



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, NOVEMBER 21, 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, Steven Schuchart, 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 November 21, 2022, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

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

E. Regular Business.

1. (Appeal 22-37) Victoria Mora, property owner, proposes the addition of a parking space in a Low-Density Residential (RI) District at 913 N. Van Buren Street. The applicant requests to deviate from the following requirements in Chapter 44, Green Bay Zoning Code: Section 44-559, maximum impervious surface requirements and Section 44-554, sideyard setback requirements (Ald. R. Scannell, District 7).
2. (Appeal 22-38) Brandon Robaidek, Robert E. Lee & Associates, applicant, on behalf of Halron Brothers, LLP, property owner, proposes a building expansion in a General Industrial (GI)

District at 1518 State Street. The applicant requests to deviate from the following requirement in Chapter 44 Green Bay Zoning Code, Section 44-808, Maximum impervious surface (Ald. B. Johnson, District 9).

F. Informational.

1. Quasi-Judicial Trainings
2. Discussion on procedural items related to the Zoning & Planning Board of Appeals.
3. Next meeting date: December 19, 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.



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

MEETING DATE

November 21, 2022

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.1

(Appeal 22-37) Victoria Mora, property owner, proposes the addition of a parking space in a Low-Density Residential (R1) District at 913 N. Van Buren Street. The applicant requests to deviate from the following requirements in Chapter 44, Green Bay Zoning Code: Section 44-559, maximum impervious surface requirements and Section 44-554, sideyard setback requirements (Ald. R. Scannell, District 7).

BACKGROUND

1) Section 44-559, maximum impervious surface requirements. The maximum impervious surface in the R1 district is 50 percent. The property is currently non-conforming and over the threshold.

2) Section 44-554, sideyard setback requirements. The minimum required setback is 6 feet unless the surfacing is apart of a driveway. This request is not a driveway, rather a parking stall alongside the alley.

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 are indicated 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. Application - 913 N Van Buren



ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 25 10 22	PROJECT #: 110736	APPEAL #: 22-37
APPLICANT INFORMATION:		
Name: Victorina Mora	Victorina Mora	
Business Name:		
Address: 913 N Van Buren St	913 N. Van Buren	
City, State, Zip: Green Bay WI 54302		
Phone: 920 437 52 09		
Email:		
Property Owner Information (if different from above):		
Name:	H	
Business Name:		
Address:		
City, State, Zip:		
Phone:		
Email:		
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:		
Location/Address: 913 N. Van Buren		
Tax Parcel Number(s): 7-264		
Describe the Variance Request:		
We need the space next to my house because we don't have parking to for a 3rd car and really need put the car there is only for one car.		

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

Sec. 44-559. 70% of lot in R1, max impervious. Request to place a paved 22' x 8' parking stall.

Sec. 44-554, side yard, 6' setback.

ALTERNATIVES:

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

X

Alternatives that you considered that comply with existing regulations:

X

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

X

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

Small Lot - should be about 5,000 sqf but lot is 3,506 sqf
Original parking space was where we are asking for variance

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

Wouldn't have negative impact since there aren't next to property they are next to an alley

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?

Applicants son recently got divorced and the property now has 3 cars parking there. They are unsure of how long the son will be with them and they need an additional parking area since it can't fit in the driveway.

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.

Victorina Mora
Signature of the Property Owner

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

Victorina Mora
Print Name:

Print Name:

35 10 22
Date

Date

OFFICE USE ONLY:	Parcel# <u>7-264</u>	Residential \$75 ☒	Commercial \$150 ☐
District: <u>7</u> Zoning: <u>R3</u>	Meeting Date: <u>10/21/22</u>	Receipt #: <u>2761959-6</u>	
Submittal Date: <u>10/25/22</u>	Staff Signature: _____		

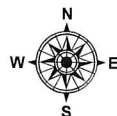
Part of Brown County WI

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
10/11/2022



1:240

1 inch = 20 feet*

1 inch = 0.00379 miles*

*original page size is 8.5" x 11"
Approprié le format de pends 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



Revised
Site plan



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

MEETING DATE

November 21, 2022

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.2

(Appeal 22-38) Brandon Robaidek, Robert E. Lee & Associates, applicant, on behalf of Halron Brothers, LLP, property owner, proposes a building expansion in a General Industrial (GI) District at 1518 State Street. The applicant requests to deviate from the following requirement in Chapter 44 Green Bay Zoning Code, Section 44-808, Maximum impervious surface (Ald. B. Johnson, District 9).

BACKGROUND

Section 44-808. Maximum impervious surface in an industrial zone. The parcel currently exceeds the maximum impervious surface at approximately 98 percent. A new addition is being proposed to the property. With this, the new addition requires certain characteristics of the property to come into compliance with code. The proposed addition would reduce the impervious surfacing to approximately 93%percent, still above the threshold.

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 are indicated 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. Application - 1618 State Street
2. 22-38 Attachment 1
3. 22-38 Attachment 2



ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 10/27/2022	PROJECT #: 110920	APPEAL #: 22-38
APPLICANT INFORMATION:		
Name: Brandon Robaidek		
Business Name: Robert E. Lee & Associates, Inc.		
Address: 1250 Centennial Centre Blvd		
City, State, Zip: Hobart, WI 54155		
Phone: (920) 662-9641		
Email: brobaidek@releeinc.com		
Property Owner Information (if different from above):		
Name: Mike Halron		
Business Name: Halron Brothers, LLP.		
Address: 1618 State Street		
City, State, Zip: Green Bay, WI 54304		
Phone: 920-436-4000		
Email: mhalron@halron.com		
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:		
Location/Address: 1518 State Street		
Tax Parcel Number(s): 1-1385		
Describe the Variance Request:		
The proposed project includes the demolition of a portion of the existing parking lot and buildings on parcel 1-1385 and the construction of a 25,410 SF, industrial building. This portion of the project also includes reconstructing and reconfiguring a portion of the parking lot to accommodate the building. The proposed building will be utilized for on-site production and to store additional vehicles indoors overnight due to the high theft rates that the owner has been experiencing. As part of the project, a variance is being requested to provide an impervious area coverage exceeding the code maximum of 80%. As proposed the site will contain approximately 93% hard surface, a reduction from the current 97%.		

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

Sec. 44-802 Maximum Impervious Surface Coverage for GI at 80%

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

The property to be developed is part of the owner's existing development that includes existing buildings and hard surface to be demolished as part of this project. A net reduction in hard surface from existing to proposed is being proposed. The proposed building expansion is at the location that the owner needs additional storage and production space so alternate locations were not considered.

Alternatives that you considered that comply with existing regulations:

The only considered alternative that would comply with existing regulations would be to reduce the amount of existing asphalt pavement throughout the property.

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

The above alternate was not pursued further due to the location of the existing building and the existing pavement area that is utilized for maneuverability of large vehicles and semi truck and trailers throughout the site. This would create an additional hardship for the owner's large trucks to maneuver and park on-site in this location

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 size of the property creates limited maneuverability due to the volume and size of the vehicles that enter and exit this site on a daily basis. The owner is proposing a 25,410 square foot building in order to reduce the amount of vehicles that would need to be left outside at night due to the high theft in the area. Any area that is not building or used for traffic is being turned into green space to increase the sites impervious surface coverage and still allows the business to continue to operate efficiently.

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

By granting this variance, public interest will not be harmed as it will provide a safer work environment to employees and reduce the potential theft in the area that the owner is experiencing

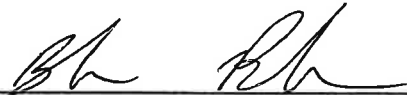
Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome?

By not getting the variance, the existing theft issues would likely continue and the safety of the workers would not increase. If the amount of hard surface on-site would need to be reduced to 80%, the truck drivers would be required to maneuver through smaller areas and increase the potential for accidents on-site. The business operations would not be able to expand in this location of Green Bay, likely reducing the taxes collected and relocation of jobs away from this part of Green Bay.

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)

MIKE HALRON

Print Name:

Brandon Robidek

Print Name:

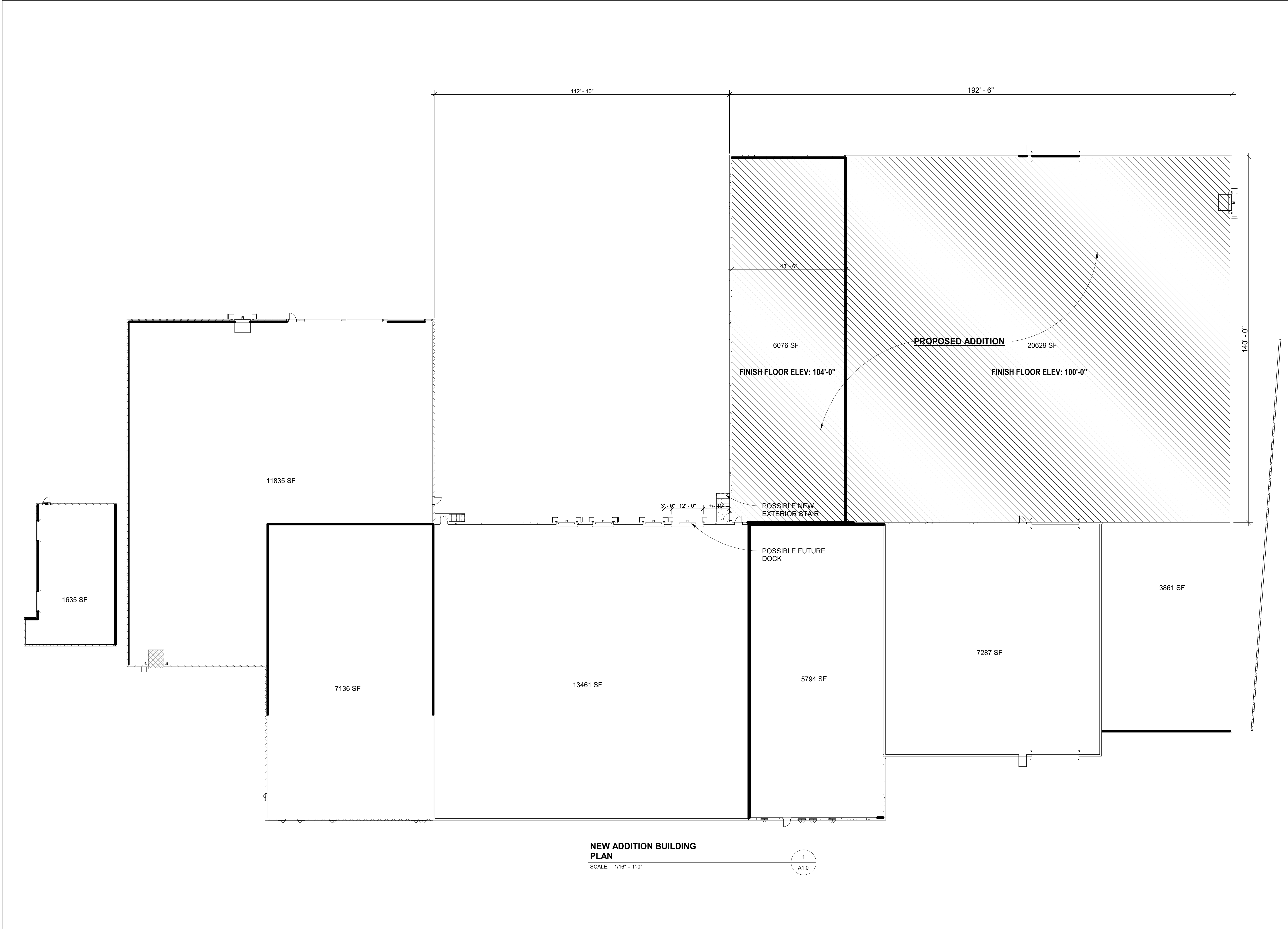
10/31/2022

Date

10-31-22

Date

OFFICE USE ONLY:	Parcel# 1-1385	Residential \$75 _____ Commercial \$150 <u>X</u>
District: 9 Zoning: GI	Meeting Date: 11/21/2022	Receipt #:
Submittal Date:	Staff Signature:	



WHAT WE ARE DOING FOR:
HALRON OIL
1618 STATE STREET
GREEN BAY, WI 54304

**PRELIMINARY
DRAWINGS
NOT FOR
CONSTRUCTION**

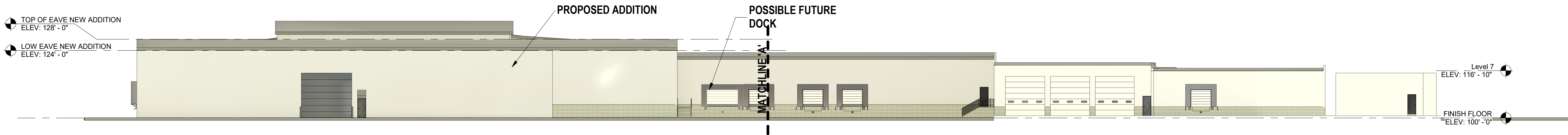
ISSUE NO	REVISIONS	ISSUE DATE

JOB NUMBER
22156

IED PROJECT MANAGER:
K. KUEPER

DATE:
AUG 11 2022

SHEET
A1.0



WEST ELEVATION NEW
ADDITION
SCALE: 1" = 20'-0"

1
A2.0

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2637 Tulip Lane Green Bay, WI 54313
Phone: (920) 469-9288 Fax: (920) 469-6809
E-mail: info@integrityengineering.biz

WHAT WE ARE DOING FOR:

HALRON OIL

1618 STATE STREET
GREEN BAY, WI 54304

PRELIMINARY
DRAWINGS
NOT FOR
CONSTRUCTION

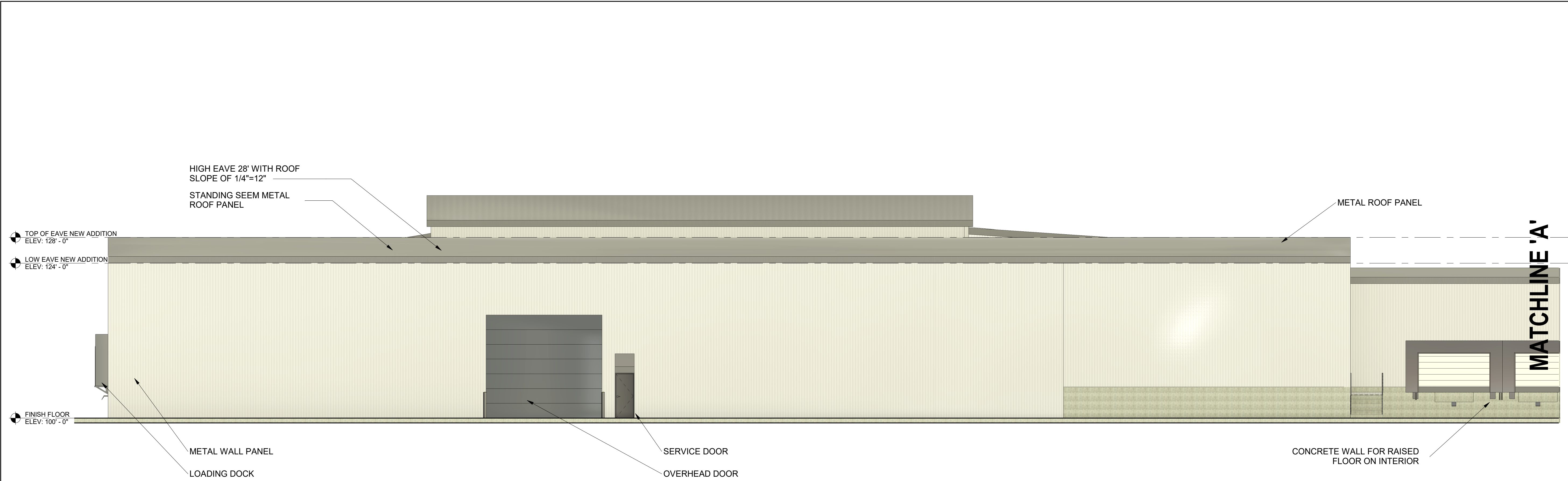
ISSUE NO	REVISIONS	ISSUE DATE

JOB NUMBER
22156

IED PROJECT MANAGER:
K. KUEPER

DATE:
AUG 11 2022

SHEET
A2.0



WEST ELEVATION NEW
ADDITION ENLARGED VIEW
SCALE: 1/8" = 1'-0"

1
A2.1



WHAT WE ARE DOING FOR:
HALRON OIL
1618 STATE STREET
GREEN BAY, WI 54304

**PRELIMINARY
DRAWINGS
NOT FOR
CONSTRUCTION**

ISSUE NO	REVISIONS	ISSUE DATE

JOB NUMBER
22156

IED PROJECT MANAGER:
K. KUEPER

DATE:
AUG 11 2022

SHEET
A2.1



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

MEETING DATE

November 21, 2022

PREPARED BY

AGENDA ITEM # F.I

Quasi-Judicial Trainings

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



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

MEETING DATE

November 21, 2022

PREPARED BY

AGENDA ITEM # F.2

Discussion on procedural items related to the Zoning & Planning Board of Appeals.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



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

MEETING DATE

November 21, 2022

PREPARED BY

AGENDA ITEM # F.3

Next meeting date: December 19, 2022.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None