



MINUTES 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

Present: Steven Schuchart, Joshua Koch, Benjamin Andrews, Corey Bogenschutz

Excused: Noel Halvorsen, Barbara Dorff

Absent: None

C. APPROVAL OF THE AGENDA.

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

Moved by Steven Schuchart, seconded by Corey Bogenschutz to approve the agenda. Motion Passed.

Yes-Steven Schuchart, Corey Bogenschutz, Joshua Koch, Benjamin Andrews, No- None.

Abstain-None.

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.

Joshua Koch affirmed Jon LeRoy
Joshua Koch affirmed Scott Kwiecinski

West Side Parcels (Combination in progress)- Parcels 20-349 and 20-350

Moved by Corey Bogenschutz, seconded by Benjamin Andrews to approve to exceed maximum floor area (Section 44-620, Table 44-6, GBMC).

The floor area ratio maximum is 1.0, variance seeks 1.17. Motion Passed.

Yes-Steven Schuchart, Corey Bogenschutz, Joshua Koch, Benjamin Andrews, No- None, Abstain-None.

Findings of fact:

Preservation of Intent-Site is in an OR district and calling for density in this area of transition and density along Webster has merit. The site is oblong compared to other typical parcels.

Extraordinary Circumstance- Site is abnormally shaped and still meets typical parking requirements.

Removing half of one story to reach standard when other standards are met is unneeded.

Preservation of Property Rights-Site is an outlier and has OR development rights. Creates transition for property into nearby neighborhood.

Absence of Detriment- A 3-story building can be made to remove part of a story when other requirements are met that are unneeded.

Hardship- To make development occur at this location and oblong lot needs an exception

Moved by Steven Schuchart, seconded by Benjamin Andrews to approve to Exceed maximum impervious surface (Section 44-620, Table 44-6, GBMC).

Max impervious within OR is 60%. Applicant seeks 67%. Motion passed.

Yes-Steven Schuchart, Corey Bogenschutz, Joshua Koch, Benjamin Andrews, No- None, Abstain-None.

Findings of fact:

Preservation of Intent-Site is in an OR district and calling for density in this area of transition and density along Webster has merit. The site is oblong compared to other typical parcels. Parking has been placed underground, and a driveway is still needed to access some parking outside for residential and commercial users. Removing some stalls will still require a driveway to enter the property, which takes up surface space.

Extraordinary Circumstance- Site is unusually shaped, leading to unusual driveway patterns

Preservation of Property Rights-Site is an outlier and has OR development rights. Creates transition for property into nearby neighborhood.

Absence of Detriment-setback of the road makes typical development beyond a typical condition.

The site is just over the number and lesser than the numbers required if it was a commercial use.

Buildings are mixed use.

Hardship- To make development occur at this location, and oblong lot needs an exception.

Moved by Corey Bogenschultz, seconded by Steven Schuchart to approve, Less than 60 percent of the front façade will fall between minimum and maximum setback area (Section 44-620, Table 44-6, GBMC)

The block has three front sides. The building façade along Webster does not meet the 60 percent threshold. Motion passed.

Yes-Steven Schuchart, Corey Bogenschultz, Joshua Koch, Benjamin Andrews, No- None, Abstain-None.

Findings of fact:

The Preservation of Intent-Code calls for building setbacks to integrate into neighborhood. The three-sided design, especially at an oblong angle, is exceptional.

Extraordinary Circumstance- Code calls for building setbacks to integrate into neighborhood. The three-sided design, especially at an oblong angle, is exceptional.

Preservation of Property Rights-This alignment suits the property and surrounding properties to create a viewing shield from the intensity of Webster and keeps the new development off the intense street while placing the new building in the neighborhood at the setback requirements.

Absence of Detriment-This alignment suits the property and surrounding properties to create a viewing shield from the intensity of Webster and keeps the new development off the intense street while placing the new building in the neighborhood at the setback requirements.

Hardship-Code calls for building setbacks to integrate into neighborhood. The three-sided design, especially at an oblong angle, is exceptional.

East Side Parcels (Combination in progress)- Parcels 20-381, 20-382, and 20-383

Joshua Koch affirmed Jon LeRoy

Joshua Koch affirmed Scott Kwiecinski

Joshua Koch affirmed Luke Samalya

Moved by Corey Bogenschultz, seconded by Steven Schuchart to approve to exceed maximum impervious surface (Section 44-620, Table 44-6, GBMC)

Max impervious within OR is 60%. Applicant seeks 70%. Motion passed.

Yes-Steven Schuchart, Corey Bogenschultz, Joshua Koch, Benjamin Andrews, No- None, Abstain-None.

Findings of Fact

Preservation of Intent-Site is similar to other buildings in OR district builds and meets standards to create sites which can meet typical requirements.

Extraordinary Circumstance- Form and space are similar to other OR developments in the area.

Preservation of Property Rights-Site meets typical parking requirements and is of similar nature to-or multifamily builds. Works in conjunction with scale of intensity to the west and east.

Absence of Detriment-The site is a transition between uses and properties from west to east and has a parks space and trails nearby.

Hardship- Unwarranted reduction of a typical size site for a typical OR use when other standards are met.

Moved by Steven Schuchart, seconded by Benjamin Andrews to approve to exceed 1 dwelling unit per 2,000 square feet of parcel space (Section 44-620, Table 44-6, GBMC)

Applicant seeks 1 dwelling unit per 1,635 square feet of parcel space. Motion passed.

Yes-Steven Schuchart, Corey Bogenschutz, Joshua Koch, Benjamin Andrews, No- None, Abstain-None.

Findings of Fact

Preservation of Intent-Site is similar to other buildings in OR district builds and meets standards to create sites which can meet typical requirements.

Extraordinary Circumstance- Form and space are similar to other OR developments in the area.

Preservation of Property Rights-Site meets typical parking requirements and is of similar nature to or multifamily builds. Works in conjunction with scale of intensity to the west and east.

Absence of Detriment-The site is a transition between uses and properties from west to east and has a parks space and trails nearby.

Hardship- Unwarranted reduction of a typical size site for a typical OR use when other standards are met.

Moved by Steven Schuchart, seconded by Corey Bogenschutz to approve a smaller buffer yard between residential building than the code requires (Section 44-1964(1)a., GBMC)

Applicant seeks 19.5 feet for the primary building and adjacent to the property line for the parking area. The required area for a 2-story building adjacent to one/two family residences is 25 feet with the following condition:

A minimum 6' tall barrier along the eastern property line.

Yes-Steven Schuchart, Corey Bogenschutz, Joshua Koch, Benjamin Andrews, No- None, Abstain-None.

Findings of Fact

Preservation of Intent-Building has been moved to create a townhome like layout which can meet the code.

Extraordinary Circumstance- Site still has a large buffer when an additional condition is placed.

Preservation of Property Rights-Property owners can use the site for typical usage for multifamily building on or lot with added condition to grant extra balance to neighboring property owners.

Absence of Detriment-Site still has a large buffer when an additional condition is placed.

Hardship-Site itself has accessory and lesser uses placed in the buffer area. Appropriate placement was applied by the applicant.

E. INFORMATIONAL.

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

F. ADJOURNMENT.

Moved by Corey Bogenschutz , seconded by Steven Schuchart to adjourn. Motion Passed.

Yes-Steven Schuchart, Corey Bogenschutz, Joshua Koch, Benjamin Andrews.

No- None, Abstain-None.*