



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, APRIL 17, 2023, 4:30 PM
City Hall, Room 604 - The Harry Maier Room.
Virtual attendance is also available 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, Joshua Koch

C. Approval of the Agenda.

1. Approval of the agenda for the April 17, 2023, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

1. Approval of the minutes from the March 20, 2023, meeting of the Zoning & Planning Board of Appeals.

E. Regular Business.

1. Exceptional Circumstance Discussion with City legal staff.
2. (Appeal 23-04) Consideration with possible action on the variance request submitted by Joua Moua, property owner and applicant, to create a parking stall within the sideyard setback at 1696 Deckner Avenue. (Ald. C. Stevens, District 5)

The Board may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any quasi-judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

3. (Appeal 23-08) Consideration with possible action on the variance request submitted by Jose

Maciel, property owner and applicant, to allow a front yard parking stall with dimensions exceeding maximum dimensions. (Ald W. Morgan, District 3)

The Board may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any quasi-judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

4. (Appeal 23-09) Consideration with possible action on the variance request submitted by Josh Depouw, Green Bay Area Public Schools, applicant and property owner, to reconstruct a parking lot at Preble High School at the 200 Block of North Danz Avenue (Parcels 21-2285 and 21-2678-D-9). (Ald. C. Stevens, District 5)

The Board may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any quasi-judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

5. (Appeal 23-10) Consideration with possible action on the variance request submitted by Josh Depouw, Green Bay Area Public Schools, applicant; Atonement Lutheran Church Green Bay, property owner, to construct a triple jump recreational area within the rear yard setback at 2214 Deckner Avenue. (Ald. C. Stevens, District 5)

The Board may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any quasi-judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

F. Informational.

1. Date of next meeting is May 15, 2023

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.

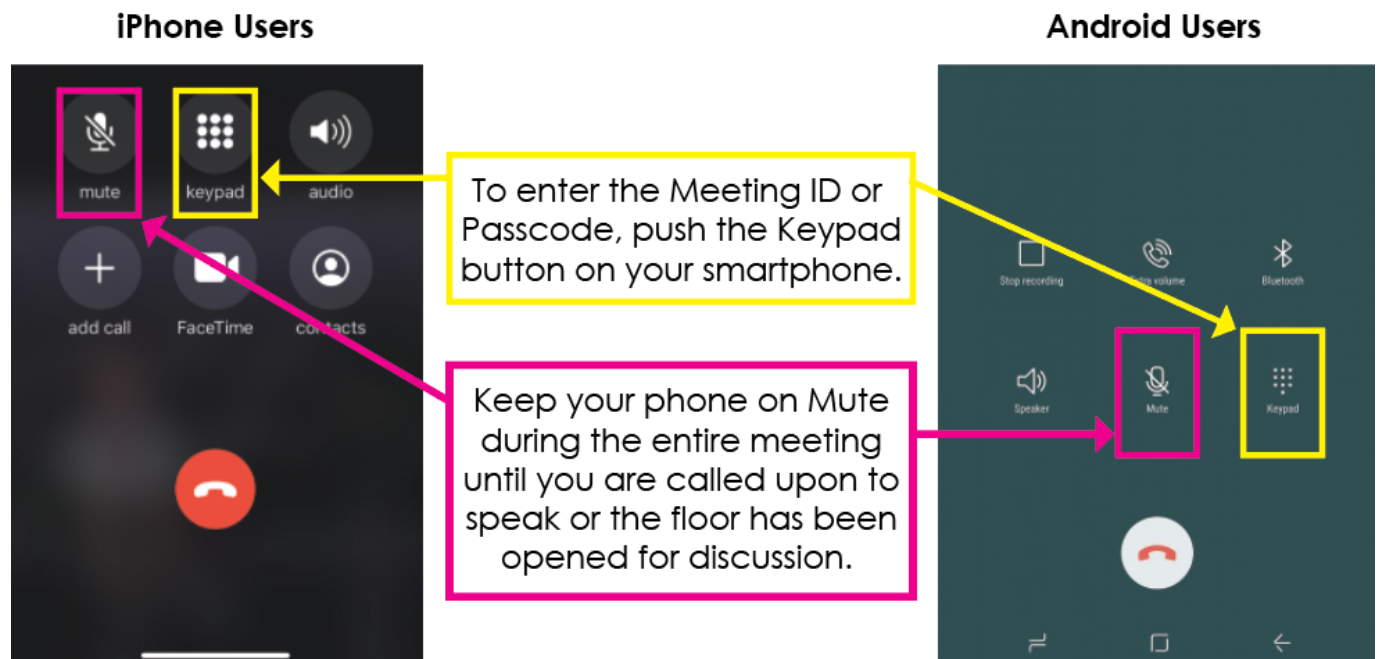
Additional Information

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

April 17, 2023

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.I

Exceptional Circumstance Discussion with City legal staff.

BACKGROUND

RECOMMENDATION

Receive and place on file.

FISCAL IMPACT

ATTACHMENTS

None



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

MEETING DATE

April 17, 2023

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.2

(Appeal 23-04) Consideration with possible action on the variance request submitted by Joua Moua, property owner and applicant, to create a parking stall within the sideyard setback at 1696 Deckner Avenue. (Ald. C. Stevens, District 5)

The Board may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any quasi-judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

BACKGROUND

Joua Moua is seeking to create a legal parking stall along side a single stall garage at 1696 Deckner Avenue.

The applicant seeks to deviate from the Green Bay Zoning Code, Section 44-1747(b)(3)c.

The property is a 60 ft. wide lot with a single stall detached garage. A single stall driveway accesses the garage and provides parking for the property. The applicant is looking to create more parking and has been working with the City since being denied on a handful of site plan ideas.

The property owner is seeking to create a legal parking stall 8 ft. wide by 16 ft. deep at the side of the garage stall. However, the distance between the stall and the property line (fence) is slightly over 8 ft. This does not leave the prescribed minimum of 2.5 ft. between a legal parking stall and the sideyard setback. The petitioner is seeking relief to allow for a parking stall to be placed at fence (property line) to create room for minimum dimensions for a legal parking space.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 23-04 Application
2. 23-04 Image Existing Driveway
3. 23-04 Proposed Site Layout with Variance Referenced



DATE: 2-21-2023	PROJECT #: 111855	APPEAL #: 23-04
APPLICANT INFORMATION: JOVA MOVA		
Name: JOVA		
Business Name:		
Address: 1696 Deckner Avenue		
City, State, Zip: Green Bay WI 54302		
Phone: 920-461-5080		
Email: joavmova9@gmail.com		
Property Owner Information (if different from above):		
Name: Donny Mova		
Business Name:		
Address:		
City, State, Zip:		
Phone:		
Email:		
HAS A SITE PLAN BEEN REVIEWED BY PLANNING STAFF? ☒ YES ☐ NO		
If you checked "NO", do not proceed. You must be in contact a member of the Planning staff to review your site, identify issues with the Zoning Code, and seek potential alternatives. Upon denial of a site plan, a formal variance submission may proceed.		
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:		
Location/Address: 1696 Deckner Avenue		
Tax Parcel Number(s): 21-2299-2		
Describe the Variance Request: We are trying to put in a legal driveway so that its wider and so that pulling out of the driveway makes it more easier.		

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

44-1747(b)(3)c

Its impacting the side yard set back for 1 uncovered parking spot

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

we would like to have a wider driveway, and because we have our fences up, it wouldn't really bother the neighbors that much.
The property is narrow.

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

~~It~~ It wouldn't be contrary because the fences are covering it so that it doesn't bother the neighbors.

Does unique physical characteristics of your property prevent the compliance with the ordinance? Explain

* Why would not getting the variance prevent you from not using your property for the permitted purpose or render conformity with such restrictions unnecessarily burdensome?

Garage placement, width of parcel. Placement of the property line. Neighbors in the area have 2 stall drives and are both legal

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.

DM
Signature of the Property Owner

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

Danny Moya
Print Name:

Jova Moya
Print Name:

2-21-2023
Date

2-21-2023
Date

OFFICE USE ONLY:	Parcel# <u>21-2299-2</u>	Residential \$75 ☒	Commercial \$150 ☐
District: <u>5</u> Zoning: <u>R1</u>	Meeting Date: <u>3-20-23</u>	Receipt #: <u>2762935-5</u>	
Submittal Date:	Staff Signature:		



Variance request

44-1747(b)(3)(i)

1996 Deckner



Deckner



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

MEETING DATE

April 17, 2023

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.3

(Appeal 23-08) Consideration with possible action on the variance request submitted by Jose Maciel, property owner and applicant, to allow a front yard parking stall with dimensions exceeding maximum dimensions. (Ald W. Morgan, District 3)

The Board may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any quasi-judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

BACKGROUND

Jose Maciel is seeking to create a front yard parking stall in the front yard at a property with a single stall attached garage at 1826 Debra Lane.

The applicant seeks to deviate from the Green Bay Zoning Code, Section 44-1747(3)(e.).

The property is 68 feet wide with a single stall attached garage. The applicant has been working with staff seeking ways to expand their driveway. 44-1747(3)(d.) grants an exception for single stall attached garage parcels to provide an extra stall if the parcel and building placement cannot establish an extra stall outside of the front yard. With this parcel, the building width does not allow the creation of a side or rear yard parking stall. 44-1747(3)(e.) states "front yard space is limited to no greater than eight feet in width beyond the garage door opening, but shall not be located in front of the primary entrance to the residence."

The applicant is seeking a variance to allow the parking stall to expand approximately 13 feet past the garage door opening, 8 feet past the existing edge of pavement. The parcel currently has a single stall for parking and additional pavement which leads to a doorway attached to the garage. The primary entrance is located beyond the variance request area.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 23-08 Application
2. Aerial Photo
3. 23-08 Exhibit with Variance Request Markings
4. 23-08 Exhibit Expansion Dimensions within Code



ZONING BOARD OF APPEALS VARIANCE APPLICATION

Application Deadline: First Tuesday of the Month at 12:00 Noon.

DATE: 3/13/2023	PROJECT #:	APPEAL #:
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APPLICANT INFORMATION:

Name: Jose Maciel

Business Name:

Address: 1826 Debra Ln

City, State, Zip: Green Bay, WI - 54302

Phone: 920-791-1569

Email: josemaciel21@icloud.com

PROPERTY OWNER INFORMATION (if different from above):

Name:

Business Name:

Address:

City, State, Zip:

Phone:

Email:

HAS A SITE PLAN BEEN REVIEWED BY PLANNING STAFF?



YES



NO

If you checked "NO", do not proceed. You must contact a member of the Planning staff to review your site, identify issues with the Zoning Code, and seek potential alternatives. Upon denial of a site plan, a formal variance submission may proceed.

PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:

Location/Address: 1826 Debra Ln Green Bay WI - 54302

Tax Parcel Number(s): 21-820-M-48

Describe the Variance Request:

The reason I would like to expand my driveway on the right side. During the winter the snow plow hits the car I have parked on that end with snow all the time. On my left side of the driveway I can't expand that side due to my neighbors yard. Also, it would be convenient to do it on the right side; the tree that is there is rotten and tilting to the house. I want to prevent further damage that can happen from the tree to my house. I would ask for permission for 8ft wide, inspector peter told me. Thank you. - Jose Maciel.

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

44-1747 (3)(e.)

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

We have a man door directly adjacent to the single stall garage door. We access the man door both from the cars and from the sidewalk. We need the extra 8 ft for a normal stall off the area that we walk to the man door.

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

If I can get 8 extra feet on top of the existing 16 feet of concrete, at 24 feet wide, this will be less than the maximum of 25 feet allowed for driveways at the sidewalk.

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?

Normally other neighbors have 2 stalls and can access their man doors on their garage. This variance allows this without blocking the main entryway on the front of the house.

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.

Jose Maciel

Signature of the Property Owner

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

Jose Maciel

Print Name

Print Name

March 13th, 2023.

Date

Date

OFFICE USE ONLY:	Parcel #:	Residential \$125 ☐ Commercial \$250 ☐
District: Zoning:	Meeting Date:	Receipt #:
Submittal Date:	Staff Signature:	



5

4

68.00'

68.00'

10'

136.00'

21-820-M-48

136.00'

68.00'

10'

21-820-M-49







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

MEETING DATE

April 17, 2023

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.4

(Appeal 23-09) Consideration with possible action on the variance request submitted by Josh Depouw, Green Bay Area Public Schools, applicant and property owner, to reconstruct a parking lot at Preble High School at the 200 Block of North Danz Avenue (Parcels 21-2285 and 21-2678-D-9). (Ald. C. Stevens, District 5)

The Board may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any quasi-judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

BACKGROUND

Green Bay Area Public Schools have been working with staff on a variety of improvement projects at Preble High School.

Applicant seeks to deviate from Green Bay Zoning Code, Section 44-496, 44-497(2)a, 44-1966(1), 44-1965 (1-2).

This board approved two separate items relating to Preble High School at the March 2023 BOA meeting. One of those items included the stadium properties (Parcels 21-2285 and 21-2678-D-9). The site plan review has been an ongoing process and the applicant has additional variance requests following additional site plan discussions at the site. Those areas of discussion can be separated into three different topics; the parking lot and new triple jump area.

PARKING LOT:

Applicants have determined a need to trench utilities from Deckner, through the existing parking lot, to the stadium. With this in mind, more than 500 square feet of parking lot will be disturbed. The existing parking lot has a legal non-conforming status because it does not meet a number of bulk dimensional standards in Article XVIII and Article XIX of the Zoning Code. If more than 500 square feet of a parking lot is reconstructed, then the entire parking lot is required to meet existing code. The District has been working with staff to reduce the amount of variance requests by adding new landscape islands, adding additional compact stalls, and adding more landscaping to the perimeter of the parking lot. The district does not meet the requirements of (5) five items listed below:

44-1965 (1). At least ten percent of the interior area of parking lots with 25 or more spaces shall be devoted to landscape planting areas. The current lot has none of the area devoted to landscape planting areas. The district has proposed placing two islands at the west end of the parking lot.

44-1965 (2.) Landscape islands shall be provided at the end of each parking row and within the row so that there are no more than 15 consecutive spaces without a landscaped island. The current lot has landscaped islands at the east end of the lot, but not the west end. The proposed plan has islands at the western end of

parking but has more than 15 consecutive spaces without an island.

44-1966(1) Perimeter parking lot landscaping: Landscaped areas shall be at least 15 feet wide along each frontage of a public street or sidewalk. The existing parking has approximately 10 feet of width on the southern property line and 8 feet on the eastern property line. Code requires 15 feet in width of landscaped area.

44-1773(a.). Number of driveways. Multiple two-way drives may be permitted on one street frontage, provided the distance between the driveway centerlines is not less than 200 feet. The eastern driveways are less than 200 feet apart.

44-1774(g.) Driveway throat length. The permitted throat length of access drives serving parking lots is 18 feet. The eastern driveway throat lengths are approximately 13 feet in length from the property line to the end of the throat.

TRIPLE JUMP AREA

44-856 Table 44-15 Rear Yard Setback

A new triple jump area is proposed for the stadium. While this improvement is apart from the same overall project, at this time the area in question is apart of the neighboring parcel 21-2284-2. The district has an agreement in place to purchase part of the property to accommodate a triple jump area. This variance question will be addressed in appeal 23-10 because it is a separate property.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 23-09 Application (Revised)
2. 23-09 Site Layout



ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 4/3/2023	PROJECT #: 23.014	APPEAL #:
APPLICANT INFORMATION:		
Name: Josh Depouw		
Business Name: Green Bay Area Public Schools		
Address: PO Box 23387		
City, State, Zip: Green Bay, WI 54305		
Phone: 920-448-2180		
Email: jjdepouw@gbaps.org		
Property Owner Information (if different from above):		
Name:		
Business Name:		
Address:		
City, State, Zip:		
Phone:		
Email:		
HAS A SITE PLAN BEEN REVIEWED BY PLANNING STAFF? ☒ YES ☐ NO		
If you checked "NO", do not proceed. You must be in contact a member of the Planning staff to review your site, identify issues with the Zoning Code, and seek potential alternatives. Upon denial of a site plan, a formal variance submission may proceed.		
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:		
Location/Address: 2222 Deckner Avenue, Green Bay, WI 54302		
Tax Parcel Number(s): 21-2285, 21-2678-D-9		
Describe the Variance Request:		
This variance application is requesting: 1. Parking lot variances 2. Variance to allow less than the 10' pavement setback from the north property line.		

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

44-1965(1) Parking lot does not meet 10% of interior is landscaped

44-1965 (2) Parking lot does not include median for stalls in which 15 consecutive stalls occur

44-966(1) Lanscaped areas are not 15' wide on both the south and east sides along perimeter

44-1774(g) does not meet 18' driveway throat requirement from property line to first stall

44-1773(a) does not meet 200' space between driveways on one street frontage

44-856 Public Institutional District Dimensional Standards - 10' required sideyard setback

THREE STEP TEST - To qualify for a variance, the applicant must demonstrate that their property meets the following three (3) requirements:

Does unique physical characteristics of your property prevent the compliance with the ordinance? Explain

The property in question is the location of the existing Preble football stadium. The property is spatially very tight to fit a football field, running track, bleachers, restroom building, storage building, and parking lot. There is also over 20' of grade change across the site. Previous development of the site maximized the use of the space by incorporating retaining walls along the east and west sides of the property and installed a low-maintenance privacy fence along the west property line abutting the single family residences. The proposed redevelopment plans to maintain the existing retaining walls and privacy fence.

The off-street parking available for Preble High School staff and students is very limited. The goal of this parking lot design is to meet the city code as closely as possible without sacrificing too many parking stalls.

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

1. No. Parking in the Preble High School area is very limited. As much parking as possible is needed for staff, students, and visitors.

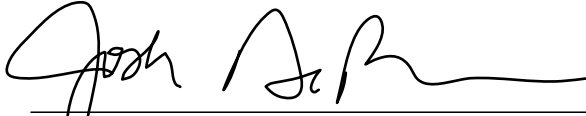
2. A variance was previously granted in the early 2000's to allow active pavement within 10' of the north property line in coordination with the adjacent church property owners. This request will allow Green Bay Area Public Schools to maximize the use of this property.

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?

1. The existing parking lot has 105 parking stalls. The proposed parking lot has 98 parking stalls in an effort to meet as many of the city parking requirements as possible. If the city did not grant this variance request, the number of parking stalls would be greatly reduced in an area that already has parking capacity concerns.

2. The variance is needed to allow the track and field events to be on this site. If this variance is not granted, the track, spectator spaces, and field events will not fit on this site.

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)

Josh Depouw

Print Name:

Mike Helmrick, Rettler Corp

Print Name:

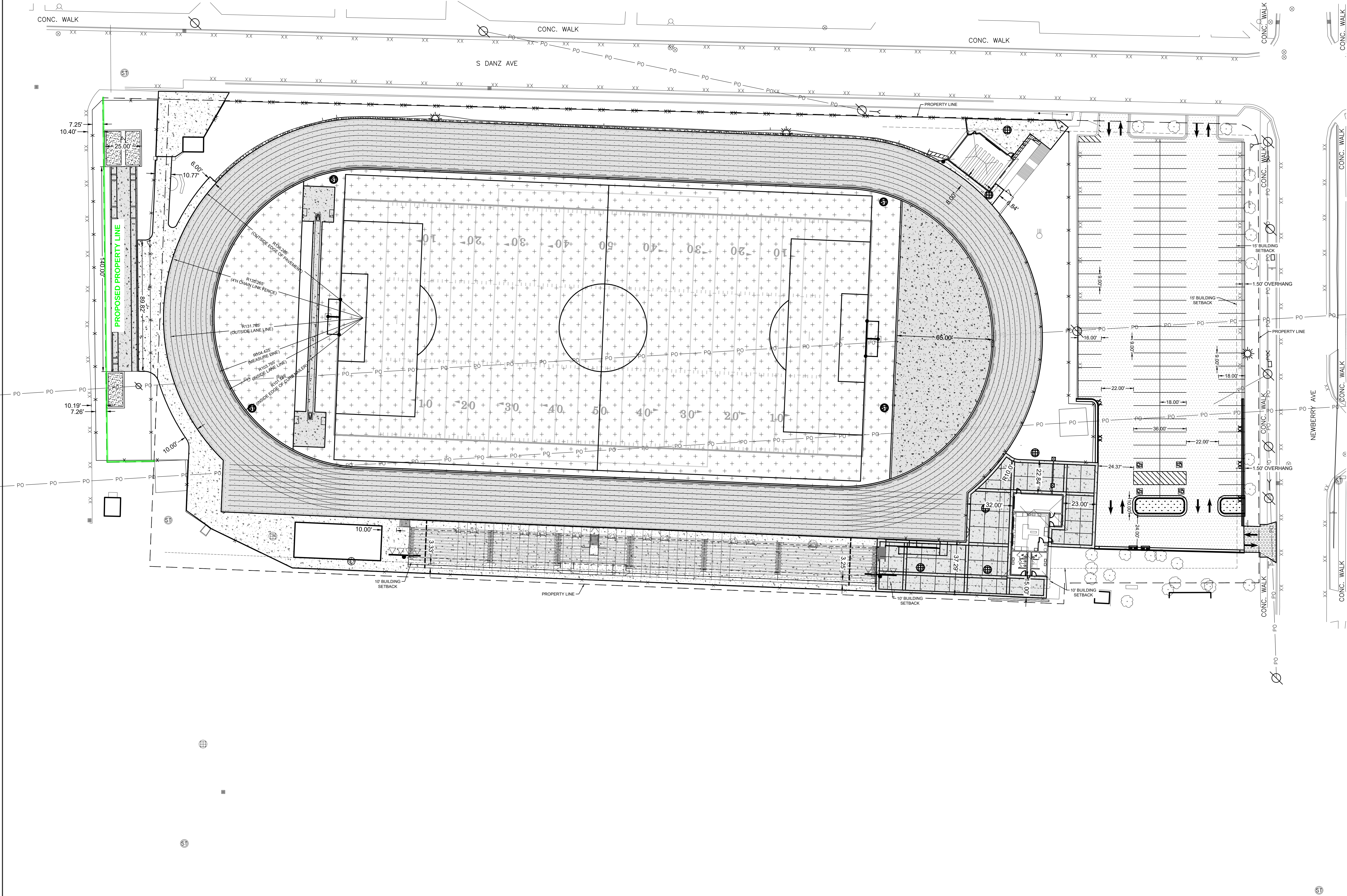
4/3/2023

Date

4/3/2023

Date

OFFICE USE ONLY:	Parcel#	Residential \$125 ____	Commercial \$250 ____
District:	Zoning:	Meeting Date:	Receipt #:
Submittal Date:	Staff Signature:		



SITE LAYOUT - GENERAL NOTES

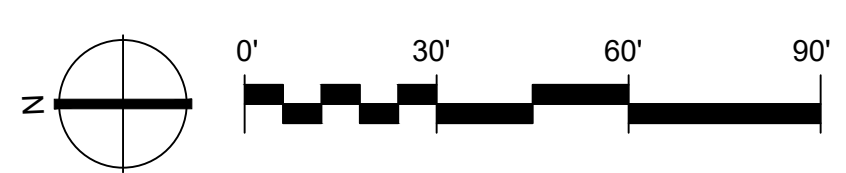
1. CONTRACTOR SHALL CONTACT DIGGER'S HOTLINE 5 WORKING DAYS PRIOR TO START OF DEMOLITION/CONSTRUCTION
2. ALL PROPOSED DIMENSIONS ARE REFERENCED PARALLEL OR PERPENDICULAR TO THE PROPOSED FEATURES SHOWN.
3. ALL AREAS AND SITE FEATURES DISTURBED BY CONSTRUCTION ACTIVITIES SHALL BE RESTORED TO THE ORIGINAL CONDITION.
4. SOD ALL GENERAL LANDSCAPE AREAS DISTURBED DURING CONSTRUCTION IN ACCORDANCE WITH PROJECT MANUAL SPECIFICATIONS.
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7. PROVIDE TICK MARKS AS NECESSARY FOR SOCCER AND LACROSSE FIELD LAYOUT.

SITE LAYOUT - LEGEND

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6" BASE AGGREGATE DENSE, 3/4"
- DECORATIVE CONCRETE PAVEMENT, 5" DEPTH
W/ DARK GRAY COLORED 2' BANDING
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WITH 1/2" TRACK SURFACING
- MASON SAND
- SYNTHETIC TURF ATHLETIC FIELD
- SYNTHETIC TURF W/ INFILL (BY OTHERS)
- SHOCK PAD (BY OTHERS)
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(FENCE TO ACCEPT WINDSCREEN)
- RETAINING WALL
- APPROX. LIMITS OF CONSTRUCTION

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(DISCONTINUE REBAR INSTALLATION @ DOWEL LOCATIONS)
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- 24" REJECTING CURB AND GUTTER
- 3' CURB TERMINUS
- REINSTALL SALVAGED FLAG POLE



REV	DATE	ISSUED FOR
	03/24/23	REVIEW

DRAWN:	R. PETZKE
CHECKED:	R. BARZ
DOCUMENT NO.	23.014

3317 Business Park Drive, Stevens Point, WI 54482
Telephone: 715-341-2855; Fax: 715-341-0451
email: info @ rettler.com; website: www.rettler.com

GREEN BAY PREBLE HIGH SCHOOL
ATHLETIC FIELD REDEVELOPMENT PROJECT

GREEN BAY AREA PUBLIC SCHOOL DISTRICT
200 SOUTH BROADWAY
GREEN BAY
WISCONSIN 54303

C300

SITE LAYOUT PLAN



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

MEETING DATE

April 17, 2023

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.5

(Appeal 23-10) Consideration with possible action on the variance request submitted by Josh Depouw, Green Bay Area Public Schools, applicant; Atonement Lutheran Church Green Bay, property owner, to construct a triple jump recreational area within the rear yard setback at 2214 Deckner Avenue. (Ald. C. Stevens, District 5)

The Board may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any quasi-judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

BACKGROUND

Green Bay Area Public Schools (GBAPS) have been working with staff on a variety of improvement projects at Preble High School.

This board approved two separate items relating to Preble High School in the March 2023 BOA meeting. One of those items included the stadium properties (Parcels 21-2285 and 21-2678-D-9). The site plan review has been an ongoing process and the applicant has additional variance requests following additional site plan discussions at the site.

Application seeks to deviate from Green Bay Zoning Code, Section 44-856, Table 44-15.

GBAPS/Preble High School has proposed adding a triple jump athletic area on the north side of the stadium. The existing stadium parcel could not fit in a triple jump area without expanding the property. GBAPS and the neighboring Atonement Lutheran Church have had discussions about using the space between the existing stadium track and the existing church parking lot for a triple jump area. Both parties have come to an agreement for GBAPS to purchase a portion of land. The district has an offer to purchase approximately 9608 square feet north of the stadium to fit the improvement between the church parking lot and the track/stadium access area. This action requires a separate action with the Plan Commission to rezone the 9608 square feet of land from R3 Varied Density Residential to PI Public Institutional zoning.

This request falls under the PI zoning code in anticipation of approval from Plan Commission to align with the zoning of the stadium. Section 44-856, Table 44-15 notes that the rear yard setback is 15 feet. GBAPS requests relief to place improvements directly adjacent to the proposed property line.

If this variance is granted, staff recommends (2) two conditions:

- GBAPS must acquire approximately 9608 square feet of property from Atonement Lutheran Church
- A rezoning of said 9608 square feet of property must occur, changing this area of property from R3 to PI.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 23-10 Application
2. 23-10 Aerial
3. 23-10 Overall Site Plan
4. 23-10 Streetview
5. 23-10Zoom Triple Jump Area



ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 4/3/2023	PROJECT #: 23.014	APPEAL #:
APPLICANT INFORMATION:		
Name: Josh Depouw		
Business Name: Green Bay Area Public Schools		
Address: PO Box 23387		
City, State, Zip: Green Bay, WI 54305		
Phone: 920-448-2180		
Email: jjdepouw@gbaps.org		
Property Owner Information (if different from above):		
Name: Robert Geyer, Council President		
Business Name: Atonement Luthern Church of Green Bay		
Address: 2132 Deckner Avenue		
City, State, Zip: Green Bay, WI 54302		
Phone: 920-468-0713		
Email: robert.geyer5@gmail.com		
HAS A SITE PLAN BEEN REVIEWED BY PLANNING STAFF? ☒ YES ☐ NO		
If you checked "NO", do not proceed. You must be in contact a member of the Planning staff to review your site, identify issues with the Zoning Code, and seek potential alternatives. Upon denial of a site plan, a formal variance submission may proceed.		
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:		
Location/Address: 2222 Deckner Avenue, Green Bay, WI 54302		
Tax Parcel Number(s): 21-2284-2		
Describe the Variance Request:		
This variance application is requesting: Variance to allow less than the 10' pavement setback from the north property line of new property that will be acquired from the church.		

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).	
44-856 Public Institutional District Dimensional Standards - 10' required sideyard setback	
THREE STEP TEST - To qualify for a variance, the applicant must demonstrate that their property meets the following three (3) requirements:	
Does unique physical characteristics of your property prevent the compliance with the ordinance? Explain	
The property in question is the location of the existing Preble football stadium. The property is spatially very tight to fit a football field, running track, bleachers, restroom building, storage building, and parking lot. There is also over 20' of grade change across the site. Previous development of the site maximized the use of the space by incorporating retaining walls along the east and west sides of the property and installed a low-maintenance privacy fence along the west property line abutting the single family residences. The proposed redevelopment plans to maintain the existing retaining walls and privacy fence.	
Would granting the variance be contrary to the public interest? Explain.	
A variance was previously granted in the early 2000's to allow active pavement within 10' of the school's north property line in coordination with the adjacent church property owners. Green Bay Area Public Schools plans to acquire and rezone the south end of the church parcel to be used for long and triple jump. The existing church parking lot will be a minimum of 10' off of the proposed property line.	
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 variance is needed to allow the track and field events to be on this site. If this variance is not granted, the long and triple jump facilities would need to be constructed inside the track which would not allow for the runways to meet WIAA length recommendations and would have the sand from the jumping pits migrating into the synthetic turf playing surface.	

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.

Robert Geyer

Signature of the Property Owner

Mike K Helmrick

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

Robert Geyer, Atonement Lutheran Church

Print Name:

Mike Helmrick, Rettler Corp

Print Name:

4/3/2023

Date

4/3/2023

Date

OFFICE USE ONLY:	Parcel#	Residential \$125 ____	Commercial \$250 ____
District: Zoning:	Meeting Date:	Receipt #:	
Submittal Date:	Staff Signature:		

Zoning Board of Appeals (ZBA)

The five members of the ZBA are citizens appointed by the Mayor and approved by the City Council, who give their time without compensation. Cases are generally heard in the order as they appear on the agenda. As an applicant you will be invited to present information regarding your request. City staff may provide factual evidence regarding your request. Neighboring property owners have been sent notice of your project and will also be allowed an opportunity to speak.

The ZBA decision is based on the evidence and testimony received as part of the application and through the public hearing process. The ZBA may impose special conditions on any use or development being proposed in order to ensure that these criteria can and will continue to be met. Only the minimal amount of relief necessary to allow reasonable use or development of the property will be granted. Unless otherwise stipulated by a condition of approval, variances that permit some type of building or development will expire after twelve (12) months unless the building or development commences within 12 months and continues in reasonable manner toward completion.

Part I: Application Requirements

The ZBA meets the third Monday of each month starting at 4:30 p.m. The meetings are held both in person at City Hall, Room and 604 also virtually through Zoom. Instructions to access the meeting will be provided in advance of the meeting. For an appeal to be heard at any monthly hearing, an application must be on file in the Community and Economic Development Department, City Hall, 100 N Jefferson Street, Room 608, by **12:00 Noon on the first Tuesday of the month.**

The following items must be addressed, prepared, and submitted as part of your appeal application. Some of the items may not apply to all appeals. Incomplete applications will be returned and will affect the scheduling and processing of your appeal before the ZBA. A site plan must first be filed with the Department of Community and Economic Development prior to application. The Zoning Administrator may grant an exemption from this requirement based on evidence provided by the applicant.

At the direction of the ZBA, the following information is required to be submitted with the application (**Plans are not to be larger than 11 x 17**):

1. The parcel in question with property boundaries and dimensions.
2. Abutting streets, properties, natural features, structures and their dimension to the site in question.
3. Location and size (with dimensions and area) of any existing buildings or structures.
4. Ordinary High-water Mark, 100-year Flood Elevation, 2-ft. above the 100-year Flood Elevation, Easements, etc.
5. Location and size of culverts, ditches, trees, wells, septic system, retaining wall, driveways, sidewalks, patios, or any other items pertinent to the variance requested – **including area calculations.**
6. Elevations at corners of parcel, building corners, grade breaks and other elevations pertinent to the variance requested.
7. Proposed building, structure or appurtenance for which the variance is being requested.
8. Additional requirements may apply when considering variance requests in floodplain districts.
9. A narrative and/or supporting photos, documents, paperwork, etc. that may have a bearing on the variance request.

Fee in the amount of \$250 for Commercial Properties and \$125 for Residential Properties, which is non-refundable once the hearing has been noticed. Contact the Zoning Administrator, Jon LeRoy, at (920)448-3405 or Jon.leroy@greenbaywi.gov to discuss your appeal.

Please submit completed City of Green Bay Zoning Board of Appeals Variance Applications (attached as part of this packet) to:

Community and Economic Development Department
Attn: Jon LeRoy, Zoning Administrator / Senior Planner
100 North Jefferson Street, Room 608
Green Bay, WI 54301

Part 2: Review Process

Please check with the Zoning Administrator for further information on application deadlines, meeting dates, times, and when your appeal may be scheduled. Appeal applications are reviewed and scheduled on a first come first served basis. Once an appeal is scheduled, public hearing notices for that appeal will be (1) published in the City's official newspaper, (2) mailed to property owners who are within 100 feet; and (3) mailed to you along with an agenda for the meeting your appeal is scheduled. On or prior to the meeting date, ZBA members may visit your property prior to conducting a public hearing of your appeal.

Once the public hearing and testimony have been completed, the ZBA will act on your appeal (or continue to the next meeting if additional information or clarification is needed). Once decided, an Appeal summary will be prepared by the Zoning Administrator and will be recorded in the minutes as part of the proceeding of the ZBA meeting.

Each applicant (or a representative of the applicant) is required to attend the hearing, or the appeal may be denied by the ZBA. In granting variances, the ZBA may impose special conditions to ensure that public interest and welfare will not be threatened. Variances granted by the ZBA remain valid for one year from the hearing date or as stipulated in the decision. If work to implement the variance has not begun within that time, the variance shall expire requiring the ZBA to re-approve the variance should the applicant wish to implement the plan.

If necessary, an applicant may postpone the hearing of an appeal provided it is received by staff in writing prior to the hearing. The appeal will be postponed for one month or at a future meeting agreed upon by the ZBA. An application for appeal may be withdrawn provided it is received by staff in writing prior to the hearing date.

No application which has been denied by the ZBA shall be reconsidered without material alteration or revision within one year of the board's decision, except pursuant to a court order or motion to reconsider made by a member voting with the majority. The ZBA may refuse to act upon an appeal if the applicant has failed to implement previously granted appeals.

Part 3: Criteria for Variance

To qualify for a variance, an applicant must demonstrate that all three statutory standards will be met:

1. **Unnecessary Hardship.** A matter to be determined from the facts and circumstances of each individual appeal, including:
 - A. Unnecessary hardship is situation where, in the absence of a variance, an owner can make no feasible use of a property or strict conformity is unnecessarily burdensome. *A variance is not warranted if the physical character of the property allows a landowner to build or develop in compliance with a zoning ordinance.*
 - B. Hardship must be peculiar to the parcel in question and different from that of other parcels. Hardship arises because of some unique property limitation of a parcel, or because the property was created before the passage of the zoning ordinance.
 - C. Self-imposed hardship is not grounds for a variance. Improvements that were made in violation of the ordinance are generally considered to be self-imposed hardships.
 - D. Hardships cannot be one that would have existed in the absence of a zoning code.
2. **Unique Property Limitation.** Unique physical characteristics of the property, not the desires of or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. These features may be a wetland, soil type, parcel shape, or a steep slope that limits the reasonable use of the property.
3. **Protection of the Public Interest.** Granting of a variance must neither harm the public interest nor undermine the purpose of the ordinance. The public interest includes the interest of the public at large, not just that of nearby property owners. Lack of local opposition does not in itself mean that a variance will not harm public interest. Property owners within 100 ft. of the property area and Alderpersons will be noticed of the request prior to the meeting.

Part 4: Findings by the ZBA

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

- 1) *Preservation of Intent.* A variance would not be inconstant with the spirit, purpose, and intent of the regulations for the district in which it is requested.
- 2) *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.
- 3) *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
- 4) *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.
- 5) *Hardship.* The alleged difficulty in complying with the Municipal Code is not self-imposed nor is it based solely on economic grounds.

Bader St

Bader St

Bader St

Preble Apartments

S Danz Ave

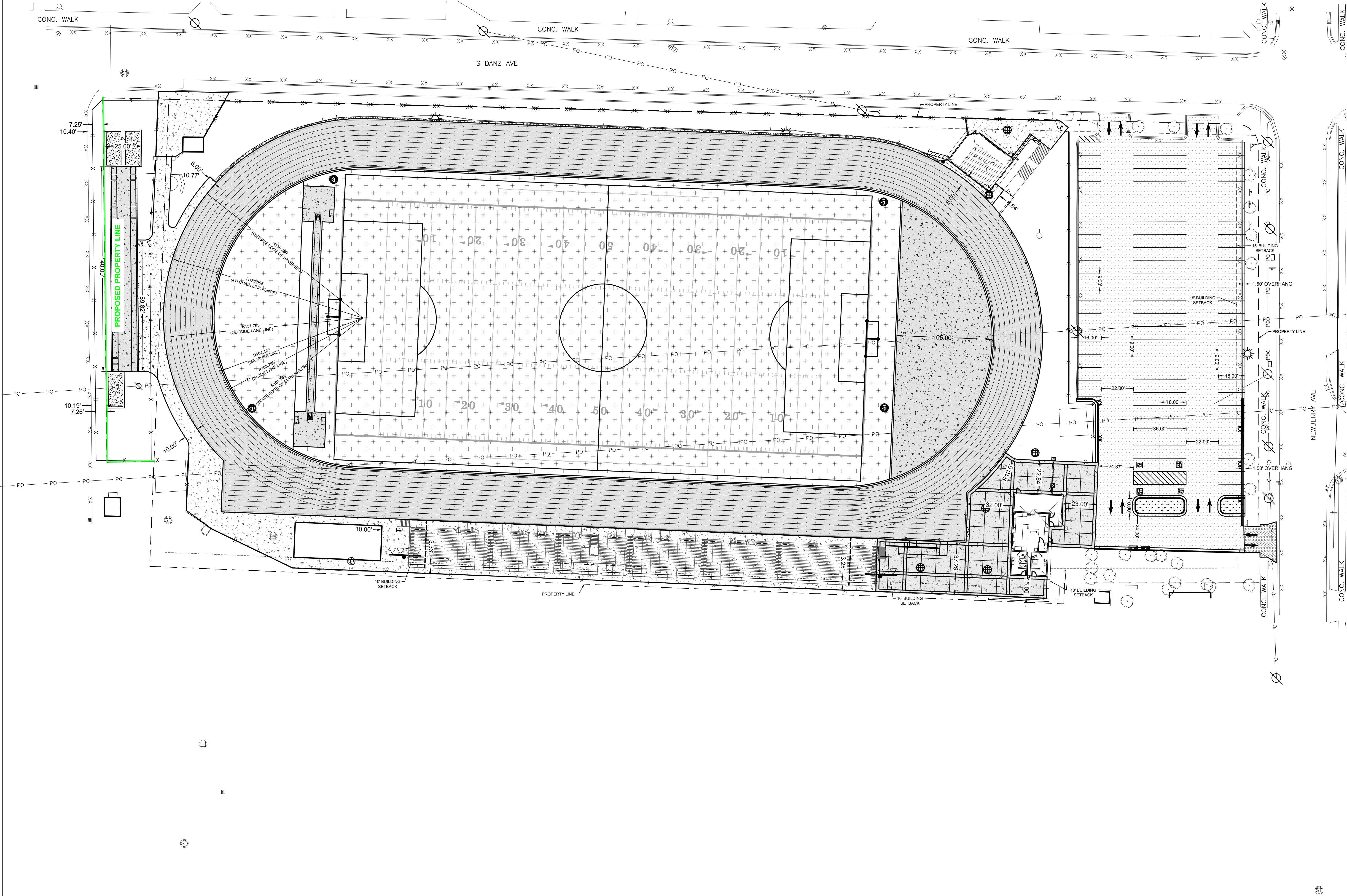
S Danz Ave

S Danz Ave

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S Danz Ave





SITE LAYOUT - GENERAL NOTES

1. CONTRACTOR SHALL CONTACT DIGGER'S HOTLINE 5 WORKING DAYS PRIOR TO START OF DEMOLITION/CONSTRUCTION
2. ALL PROPOSED DIMENSIONS ARE REFERENCED PARALLEL OR PERPENDICULAR TO THE PROPOSED FEATURES SHOWN.
3. ALL AREAS AND SITE FEATURES DISTURBED BY CONSTRUCTION ACTIVITIES SHALL BE RESTORED TO THE ORIGINAL CONDITION.
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