department**



(920) 448-6480

www.browncountywi.gov

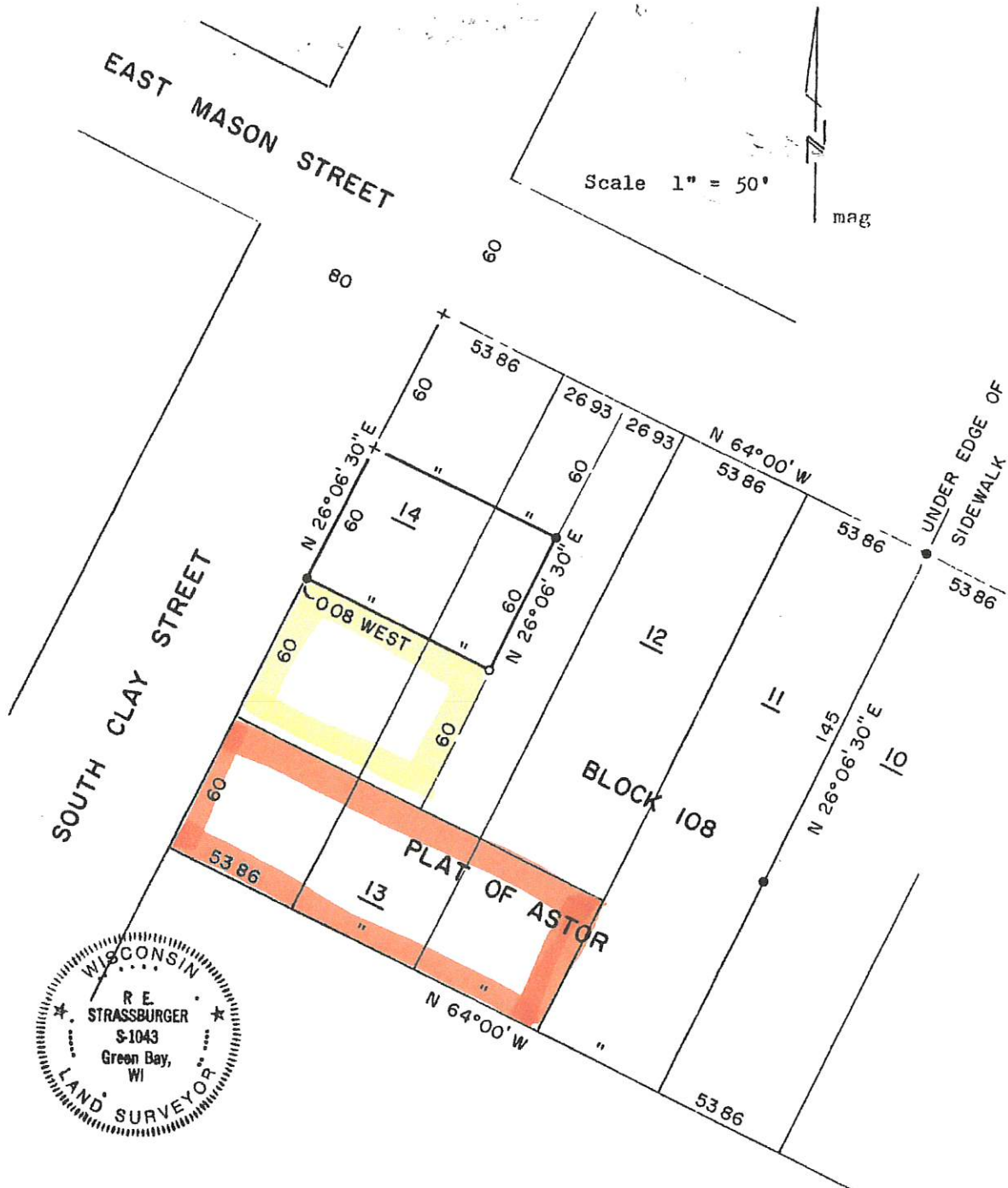


Land Survey for
Rick Burkart
609 South Clay Street
Green Bay, Wisconsin 54301

August 30, 1989

JN 1029

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the south 60 feet of the north 120 feet of Lot 14, Block 108, Plat of Astor,
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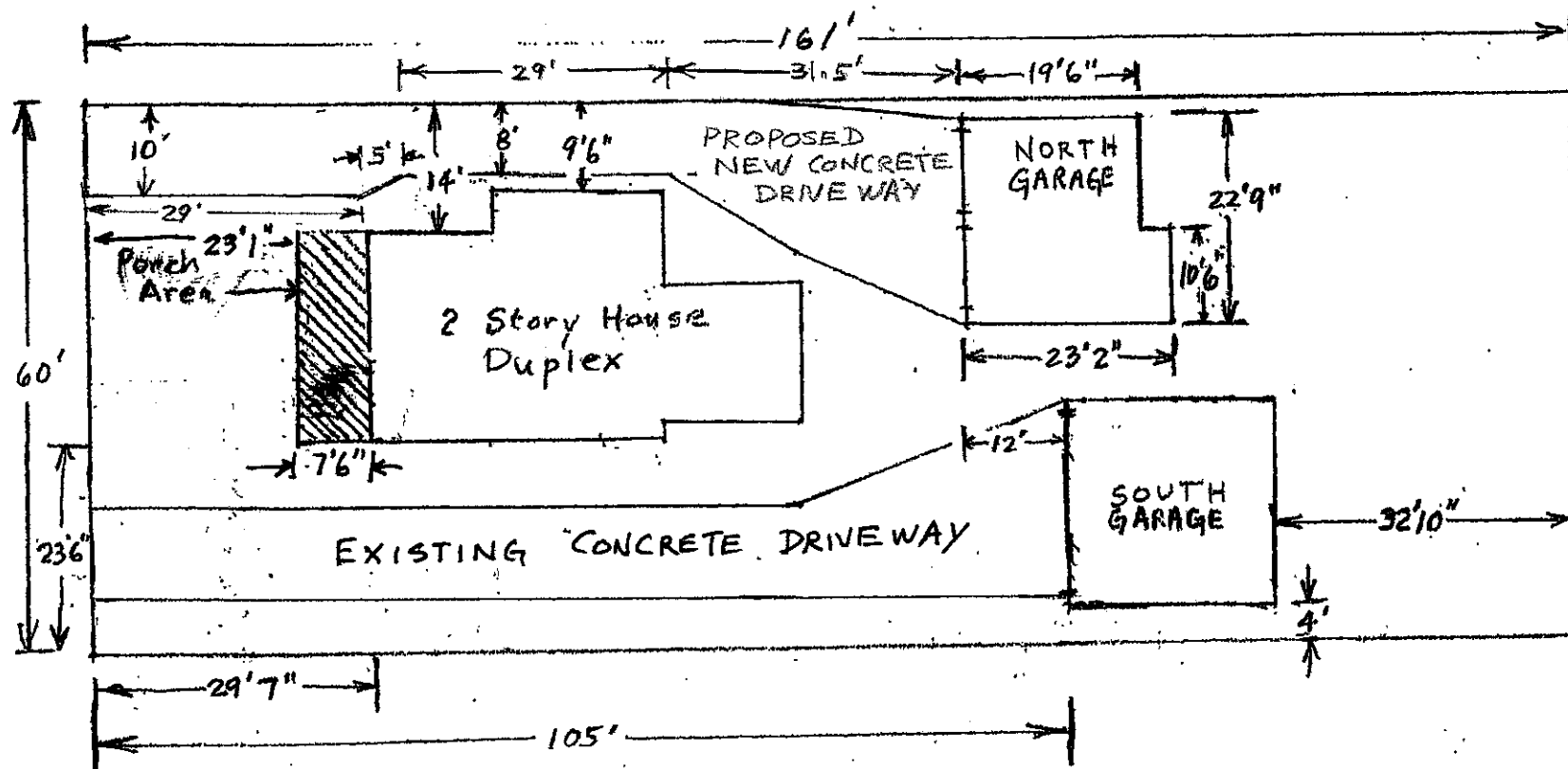


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R. E. Strassburger
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S. Clay St.

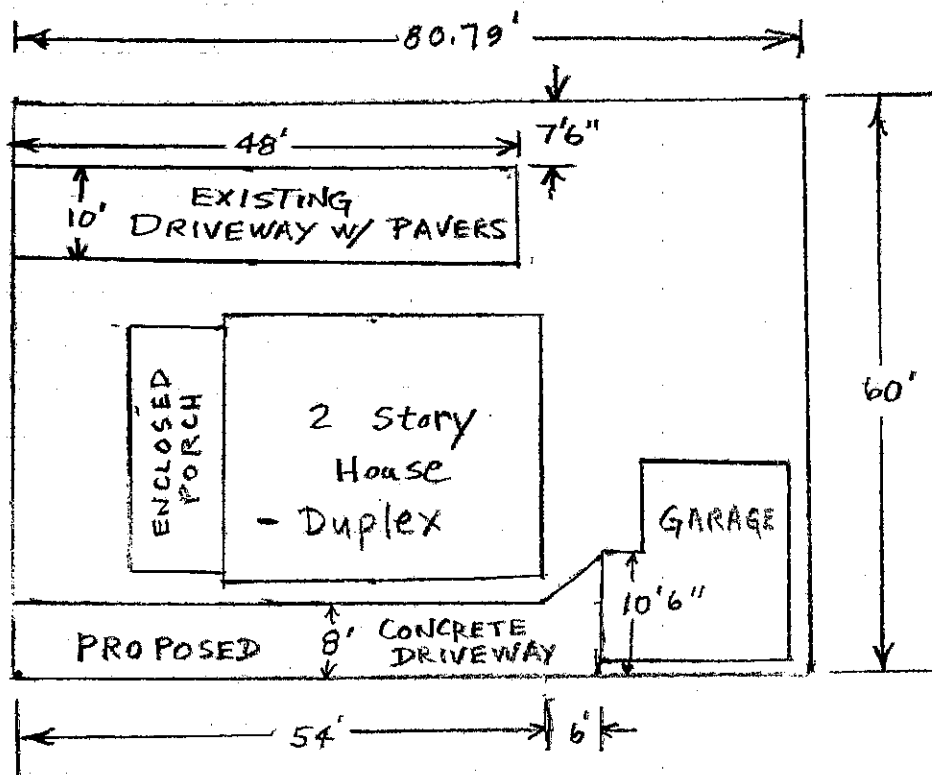


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Green Bay, WI
Site Plan
Scale 1" = 20'

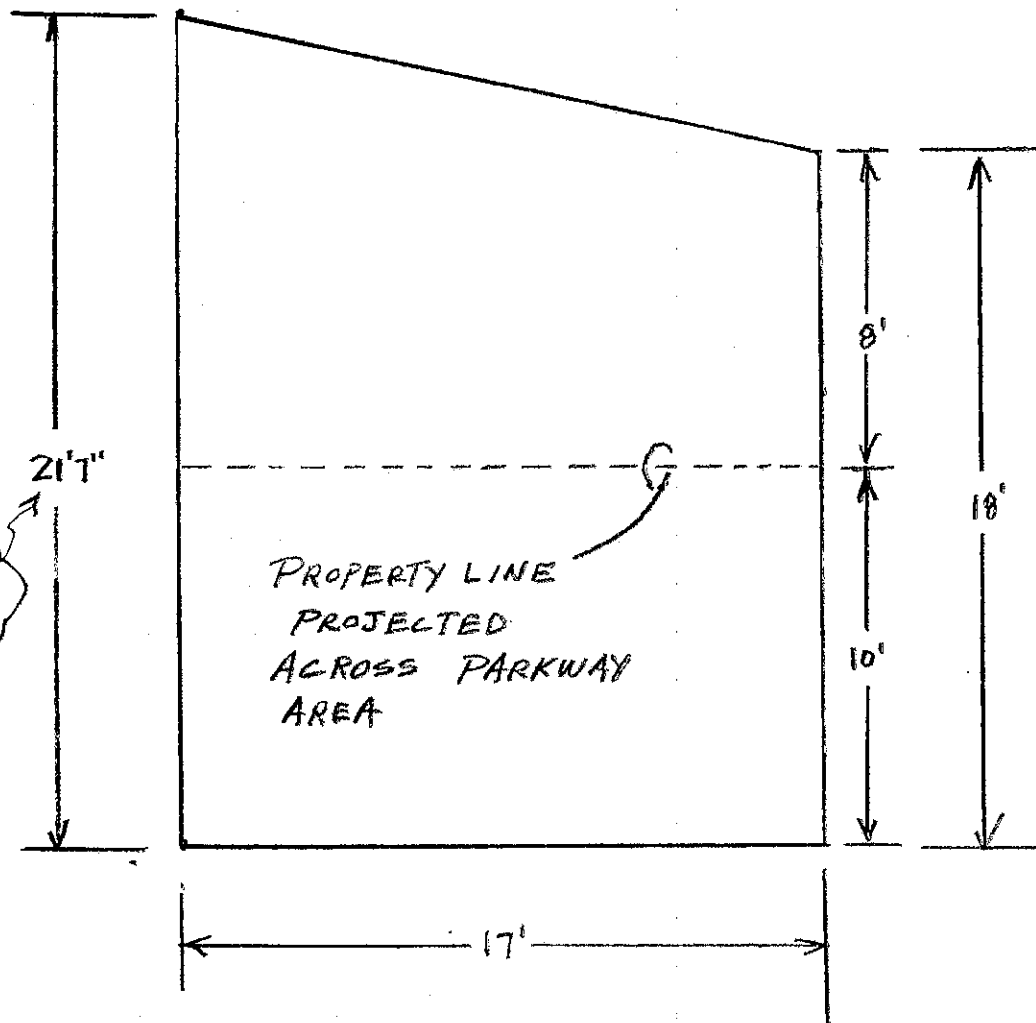
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617 S. Clay St.
Green Bay, WI
Site Plan
Scale: 1"=20'

S. CLAY ST.



$$\begin{aligned}
 \text{Area of Apron} &= 17' \times 18' = 306 \text{ ft}^2 \\
 &+ (3.583 \times 17) \times 0.5 \\
 &= 306 + 30.5 \text{ ft}^2 \\
 &= 336.5 \text{ ft}^2
 \end{aligned}$$

$$62\frac{1}{3} \text{ Side} = 170 \text{ ft}^2$$

$$617 \text{ Side} = 166.5 \text{ ft}^2$$

PROPOSED CONCRETE
DRIVEWAY APRON
COMMON TO 617 S. CLAY ST.
AND 62 $\frac{1}{3}$ S. CLAY ST.
GREEN BAY, WI
SITE PLAN
SCALE: 1" = 5'



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

MEETING DATE

May 16, 2022

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.5

(Appeal 21-018) Corey Bogenschutz, property owner, proposes to replace an existing pool in a Low Density Residential (R1) District at 2874 Ogdan Woods Court. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 44-385(e)(10) waterway setback (Ald. J. Brunette, District 12).

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

1. Variance Application Rev12.20_202012211510498712
2. Pool Site Layout
3. Re_ Letter regarding variance request-opposition
4. Re_ Variance Request - Letter in opposition

100 North Jefferson Street, Room 608, Green Bay, Wisconsin
54301-5026 (p) 920.448.3300 (f) 920.448.3426 greenbaywi.gov



ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 4/26/2022	PROJECT #: 108243	APPEAL #: 22-018
APPLICANT INFORMATION:		
Name: Corey Bogenschutz		
Business Name:		
Address: 2874 Ogdan Woods Dr		
City, State, Zip Green Bay, WI 54313		
Phone: 920-629-0392		
Email: cbogey15@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: 2874 Ogdan Woods Dr, Green Bay, WI		
Tax Parcel Number(s): 6H-4123		

Describe the Variance Request:
We would like to request a variance approval to replace the pool on the existing site. The site was detailed on the
permit application and has clear boundaries set. We have measured the actual distance to be 40 ft from the OHWM.
The pool is not located in the wetland and the “waterway” is not a navigable waterway. Our neighbor Tim and Kendra
White two parcels over demonstrated with photo evidence and in front of a hearing in 2021 to this fact.
When we purchased the property in 2019, it was not known to us that a prior permit had not been pulled for the
existing pool site.

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).
ALTERNATIVES:
Describe alternatives to your proposal, to include other locations, designs, construction techniques, etc.
The current location is the furthest from the OHWM to also comply with the neighbor’s property line, current decking
and remain behind the sightline from the street for privacy. For this reason there are no alternatives.
Alternatives that you considered that comply with existing regulations:

See Above
Reasons for not pursuing the alternative(s) listed above:
See 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 defined “waterway” which is not navigable presents a challenge. The “waterway” is mostly runoff from He Nis Ra
And is restricted by the culvert that crosses Parkwood Dr.

Would granting the variance be contrary to the public interest? Explain.
No. The Pool has existed for 20 plus years and has provided hours of family enjoyment and neighborhood comradary.

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?

If we are not granted the variance, the existing deck structure and pool site would require removal to make the area usable space. This would be financially burdensome and time consuming. Additionally, our children already have one year of use of the pool. The memories they have already created and the enjoyment we had as parents to provide this would be lost without the granting of this variance.

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# 6H-4123	Residential \$75 Commercial \$150
District: Zoning: R1	Meeting Date: 05/16/2022	Receipt #: 2760738-10
Submittal Date: 04/28/2022	Staff Signature:	



From: [Chris Z](#)
To: [Paul Neumeyer](#)
Cc: [Tony Latona](#)
Subject: Re: Letter regarding variance request
Date: Wednesday, May 11, 2022 10:44:07 AM
Attachments: [Variance Application Rev12.20_202012211510498712.pdf](#)
[Pool Site Layout.pdf](#)

Hello Paul

Thank you for the response regarding my question about the variance request from 2874 Ogden woods. I ask that the board not grant their request and uphold the ordinance.

I understand Bruce, the prior owner, had a pool there that had not been approved by the city. It seems Bruce kind of had a habit of bending the rules so to speak. As I believe he not only put up the pool without a permit, he also put part of his driveway on my property, and probably also needed a fence around the pool. So given that someone broke the ordinances and put a pool up I don't believe is grounds for replacing one.

Since the pool has been down it's been nice to have a return of some of the natural wildlife that inhabits that area. Since the pool been down there's been a return by the wild turkeys to the area, more deer and the occasional snapping turtle. And while I realized it is well within the property owners rights they have destroyed most of the foliage and tree protection around the waterway.

Also should the resident put in a pool I will need to put up a privacy fence. The one summer they did have use of the pool they would occasionally use it at night. And unfortunately for me my bedroom is right next to their pool deck. (Picture attached) Given my home and work schedule I need to be up at 4:30. So the late night pool parties with their barking dog were quite disruptive.

Taking the deck down would not be a financial hardship to the residence. They have taken down most of the trees and the pool prior by themselves as they're quite handy.

Thank you for your time and consideration. Pictures have an enclosed regarding their property, how it is maintained and the waterway.

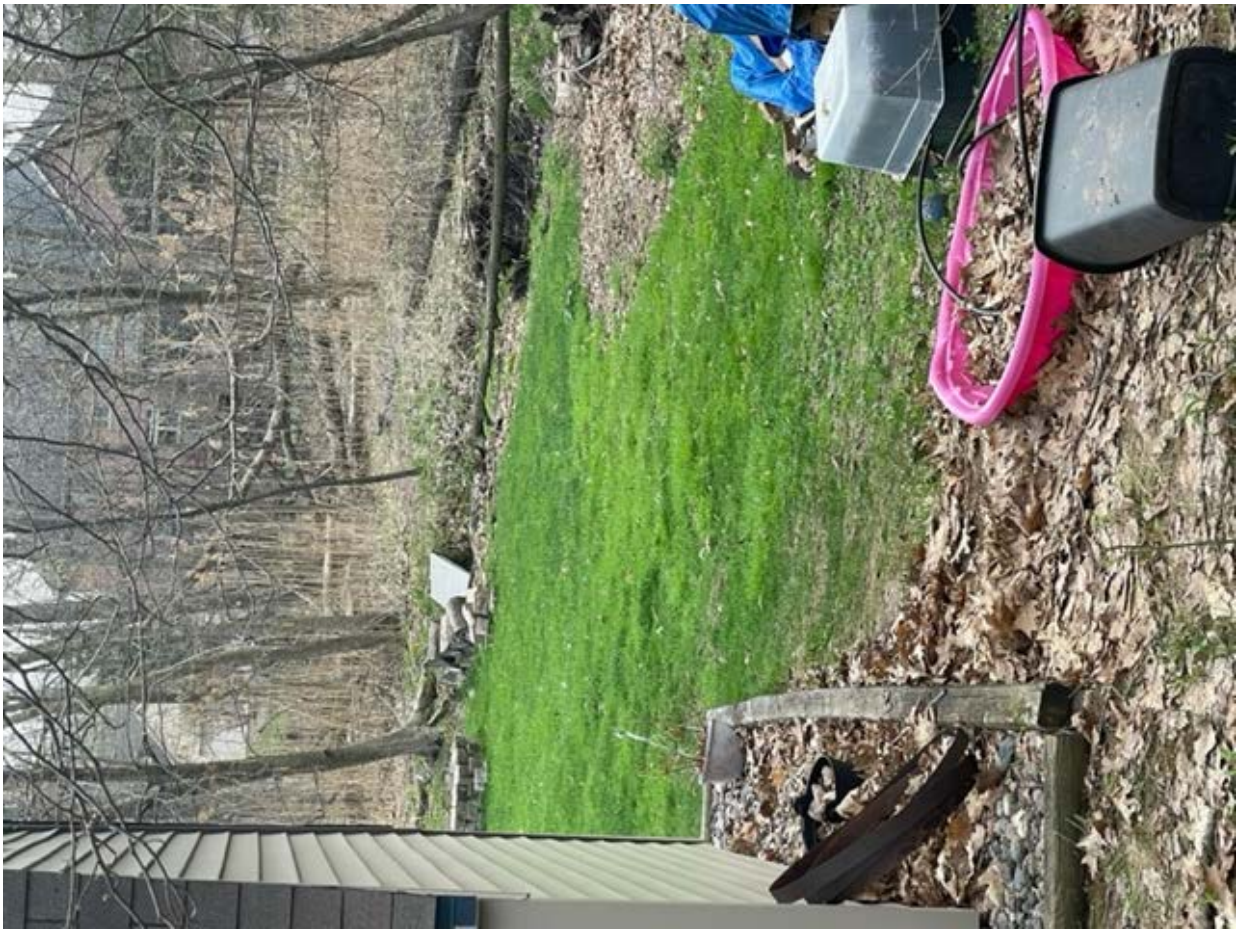
Sincerely,
Chris Ziegelbauer











Sent from my iPhone

On May 9, 2022, at 5:20 PM, Paul Neumeyer <Paul.Neumeyer@greenbaywi.gov> wrote:

Christine:

You are correct, there is a 50 foot waterway setback required for any building or structure from a navigable water course. Because the applicant wants to go less than 50 feet, they have to seek a variance from the Board of Appeals to reduce the setback requirement. I have attached their application for your information. The Board will review their request and will look for a hardship, among other requirements, before considering any potential approval. The meeting is virtual and neighbors are welcome to join and participate, I have provided a link below.

Join Zoom Meeting

<https://us02web.zoom.us/j/85419145658?pwd=VWxYY1FIRXBMcXU3dzU0VU0xQ1NKdz09>

Meeting ID: 854 1914 5658

Passcode: 735080

One tap mobile

+13126266799,,85419145658# US (Chicago)
+16468769923,,85419145658# 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: 854 1914 5658

Find your local number: <https://us02web.zoom.us/j/kcPZFUwg9G>

Best Regards,

Paul Neumeyer

Zoning Administrator

City of Green Bay

Community & Economic Development Department

920.448.3405

greenbaywi.gov

From: Christine Ziegelbauer [mailto:cziegelbauer@triangledist.com]

Sent: Monday, May 9, 2022 1:27 PM

To: Paul Neumeyer <Paul.Neumeyer@greenbaywi.gov>

Subject: Letter regarding variance request

Hello Mr Neumeyer:

I received a letter in regard to a variance request for the property next to me at 2874 Ogdan woods court. I read the Green Bay zoning Code section 44-385(e)(10). But I am not sure I understand it.

Do I understand that the pool the residents at that property wish to put in would be too close to the stream that runs behind us? And under what conditions would the city now grant the resident the ability to replace that pool if currently they have denied that request?

Thank you,

Christine

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- **DIVISION 4. - PROTECTION OF NATURAL FEATURES**
[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS](#)

- **Sec. 44-385. - General requirements.**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS](#)

(a)
In general. All developments shall be located so as to preserve the natural features of the site, to avoid areas of environmental sensitivity, to minimize the creation of impervious surface area, and to minimize negative impacts on the alteration of the natural environment.

(b)
Unbuildable area. The following natural features when present within a parcel constitute unbuildable area. No development, grading or filling, alteration of the natural character of the land, or construction of buildings, structures, or parking shall occur within these areas.

(1)
Floodways, as defined in this chapter.

(2)
Navigable waters, as defined in this chapter.

(3)
Slopes of 20 percent or greater. Gradients between 20 percent and 30 percent may be used for construction if acceptable engineering solutions acceptable to a Professional Engineer and the Zoning Administrator.

(4)
Wetlands, as defined in this chapter and in Section 404, Clear Water Act.

(c)
Preservation areas. The following areas shall be preserved as undeveloped open space to the extent consistent with the reasonable utilization of land and in accordance with applicable federal, state, or local regulations:

(1)
Vegetated areas. Significant trees or plant communities, including remnant stands of native trees or plant communities that are rare to the area or of particular landscape significance.

(2)
Steep slope areas. Development on slopes of 12 percent and less than 20 percent shall be subject to the following conditions:

a.
The foundation and underlying material of any structure shall be adequate for the slope condition and soil type.

b.
The proposed development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.

c.
The proposed development will not cause erosion or slope instability to neighboring property or cause structural damage to neighboring structures.

d.
The proposed development will preserve significant natural features by minimizing disturbance to existing topographical forms.

e.
The City may require that a property be rezoned and developed as a Planned Unit Development to utilize flexible development standards to preserve steep slopes.

(3)
Habitats of threatened or endangered wildlife as identified on federal or state lists, including, but not limited to, the Federal Endangered Species Act and the Natural Heritage Inventory.

(d)
Mitigation. Where preservation is not consistent with the reasonable utilization of land, the City may require mitigation through replacement of the resource or similar resource on the site, restoration of former natural amenities to the site, or other reasonable measures to protect or

enhance the natural features of the land.

(e)

Waterway setback. There shall be a building setback of 50 feet from the bulkhead line or ordinary high water mark, whichever provides the greater landward distance, of all waterways within the City of Green Bay, as described on Map C of [Section 30-58](#). There shall be no building, or alteration of existing buildings, within such setback area. These areas shall include, but are not limited to:

(1)

Green Bay shore and islands.

(2)

Fox River.

(3)

East River.

(4)

Baird Creek, including South Branch.

(5)

Beaver Dam Creek.

(6)

Duck Creek.

(7)

Ellis Creek.

(8)

Mahon Creek.

(9)

Willow Creek, including North Branch.

(10)

All other navigable waterways not listed above.

(Code 1984, § 13.515; Ord. No. 16-10)

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From: [Richard Diedrich](#)
To: [Paul Neumeyer](#)
Subject: Re: Variance Request
Date: Monday, May 9, 2022 3:50:56 PM

Dear Mr. Neumeyer

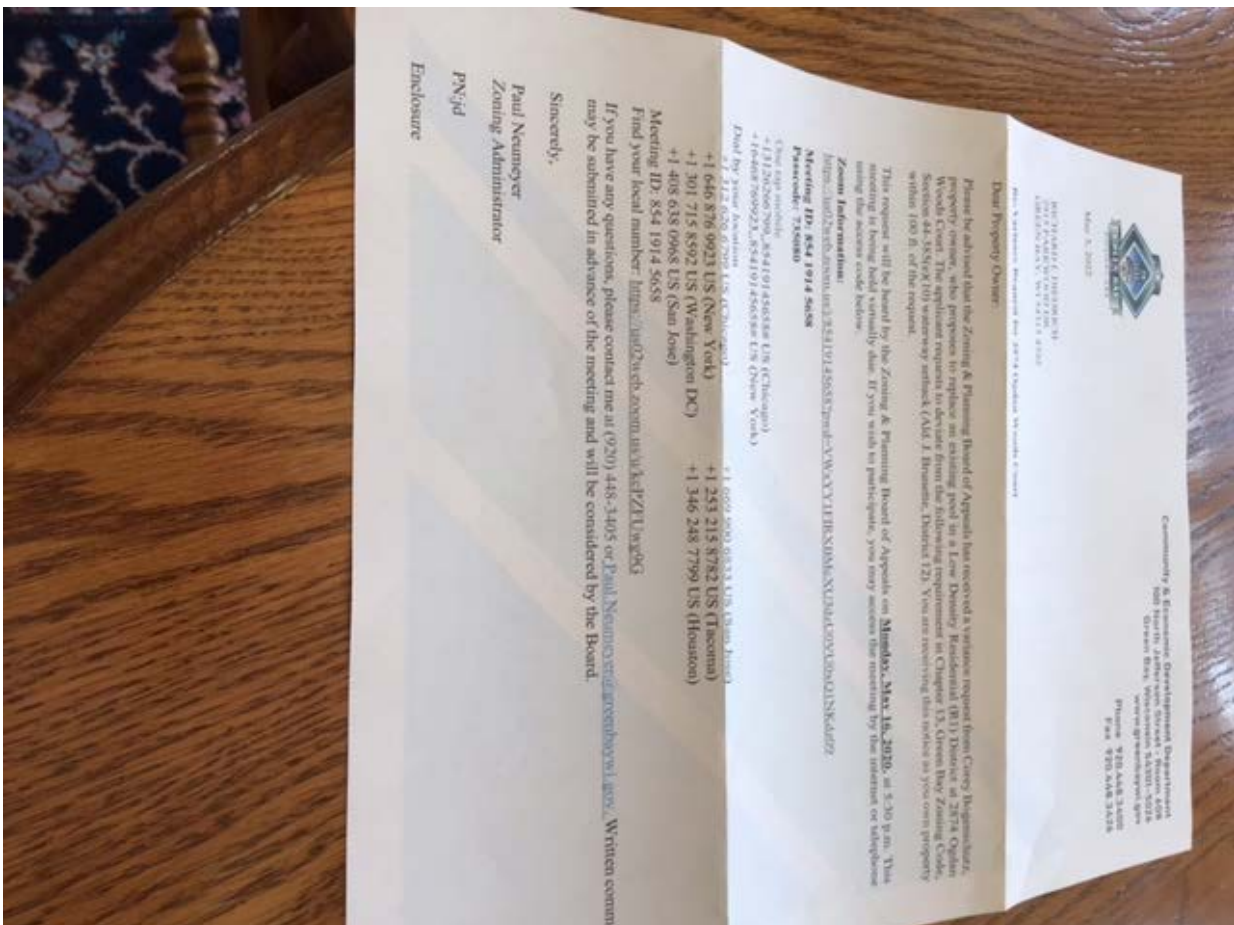
I am responding to the attached letter of notification we received concerning a variance request made by the owners of the property located at 2874 Ogdan Woods Court.

As property owners living within the perimeter identified in the letter we received, my husband and I do want to convey our dissatisfaction with this proposed variance. The property owners living at 2874 Ogdan Woods Court are not and never have been responsible property owners. Their kids are screaming at the top of their lungs whenever they are outside which insights the dog living next to their home to bark nonstop! We have NEVER been able to sit outside and enjoy our own backyard or deck! We bought our property for the sole propose of having a woods as a buffer against a lot of noise. Thanks to these property owners we have nothing close to that. Please understand we get that kids will be kids and need to run and play and that there will be noise. However, the behavior of these children and the relentless barking of the dog living next door to them is completely out of control already. Now let's add an in-ground pool to the mix and see if that helps keep the noise level in check. I'm thinking NOT! We have a neighbor on the backside of our home along the wood line who does have an in ground pool and we've never had an issue with them. They are responsible property owners who understand the need to be considerate of others.

We pay our taxes and do all we can to be respectful of others by controlling our or our guests behavior when outside. If these property owners aren't capable of doing the same then we are certainly hoping you will deny this request.

Sincerely,

Richard and Jeanne Diedrich



Sent from my iPad