



# **AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS**

**MONDAY, AUGUST 15, 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, Barb Dorff, Tom Hoy, and Steven Schuchart  
Alternate: Corey Bogenschutz
2. Does anyone need to abstain from voting? Was anyone out to see any of the properties? Did you speak to anyone regarding this variance request?

**C. Approval of the Agenda.**

1. Approval of the Agenda for the August 15, 2022, meeting of the Zoning & Planning Board of Appeals.

**D. Approval of Minutes.**

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

**E. Regular Business.**

1. (Appeal 22-010) Julie Grebe, The Prime Group, LLC, property owner, proposes to expand a single stall attached garage of a single-family home in a Low Density Residential (RI) District at 1092 Shadow Lane. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-554, Table 44-2, side rear yard setback (Ald. C. Wery, District 8). Held from April 18, 2022, BOA meeting.
2. (Appeal 22-029) Tim Philipps, property owner, has installed passable hardscape in the taper triangle space at the property line for a single-family home in the Low-Density Residential

(R1) District at 2089 Fern Lane. The applicant requests to deviate from the following requirements in Chapter 44, Green Bay Zoning Code, Section 44-1746(3)(c), taper triangle materials (Ald. B. Morgan, District 3).

**F. Informational.**

1. Discussion on procedural items related to the Zoning & Planning Board of Appeals.
2. Next meeting date: September 19, 2022.

**G. Adjournment.**

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT [www.greenbaywi.gov](http://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

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## 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 12<sup>th</sup> 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**

August 15, 2022

**PREPARED BY**

Jon LeRoy

**AGENDA ITEM # E.1**

(Appeal 22-010) Julie Grebe, The Prime Group, LLC, property owner, proposes to expand a single stall attached garage of a single-family home in a Low Density Residential (R1) District at 1092 Shadow Lane. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-554, Table 44-2, side rear yard setback (Ald. C. Wery, District 8). Held from April 18, 2022, BOA meeting.

**BACKGROUND**

Section 44-554, Table 44-2 calls for a 6 ft. side yard setback in the Low-Density Residential (R1). The applicant is proposing an encroachment of up to 4 ft. past the 6 ft. setback for a garage expansion. This item was held by the Board at their April 2022, meeting to get more accurate information about the new garage expansion and its placement along the side lot line.

Section 44-141 related to findings for variance states:

No variance shall be granted by the Board unless it finds that the following facts and conditions exist and so indicates in the minutes of its proceedings.

- a. Preservation of intent. A variance would not be inconsistent with the spirit, purpose, and intent of the regulations for the district in which it is requested.
- b. Exceptional circumstances. Exceptional, extraordinary, or unusual circumstances or conditions apply to the lot or intended use that do not apply generally to other properties or uses in the same district, and the variance is not of so general or recurrent a nature to suggest that this chapter should be changed.
- c. Preservation of property rights. The variance is necessary for the preservation and enjoyment of the same substantial property rights which are possessed by other properties in the same district and vicinity.
- d. Absence of detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the spirit, purpose, and intent of this chapter or the public interest.
- e. Hardship. The alleged difficulty in complying with the Municipal Code is not self-imposed nor is it based solely on economic grounds.

**RECOMMENDATION**

**FISCAL IMPACT**

**ATTACHMENTS**

- I. 1092 Shadow Lane



|                                                                                                                         |                   |                 |
|-------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------|
| DATE: 3/17/2022                                                                                                         | PROJECT #: 108106 | APPEAL #: 22-10 |
| APPLICANT INFORMATION:                                                                                                  |                   |                 |
| Name: Julie Grebe member of 3                                                                                           |                   |                 |
| Business Name: The PRIME Group, LLC                                                                                     |                   |                 |
| Address: 1092 Shadow Lane                                                                                               |                   |                 |
| City, State, Zip: Green Bay, WI 54304                                                                                   |                   |                 |
| Phone: 920-428-7050                                                                                                     |                   |                 |
| Email: Julie@JALmanagement.com                                                                                          |                   |                 |
| Property Owner Information (if different from above):                                                                   |                   |                 |
| Name: SAME                                                                                                              |                   |                 |
| Business Name:                                                                                                          |                   |                 |
| Address:                                                                                                                |                   |                 |
| City, State, Zip:                                                                                                       |                   |                 |
| Phone:                                                                                                                  |                   |                 |
| Email:                                                                                                                  |                   |                 |
| PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:                                          |                   |                 |
| Location/Address: 1092 Shadow Lane, Green Bay                                                                           |                   |                 |
| Tax Parcel Number(s): 1-2631                                                                                            |                   |                 |
| Describe the Variance Request: Replace 1 stall garage and carport to 2 stall garage with viewing deck on top of garage. |                   |                 |

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

44-360?

#### ALTERNATIVES:

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

- Keep it a 1 car garage w/ carport and add viewing deck - not sure if that would work - need to talk w/ architect.
- Increase setback to approx 2 1/2 feet w/ a 2-car garage

Alternatives that you considered that comply with existing regulations:

- Potentially leave as-is w/ 1 car garage & carport but add viewing deck over both? - would have to speak w/ architect.

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

Need for additional heated parking. Would be a better use and more appealing for short-term guests. 2 car garage w/ dual viewing decks would bring in more guests.

**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

I don't believe so. The house was built during a time that the lots were very narrow and setbacks didn't exist. It would be a great benefit to the property, to be able to offer views of Lumbrow & the Resch from a viewing deck.

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

No, the property already has an extended carport on it, we would just like to make that an enclosed garage. It would ~~be~~ be a substantial improvement on the home vs what is there now.

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?

We would like the carport to be turned into a garage so we have additional heating areas to park and ~~can~~ enjoy the views of Lambeau from a viewing deck above the garage.

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:

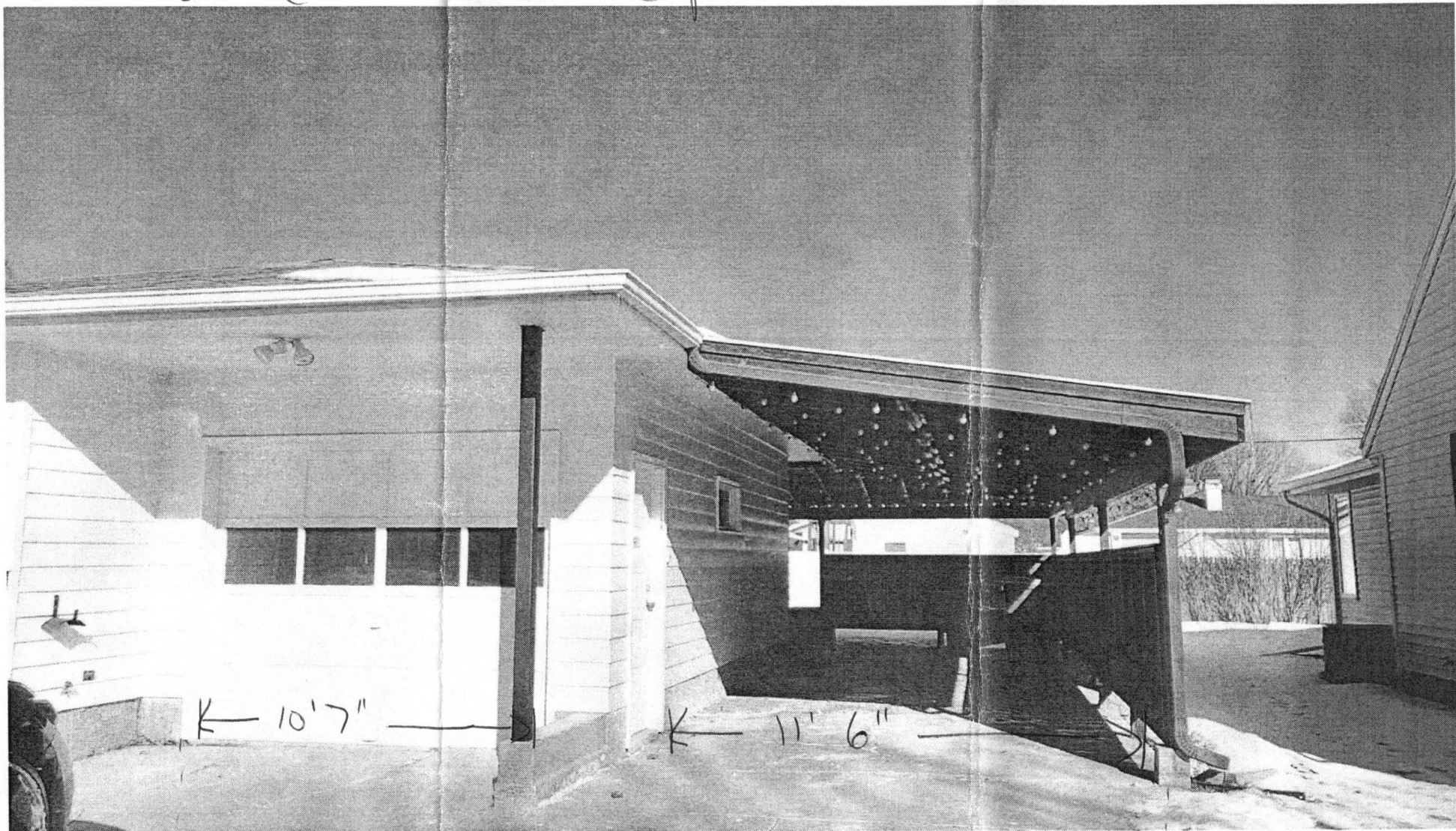
Print Name:

Date

Date

|                             |                          |                           |                       |
|-----------------------------|--------------------------|---------------------------|-----------------------|
| OFFICE USE ONLY:            | Parcel# 1-2631           | Residential \$75 <u>X</u> | Commercial \$150 ____ |
| District: 8      Zoning: R1 | Meeting Date: 04/18/2022 | Receipt #: 2760542-11     |                       |
| Submittal Date: 03/31/2022  | Staff Signature:         |                           |                       |

1092 Shadow - Current Garage & Carport

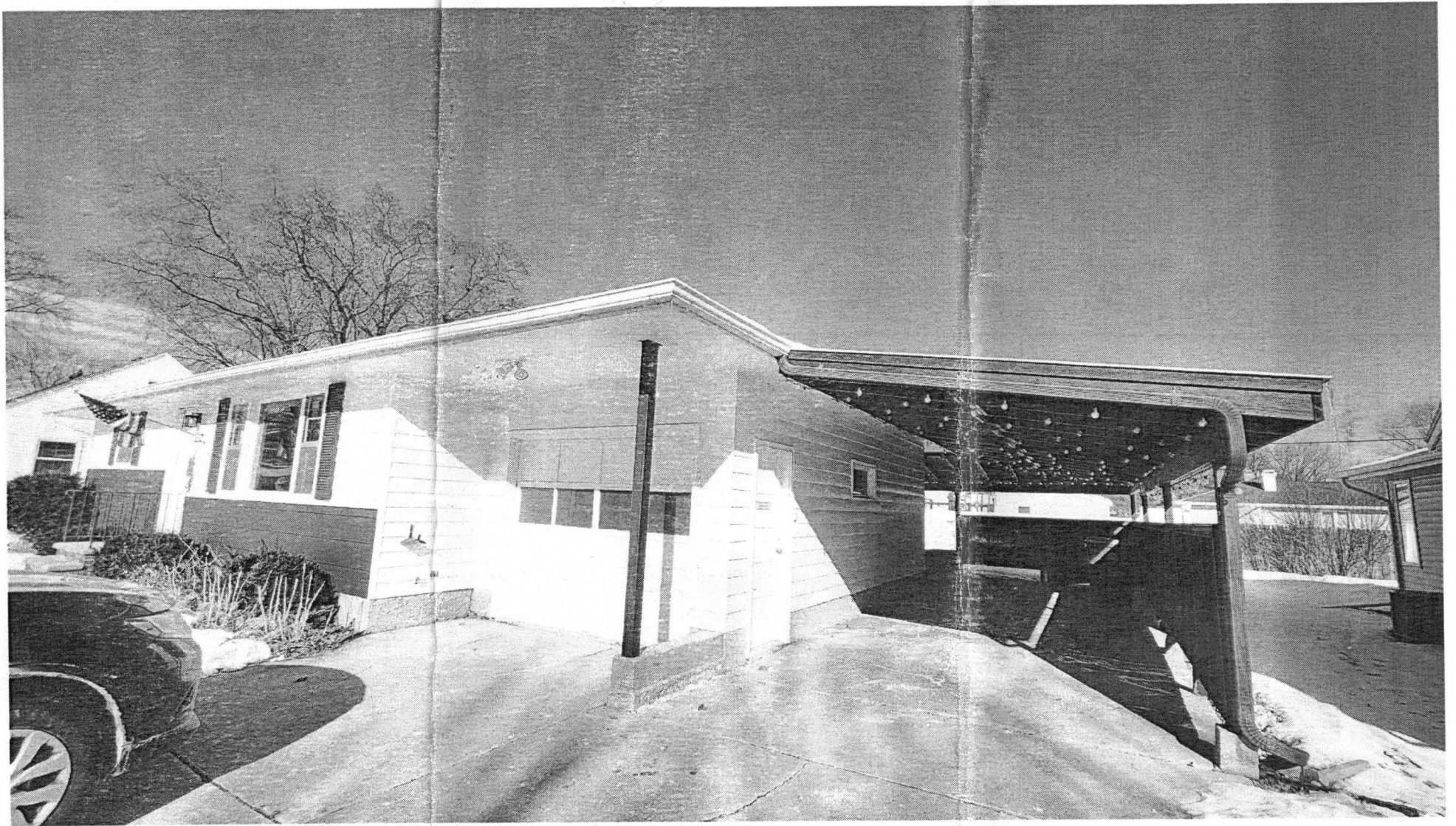


← 10' 7" →

← 11' 6" →

← Approx 2" →  
Set back

← 22' 8" →





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

**MEETING DATE**

August 15, 2022

**PREPARED BY**

Jon LeRoy

**AGENDA ITEM # E.2**

(Appeal 22-029) Tim Philpps, property owner, has installed passable hardscape in the taper triangle space at the property line for a single-family home in the Low-Density Residential (R1) District at 2089 Fern Lane. The applicant requests to deviate from the following requirements in Chapter 44, Green Bay Zoning Code, Section 44-1746(3)(c), taper triangle materials (Ald. B. Morgan, District 3).

**BACKGROUND**

Section 44-1746(3)(c) calls for the driveway shall be tapered between the garage or the edge of a legal uncovered space and the property line starting a minimum of 5 ft. inside the parcel. The applicant has created a cobblestone hardscape feature within the triangle.

Section 44-141 related to findings for variance states:

No variance shall be granted by the Board unless it finds that the following facts and conditions exist and so indicates in the minutes of its proceedings.

- a. Preservation of intent. A variance would not be inconsistent with the spirit, purpose, and intent of the regulations for the district in which it is requested.
- b. Exceptional circumstances. Exceptional, extraordinary, or unusual circumstances or conditions apply to the lot or intended use that do not apply generally to other properties or uses in the same district, and the variance is not of so general or recurrent a nature to suggest that this chapter should be changed.
- c. Preservation of property rights. The variance is necessary for the preservation and enjoyment of the same substantial property rights which are possessed by other properties in the same district and vicinity.
- d. Absence of detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the spirit, purpose, and intent of this chapter or the public interest.
- e. Hardship. The alleged difficulty in complying with the Municipal Code is not self-imposed nor is it based solely on economic grounds.

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

1. Appeal 22-029 Application
2. Appeal 22-029 Picture 1
3. Appeal 22-029 Picture 2
4. Appeal 22-029 Picture 3
5. Appeal 22-029 Picture 4
6. Appeal 22-029 Picture 5



# ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

RECEIVED

JUL 08 2022

COMMUNITY AND  
ECONOMIC DEVELOPMENT

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

|                                                                                                                                                                                                                                                                                                                                                      |                   |                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------|
| <b>DATE:</b>                                                                                                                                                                                                                                                                                                                                         | <b>PROJECT #:</b> | <b>APPEAL #:</b> |
| <b>APPLICANT INFORMATION:</b>                                                                                                                                                                                                                                                                                                                        |                   |                  |
| Name: <u>Tim Philipps</u>                                                                                                                                                                                                                                                                                                                            |                   |                  |
| Business Name:                                                                                                                                                                                                                                                                                                                                       |                   |                  |
| Address: <u>2089 Fern Lane</u>                                                                                                                                                                                                                                                                                                                       |                   |                  |
| City, State, Zip: <u>Green Bay WI 54302</u>                                                                                                                                                                                                                                                                                                          |                   |                  |
| Phone: <u>920-360-4790</u>                                                                                                                                                                                                                                                                                                                           |                   |                  |
| Email: <u>tphilipps@new.rr.com</u>                                                                                                                                                                                                                                                                                                                   |                   |                  |
| <b>Property Owner Information (if different from above):</b>                                                                                                                                                                                                                                                                                         |                   |                  |
| Name:                                                                                                                                                                                                                                                                                                                                                |                   |                  |
| Business Name:                                                                                                                                                                                                                                                                                                                                       |                   |                  |
| Address:                                                                                                                                                                                                                                                                                                                                             |                   |                  |
| City, State, Zip:                                                                                                                                                                                                                                                                                                                                    |                   |                  |
| Phone:                                                                                                                                                                                                                                                                                                                                               |                   |                  |
| Email:                                                                                                                                                                                                                                                                                                                                               |                   |                  |
| <b>PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:</b>                                                                                                                                                                                                                                                                |                   |                  |
| Location/Address: <u>2089 Fern Lane Green Bay WI 54302</u>                                                                                                                                                                                                                                                                                           |                   |                  |
| Tax Parcel Number(s): <u>21-2475-D-1</u>                                                                                                                                                                                                                                                                                                             |                   |                  |
| Describe the Variance Request:                                                                                                                                                                                                                                                                                                                       |                   |                  |
| <p>as shown in picture we made a cobble stone landscape feature at the end of my driveway For aesthetic reasons and also to avoid a mud hole in corner. It is not something you can drive on so I don't feel it can be included in my drive way.</p> <p>I fit a landscape theme we are creating and we have had a lot of positive feedback on it</p> |                   |                  |

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

None Listed

#### ALTERNATIVES:

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

Alternatives that you considered that comply with existing regulations:

We had a Feature with gravel and rock, but it did not hold up well in winter. This feature aids in runoff as we are on a hill and we get a lot of water from adjacent ~~to~~ property.

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

did not work as well

**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

on a hill, excessive runoff, can demonstrate if need be

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

I don't believe so

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?

We are just trying to Avoid the unsightly mud hole that you see so often at the end of driveways

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

Tim Phillips

Signature of the Property Owner

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

Tim Phillips

Print Name:

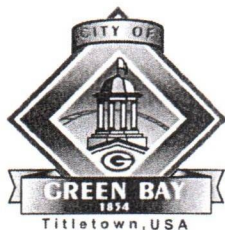
Print Name:

7/8/22

Date

Date

|                         |                |                         |                              |                              |
|-------------------------|----------------|-------------------------|------------------------------|------------------------------|
| <b>OFFICE USE ONLY:</b> |                | <b>Parcel#</b>          | <b>Residential \$75 ____</b> | <b>Commercial \$150 ____</b> |
| <b>District:</b>        | <b>Zoning:</b> | <b>Meeting Date:</b>    | <b>Receipt #:</b>            |                              |
| <b>Submittal Date:</b>  |                | <b>Staff Signature:</b> |                              |                              |



Community & Economic Development Department  
100 North Jefferson Street - Room 608  
Green Bay, Wisconsin 54301-5026  
www.greenbaywi.gov

Phone 920.448.3300  
Fax 920.448.3426

To: **TIMOTHY PHILIPPS**  
**2089 FERN LN**  
**GREEN BAY WI 54302-4057**

June 22, 2022  
Case #: **120918**  
(Initial Inspection 6/22/2022)

Property Address: 2089 FERN LN, 21-2475-D-1

Dear Property Owner:

An inspection was recently conducted at your property. Results of this inspection identified Municipal Ordinance violation(s) that need to be addressed by you, the property owner. Please note the "Correct By" date for correcting each item listed below. Unless I hear from you prior to the Correct By date(s), a re-inspection to check for compliance will be performed on or shortly after each date listed. The City greatly appreciates your effort and commitment to improving the quality of life in our neighborhoods. **Please contact me directly** if you have any questions regarding this notice. Again, thank you for maintaining your property in a code compliant condition.

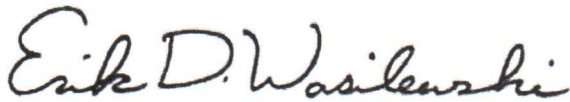
**Erik Wasilewski, Building Inspector**  
**(920) 448-3314 Erik.Wasilewski@greenbaywi.gov**

**Violations Notice:**

| Order Number | Findings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Correct By | Inspector Comments |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------------------|
| GBMC         | Where the width of the driveway at the garage or other legal parking space exceeds the maximum width of the driveway at the property line, the driveway shall be tapered between the garage or the edge of a legal uncovered space and the property line starting a minimum of five feet inside the parcel. If said taper "triangle" is found to be driven over and in a deteriorated state, the City may require the installation of vegetation or other item designed to prohibit vehicular trespass. See Figure 3.C: Single-Family and Two-Family Drive Width-Taper Detail. When leading to a legal uncovered space, the driveway width shall be the least possible needed and shall not exceed 25 feet in width at the property line. | 7/22/2022  |                    |

All cited violations must be corrected by the date(s) indicated above unless an extension of time is granted. A re-inspection fee in the amount of fifty dollars (\$50) will be assessed for each re-inspection required after the above noted correction date or extension date passes and the property is still in non-compliance. In addition, each day that violations continue after this notice shall constitute a separate offense and may be subject to additional re-inspection fees and/or the issuance of Municipal Court citations.

*An owner of real property shall give notice to any purchaser that a notice has been issued concerning code violations, where the condition giving rise to the notice of violation has not been corrected.*



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Erik Wasilewski, Building Inspector  
(920) 448-3314,  
Erik.Wasilewski@greenbaywi.gov

June 22, 2022

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Date









5:21



Green Bay

August 8, 2021 9:45 AM

Edit

© LIVE



