



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, SEPTEMBER 19, 2022, 4:30 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 September 19, 2022, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

1. Approval of the minutes from the August 15, 2022, meeting of the Zoning & Planning Board of Appeals.

E. Regular Business.

1. (Appeal 22-30) Luz M Maciel Velaquez, property owner, proposes the addition of a second driveway to the front of a single-family home in a Low-Density Residential (RI) District at 1722 Amy 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 (b), off-street parking location (Ald. B. Morgan, District 3).
2. (Appeal 22-31) Robert J. Kendall Jr, applicant, on behalf of Ingeborg V. Kendall, property owner, proposes the addition of a carport in the front of a single-family home in a Low-

Density Residential (RI) District at 2871 St. Anthony Drive. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code: Section 44-590 Table 44-4, placement of an accessory building in the front yard setback. (Ald. S. Campbell, District 6).

3. (Appeal 22-32) Troy Murphy, property owner, proposes improvements to a non-conforming driveway in the front of a single-family home in a Low-Density Residential (RI) District at 1683 Forest Glen Drive. The applicant requests to deviate from the following requirements in Chapter 44, Green Bay Zoning Code: Section 44-1746 (2) c. driveway side-yard setback, Section 44-1746 (3) (e) side-loaded driveway width and Section 44-1746 (3) f. 2. Inside edge of arc of driveway shall be at least 15 feet from right of way (Ald. M. Eck, District 11).
4. (Appeal 22-33) Jose Aguilar of Titletown Construction LLC, applicant, on behalf of Juan Antonio Soto Vera, property owner, has installed passable concrete in the taper triangle and driveway encroaching into the side yard setback at a single-family home in a Low-Density (RI) District at 1681 Fiesta Lane. The applicant requests to deviate from the following requirements in Chapter 44, Green Bay Zoning Code: Section 44-1746 (b.) side setback for detached garages and Section 44-1746(3) taper triangle requirements (Ald. B. Galvin, District 4).
5. (Appeal 22-34) Roy and Mary Johnson, property owners, have installed a driveway encroaching into the side yard setback in the front of a single-family home in a Low-Density (RI) District at 2454 Crest Lane. The applicants request to deviate from the following requirement in Chapter 44, Green Bay Zoning Code: Section 44-1746 (c.) side setback for attached garages (Ald. B. Morgan, District 3).

F. Informational.

1. Discussion on procedural items related to the Zoning & Planning Board of Appeals.
2. Next meeting date: October 17, 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.

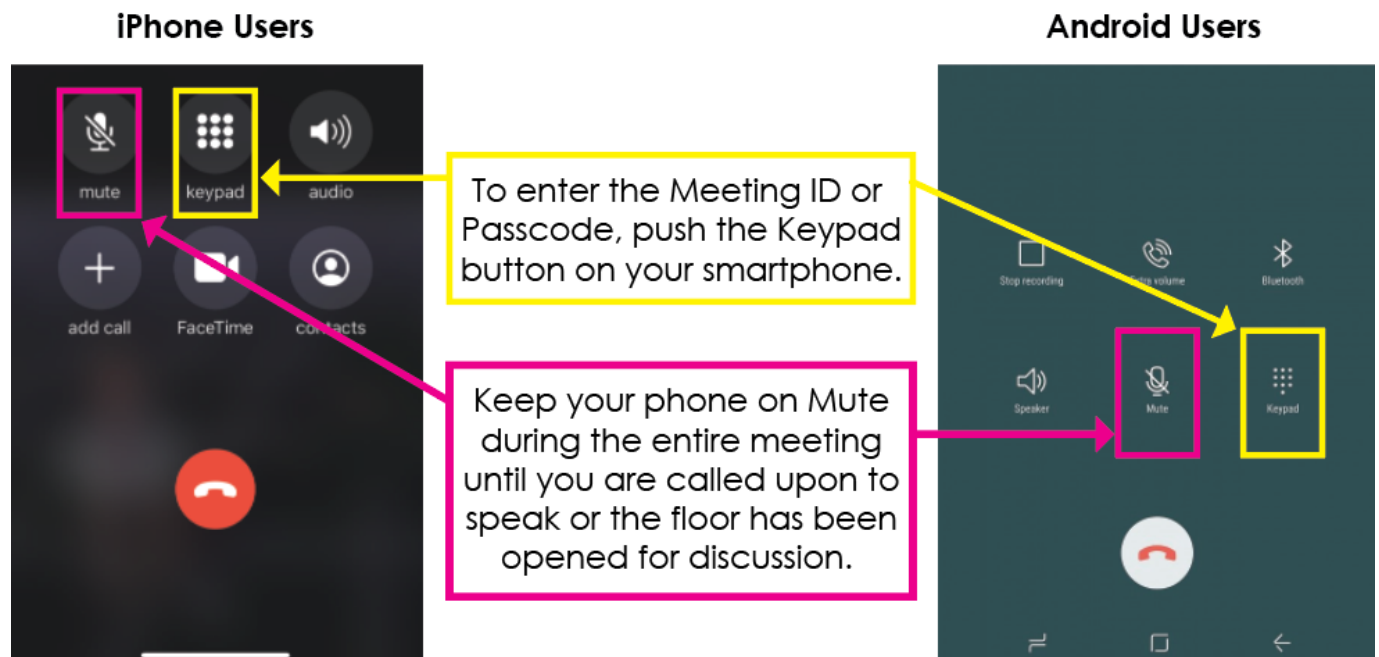
Additional Information

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

September 19, 2022

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.1

(Appeal 22-30) Luz M Maciel Velaquez, property owner, proposes the addition of a second driveway to the front of a single-family home in a Low-Density Residential (R1) District at 1722 Amy 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 (b), off-street parking location (Ald. B. Morgan, District 3).

BACKGROUND

Section 44-1746 (1), number of driveways and Section 44-1746 (b), off-street parking location. The property owner is proposing adding a second driveway to the single-family residence. The property is a corner lot with an existing 2-stall garage and driveway coming off Schwartz Street. The property owner requests a second driveway off Amy Street.

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 22-30 Application
2. Appeal 22-30 Image 1 Aerial with Additional Driveway
3. Appeal 22-30 Image 2 Street View with Driveway Dimension



ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 11 Aug, 2022	PROJECT #: 109894	APPEAL #: 22-30
APPLICANT INFORMATION:		
Name: Luz M Maciel Velazquez		
Business Name:		
Address: 1722 Amy St.		
City, State, Zip: Green Bay WI 54302		
Phone: 920 371 5566 or 920 461 6965 (PM)		
Email: Citlali.HernandezMaciel@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:		
Tax Parcel Number(s):		
Describe the Variance Request:		
The reason we want to make changes to the driveway is because we have no visibility to see the cars. In many ways our cars have been try to brake into our cars and for winter we have to warm up the cars and we can't see them while they are warming up. Those are a couple reasons why I want to make a driveway in front of the house. I also need more parking space. Please help us out because we really need it. Thank you.		

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

(1.) 44-1746 = # of DRIVEWAYS from 1 to 2

(2.) 44-1747 = PARKING in front YARD in front of HOME.

ALTERNATIVES:

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

Next to the garage on the left side

Alternatives that you considered that comply with existing regulations:

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

Gas line runs through there and cars won't be visible towards US.

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

A Difference is that normally houses have their garage in front of them instead of having it on the side.

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

Because its on our house property with enough space.

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 have a trail to cut down trees but not enough space to fit them all in our parking lot.

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.

Luz M Maciel

Signature of the Property Owner

Luz M Maciel

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

Luz M Maciel

Print Name:

Luz M Maciel

Print Name:

8-11-22

Date

8-11-22

Date

OFFICE USE ONLY:	Parcel# <u>21-2542-K-25</u>	Residential \$75 ☒	Commercial \$150 ☐
District: <u>3</u> Zoning: <u>R1</u>	Meeting Date: <u>9-19-22</u>	Receipt #: <u>2761467-10</u>	
Submittal Date: <u>8-11-22</u>	Staff Signature: _____		

8/11/22





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

MEETING DATE

September 19, 2022

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.2

(Appeal 22-31) Robert J. Kendall Jr, applicant, on behalf of Ingeborg V. Kendall, property owner, proposes the addition of a carport in the front of a single-family home in a Low-Density Residential (R1) District at 2871 St. Anthony Drive. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code: Section 44-590 Table 44-4, placement of an accessory building in the front yard setback. (Ald. S. Campbell, District 6).

BACKGROUND

Section 44-590 Table 44-4, placement of an accessory building in the front yard setback. The property owner requests constructing a carport accessory structure in the driveway in front of the primary building.

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 22-31 Application
2. Appeal 22-31 Carport Image

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

DATE: 8/29/22	PROJECT #: 108586	APPEAL #: 22-31
APPLICANT INFORMATION:		
Name: Ingeborg V. Kendall		
Business Name: N/A		
Address: 2871 St. Anthony Drive		
City, State, Zip: Green Bay, WI 54311		
Phone: (920) 455-0962 (Home), (209) 322-5656 (Cell)		
Email: rkmarines25@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: 2871 St. Anthony Drive, Green Bay, WI 54311		
Tax Parcel Number(s): 21-429-10		
Describe the Variance Request:		
Request to build carport in driveway, which is located on right/front of house.		

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.

Having a driveway that led to garage.

Alternatives that you considered that comply with existing regulations:

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

City made owner remove driveway leading to small garage.

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

Yes, former driveway was removed by city direction.
Also, unusable in winter due to slope of land.

Would granting the variance be contrary to the public interest? Explain.
No, It is a simple car port that would look aesthetically pleasing
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?
City directed owner to removal existing gravel driveway. Owner cannot use small garage on back corner of property. Owner needs carport to protect vehicles from snow, sun, hail, etc.

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.

Ingeborg V. Kendall
Signature of the Property Owner

Robert J. Kendall Jr.
Signature of Applicant (working as "Agent" for owner)

INGEBORG V. KENDALL
Print Name:

ROBERT J. KENDALL JR.
Print Name:

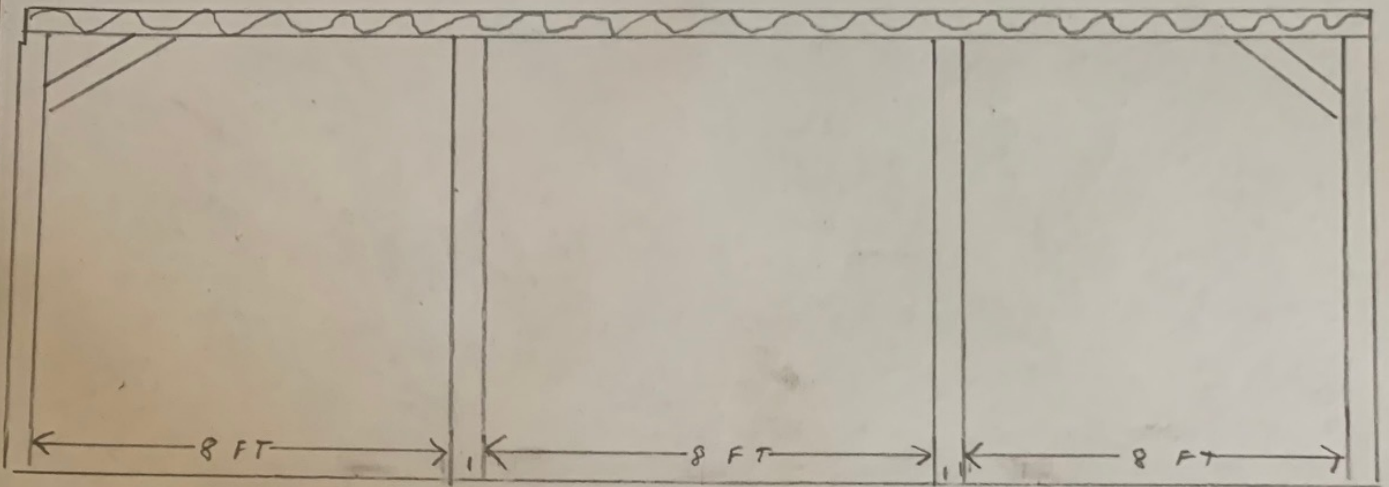
8/29/2022
Date

8/29/2022
Date

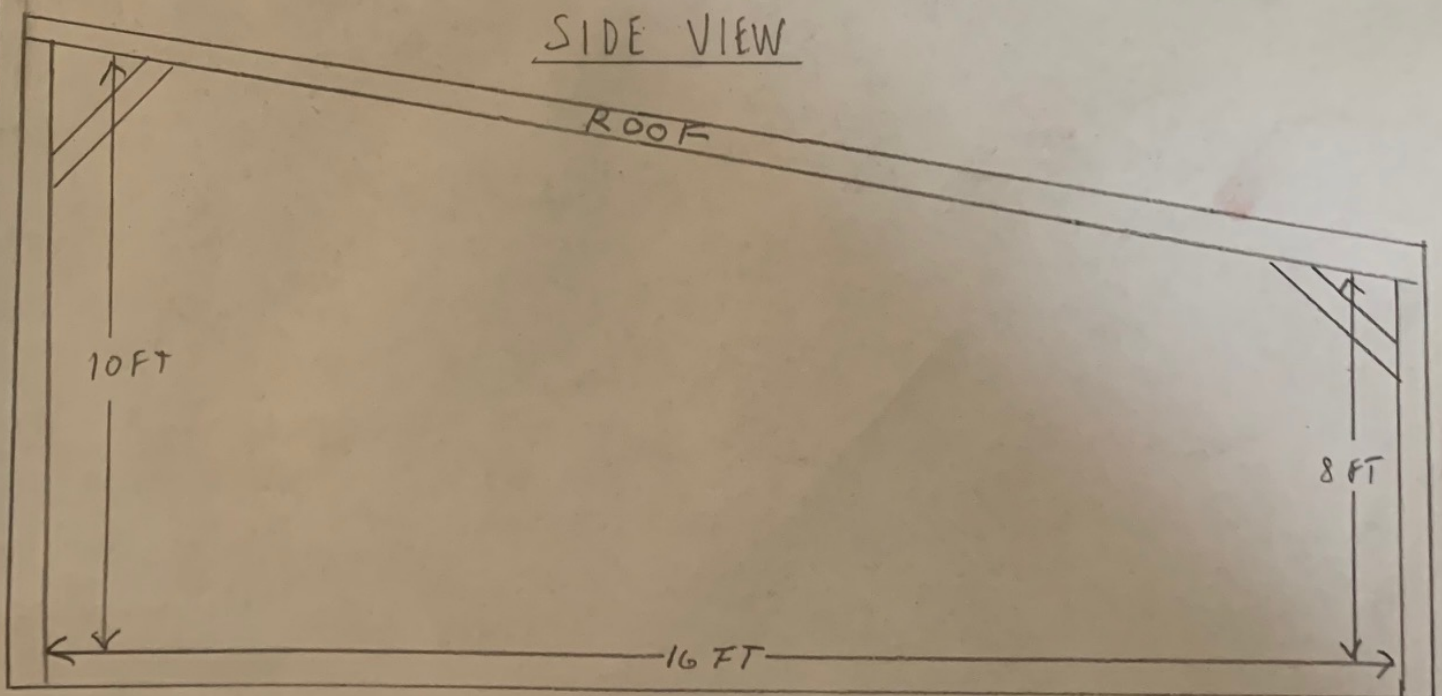
(747) 220-1112

OFFICE USE ONLY:	Parcel# <u>21-429-10</u>	Residential \$75 ☒ Commercial \$150 ☐
District: <u>6</u> Zoning: <u>R1</u>	Meeting Date: <u>9-19-22</u>	Receipt #: <u>276151-7</u>
Submittal Date: <u>8-29-22</u>	Staff Signature:	

FRONT VIEW



SIDE VIEW





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

MEETING DATE

September 19, 2022

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.3

(Appeal 22-32) Troy Murphy, property owner, proposes improvements to a non-conforming driveway in the front of a single-family home in a Low-Density Residential (R1) District at 1683 Forest Glen Drive. The applicant requests to deviate from the following requirements in Chapter 44, Green Bay Zoning Code: Section 44-1746 (2) c. driveway side-yard setback, Section 44-1746 (3) (e) side-loaded driveway width and Section 44-1746 (3) f. 2. Inside edge of arc of driveway shall be at least 15 feet from right of way (Ald. M. Eck, District 11).

BACKGROUND

Section 44-1746 (2) c. driveway side-yard setback, Section 44-1746 (3) (e) side-loaded driveway width and Section 44-1746 (3) f. 2. Inside edge of arc of driveway shall be at least 15 feet from right of way. Property owner has an existing non-conforming driveway. If a driveway needs repairs which are beyond ordinary repairs or nonstructural alterations or is an expansion/addition, then the driveway improvements are required to come into code compliance. The property owner is seeking to repair and expand the driveway. The individual variances request relief from side yard setbacks of 6 feet for an attached garage, width of driveway both in front of the garage and exceeding 12 feet in width for the area of the driveway not directly leading to the garage, and placement of the start of the inside edge of the arc of the driveway.

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 22-32 Application
2. Appeal 22-32 Narrative
3. Appeal 22-32 Image 1 Option A
4. Appeal 22-32 Image 2 Option B

ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

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

[illegible]

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

44-1746(2)c.

44-1746(3)e.

44-1746(3)f. 2

ALTERNATIVES:

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

PLEASE SEE ATTACHED DOCUMENTS

Alternatives that you considered that comply with existing regulations:

PLEASE SEE ATTACHED DOCUMENTS

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

DRIVEWAY WOULD NOT BE FUNCTIONAL & CREATE MORE PRACTICAL DIFFICULTY IN USE AND MAINTENANCE OF LANDSCAPING.

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

YES. PLEASE SEE ATTACHED DOCUMENTS

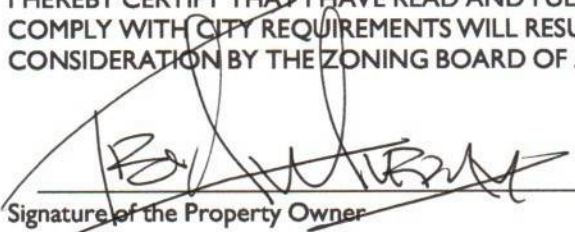
Would granting the variance be contrary to the public interest? Explain.

NO. I WOULD FIT THE NEIGHBORHOOD DESIGN & STYLE AS WAS ORIGINALLY BUILT. IT WOULD NOT ADD ANY CONFLICTS WITH NEIGHBORS.

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?

THE DRIVEWAY IS NEEDING REPLACEMENT. CARS HAVE CHANGED SINCE 1963 & KEEPING A HOME THAT IS PLEASANT TO NEIGHBORS IS A PRIORITY. FUNCTION & SAFETY ARE OUR PRIMARY REASON FOR A DRIVEWAY ADJUSTMENT.

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:

TRAY A MURPHY

Print Name:

Date

8.31.22

Date

OFFICE USE ONLY:	Parcel# 6-1653	Residential \$75 ☒ Commercial \$150 _____
District: 11 Zoning: R1	Meeting Date: 9-19-22	Receipt #: 2761591-6
Submittal Date: 8/31/22	Staff Signature:	

FROM THE DESK OF

Troy Murphy

August 31, 2022

City of Green Bay
Variance Board
100 N Jefferson St
Green Bay, WI 54301

Dear Variance Board,

My wife and I found this house 3 years ago and loved the unique mid-century modern design. As you have discovered it was built within several 70'+ red oaks. The house and driveway were literally placed in between all the trees. When we moved in we immediately experience large parts of those oaks falling on our vehicles and so



removed 6 go them. The two you can spot where the driveway shows two cutouts. We love the neighborhood and home styles and have kept original design as much as possible. The driveway turn with vehicles has been a challenge. Getting in and out of the driveway without hitting lawn or being in snow is an ongoing problem. Guests are challenged and often drive on landscaping or find themselves in mud and snow. We understand the codes and are asking

for variances on the three codes of 44-1746 (2) c., 44-1746 (3) e. And 44-1746 (3) f. 2. We have two options. Option A being our first pick and option B a compromise to replace of decayed concrete driveway.

Thank you for you help in preparing and reviewing our request.

Sincerely yours,

Troy Murphy

Proposed Variance for Driveway replacement

Here are the three code violations that exist with the original driveway as listed by Pete O'Conner. My request is to give a variance to these three code violations for one of two replacement options. OPTION A or OPTION B.

44-1746 (2) c.

Driveways leading to detached 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. So, that driveway needs to be a minimum of 6 feet off the side-yard setback.

Rational for Variance

- The original build of this home in 1963 was poured on the property line.
 - There are no issues with our neighbors on this code.
 - Practical difficulty is the turn radius that is currently restrictive so moving the driveway 6ft will increase difficulty and will restrict two cars from being able to enter and exit driveway without traveling on lawn.
 - Disturbs original design and layout of driveway.
 - Tire traffic is killing landscaping.
-

44-1746 (3) e.

Side loaded driveway can be garage width. So for the plane of where the parking in is in line and parallel with the garage, the parking area can be garage width, but it can't be making a bump-out to make extra front parking.

Rational for Variance

- Practical difficulty is the turn radius that is currently restrictive so moving the driveway 6ft will increase difficulty and will restrict two cars from being able to enter and exit driveway without traveling on lawn.
 - Bump out is not a car park but a turn out for a vehicle to back into and leave driveway in the forward position or leaves room tire turn backing out that has more margin.
 - Bump out will allow for backing out or a 2 point turn to exit driveway safely and without property damage.
 - Bump out will allow guest parked behind owners vehicles to safely exit vehicle on driveway and not in landscape area.
 - Car entering can now square into driveway and garage without angle.
-

44-1746 (3) f. 2

Inside edge of arc of driveway shall be at least 15' from ROW.

Rational for Variance

- Practical difficulty is the turn radius that is currently restrictive so moving the driveway 6ft will increase difficulty and will restrict two cars from being able to enter and exit driveway without traveling on lawn.
- The new angle in driveway would create more practical difficulty for two vehicle to enter and exit safely.
- Practical difficulty is still present with driver and passengers entering and exiting vehicles without being in the green space/snow.
- The driveway would add 15ft on the property line.
-
- Disturbs original design and layout of driveway.

Residents of

Troy and Tricia Murphy
1683 Forest Glen Drive
Green Bay WI 54304
920.819.8769

Contractor

CHRISTENSEN CONCRETE & EXCAVATING INC.
3009 Lineville Rd, Green Bay, WI, 54313-7205

EXISTING DRIVEWAY WITH **OPTION A** ADDITION



- = Additional concrete driveway space
- = Vehicle path
- = Vehicle tire path

PROPOSED **OPTION A** DRIVEWAY DIMENSIONS



Residents of

Troy and Tricia Murphy
1683 Forest Glen Drive
Green Bay WI 54304
920.819.8769

Contractor

CHRISTENSEN CONCRETE & EXCAVATING INC.
3009 Lineville Rd, Green Bay, WI, 54313-7205

EXISTING DRIVEWAY WITH **OPTION B** ADDITION



PROPOSED **OPTION B** DRIVEWAY DIMENSIONS



- = Additional concrete driveway space
- = Vehicle path
- = Vehicle tire path



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

MEETING DATE

September 19, 2022

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.4

(Appeal 22-33) Jose Aguilar of Titledown Construction LLC, applicant, on behalf of Juan Antonio Soto Vera, property owner, has installed passable concrete in the taper triangle and driveway encroaching into the side yard setback at a single-family home in a Low-Density (R1) District at 1681 Fiesta Lane. The applicant requests to deviate from the following requirements in Chapter 44, Green Bay Zoning Code: Section 44-1746 (b.) side setback for detached garages and Section 44-1746(3) taper triangle requirements (Ald. B. Galvin, District 4).

BACKGROUND

Section 44-1746 (b.) side setback for detached garages and Section 44-1746(3) taper triangle requirements.

The property owner has replaced a non-conforming driveway and not brought the driveway to code compliance. The driveway edge exceeds the side yard setback and a taper triangle is not present where the driveway meets the back of the walkway at the driveway apron.

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 22-33 Application
2. Appeal 22-33 Image Dimensions

3. Appeal 22-33 Image Street View



ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 8/31/22	PROJECT #: 109682	APPEAL #: 22-33
APPLICANT INFORMATION:		
Name: Jose Aguilar		
Business Name: Titledown Construction LLC		
Address: 151 Village St		
City, State, Zip: Green Bay, WI 54302		
Phone: (920) 371-1467		
Email: jloaguilar12@hotmail.com		
Property Owner Information (if different from above):		
Name: Juan Antonio Soto Vera		
Business Name:		
Address: 1681 Fiesta Ln		
City, State, Zip: Green Bay, WI 54302		
Phone: (920) 371-1149		
Email:		
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:		
Location/Address: 1681 Fiesta Ln Green Bay, WI 54302		
Tax Parcel Number(s): 21-1110-M-57		
Describe the Variance Request: Requesting for variance to allow driveway to be reconstructed to previous existing dimensions. Previous existing dimensions included driveway to extend 34 inches to East of garage side line. Such variance would still allow for side line setback to be in compliance. Also requesting for variance in driveway Apron to be untouched to existing dimensions. Existing dimensions allow for a 8 foot distance between Apron and fire hydrant. Extending such Apron would reduce distance from Apron to fire hydrant. Variance allowing driveway to be reconstructed to previous existing dimensions would relieve a unnecessary hardship to handicap resident. Allowing Variance would allow resident to maneuver and allow for a more comfortable and safe use of a special need handicap vehicle.		

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.

There is no Alternatives, due to a fire hydrant installed next to Apron not allowing the Apron to be enlarged to meet the dimension of driveway leading to garage.

Alternatives that you considered that comply with existing regulations:

There is no alternatives because the Apron cannot be extended due to fire hydrant installed next to apron on property, making this a unique property limitation.

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

wouldn't comply.

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

Yes the fire hydrant installed next to driveway Apron does not Allow For Apron to be extended to meet dimension leading to garage which causes a unfavorable View.

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

NO a granted Variance would not be contrary to any Public Interest.
A granted Variance wouldn't impose a nuisance to any other public Interest.

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? Not getting a Variance would impose a unnecessary hardship on Property residents, because the use of a handicap ramp Equipped Vehicle would be restricted. We understand there is enough space for a handicap Vehicle to be used, but it would defeat the purpose of the two garage car garage width drive way.

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.

Juan Antonio Soto Vera
Signature of the Property Owner

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

Juan Antonio Soto Vera
Print Name:

Jose Aguilar
Print Name:

8-31-22
Date

08/31/22
Date

OFFICE USE ONLY:	Parcel# <u>21-1110-M-57</u>	Residential \$75 ☒ Commercial \$150 ☐
District: <u>4</u> Zoning: <u>R1</u>	Meeting Date: <u>9-19-22</u>	Receipt #:
Submittal Date: <u>8-31-22</u>	Staff Signature:	





Image capture: Sep 2016 © 2022 Google



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

MEETING DATE

September 19, 2022

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.5

(Appeal 22-34) Roy and Mary Johnson, property owners, have installed a driveway encroaching into the side yard setback in the front of a single-family home in a Low-Density (R1) District at 2454 Crest Lane. The applicants request to deviate from the following requirement in Chapter 44, Green Bay Zoning Code: Section 44-1746 (c.) side setback for attached garages (Ald. B. Morgan, District 3).

BACKGROUND

Section 44-1746 (c.) side setback for attached garages. Property owner has installed a driveway into the side yard setback.

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 22-34 Application
2. Appeal 22-34 Narrative
3. Appeal 22-34 Image 1 Street View 2016
4. Appeal 22-34 Image 2 Overhead Aerial 2020
5. Appeal 22-34 Image 3 Driveway July 2022
6. Appeal 22-34 Image 4 Additional Driveway Images
7. Appeal 22-34 Image 5 Additional Property Images



ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 8/30/22	PROJECT #: 110174	APPEAL #: 22-34
APPLICANT INFORMATION:		
Name: Roy C. & Mary J. Johnson		
Business Name:		
Address: 2454 Crest Lane		
City, State, Zip: Green Bay, WI 54302		
Phone: 920-530-5840		
Email: mjjohnson21@att.net		
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: 2454 Crest Lane, Green Bay		
Tax Parcel Number(s): 21-3765		
Describe the Variance Request: We are requesting a Variance for an extra addition to our driveway 6'2" ft. x 16'2". We hired a cement contractor to pour a replacement garage floor & driveway, sidewalk to front door and City Sidewalk & Apron. We didn't know we needed a Bldg. Permit or Site Map before doing this project as our Contractor told us that it was a replacement of cement already there & not a new build. We have a 3rd vehicle and wanted to have more width to get around cars in our driveway & this piece added on would let us do that without dinging doors or constantly shuffling cars. We had no idea this was against City Code and that we should have gotten a Permit. We had also put cement too close to the City Sidewalk Space on this addition and our Contractor is cutting that off for us so we are in Compliance with that issue. We really wish to be Compliant with City Codes.		

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

Ordinance 44-1746(c). We have a total of 10'5" to our lot line-which means with this addition^{on} we only have 4' to our lot line-not the 6ft. required and it does not lead to a legal parking spot as Ordinance Requires. 44-1747(3)(a) Front Yard Parking Space is allowed if house only has 1 stall garage. Our home has a 2 stall garage and a 2 stall drive way.

ALTERNATIVES:

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

Remove the Additional Piece.

Alternatives that you considered that comply with existing regulations: (1) We can go on as we have before or (2) we can park a car to the bottom of our driveway (3) We can park one vehicle on the road.

Reasons for not pursuing the alternative(s) listed above: If we park at bottom of driveway or on the road, we are blocking neighbors view of traffic coming up street. Our street is busy as it is used as a cut thru by many- some going more than the speed limit. Children come down our street/hill on bikes fast with no thoughts of cars backing out of driveways. During the school year, buses use this street and many parents are parking for drop-off & picking up. We also have 3 of us neighbors with very close drive-ways. We don't need anymore obstacles.

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

Our neighbors home/garage is exactly 8' to our lot line. They have their downspouts & we have ours on that side of home. After rain the water sits on that piece of grass & it is squishy. With our addition we position our downspout to go over this cement & it just flows out to the road instead of saturating the grass & going into our garage as it had done. This piece of cement also lets the rain flow down our lot line to the back of our lots

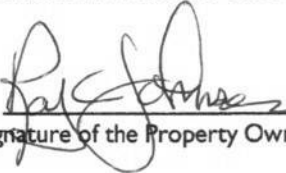
Would granting the variance be contrary to the public interest? Explain.

No - we have gotten so many compliments on the driveway & cement. Every neighbor has commented positively. That's why it was such a surprise to us that someone filed a complaint.

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?

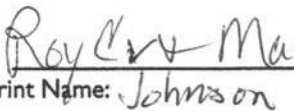
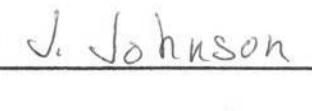
This piece of grass 10' wide has not been used ever. We had a tree there back in the 70's but it didn't survive. This is just a piece of grass that we cut weekly. We would really be thrilled if we could use it as a temporary parking spot. And by replacing all of our cement and adding on a little we have improved the looks of our property. We have always taken care of our home & really want to be in compliance with the City Codes - this Variance would help us.

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: Johnson

Print Name:

8/30/22

Date

Date

OFFICE USE ONLY:	Parcel# 21-3765	Residential \$75 ☒	Commercial \$150 ☐
District: 3 Zoning: R1	Meeting Date: 9/19/22	Receipt #: 2761600-7	
Submittal Date:	Staff Signature:		

DESCRIBE THE VARIANCE REQUEST:

We would like to keep an addition to our 2 stall driveway. We did not know we could not add on width to our driveway and added 6 ½ feet in width and 16 ½ feet in length.

Our home and driveway are 47 years old and were built in 1975. Our driveway was very pitted and had many cracks in the cement. Our garage floor was in the same bad condition as well. We watched for new cement builds and found several driveways we liked. In August 2021 we contacted a cement contractor who had done driveways near us and asked for a bid on the replacement garage floor and driveway. We had found a small crack down our basement foundation wall adjacent to the garage floor foundation where water from melting snow and rain had been running down the wall from the inside of the garage causing this crack. We had started saving up to do this project and hoped to do it in 2023. But once we found the crack, we decided we shouldn't wait.

We received a bid from the contractor on 9/2/2021 and on 9/7/21 we notified him that we'd like it done in Spring 2022 when weather conditions were right for cement construction projects. We did our background work, checking on the contractor and his business location in New Franken, and found he had a great reputation and his work was beautiful. We also printed out all of the information online for the "One & Two-Family Driveway Guide" and found more city information on driveway regulations online – Chapter 13-1700 -that referred to adding on to a driveway --so we thought we were good there. We read all of it over thoroughly and did ask our contractor if he was getting the Building Permit or if he wanted us to get it. He told us we didn't need a Building Permit as we were only doing a replacement driveway and garage floor not a new build as you would for a new home. We called Diggers Hotline and all utilities had come out to mark underground wires and we had found all of our lot lines so we would be in compliance with that leaving the distance between our addition to driveway and the end of our property line (which we thought had to be 2.5 feet to lot line).

On 5/16/22 our contractor (Dorner Equipment Sales & Service) began breaking up old cement. They did a great job and by 5/20/22 they had just about all of the work done, including garage floor, driveway including the City Sidewalk portion and Apron, a new sidewalk to our front door, and an addition to the width of our drive-way. An Inspector had come out twice to check on the City Sidewalk Portion and Apron. We thought all was well. And we loved our new cement - - it all looked beautiful! On 5/31/22 we could begin driving on it.

On 7/27/22 an Inspector from the Dept. of Community & Economic Development visited us and told us they'd received a complaint on our driveway. He also told us we should have had a Building Permit and Site Plan to do this. We told him the Inspector had been here 2 times and he gave our Contractor permission to continue as we were compliant. But the Inspector told us that that was the Public Works Dept. who'd come out as they take care of the City owned parts of driveways. He told us we should have gotten a Building Permit for the Driveway and a Plumbing Permit for the drain in the garage floor as we had put in a French Drain that we'd seen on You-Tube. He told us we should have

gotten 3 Building Permits total for this job – not just the one from Public Works and we also should have submitted a Site Plan prior to any construction.

The Inspector told us the drain was against Code and we'd either need to connect to our house sewer or take it out. We are removing it. Our contractor has sloped our new garage floor going to the center now to keep any water/snow melt from damaging our basement wall further. We will squeegee this center out in the future as we had been doing in the past in the garage next to that basement wall. We really don't want to incur any more expense by connecting this drain and cutting thru a cement basement wall and into a sewer pipe.

He also told us we needed to cut off the bottom portion of our addition as it needed to be 5 feet away from any City Sidewalk if in case - at any time in the future - a Sidewalk would be added to our street. Our Contractor is cutting off that non-compliant piece for us.

Our Petition for Variance is to keep our additional piece of cement 6 ½' by 16 ½ ft. long next to our east driveway stall to give us a little more room in our driveway as we have a 3rd vehicle in our garage for the 7 warmer months of the year. We wanted to be able to have a little more room to get around cars without bumping car doors as our 2 stall driveway was only 16' wide (8' per stall) since we built this house. Chapter 13-1705 said that driveway stalls may be allowed up to 10 ft. in width which includes an additional two feet that could be on either side of the garage door for two stall or larger attached garages. (We could have built each stall 2 ft. wider originally but when we built we either didn't know that or couldn't afford it at the time.)

We had made sure there was 3 ½' ft. to our lot line as I had read in the City Codes 13-1709 that minimum set-back is at least 2.5 ft. I found out on 8/25 from Jon LeRoy, the Zoning Administrator/Senior Planner, that this Code only applied to single stall driveways – not double like ours. Because we have a 2 stall garage, we cannot have an addition to width at all except those 4 ft. mentioned in above paragraph that we could have had since we built. Since our 3 kids turned 16 (going back to 1988) we've always shuffled cars around each other and now we are doing the same for grandkids and other family members, and also with our 3rd vehicle. We had added temporarily an extra width of 20 inches in pavers to help with that problem thru the years and we thought now is the perfect time for us to make it more convenient as we age and make it permanent to have that 6 ½ ft. of extra pavement in width and 16 ½ ft. in length.

The new piece would help in winter/spring as well as we'd have more room to get out of cars without walking in the snow banks. The lot & driveway next door to us which was built 6 years after our home is about 2 ½ feet higher than ours and the rain/water from their downspout and ours would always sit and pool on our lot and the ground would be squishy. This side of that house was built exactly 8 feet from our lot line and this is their garage side. Their downspout and also ours were pointed between our lots. There was no slope for run off so some would migrate under the side of our garage & that service door making more of a water mess. With keeping this extra cement addition, the

downspouts now keep the rain/snow/water draining perfectly across our cement extension/addition to our driveway and out to the street and not into the grass or our garage. The placement of the new additional cement allows the water to also run down the lot line to the back yard.

Our vehicle is not blocking anyone's view from getting out of the driveway as it can sit up close to our garage. The new piece of cement is beautiful and the car that is usually on it is in great shape and is not an eyesore. Our home looks better than ever and we are proud to have lived there for 47 years. We picked the lot out in the middle of a garden/cow pasture with no street or improvements at the time. We were the first house on Crest Lane and we built the house right after the street and improvements went in. We really work hard to keep it looking nice. We are just very sorry we did not know/follow the Codes we should have in redoing some improvements.

Google Maps 2454 Crest Ln

2016



Google

Image capture: Sep 2016 © 2022 Google

Trees Removed 2020



2454 Crest Ln

All

Street View & 360°

Green Bay, Wisconsin

Google

Street View - Sep 2016



Google Maps

2454 Crest Ln
Green Bay, WI 54302

Right To New Driveway 7020



21-3765

2454

95.06'

11

123.33'

GOOD HEIGHT

Before /



7/22



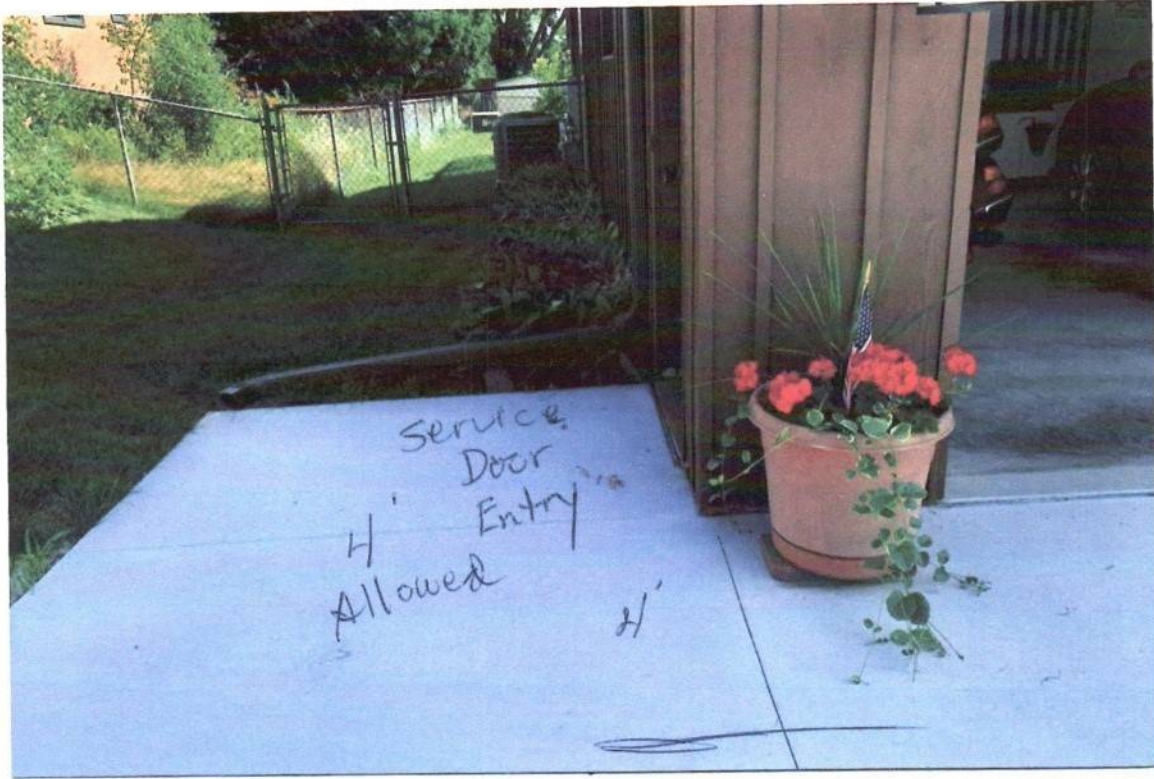
June -
July
2022



7/22



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