



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, FEBRUARY 19, 2024, 4:30 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, and Benjamin Andrews.

C. Approval of the Agenda.

- I. Approval of the agenda for the Monday, February 19, 2024, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

- I. Approval of the minutes from the January 15, 2024, and the January 22, 2024, meeting.

E. Regular Business.

- I. (Appeal 24-04) Consideration with possible action on a variance request submitted by Bernard Haen, applicant and property owner; requesting to exceed setback standards for a permanent above ground spa for a parcel at 1132 S Quincy Street. (Ald. B. Galvin, District 4)

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.

F. Informational.

- I. The date of the next meeting of the Board of Appeals is March 18, 2024.

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

February 19, 2024

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.1

(Appeal 24-04) Consideration with possible action on a variance request submitted by Bernard Haen, applicant and property owner; requesting to exceed setback standards for a permanent above ground spa for a parcel at 1132 S Quincy Street. (Ald. B. Galvin, District 4)

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BACKGROUND

Bernard Haen is seeking a variance to allow for the creation and placement of a permanent hot tub located within the 10-foot-yard setback from adjoining property.

The applicant seeks to deviate from one section of the Green Bay Zoning Code:

44-520 (a.) Setback. Permanent aboveground or in ground pools, ponds, or spas shall maintain a minimum front yard setback of 25 feet and a rear and side yard setback of ten feet from adjoining property.

The applicant is seeking to place a hot tub approximately 3.3 feet off the south property line. This location would place the hot tub within 10 feet of the side yard setback of the neighboring property.

The parcel is 45 feet in width. A 25-foot window remains for the placement of a hot tub or pool on the property. The neighborhood is serviced by overhead lines in the rear yard. The property currently has three overhead lines running through the rear yard. Two service the applicant's residence and one services the neighboring property to the north. The western most line is being removed, leaving two lines in the backyard (noted as the green and red lines in the lot drawing exhibit). Due to rules for overhead lines from public service, a 10-foot offset is required for hot tubs underneath power lines.

The location of the proposed hot tub is situated approximately 10 feet past the rear side door entry of the garage, in line with a pre-existing concrete patio slab which was recently replaced along with a new shared driveway for the property to the north. The additional concrete slab on which the hot tub is placed is permitted. Placing a hot tub in a permanent fashion on the slab at the given setback is the question at hand.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 24-04 Application
2. 24-04 Site Plan Concept 1132 S. Quincy Street
3. 24-04 Supplied Photos
4. 24-04 Aerial
5. 24-04 Letters from Haens and Neighbor November
6. 24-02 Photo 2
7. 24-02 Photo 3
8. 24-04 Street View 2019
9. 24-04 Neighborhood Aerial

DATE: 1/2/2024	PROJECT #: 114463	APPEAL #:
APPLICANT INFORMATION:		
Name: BERNARD HAEN		
Business Name:		
Address: 1132 S. QUINCY STREET		
City, State, Zip: GREEN BAY, WI 54301		
Phone: (920) 530-4653		
Email: BARNIEMAN100@YAHOO.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: 1132 S. QUINCY STREET, GREEN BAY, WI 54301		
Tax Parcel Number(s): 16-99		
Describe the Variance Request: PERMISSION TO LOCATE AN ABOVE-GROUND HOT TUB WITHIN THE 10 FOOT SIDE OFFSET OF OUR PROPERTY DUE TO DIMENSIONAL LOT RESTRICTIONS, COUPLED WITH WISCONSIN PUBLIC SERVICE (WPS) RULES ON CLEARANCE FROM OVERHEAD POWER LINES.		

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

44-520, SUBSECTION A

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 LOT OF 1132 S. QUINCY ST. WAS LAID OUT MORE THAN A CENTURY AGO - PRIOR TO THE ADVENT OF 10/15/25 FOOT OFFSETS FOR LARGER, NEWER CITY PROPERTIES, OUR LOT IS THE NARROWEST (45 FEET) ON OUR BLOCK (PLEASE SEE "LOTS -1100 BLOCK S. QUINCY STREET," ATTACHED). SEVERAL STRUCTURES IN OUR IMMEDIATE AREA ARE WITHIN THE 10 FOOT SIDE OFFSET, INCLUDING OUR HOUSE AND OUR NEIGHBORS' GARAGES ON BOTH SIDES (PLEASE SEE "LOT DRAWING 1132 S. QUINCY STREET"). AT LEAST ONE PROPERTY NEARBY ALSO HAS AN ABOVE GROUND HOT TUB WITHIN THE 10 FOOT SIDE OFFSET.

WE FEEL THAT THIS VARIANCE REQUEST WOULD NOT BE OUT OF CHARACTER FOR OUR AREA.

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

THE HOT TUB HAS A LOCKING COVER AND IS ADJACENT TO A PREVIOUSLY EXISTING CONCRETE SLAB THAT HAS BEEN USED AS AN ENTERTAINMENT VENUE FOR MORE THAN 20 YEARS. OUR ALDERMAN SUGGESTED THAT WE OBTAIN A LETTER FROM OUR NEIGHBORS ON THAT SIDE INDICATING THAT THEY WERE OKAY WITH ITS PLACEMENT (WHICH WE DID).

IN ADDITION, OUR LOT HAS A SIX FOOT PRIVACY FENCE ALONG THE HOT TUB AREA THROUGH THE ENTIRE BACK YARD, THREE FOOT TALL METAL FENCING WITH A LOCKING GATE SURROUNDS THE REMAINDER OF THE YARD (PLEASE SEE ATTACHED PHOTOS).

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 NARROWNESS OF OUR LOT, COMBINED WITH A WPS MANDATE THAT OVERHEAD POWER DROPS NOT BE WITHIN 10 FEET OF A HOT TUB WATER LINE, GREATLY RESTRICTS THIS INTENDED USE OF OUR PROPERTY (PLEASE SEE "LOT DRAWING 1132 S. QUINCY STREET"). OUR TOTAL LOT AREA (45 X 165) IS 7,425 SQUARE FEET. 10/15/25 OFFSETS (4,300 SQUARE FEET) RENDERS FULLY 58% OF OUR LAND UNAVAILABLE TO US - IRRESPECTIVE OF OUR HOUSE FOOTPRINT.

THE OVERHEAD POWER LINE FOR OUR OTHER NEIGHBOR ALSO COMES INTO PLAY, AS IT TRAVERSES OUR BACKYARD AT A 45° ANGLE. ATTEMPTING TO PLACE THE HOT TUB IN THE OPPOSITE CORNER OF OUR YARD WOULD BUTT UP AGAINST THE SAME OFFSET CONSTRAINTS.

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.

Bernard G. Haen

Signature of the Property Owner

BERNARD HAEN

Print Name

1/2/2024

Date

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

Print Name

Date

OFFICE USE ONLY:	Parcel #: 16-99	Residential \$125 ☒ Commercial \$250 ☐
District: 4 Zoning: R1	Meeting Date: Feb 2024	Receipt #: 56348z
Submittal Date: 1/6/2024	Staff Signature: jl	

Transformer

6 ft. Fence

Neighbor's
Garage

Neighbor's
Power
Line

Our Power
Line (To Be
Moved)

Walkway
(replaced)

6 ft.->
Fence

10ft.

<-Slab (new)

Slab
(replaced)

Garage

Parking
Apron
(replaced)

House

Front Steps->
(replaced)

Driveway->
(replaced)

= Hot Tub Location

Lot 6, Block 72, Plat of Astor
1132 S. Quincy Street
Scale 1" = 20 '

Sidewalk

Quincy Street









1"=24'
Feet

1:282

Legend

PropertyHook

ParcelLine
Block boundary

Bulkhead Line

Historic Parcel Line
(20under)

Hydrography

Lines between deeds or
lots (20pdashed)

Lot boundary

Meander line

Original Right of Way

PLSS line

Parcel line

Plat boundary

Private Road Right of
Way

Right of Way line

Undetermined

Vacated Right of Way

TaxParcel

Condominium

Gap; Overlap

Hydrography

Right of Way

TaxParcel

Undetermined

Wards

Alderperson Districts

CacheExtent

Major Lakes & Rivers
Small Scale

Municipal Boundaries
Large Scale

2 acres

Wetlands

SchoolProperty

Parks

<all other values>

Amusement Park

Athletic Fields

Boat Launch

Campground

This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.

Date Printed: 14 Feb 2024

City of Green Bay

GB - GIS

November 5, 2023

Green Bay City Inspection Division
100 N. Jefferson Street
Green Bay, WI 54301

Dear Sir/Madam,

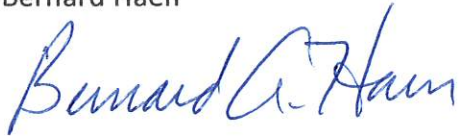
My wife and I recently were denied a building permit for a new hot tub in our backyard at 1132 S. Quincy Street because the offset from our southern property line was only 3'-3". This was the only basis for the denial.

I contacted our District 4 Alderman, Bill Galvin, and he told me that in order to obtain a variance for the hot tub location, it would be necessary to obtain a letter from the property owner(s) on that side of our house agreeing to allow the hot tub in that location.

Please find that letter included herein. If there are any further questions, please give us a call at (920) 530-4653.

Thank you.

Bernard Haen

A handwritten signature in blue ink that reads "Bernard A. Haen". The signature is written in a cursive style with a large initial 'B'.

Virginia Marcoe

A handwritten signature in blue ink that reads "Virginia Marcoe". The signature is written in a cursive style with a large initial 'V'.

Declared under penalty
of perjury that the
information in this
statement is true and
correct to the best of my
knowledge -JS
via phone conversation
with JL Feb 15 2024

November 5, 2023

Green Bay City Inspection Division
100 N. Jefferson Street
Green Bay, WI 54301

Dear Sir/Madam,

We are the neighbors on the southern lot line to 1132 S. Quincy Street. Our address is 1136 S. Quincy.

There is a privacy fence which divides our properties, and we have no objections to Bernie and Gini placing their new hot tub in the proposed location.

Regards,

Jeff Schermetzler (920) 323-7250

A handwritten signature in black ink, appearing to read "Allysa", with a long horizontal flourish extending to the right.

Allysa Lewis

A handwritten signature in black ink, appearing to read "Jeff Schermetzler", written in a cursive style.







