



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, JANUARY 22, 2024, 4:00 PM
City Hall, Room 604 - The Harry Maier Room.
Virtual attendance is also available via Zoom.

A. Zoom Meeting Information.

- I. Join Zoom Meeting Online:
<https://us02web.zoom.us/j/85419145658?pwd=VWxYYlFIRXBMcXU3dzU0VU0xQlNKdz09>

Or call in by phone: +1 312 626 6799

Meeting ID: 854 1914 5658

Passcode: 735080

If you wish to speak at this public meeting or leave a comment, please fill out the online [Comment Form](#) prior to the meeting. More detailed [Zoom Instructions](#) can be found online.

B. Roll Call.

- I. Members: Chair, Noel Halvorsen - Vice Chair, Barb Dorff; Steven Schuchart, Corey Bogenschutz, Joshua Koch, Benjamin Andrews

C. Approval of the Agenda.

- I. Approval of the agenda for the January 22, 2024, meeting of the Zoning & Planning Board of Appeals.

D. Regular Business.

- I. (Appeal 24-03) Consideration with possible action on a request from Scott Kwiecinski of Horizon Development Group, applicant and City of Green Bay Redevelopment Authority, property owner; requesting to exceed setback and building bulk requirements within an Office Residential (OR) District at 1035 Vanderbraak Street and 1030 Weise Street and northeast intersection of Vanderbraak and Clay Streets.

The Board may convene in closed session pursuant to Sections 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The

Board 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.

E. Informational.

- I. I. The date of the next meeting of the Board of Appeals is February 19, 2024.

F. 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

January 22, 2024

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # D.I

(Appeal 24-03) Consideration with possible action on a request from Scott Kwiecinski of Horizon Development Group, applicant and City of Green Bay Redevelopment Authority, property owner; requesting to exceed setback and building bulk requirements within an Office Residential (OR) District at 1035 Vanderbraak Street and 1030 Weise Street and northeast intersection of Vanderbraak and Clay Streets.

The Board may convene in closed session pursuant to Sections 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Board 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

Scott Kwiecinski of Horizon Development Group is seeking multiple variances to exceed setback and bulk requirement standards to facilitate two developments at the northeast and northwest intersection of Vanderbraak and N Clay Streets. (Parcels 20-349, 20-350 (Parcels 20-349 and 20-350 in process of combination), 20-381, 20-382, and 20-383 (Parcels 20-381, 20-382, 20-383 in process of combination) (District 6, Ald. S. Campbell)

RECOMMENDATION

Scott Kwiecinski of Horizon Development Group is seeking to create two new developments on property owned by City of Green Bay Redevelopment Authority.

This development is located on 5 existing parcels. These parcels include 20-349 and 20-350 which are projected to be combined into one parcel on the west side of Clay Street. It also includes development on 20-381, 20-382, and 20-383 on the east side of the intersection, to be combined into one parcel. The City of Green Bay Department of Community and Economic Development made a request for proposal to the public in 2023 to redevelop the land of the old Eagle's Club. A building and surface parking was located on the west side of the intersection, while surface parking was located on the east side. The property was rezoned in 2022 to help facilitate redevelopment with an OR Office Residential designation. This made multifamily buildings and mixed-use-multifamily residences permitted by right as the city sought to create a transition of intensity from the Webster corridor and eastward into the neighborhood. The applicant is proposing a 36 unit mixed use, three-story building on the west side and a two-story 16 unit multifamily building on the east side.

The applicant is seeking to deviate from three sections of code for the western development and two for the eastern development.

WEST PARCELS (NW intersection)
44-620 Table 44-6

The maximum floor area is 1.0.
The maximum impervious surface is 60% within OR.

44-620 Table 44-6 (f)

At least 60 percent of the front facade must fall between the maximum and minimum setback lines.

EAST PARCELS (NE intersection)

44-620 Table 44-6

The maximum impervious surface is 60% within OR.
Dwelling units exceed one unit per 2000 sf of land on an overall site

44-1964 (1.) a.

For non-residential or multifamily uses, when adjacent to residential zoned property or property used for residential purposes, buffers shall be at least 20 feet wide. The following buffers shall be at least 25 feet wide:
a. Buffers for non-residential or multifamily buildings of two or more stories when adjacent to residential zoned property or property used for residential purposes.

The following will address each individual variance.

West Side

The floor area ratio maximum is 1.0. The district allows for a floor area ratio of a minimum of 0.3 to 1.0. This building being three stories, FAR is calculated from the square footage of each individual floor. The FAR calculated is approximately 1.17 including the footage on the three floors compared to the size of the lot at approximately 41300 sf.

Maximum impervious surface: A site is permitted to have up to 60% of the overall parcel. The proposed site plan calls for 67% of the west side development to be impervious surface.

Front facades OR code requires within a front facade that at least 60 percent falls within the front minimum and maximum setback for a mixed-use building. The minimum requirement is 0 feet and the max is 15 feet. Along both Clay and Vanderbraak, the site plan meets standards. Along Webster, the building does not meet 60 percent of the overall linear frontage, falling within 0 to 15 feet of the front property line.

East Side

Dwelling units exceeding 1 per 2000 sf of parcel space. This part of the OR code applies to buildings which are single-use, multifamily buildings. The overall square footage of parcel space on the property is approximately 26136 square feet. The maximum units in the Code are 13 given the space of the combined lots. The applicant is seeking to create 16 units. While the number is arbitrary, the number is frequently in place to ensure a site will have sufficient parking and open space within a lot. The site plan meets parking stall requirements and impervious surface coverage.

Buffer yard between residential building. A buffer yard is required for multifamily buildings adjacent to single-family or two-family residences. The buffer yard must be a minimum of 20 feet and is increased to 25 feet if a multifamily building is 2 or more stories. This site plan calls for a two-story building. The plans call for the building to be moved 19.5 feet from the eastern property line, the parking lot area to be nearly adjacent to the property line (with stalls coming as close as approximately 15 feet and the accessory detached garage falling in compliance, 25 feet from the eastern property line.

Maximum impervious surface: A site is permitted to have up to 60% of the overall parcel. The proposed site plan calls for 70% of the east side development to be impervious surface.

FISCAL IMPACT

ATTACHMENTS

1. 24-03 Application
2. 24-03 Application Text Update 011124
3. 24-03 Revised Site Plan
4. 24-03 Aerial

[illegible]

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

Please see attached.

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

Please see attached.

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

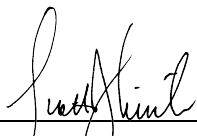
Please see attached.

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?

Please see attached.

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

Scott Kwiecinski

Print Name

Date

01-11-2024

Date

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

Variance Request Attachment

Property Location:

1035 Vanderbraak St. and 1030 Weise St.

Tax Parcel Numbers:

20-349, 20-350, 20-381, 20-382, 20-383

Describe the variance request:

The proposed development includes a 52-unit housing community that will be constructed on multiple tax parcels. The westernmost site, with address 1035 Vanderbraak St. and 1030 Weise St., will include a three-story 36-unit building. The easternmost site (tax parcel numbers 20-381, 20-382, 20-383) will include a two-story, 16-unit townhome building. Specific variance requests are outlined below and are necessary to achieve project feasibility.

Variances impacting tax parcel numbers 20-349 & 20-350:

Sec. 44-620 (multiple)

- FAR exceeds 1.0.

Physical characteristics of property preventing compliance: Compliance with FAR requirements with the uniquely shaped parcel would result in significantly fewer units, especially considering limitations of other zoning criteria. Additionally, the project will include underground parking which allows for vertical development opportunity not otherwise possible. This efficiency aligns with City goals for redevelopment of the parcel but also increases dwelling units per SF of land.

Variance contrary to public interest? No. The proposed project responds to a need in the community and represents a use and density that the city desires. The proposal includes underground parking, which most buildings do not have in the market. Underground parking consolidates vehicular activity within an enclosed space and improves appearance within the neighborhood.

Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose? Not receiving the variance would cause the building to be reduced in terms of floor area and number of units, which would result in the project not achieving financial feasibility.

44-620 (sub f)

- Frontage of building. The frontage does not encapsulate 60% of the space between 0-15 feet of the front setback along Webster. (OR settings 0-15. Bc of weird shape of lot we hugged the corner but could not hit Webster and still meet FAR)

Physical characteristics of property preventing compliance: Due to unique site configuration, the design team created the most efficient rectangular shaped building and placed on the corner of Vanderbraak and North Clay Street. It would not be possible to also place the building along Webster and maintain other zoning limitations.

Variance contrary to public interest? No. The desire from a residential standpoint is to have the building connected to the neighborhood. We cannot achieve this on Webster where there is no connectivity anyway. The proposed building location is in the best spot possible and is in the best interest of the neighborhood.

Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose? Complying with the zoning ordinance in this case is not possible due to the unique situation of having three sides to the site all with public streets.

44-620

- Impervious surface maximum is 60 percent and current design is 70 percent of the site area.

Physical characteristics of property preventing compliance: Compliance with impervious surface maximum would require fewer residential units. Please note the project includes 49 parking spaces in the building lower level. This feature locates the majority of site parking within the building footprint and allows for higher density within the building footprint (additional floor). Without this feature the proposal would include fewer units and greater impervious area. Site geometry was the primary factor in pursuing this plan and preventing compliance with 44-620.

Variance contrary to public interest? No. The proposed project responds to a need in the community and represents a use and density that the city desires. The proposal includes underground parking, which most buildings do not have in the market. Underground parking consolidates vehicular activity within an enclosed space and improves appearance within the neighborhood.

Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose? Not receiving the variance would cause the building to be reduced in terms of floor area and number of units, which would result in the project not achieving financial feasibility.

Variances impacting tax parcel numbers 20-381, 20-382, 20-383:

Dwelling Units Sec. 44-620

- Dwelling exceeds one unit per 2000 sf of land on overall site.

Physical characteristics of property preventing compliance: Compliance with impervious surface maximum would require fewer residential units. Please note the project includes 49 parking spaces in the building lower level. This feature locates the majority of site parking within the building footprint and allows for higher density within the building footprint (additional floor). Without this feature the proposal would include fewer units and greater

impervious area. Site geometry was the primary factor in pursuing this plan and preventing compliance with 44-620.

Variance contrary to public interest? No. The proposed project responds to a need in the community and represents a use and density that the city desires. The proposal includes underground parking, which most buildings do not have in the market. Underground parking consolidates vehicular activity within an enclosed space and improves appearance within the neighborhood.

Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose? Not receiving the variance would cause the building to be reduced in terms of floor area and number of units, which would result in the project not achieving financial feasibility.

Buffer alongside single family residence. 44-1964 (1) a.

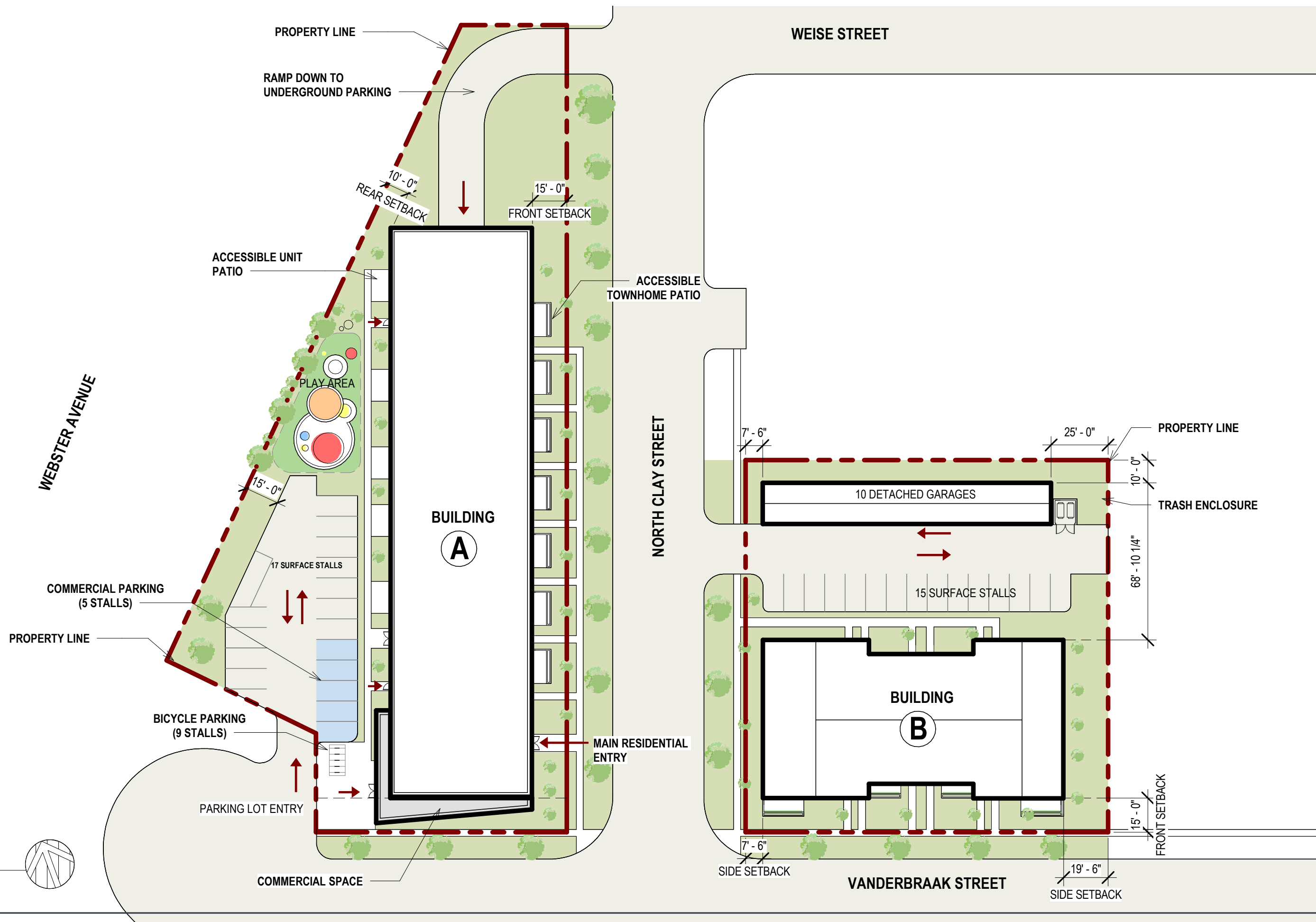
- Landscape buffer to the east. Must be 25 feet for all improvements alongside a single/two family home. This means keeping the buildings and improvements (pavement, garage, dumpster).

Design Solution: Building B was shifted west to 7.5 feet from the property line. This adheres to half of the district minimum which is 15 feet for a residential building. Additionally, the detached garage building was shifted west to the same 7.5 foot dimension and was shortened on the east side by one parking stall to accommodate relocation of the trash enclosure. As a result, Building B is now 19.5 feet from the east property line and the detached garage building is now 25 feet from the east property line. The trash enclosure is 15 feet from the east property line.

Physical characteristics of property preventing compliance: Compliance would require building size and units to be reduced.

Variance contrary to public interest? No. Shifting building locations closer to North Clay Street greatly improves the buffer area to east. Additional screening measures will be incorporated to maximize privacy for neighbors.

Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose? Not receiving the variance would cause the building to be reduced in terms of number of units, which would result in the project not achieving financial feasibility.



SITE PLAN
SCALE 1" = 40'-0"

[illegible]

GREEN BAY PACKAGING INC.

PAULS PANTRY INC

JIMMY BYRNE GB LLC

REDEVELOPMENT
AUTHORITY FOR THE
CITY OF GREEN BAY



CITY OF GREEN BAY
REDEVELOPMENT AUTHORITY

MICHAEL G.
BERNA

CITY OF GREEN BAY
REDEVELOPMENT AUTHORITY

CITY OF GREEN BAY
REDEVELOPMENT AUTHORITY

CITY OF GREEN BAY
REDEVELOPMENT AUTHORITY
SHERRI J. JAMES
REPRESENTATIVE

WS PROPERTY INVESTMENTS LLC

GUADALUPE
CORTEZ

ROBERT M
MEYER

THOMAS J DEBORAH
GERONDALE
JON

ERIC L JENNIFER L ADAIR

JORGE
ROMERO
MARTINEZ

SHERRILL JAMES R
TREPANIER

ANQUART
PETE

SUSAN M
ANILOT

GREEN BAY CITY
OF PARK BAY VIEW



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

MEETING DATE

January 22, 2024

PREPARED BY

AGENDA ITEM # E.I

I. The date of the next meeting of the Board of Appeals is February 19, 2024.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None