



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, MARCH 18, 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, March 18, 2024, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

- I. Approval of the minutes from the Monday, February 19, 2024, meeting.

E. Regular Business.

- I. (Appeal 22-34) Consideration with possible action on a request from Roy and Mary Johnson, property owners; seeking a variance to exceed driveway standards within the front and side yard setback at a single or two family residential home at 2454 Crest Lane. (Ald. W. Morgan, District 3)

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.

2. (Appeal 24-05) Consideration with possible action on a variance request submitted by Steve and Sheryl Malcore, applicant and property owners; requesting to exceed side yard setback standards for an attached garage at 210 Bedford Road. (Ald. J. Hutchison, District 2)

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.

3. (Appeal 24-06) Consideration with possible action on a variance request submitted by Scott and Sharon Trembl, applicant and property owners; requesting a reduction in the minimum amount of land required to keep large domesticated farm animals within a Rural Residential (RR) District at 3394 Haven Place. (Ald. J. Brunette, District 12)

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F. Informational.

1. Date of next meeting: Monday, April 15, 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

March 18, 2024

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.1

(Appeal 22-34) Consideration with possible action on a request from Roy and Mary Johnson, property owners; seeking a variance to exceed driveway standards within the front and side yard setback at a single or two family residential home at 2454 Crest Lane. (Ald. W. Morgan, District 3)

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

The applicants seek to deviate from I section of Green Bay Zoning Code:

Section 44-1746 (c.) Driveways shall lead from the public right of way directly to a garage door opening plus 24 inches on either side of said door or to a legal surface parking space. Driveways leading to attached garages shall meet the applicable side or rear setbacks for principal structures.

The applicants, the Johnson family, submitted this request to the Board of Appeals in October of 2022 after their driveway contractor rebuilt their driveway without an approved site plan and created a non-conforming condition because the driveway created additional concrete space which went beyond permitted conditions. The item was tabled for at least 9 months. After discussions with the Law Department, staff felt it was necessary to take this item back to the Board of Appeals.

Two issues were at play. One has been resolved.

The driveway was expanded, past 24 inches beyond the garage door edge to approximately 2.5 feet from the property line. The sideyard setback in this district is 6 feet for a one story building. An exception could be made to allow for a driveway to be 2.5 feet of the property line if a legal parking stall were created along the side of the garage or in the rear yard. However, to make this work, the area between the garage and property must be at least 10.5 feet wide to allow for a legal parking stall (8 feet wide) and sideyard (2.5) and this property does not meet those standards. Thus, the driveway area poured which is beyond 24 inches of the garage to the property line is not in compliance. This area of the driveway extends approximately 5 feet beyond the limits of the code.

The second issue has been corrected. The initial pour did not account of a driveway taper required in Sec. 44-1747 (3.) a., but has been corrected by the property owner.

The applicants are seeking to keep their driveway area which extends 4.5-5 feet beyond the limits of 44-1746. Staff is permitting keeping the area by the side man door of the garage as a walkway since it is not wide enough to create a parking stall and acts as ingress/egress out of the existing man door.

The applicants have had this expansion since Summer 2022. Applicants have noted the property is located on a slope and the garage/driveway is located on a small hill. Applicants have noted since the new concrete has been installed, storm water issues pertaining to water flowing in from the grassy slope from the adjacent property has been reduced.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 22-34 (March 2024) Application Packet
2. 22-34 Background Addendum
3. 22-34 Driveway Image Legal and Non-Conforming
4. 22-34 Images Supplied By Applicant



ZONING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 3/1/24	PROJECT #:	APPEAL #:
APPLICANT INFORMATION:		
Name: Roy C. and Mary J. Johnson		
Business Name:		
Address: 2454 Crest Lane		
City, State, Zip: Green Bay, WI 54302		
Phone: 920-530-5840		
Email: mjjohnson21@att.net		
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: (See Attached Details)		
Location/Address: 2454 Crest Lane, Green Bay		
Tax Parcel Number(s): 21-3765		
Describe the Variance Request: We would like a variance for an addition in width to our driveway added 5/2022. It is 6'1/2' x 16'1/2' (less 4x4 side service door sidewalk that is allowed. The contractor we hired told us we didn't need a building permit or Site Plan as we were only replacing an already existing driveway at our home built in 1975. The home next to us was built 6 years after us 8 feet from our lot line and they raised the lot 2'2-3ft. higher than ours. So we've always had a wet soggy side yard draining under our side service door & garage wall into our garage. We'd always used patio block to widen our drive. With the additional cement we made it wider and usable and the water rain snow drains down our new slanted cement to the city gutter. We have a '4'4" side set-back now from our neighbor's yard. The Variance will help keep our side yard and garage dry - with our addition.		

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

Ordinance 44-1746 Subsection (2)(c): Driveway leading to attached garages shall meet the applicable side or rear setbacks for principal structures established in the district in which is situated or shall meet the side setback of the existing attached garage, whichever is less. The max a driveway could be is 6 ft. off the property it leading to legal 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

Yes. The home next door was built 6 years after ours by a Spec Home Bldr - 8 ft. from our lot line and he raised this side of that lot $2\frac{1}{2}$ - 3 ft. higher than ours. The neighbors eave trough and ours both drain toward our side service door and garage wall. This land has been soggy and our garage wet with water coming in under service door and wall. With the variance, we can keep the extra slanted cement width so the water can run down our driveway to the street gutters. This has helped since we put it in.

Would granting the variance be contrary to the public interest? Explain. No - We've noticed many older driveways that have add-ons in our neighborhood (maybe grandfathered?). But no one else is affected by ours. We've never told any of our neighbors about this - it has only affected us. If we keep this width the water from both homes' eaves is now directed downhill on our new slanted cement to the street gutter. Because there are so many homes with extra pieces on their driveway, we didn't know it wasn't allowed. We have received many compliments on our new cement since redoing our driveway.

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?

We've never been able to use this side of our lot. Since the new slanted piece, the water drains down to the road as it should. Our garage and side lot now stay dry and water isn't pooling on the side of our house. We have extra dry cement to get packages out of our car and into our side service door. (No mud or mucky grass to contend with.)

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.

Roy C. Johnson
Mary J. Johnson
Signature of the Property Owner

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

Roy C. Johnson / Mary J. Johnson
Print Name

Print Name

3/1/2024
Date

3/1/2024
Date

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

DESCRIBE THE VARIANCE REQUEST:

We would like to keep an addition to our 2-stall driveway. We didn't know it wasn't allowed to add on width to our driveway and added 6 ½ feet in width and 16 ½ feet in length in May, 2022. (This measurement does include sidewalk from our side garage door to the front of house which is allowed – an “L” shaped cement piece about 4 feet out the side service garage door going to the front of garage. See photo.)

Our home and driveway are 49 years old now and were built in 1975. We were the first house on the street and have taken great pride in keeping it up. Our driveway was very pitted and had many cracks in the cement. Our garage floor was in the same bad condition as well, and drainage was an issue. In Spring 2021 we found a small crack going across our basement foundation wall adjacent to the garage floor foundation where water from melting snow and rain had been running down the wall from inside the garage. We had been saving to do the drive-way but after finding this, knew we had to move up the date and have it done sooner than later. We watched for new cement builds when taking neighborhood walks and found several driveways we liked. There are many in our area that had pieces added on. In August 2021 we contacted 2 cement contractors who had done driveways near us and asked for a bid on the replacement garage floor and driveway. We also checked to be sure both of those contractors were on the approved list by the City of Green Bay to do cement work on city sidewalks, drive-ways, aprons, and curbs. Both contractors were on that list.

We received a bid from one contractor on 9/2/2021 and on 9/7/21 we notified him that we'd like it done in Spring 2022 when weather conditions were right for cement construction projects. The other contractor finally called in November and hoped to get out to see our project, but didn't make it. He did call again in April, 2022, asking if we still wanted to do our drive-way. We told him we'd already contracted with another company. We did our background work, checking on the contractor and his business location in New Franken, and found he had a great reputation and his work was beautiful. We talked with the contractor and asked if he'd be getting the Building Permit or if we do that. He told us a permit wasn't necessary as we were just redoing our driveway – we were not a new build as on a new home construction. We printed out all of the information online for the “One & Two-Family Driveway Guide” and found more city information on driveway regulations online that referred to adding on to a driveway. We thought we'd be following all Codes. We read all of it over thoroughly. When we talked with the contractor in April, 2022, we asked him if he'd be getting the Building Permit and calling Diggers Hotline or if he wanted us to do this. He told us we should call Digger's Hotline and that we didn't need a Building Permit as we were only doing a replacement driveway and garage floor not a new build as you would for a new home. (I'd forgotten we'd talked about that in Fall.) We called Diggers Hotline and all utilities had come out to mark underground wires and we had found all of our lot lines so we would be in compliance with that - leaving the distance between our addition to driveway and the end of our property line about 4 ft. 4 inches (which we thought had to be 2.5 feet). We thought we had done everything necessary and correctly.

On 5/16/22 our contractor began breaking up old cement. They did a great job and by 5/20/22 they had just about all of the work done, including garage floor and driveway including the City Sidewalk portion and Apron, a new sidewalk to our front door, and an addition to the width of our drive-way. A City Inspector had come out twice to check on the City Sidewalk portion and Apron. We thought all was done correctly. And we loved our new cement - - it all looked beautiful! On 5/31/22 we could begin driving on it.

On 7/28/22 an Inspector from the Dept. of Community & Economic Development visited us and told us they'd received a complaint on our driveway. He also told us we should have had a Building Permit and Site Plan to do this. We told him the Inspector had been here twice the day the concrete was being poured and he gave our contractor permission to continue as we were compliant. But this Inspector told us that that was the Public Works Dept. who'd come out as they take care of the city owned parts of driveways. We should have gone to the Dept. of Economic Development for permits.

He also told us we needed to cut off the bottom portion of our drive-way width addition as it needed to be slanted and 5 feet away from any City Sidewalk if in case - at any time in the future - a sidewalk would be added to our side of the street. We called our Contractor and they came back in August, 2022 and did cut off that non-compliant piece for us. That is called a Taper Triangle.

The Inspector told us we could make our addition 11 feet longer (along the outside of our garage) by 8 ft. wide and that would be acceptable. On 8/1/22 right after the Inspector had told us of all we'd done wrong, we went to the Dept. of Community & Economic Development Office with a Site Plan and tried to get and pay for a Building Permit. They could not issue a permit or accept our money because we were non-compliant. Two Inspectors there did tell us we could add on to that width addition beside our garage extending it another 8 x 11 feet. But we found we did not have enough room to our lot line to add that extra piece on and still have the necessary side set-back footage.

Our Petition for Variance is to keep our additional piece of cement 6 ½' by 16 ½ ft. long next to our east driveway stall (we are allowed to keep a part of that for our service door entry sidewalk). Our contractor sloped all of the new cement in a way that all water that accumulates on the east side of our property between our neighbor and our property can now run down the driveway and width addition and not stay wet all spring or go under our garage wall and side service door and into the garage. That home was built about 6 years after ours and the spec builder put the garage wall exactly 8 feet from our property line and raised the lot 2.5 - 3 feet next to our lot instead of gradually sloping the lot all the way across as everyone else on this side of the street did. (The other side of that lot has 50 feet from home to the lot line and is flat.) We did call City Hall at that time asking if that builder was allowed to do this and they said it was permissible. We've never complained to any of the neighbors - but figured this was a great time to correct this water run-off from the downspouts that would migrate into our garage and our side service door. With keeping this extra cement addition, the downspouts now keep the

rain/snow/water draining perfectly across our cement extension/addition to our driveway and out to the city street gutter and not into the grass or our garage.

We have loved having the extra drive-way space as well. We wish we had made it as wide as allowed way back in 1975 – apparently we could have made each stall of our driveway a foot or two wider. But we either didn't know that at the time or couldn't afford it. Once we had kids old enough to drive, we widened the driveway with 16-inch pavers so they could get in and out of cars without stepping on wet grass. With this new addition to width, we now have room to get packages out of our car on cement to take them into the side service door instead of walking on the mucky grass. It is so nice having that little bit of extra dry space.

After the City sent out letters to our neighbors asking if there were any objections or comments about our drive-way, we received at least 7 compliments from neighbors and people just walking by. One neighbor even wrote a complimentary letter to be read at our last Variance Committee Meeting 9/19/22.

We work hard to keep our house and yard looking nice. We are just very sorry we did not know/follow the Codes we should have followed in doing our improvements.

DRIVEWAY DATES

We knew our driveway was badly cracked and chipped after 47 years at the time we redid the cement (we built the first house on Crest Lane in 1975) and we thought it would really be an improvement to our home/lot if we replaced this first old driveway. Our garage had been leaking water down our foundation wall to basement causing a small crack going across the basement foundation wall. When we discovered this in 2021, we knew we had to do something soon. We looked online to find the information the City of Green Bay had on driveways. We printed out their rules to read over and began watching for newer looking concrete work as we went on our daily walks in our area. We found two that looked great.

8/21 We contacted those 2 concrete companies to get bids on replacing our driveway and garage floor and maybe make our current driveway a bit wider for convenience and to ease a water problem we always had in our garage if the cost for this wasn't too high. We had made sure both companies were on the City's list of approved cement contractors who could replace city aprons/sidewalk/curb if necessary.

9/2/21 Received bid on above project from Dorner Equipment Sales and Service, LLC. Still had not heard back from the 2nd Company. But in the months ahead he did leave a voicemail saying he'd try to stop by to see what we wanted to do.

9/7/21 Called the contractor and told him we would like to go ahead with this project whenever he could get to it in Spring 2022-weather conditions permitting. I asked him who would get the building permit – does he do that or is that up to us? He told me we didn't need a permit as this was a replacement driveway – not a new build (as was necessary at a new home just being built).

Sometime in fall, we found our lot line stakes and marked them so we could stay within our 2.5 ft. allowance from our lot line to our driveway as it was my understanding that was the distance needed from City booklet. Much later it was

explained to me by Jon LeRoy, Zoning Administrator/Senior Planner, that footage measurement only referred to single family homes that didn't already have a 2-stall garage and driveway, but needed a driveway to park in the back yard.

3/22/22 I emailed our contractor with a few questions asking who should call Diggers' Hotline – us --or if he did that? And if we should get the Driveway Application Building Permit or if he did that as the Contractor?

He told us we should call Diggers' Hotline and that we didn't need Permits as ours was a replacement of an existing driveway – not a new build as when building new homes with new driveways. I did then realize I'd already asked him that in the Fall when we first talked.

I called Digger's Hotline and 3 Utility Companies came out and marked their lines with their marker flags.

Sometime April 2022 Second Contractor did call back to see if we still were interested in redoing our driveway. I told him we'd contracted with another company – and it would be started soon.

Around 5/10/22 Our Contractor called and said they'd be starting our driveway about 5/18/22.

5/16/22 Contractor & crew arrived to begin to tear up old driveway and garage floor. We did decide to get an addition in width to our old driveway for our convenience and to alleviate a pesty water run-off problem between our home eaves from our garage and the neighbor's home eaves (garage) which has its wall & foundation built exactly 8 ft. from our lot line. That home was built about 6 years after ours by a spec home builder and the driveway/garage was raised about 2.5 – 3 feet higher than our lot. We did call the City at that time and asked if that was ok with Code, and City said that it was. We never wanted to make a problem with neighbors and we were friends with all 8 owners of that home. But thought this might be a good time for us to help correct this water runoff issue. None of the owners of that home use this side of their lots as they have 50 flat feet on the other side of their home. We had asked the

neighbor in the summer of 2021 if she'd mind if we widened the driveway; she told us she was fine with whatever we decided to do. She died unexpectedly 11/4/21. New people moved in May 2022 and they and their family said they liked the new cement and had no problem with any of it.

5/18/22 City Inspector came out twice to inspect the city sidewalk/apron area that Contractor and crew had replaced and he did get this work approved by that City Inspector.

5/20/22 Driveway mostly done. Contractor stopped by the following week to finish a few minor things. Driveway and garage floor looked beautiful as did the extra width space.

5/31/22 We could begin driving on new cement. We loved the improvement!

7/27/22 Inspector Tim Meves stopped in to tell us the Inspection Dept. received a complaint on 2454 Crest Lane – our address. He told us we didn't have a Building Permit. We explained that our contractor had told us we didn't need one. We were getting a replacement driveway – not a new one. Our driveway had already been there. We also told him that the City Bldg. Inspectors had come by to approve the city apron & sidewalk – 2 times on the day the cement was being poured. He told us we actually should have had Inspectors from the Department of Economic Development in City Hall. He told us the Inspector who checked the city sidewalk and apron was from Green Bay Public Works - -- another Dept. He also told us the bottom of the cement addition which was straight was too close to city sidewalk line and we would need to remove that piece and make a Taper Triangle.

8/1/22 We went to City Hall to Dept. of Community & Economic Development and spoke with a City Site Plan Administrator. We gave him our Site Plan that we'd worked on over the week-end after Inspector Meves' visit and tried to pay for the Permits we didn't know we needed. We were told we'd either have to add on 8 more feet in width (right next to the outside of our garage wall by 11 more feet in length in the

direction of our back yard or go for a Variance. He did email us after to tell us that a Variance Request might be our best way to go.

8/3/22 Inspector Meves again came back on August 3 to tell us we also needed to add on a piece 8 x 11 ft. next to our garage (same thing the last Inspector told us) to make this driveway legal and cut off that piece bordering city sidewalk – if there would ever be city sidewalk on our street - making a Taper Triangle. He was relieved that we'd been given this same info when we went to Inspection Dept. 2 days prior.

Sometime
Aug. 2022 Contractor and crew arrived and cut away bottom of the addition and made the Taper Triangle so we didn't have cement too close to City Sidewalk to now make that issue compliant.

Sometime
Aug. 2022 City sent out letters to all of our neighbors asking if there were objections to our driveway or any comments. After those letters, 7 of our neighbors and people walking by made a point to tell us they liked our driveway. One neighbor even sent a letter to be read at our first appearance at the Variance Committee Meeting on September 19, 2022, saying how nice it looked.

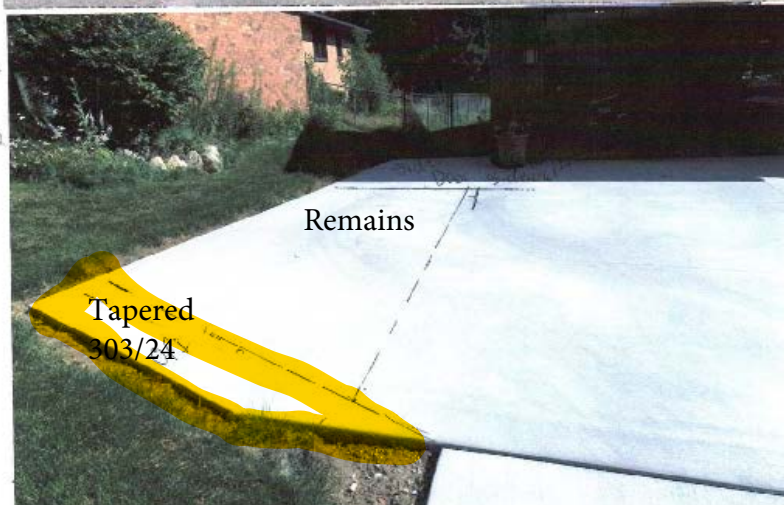
9/19/22 We appeared at the Variance Committee Meeting via Zoom and supplied the Committee with our details and answered questions they had. They were undecided and put our request on "hold" for 9 months.

10/19/23 Mr. Meves rang our doorbell and asked Roy where we were with all of the driveway problems. Roy told him we didn't know. Mr. Meves called us later that day and said he emailed Jon LeRoy and was getting information from him on our problem. He said our case was now being looked at by the City Attorney.

7/22

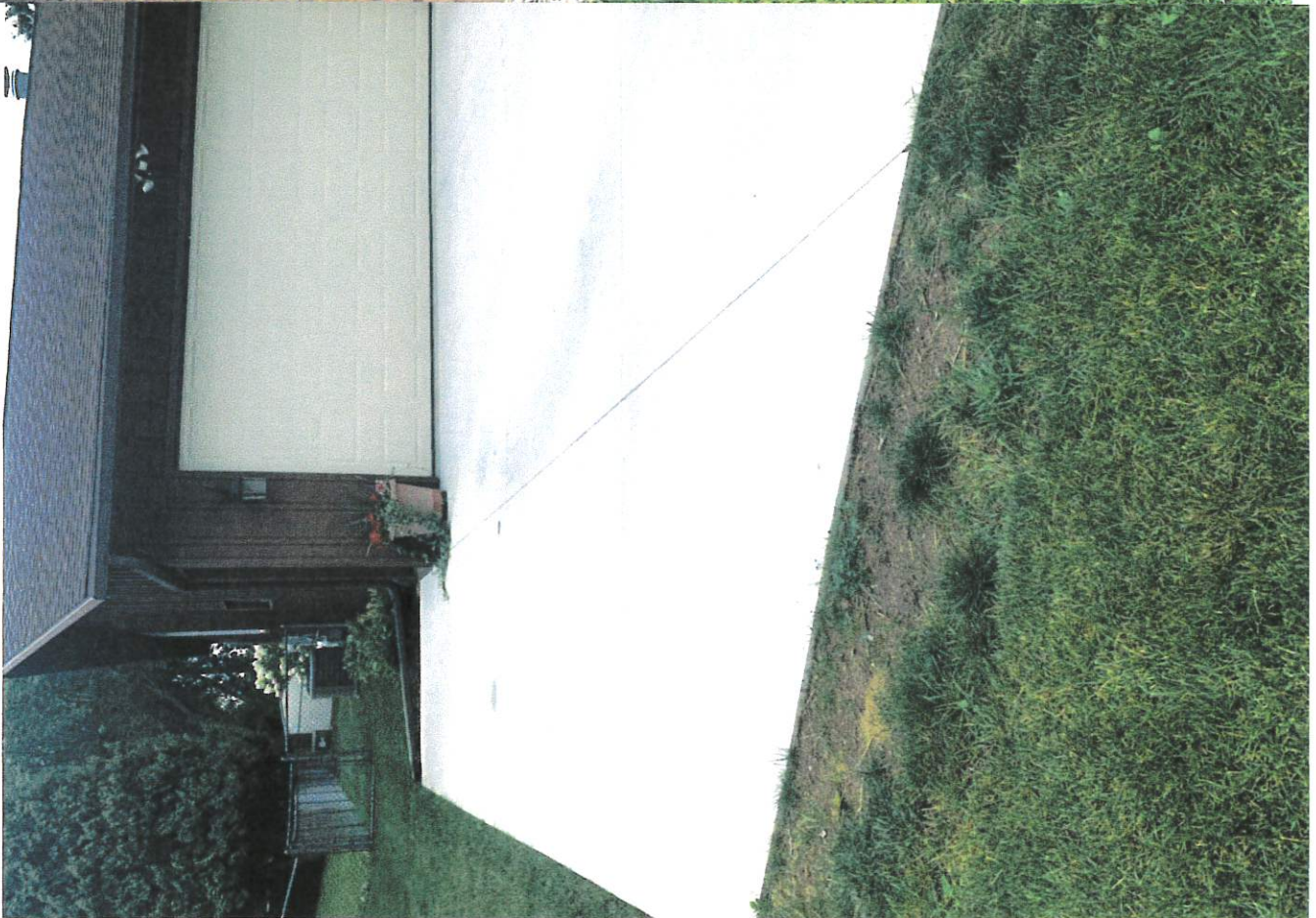


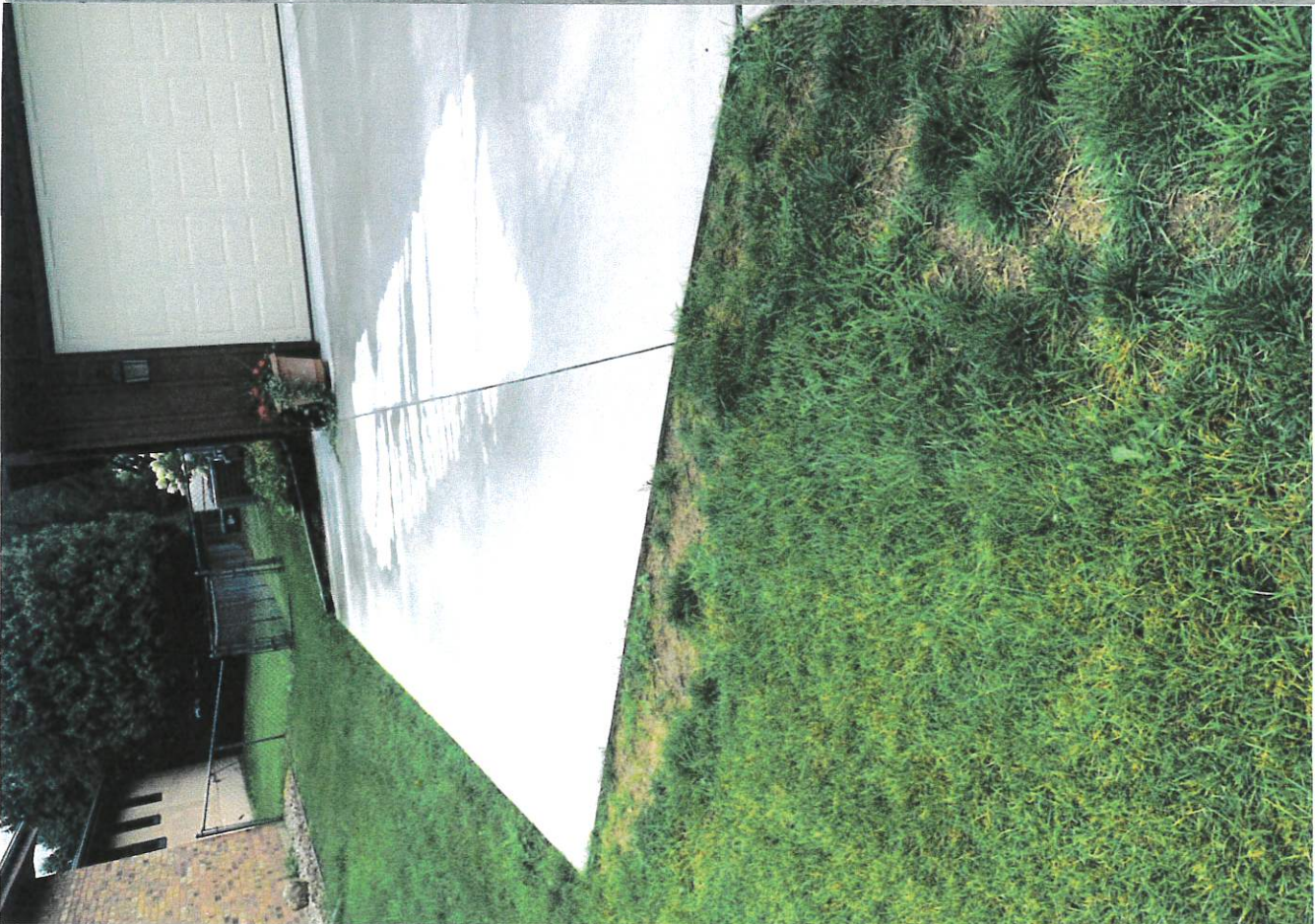
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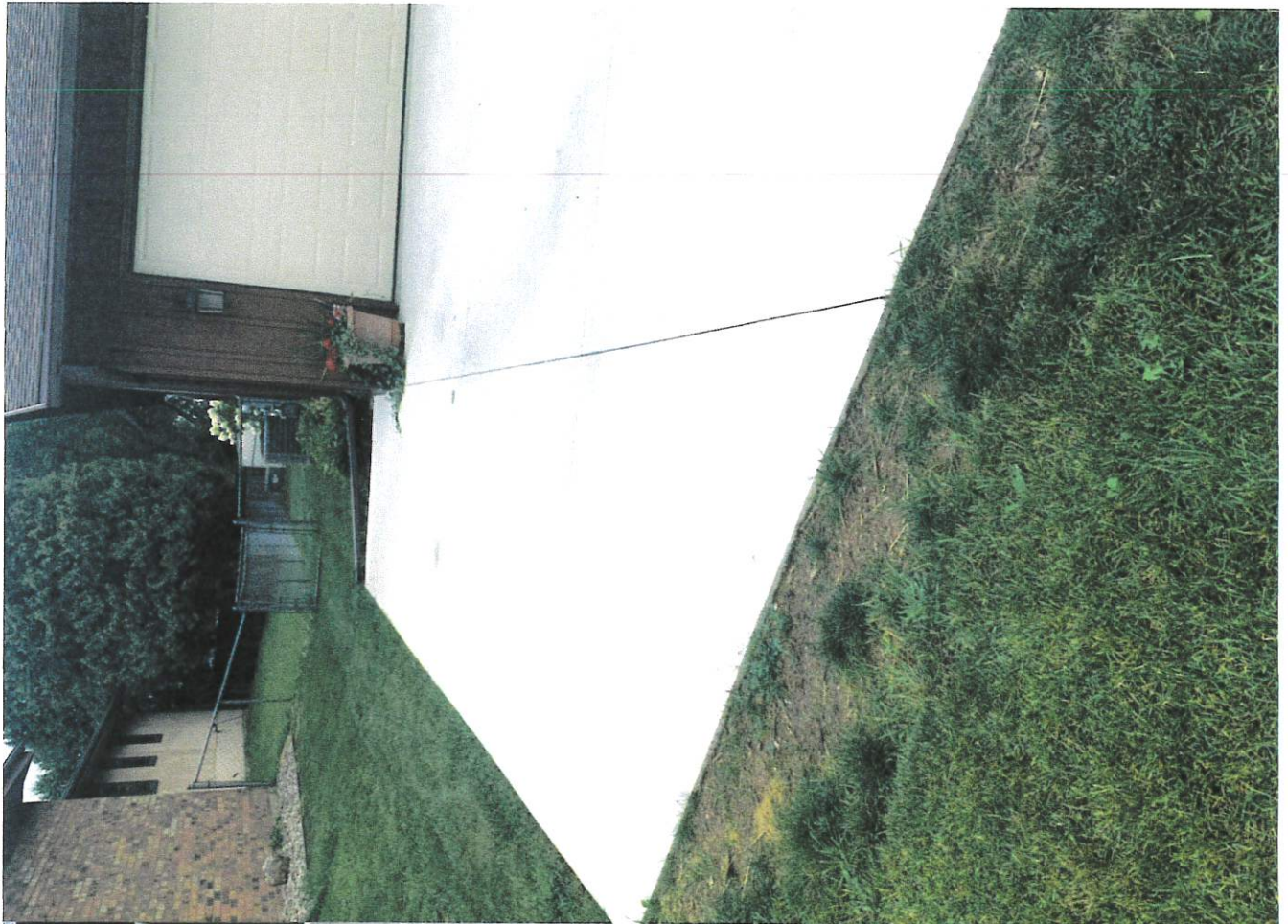


Remains

Tapered
303/24











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

MEETING DATE

March 18, 2024

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.2

(Appeal 24-05) Consideration with possible action on a variance request submitted by Steve and Sheryl Malcore, applicant and property owners; requesting to exceed side yard setback standards for an attached garage at 210 Bedford Road. (Ald. J. Hutchison, District 2)

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

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

Sec. 44-554, Table 44-2. Within an RR (Rural Residential) District, building setback requirements for a 1.5 story or more primary structure is a minimum of 8 feet from side yard.

The property owners are seeking to rebuild their existing 1.5 story home, replacing an existing 1 stall attached garage with a 2 stall attached garage. The applicant is seeking to place the garage 5 feet from the property line along the north end of the building in a similar footprint area to the existing garage. The property is a 0.998 acre parcel located at the end of Bedford Road. The property is not apart of the sewer service area and has septic areas located to the southeast of the primary building.

The property is located among a handful of larger, rural residential lots in the area. The neighboring lot is 3.7 acres.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 24-05 Application
2. 24-05 Examples of Neighboring Homes with Large Attached Garages
3. 24-05 Front of House Photos
4. 24-05 Garage Addition Layout Examples



ZONING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 2/29/2024	PROJECT #: 115626	APPEAL #: 24-05
APPLICANT INFORMATION:		
Name: Steve & Sheryl Malcore		
Business Name:		
Address: 210 Bedford Rd		
City, State, Zip: Green Bay, WI, 54311-7656		
Phone: Sheryl 920-362-3934 Steve 920-461-2827		
Email: smalcore@sbcglobal.net, smcueman@hotmail.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: 210 Bedford Rd		
Tax Parcel Number(s): 21-26-1		
Describe the Variance Request:		
The current garage is in need of repair.		
We would replace existing 1 stall attached garage with a functional 2 stall attached garage.		
We will need to make the new 2 stall garage 3 feet wider.		
The current 1 stall garage is 8 feet from the property line.		
The new 2 stall garage would be 5 feet from the property line.		

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

8 foot setback for attached garage

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

Existing house on the property with a 3 step landing to get in the house.

The holding tanks are on the south side of the house.

We do not want to cover the bedroom and bathroom windows on the back of the house.

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

No. All the neighbors have a 2 or 3 stall garage. Our house is the only one that is a 1 stall.

The new garage would make our house look more like all the other houses in the neighborhood.

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?

We would not be able to build a functional (both cars inside with enough space to easily open a car door)

two stall attached garage without the extra 3 feet. We would build a single stall garage (one car inside, the other car parked outside) that would not improve the look of our house for the future.

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.

Steve Malcore Sheryl Malcore

Signature of the Property Owner

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

Steve and Sheryl Malcore

Print Name

Print Name

2-27-2024

Date

Date

OFFICE USE ONLY:	Parcel #: <u>21-26-1</u>	Residential \$125 ☒ Commercial \$250 ☐
District: <u>2</u> Zoning: <u>RM</u>	Meeting Date: <u>3-18-24</u>	Receipt #: <u>2765067-0007</u>
Submittal Date: <u>2/29/24</u>	Staff Signature: <u>[Signature]</u>	



3410 Whittier Dr



**The Preserve
North Bedford Rd**



South Bedford Rd





150 Bedford Rd

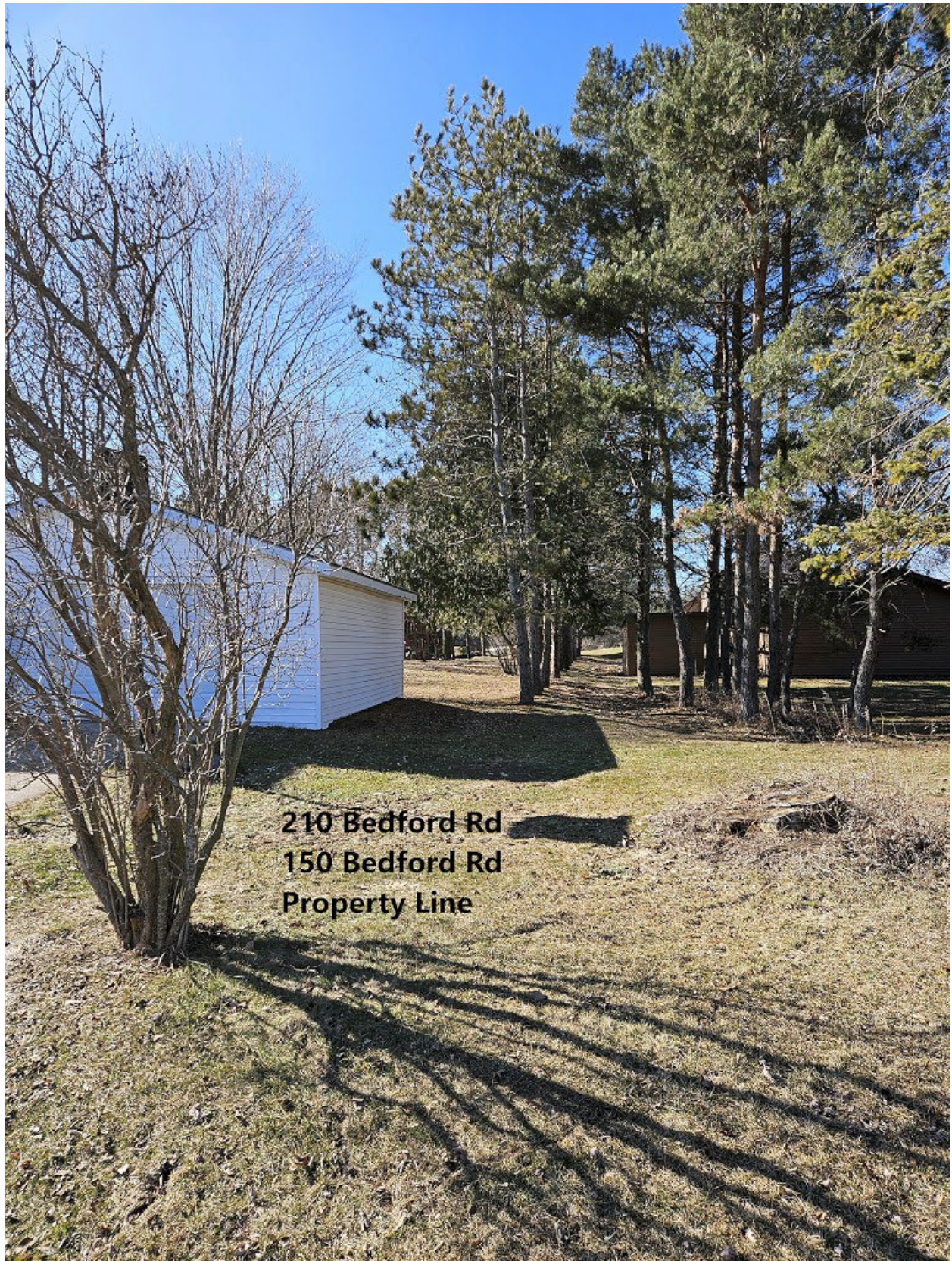








210 Bedford Rd
Side of Garage



210 Bedford Rd
150 Bedford Rd
Property Line





210 Bedford Rd

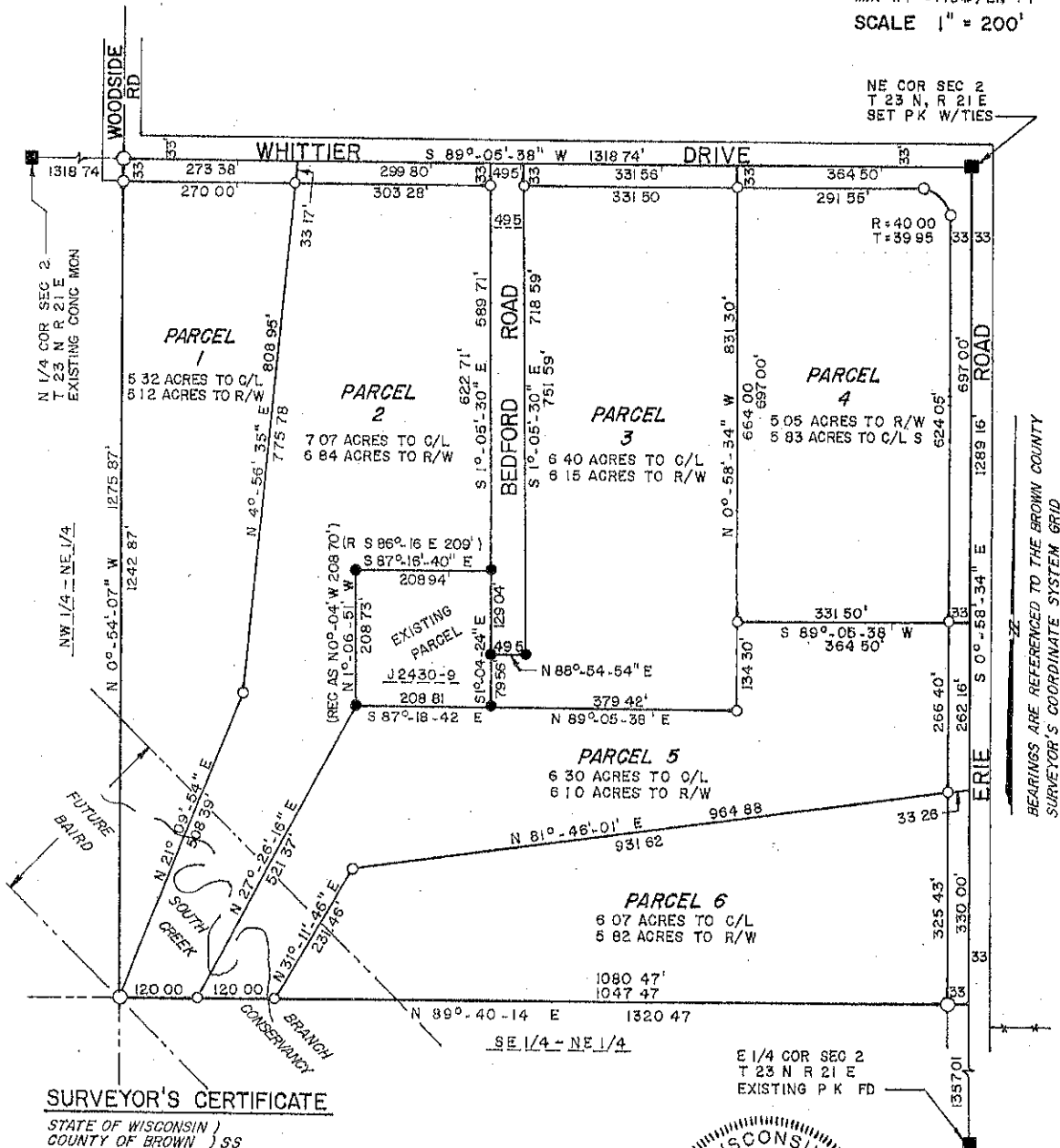
PLAT OF SURVEY

LOCATED IN THE NE 1/4 OF THE NE 1/4
SECTION 2, T 23 N, R 21 E, CITY OF
GREEN BAY, BROWN COUNTY, WISCONSIN

SURVEYED FOR ROBERT DEMUTH ETAL

— LEGEND —

- BROWN COUNTY MONUMENT
 - EXISTING 1" IRON PIPE USED
 - 1 1/2" X 30" IRON PIPE SET
MIN WT = 150#/LN FT
 - 1" X 24" IRON PIPE SET
MIN WT = 113#/LN FT
- SCALE 1" = 200'



SURVEYOR'S CERTIFICATE

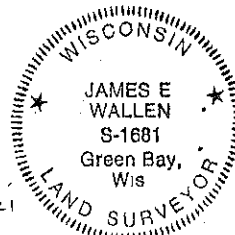
STATE OF WISCONSIN)
COUNTY OF BROWN) SS

I, JAMES E. WALLEN HEREBY CERTIFY THAT I HAVE SURVEYED AND
MAPPED THE LANDS DESCRIBED HEREON AND THAT THE MAP IS A TRUE
AND CORRECT REPRESENTATION OF THE LANDS SURVEYED

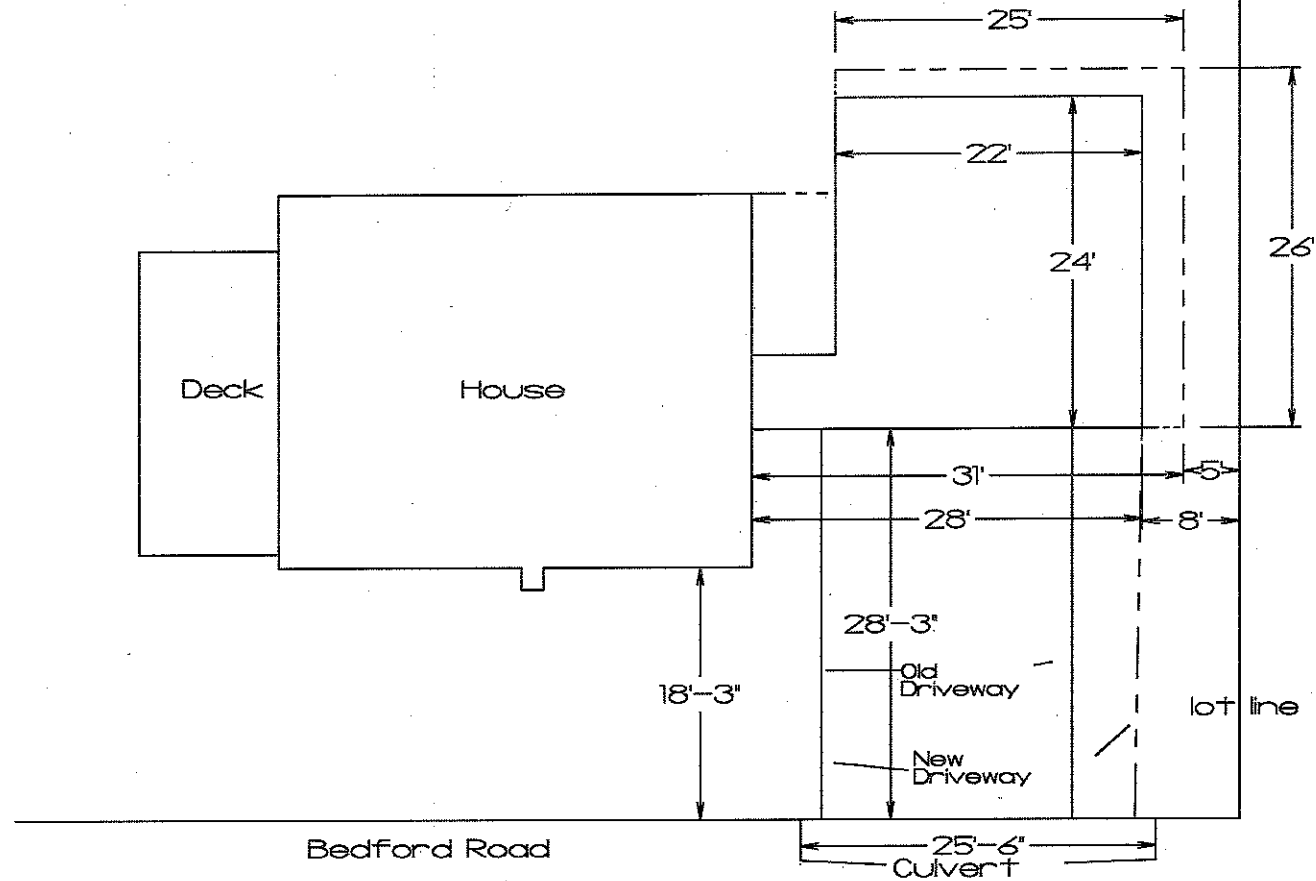
DATED THIS 10TH DAY OF FEBRUARY, 1990

James E. Wallen
JAMES E. WALLEN RLS 1681
1396 VIEW LANE GREEN BAY, WI 54313

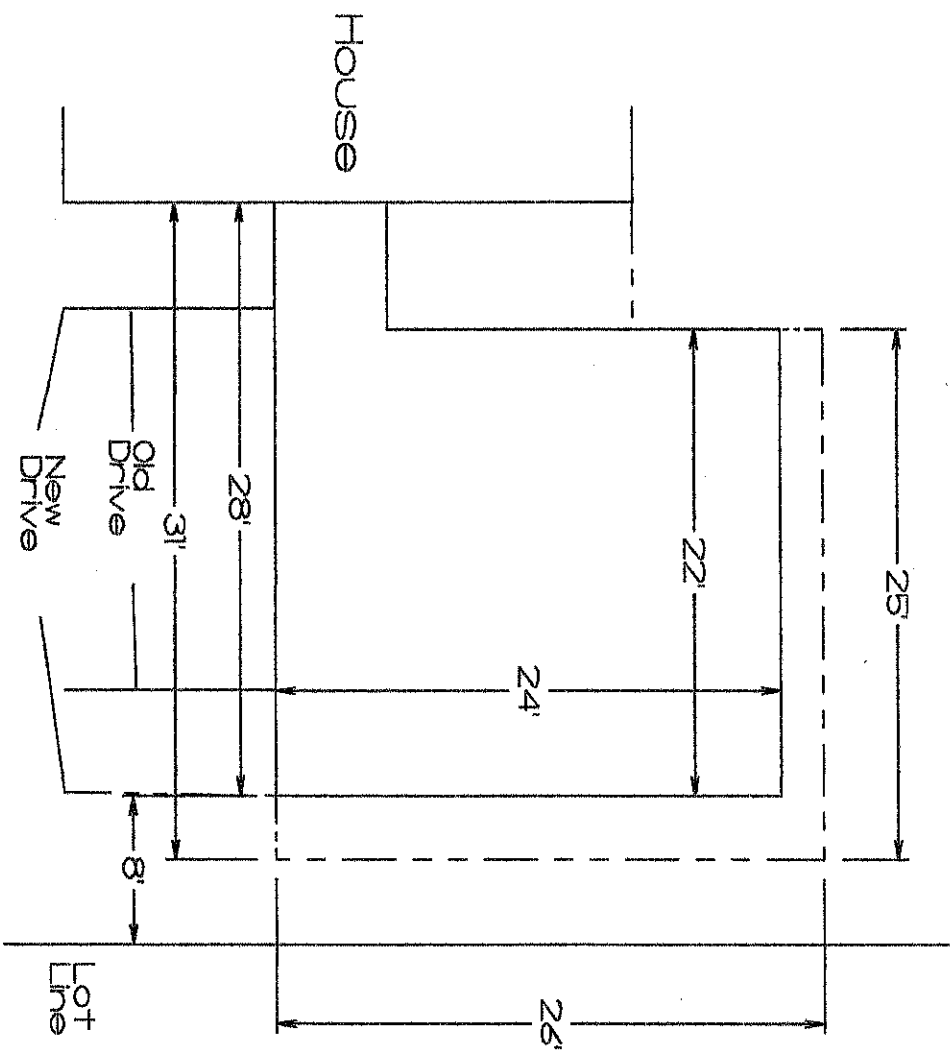
SEE SET OF 14 PAGE 21
COUNTY SURVEYORS FILE



DASHED LINE IS PROPOSED
NEW GARAGE WITH
SETBACK 5 FEET FROM
SIDE PROPERTY LINE

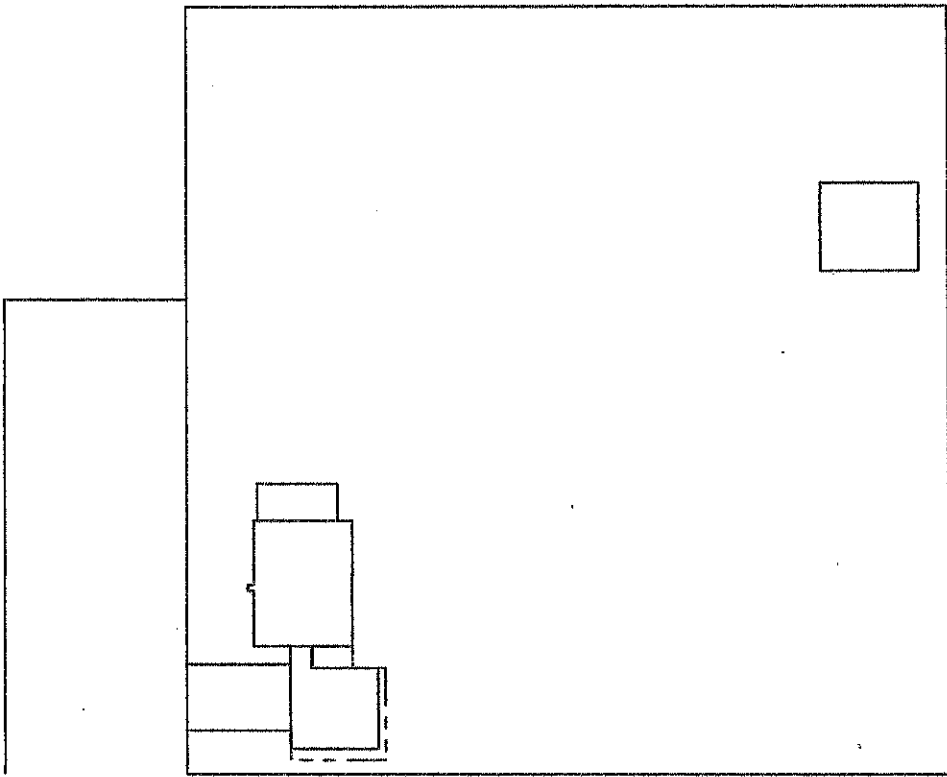


Y
X



Y
X

X
Y





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

MEETING DATE

March 18, 2024

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.3

(Appeal 24-06) Consideration with possible action on a variance request submitted by Scott and Sharon Trembl, applicant and property owners; requesting a reduction in the minimum amount of land required to keep large domesticated farm animals within a Rural Residential (RR) District at 3394 Haven Place. (Ald. J. Brunette, District 12)

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

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

Sec. 44-589 On parcels of ten acres or more, keeping of domestic animals, such as horses or ponies, sheep, goats, or domestic fowl, provided that no more than one horse, pony, sheep, goat, or similar large farm animal may be kept per acre of property. Animal feedlot operations and pig farms are not permitted. Barns and pens for domestic animals are permitted (in a rural residential district)

The applicant is seeking to allow 5 animals of similar size to horse or beef cattle on their rural residential property which is 7.219 acres. Rural Residential properties which are over 10 acres are permitted to have one domesticated animal of large farm animal size per acre. Thus if a property were 10 acres, 10 large animals are permitted. If the property is 40 acres, 40 large animals are permitted. The property owner is seeking to exceed standards and allow a farm animal on a property which does not meet the 10 acre threshold. The applicant is seeking to have an exception to lower the threshold of 10 acres down to 7.219 and then seek 5 large animals on the property.

The threshold is placed in part because larger properties are needed to support such animals. In addition, the Brown County Transfer Station is one-half mile away from the property. Building and Inspection staff note the proximity of the refuse station and its relation to rat prevention. Sites which have larger animals create conditions which are more susceptible to rat issues because of the feed and upkeep needed for the larger animals.

The parcel has about 5 acres of property in the rear yard which is not used for typical primary purposes such as the residence, detached garage, and driveway. An attached exhibit notes where fencing is and is projected to be placed in the future if the variance were approved. Additionally, the applicant would like to place a portable animal shelter. Any fencing or building would require a separate permit which must meet design code.

The property is located at the edge of the city limits. This area appears to have been used for agriculture/grazing in the past, before the area was subdivided with other single family rural residential

properties.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 24-06 Application
2. 24-06 Land Use Concept
3. 24-06 Aerial Images Through The Years
4. 24-06 Conceptual Accessory Building
5. 24-06 Neighbor's Letter
6. 24-06 Street View 3394 Haven Place



ZONING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE:	PROJECT #:	APPEAL #:
APPLICANT INFORMATION:		
Name: Scott and Sharon Trembl		
Business Name:		
Address: 3394 Haven Place		
City, State, Zip: Green Bay Wi. 54313		
Phone: (920) 360-3819		
Email: Scottjtrembl@aol.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: 3394 Haven Pl Green Bay Wi. 54313		
Tax Parcel Number(s): 6H-853-10		
Describe the Variance Request:		
To keep domestic animals on parcel 6H-853-10, which is 7.219 acres.		
Sec. 44-589. requires a minimum of ten acres and then allows one large farm animal per acre of property. There isn't a definition of how much of the ten acres must be available to keep the animals, meaning a home, garage, storage buildings, driveways and other structures could displace 5 acres of property leaving a concentration of 2 animals per usable acre of property.		
I own 7.219 acres 72% of the required 10 acres and would concede 1.85 acres for my residence, out building and surrounding lawn and driveway. This would leave 5.39 acres available to keep a maximum of 5 animals, similar in size to a horse/beef cattle.		
The concentration of animal per acre would be less than one/acre (.88%). This will be a lower animal to acre concentration than a 10 acre parcel with an average size residence, out building and driveway that by definition falls within Sec. 44-589.		

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).
Sec. 44-589. - Permitted accessory uses. Table 44-3. Permitted Nonresidential Accessory Uses in the Residential Districts
On parcels of ten acres or more, keeping of domestic animals, such as horses or ponies, sheep, goats, or domestic fowl, provided that no more than one horse, pony, sheep, goat, or similar large farm animal may be kept per acre of property.
Animal feedlot operations and pig farms are not permitted. Barns and pens for domestic animals are permitted.
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
Yes, Our acreage is less than the required acreage specified in 44-589 to keep domestic animals. All the physical characteristics of our property are suitable for keeping domestic animals. Our property and surrounding area is primarily undeveloped farmland without sewer, water, hydrants, storm-water or many other city amenities. The area is rural farmland that is located just inside the city limits. Prior to 2000, the primary use of the property was domestic animal grazing. Our west lot line is the city of Green Bay boundary; the only visual indicator that we live within the city limits is the Green Bay population sign at the edge our property. We believe a variance would be constant with the spirit, purpose, and intent of the regulation as 44-589 intended farmland be able to be used for the keeping of domestic animals within the city limits at concentration of one animal per acre. We own a large parcel of farmland and are asking for a variance to keep domestic animals at a concentration below the intent of 44-589. The granting of a variance will in no way interfere with the RR zoning and intent of section 13-601.
Would granting the variance be contrary to the public interest? Explain.
No, not in our opinion. The surrounding area is very low density, with properties that are several acres each. Most of the acreage in our surrounding area is left unmanaged. We till and manage our acreage, planting farm crops (clover, corn, soybeans etc) as well as pollinator flowers and milkweed. The ability to keep domestic animals will help control vegetation, add nutrients to the soil as well as provide for our family. The grazing sights and shelter would be a minimum of a tenth of a mile (the distance of an average city block) from the nearest residence. Due to the unique property we own as well as the surrounding properties, we believe keeping domestic animals would add to our rural setting and restore farmland. This could be seen as a benefit to the public interest by adding diversity of land use to the west side. We have a large number of bikers, pedestrians and "Sunday drivers" that travel our road appearing to enjoy the country atmosphere within the city.
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 large parcel we own is most conducive to farming. Without a variance the majority of our property will remain underutilized. The rolling topography of our property is best suited for animal grazing. Other uses such as hunting are prohibited within city limits. Domestic animal grazing will control the vegetation, reducing the habitat of the large packs of coyotes that have taken up residence on our property. This will make our property safer for us and our family dog to use as well as esthetically pleasing as mowing 7.219 acres is not feasible.

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.

Scott Trembl
Signature of the Property Owner

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

Scott Trembl
Print Name

Print Name

2-20-24
Date

Date

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

OF INDIANS OF WI

198 42

185

501 15

41' 57"

RICHARD L 1 -A

JANE M 1954

PAVLIK 16 AC

239 84'

254 15'

193 01'

43 64'

HB-851-3

ROGER A

BEVERLY A

SCHWARTZ

6H-853-1

120 AC

SCOTT J & SHARON
TREML REVOCABLE
TRUST



Existing Farm
Fence barbed wire

New fence
steel post
with white safety
conductor

Existing Farm
drive way

Portable Animal
Shelter

DAN R

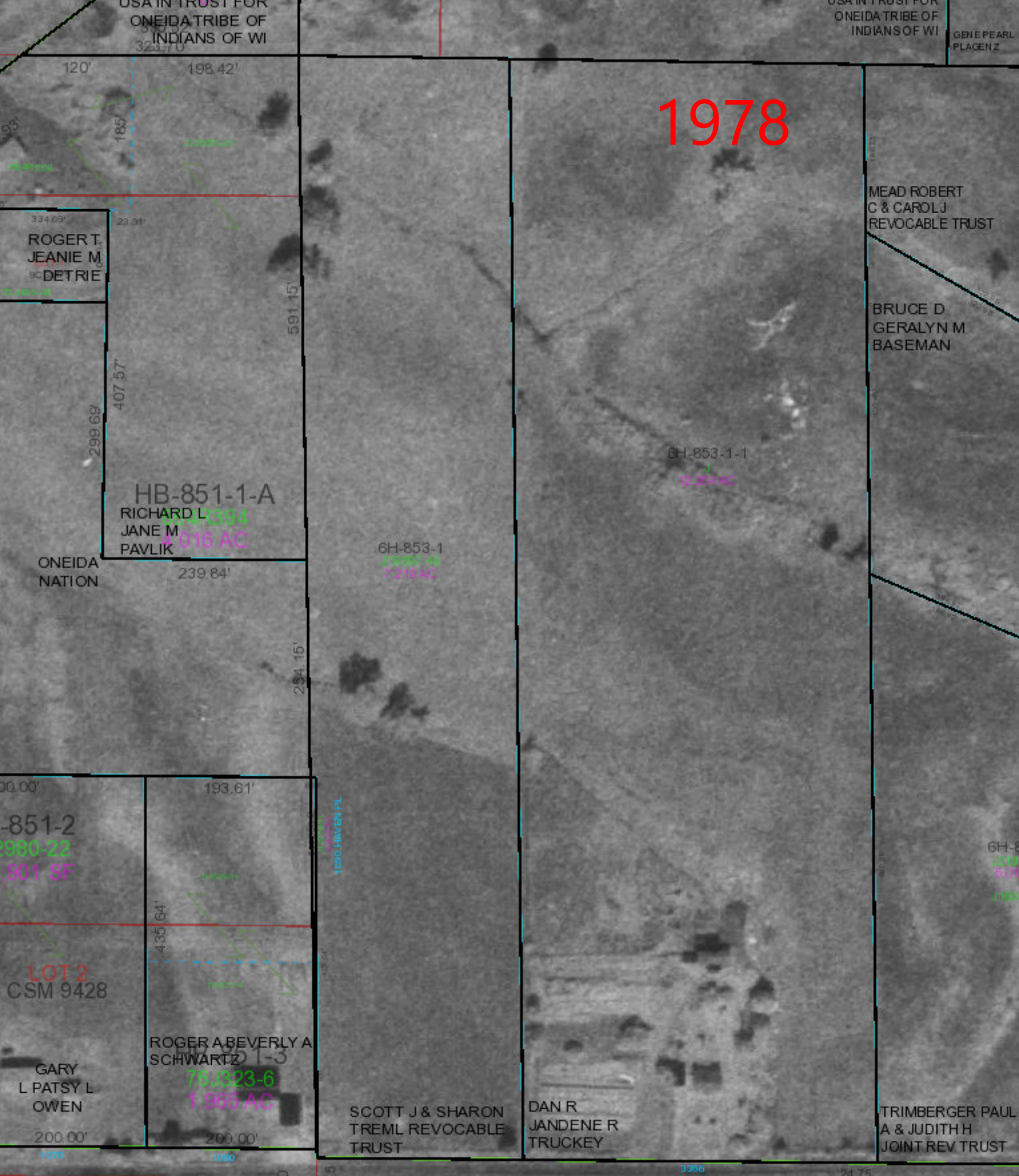
JANDENE R

TRUCKEY

HAVEN PL

HAVEN PL

6H4



USA IN TRUST FOR
ONEIDA TRIBE OF
INDIANS OF WI

USA IN TRUST FOR
ONEIDA TRIBE OF
INDIANS OF WI

GENE PEARL
PLAGENZ

1978

ROBERT T
JEANIE M
DETRE

HB-851-1-A

RICHARD
JANE M
PAVLIK

ONEIDA
NATION

MEAD ROBERT
C & CAROL J
REVOCABLE TRUST

BRUCE D
GERALYN M
BASEMAN

6H-853-1-1

12.25 AC

6H-853-1

1.00 AC

1.00 AC

-851-2

360.23

301 SF

LOT 2
CSM 9428

GARY
L PATSY L
OWEN

ROGER A BEVERLY A
SCHWARTZ

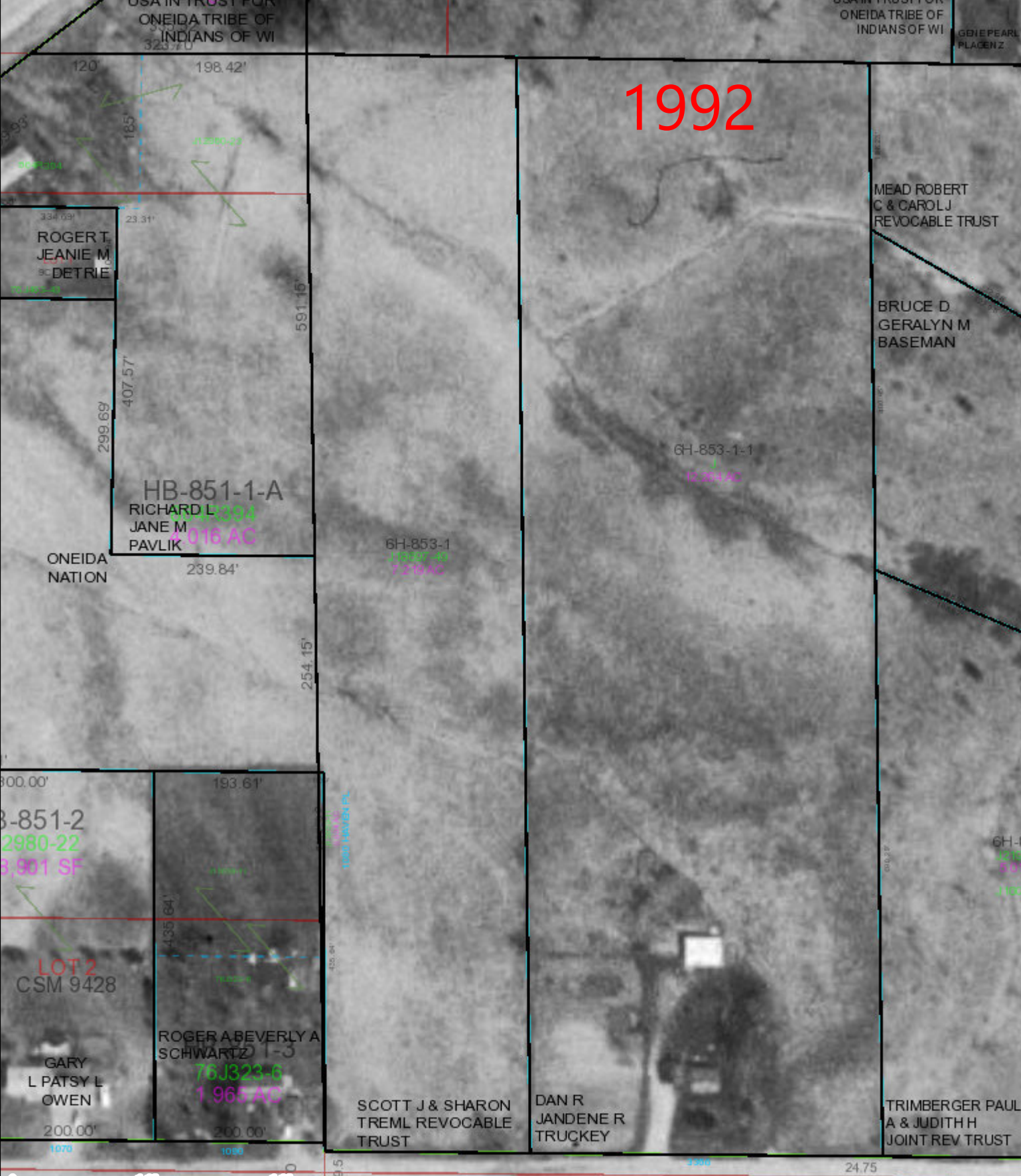
75.323-6

1.965 AC

SCOTT J & SHARON
TREML REVOCABLE
TRUST

DAN R
JANDENE R
TRUCKEY

TRIMBERGER PAUL
A & JUDITH H
JOINT REV TRUST



1992

ONEIDA TRIBE OF
INDIANS OF WI

ONEIDA TRIBE OF
INDIANS OF WI

GBIE PEARL
PLACEN Z

ROBERT
JEANIE M
DETRIE

HB-851-1-A
RICHARD L
JANE M
PAVLIK

ONEIDA
NATION

MEAD ROBERT
C & CAROL J
REVOCABLE TRUST

BRUCE D
GERALYN M
BASEMAN

6H-853-1
1.000 AC
1.000 AC

6H-853-1-1
1.000 AC
1.000 AC

8-851-2
2980-22
3,901 SF

LOT 2
CSM 9428

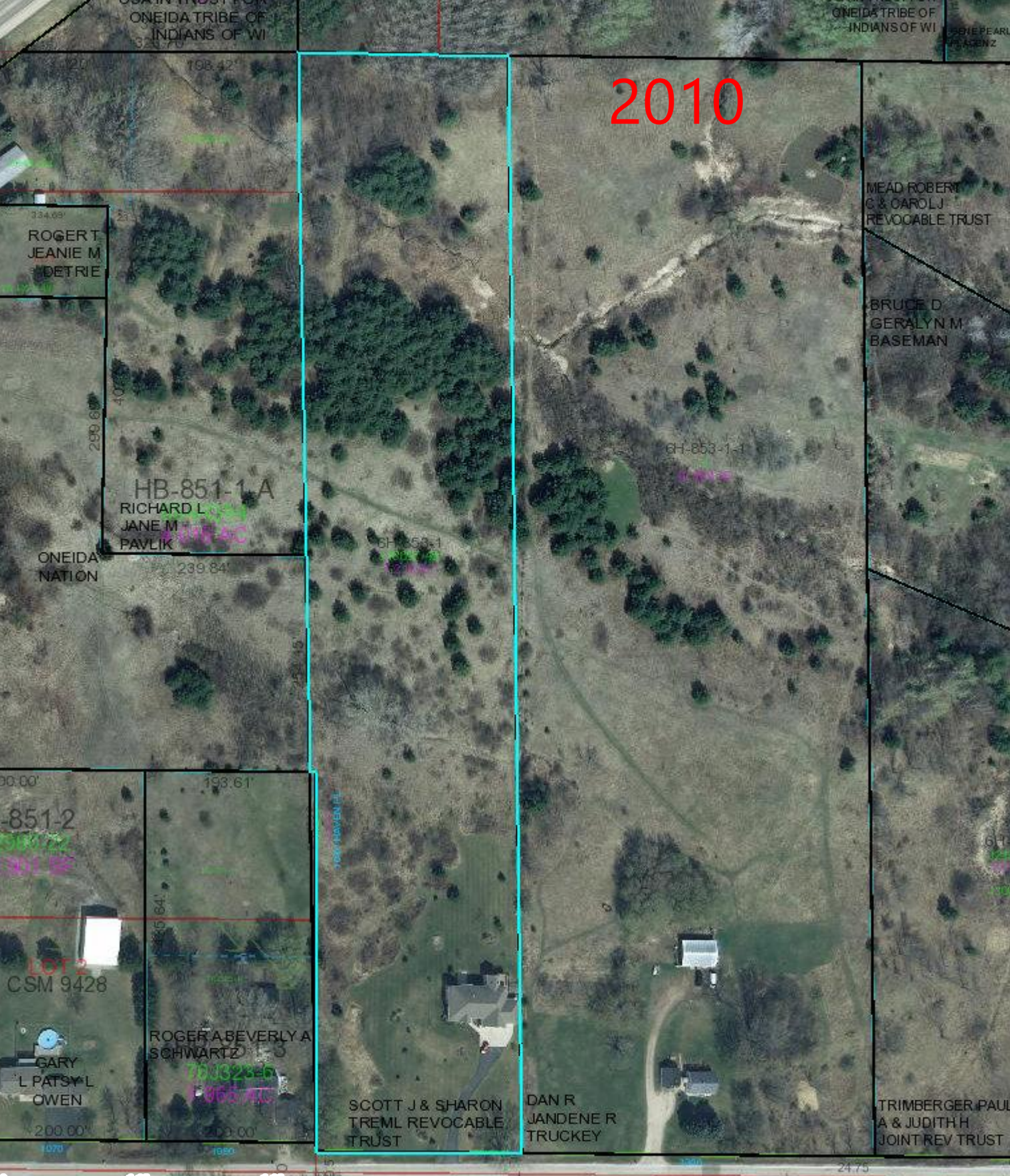
GARY
L PATSY L
OWEN

ROGER A BEVERLY A
SCHWARTZ
76J323-6
1.965 AC

SCOTT J & SHARON
TREML REVOCABLE
TRUST

DAN R
JANDENE R
TRUCKEY

TRIMBERGER PAUL
A & JUDITH H
JOINT REV TRUST



ONEIDA TRIBE OF INDIANS OF WI

ONEIDA TRIBE OF INDIANS OF WI

ONEIDA TRIBE OF INDIANS OF WI

2010

ROBERT
JEANIE M
DETRE

MEAD ROBERT
& CAROL J
REVOCABLE TRUST

BRUCE D
GERALYN M
BASEMAN

HB-851-1-A
RICHARD L
JANE M
PAVLIK

ONEIDA
NATION

-851-2
560.22
991.82

LOT 2
CSM 9428

GARY
& PATSY L
OWEN

ROGER & BEVERLY A
SCHWARTZ

70.323-6
1065.710

SCOTT J & SHARON
TREML REVOCABLE
TRUST

DAN R
JANDENE R
TRUCKEY

TRIMBERGER PAUL
A & JUDITH H
JOINT REV TRUST



USA IN TRUST FOR
ONEIDA TRIBE OF
INDIANS OF WI

USA IN TRUST FOR
ONEIDA TRIBE OF
INDIANS OF WI

ONE PEARL
PLAGEN 2

2023

ROBERT T.
JEANIE M.
BC DETRIE

MEAD ROBERT
C & CAROL J.
REVOCABLE TRUST

BRUCE D.
GERALYN M.
BASEMAN

HB-851-1-A
RICHARD L
JANE M
PAVLIK
12.264 AC

ONEIDA
NATION

GH-853-1-1
12.264 AC

HB-483-
41987-40
7.219 AC

-851-2
085.22
1,301 SF

19' 61"

35' 64"

LOT 2
CSM 9428

GARY
L PATSY L
OWEN

ROGER A BEVERLY A
SCHWARTZ

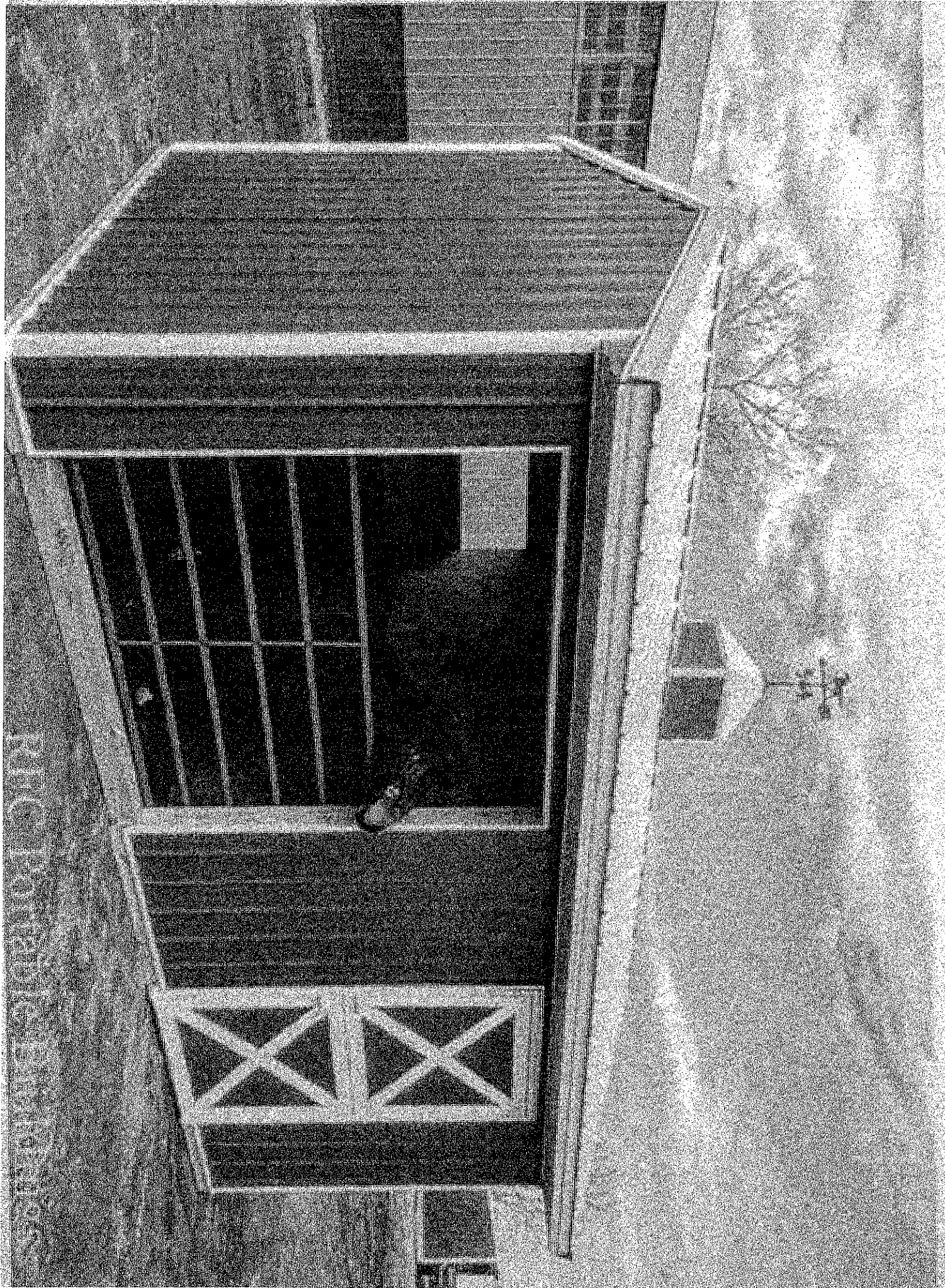
750323-1
1.061 AC

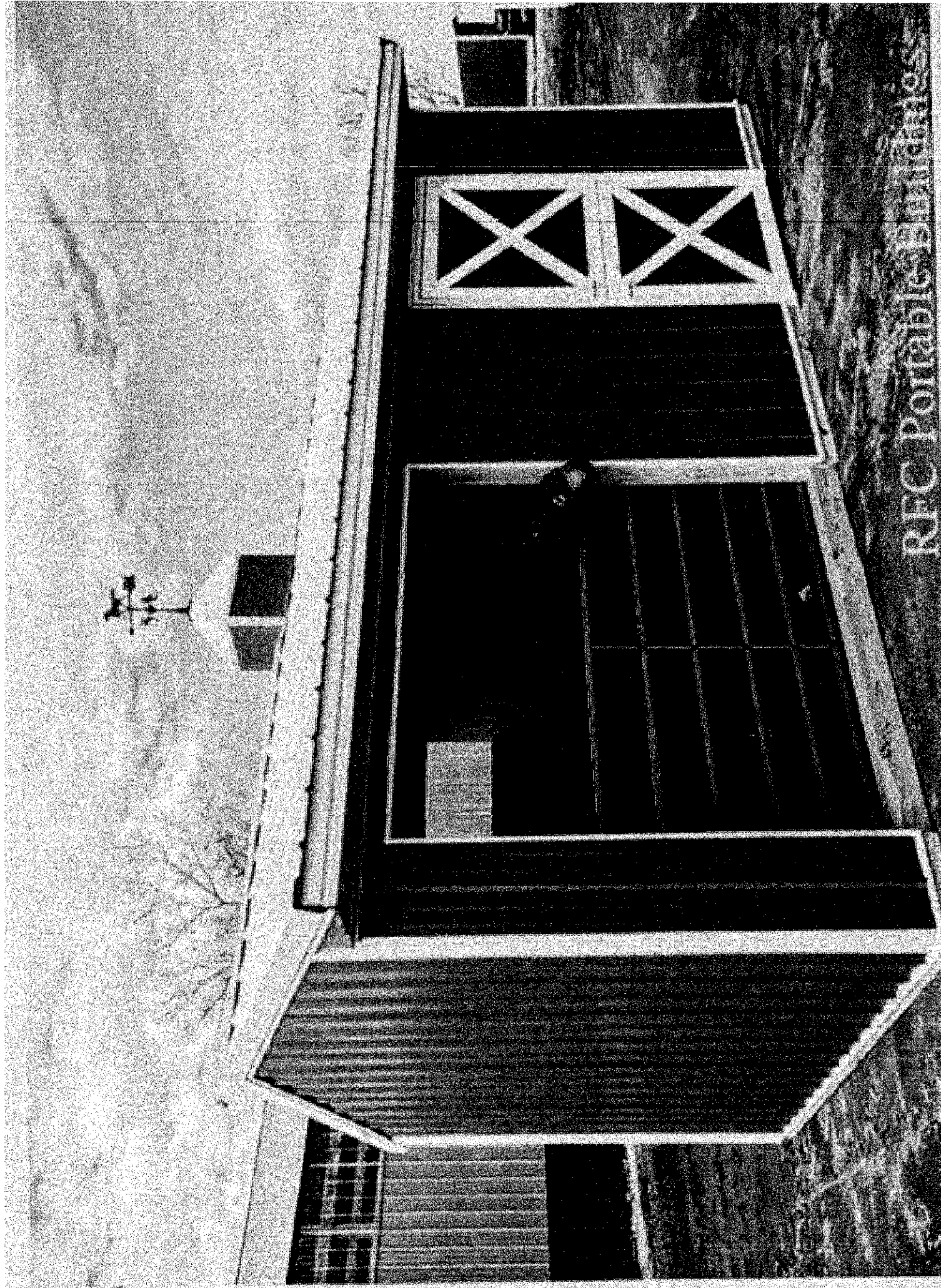
SCOTT J & SHARON
TREML REVOCABLE
TRUST

DAN R
JANDENE R
TRUCKEY

TRIMBERGER PAUL
A & JUDITH H
JOINT REV TRUST

GH-8
1045
308
1005





RFC Portable Buildings

MARCH 11-2024

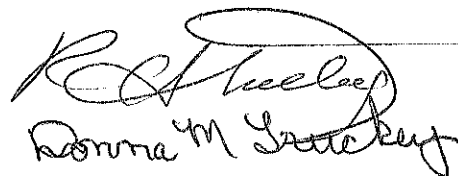
ZONING & PLANNING BOARD GREEN BAY, WI.

ROGER & DONNA TRUCKEY, WE LIVE AT 3359 HAVEN
PLACE, GREEN BAY, WI. WE HAVE NO PROBLEM WITH THE VARIANCE
REQUEST FOR SCOTT AND SHARON TREML AT 3394 HAVE PLACE FOR
LARGE DOMESTICATED FARM ANIMALS.

I DECLARE UNDER PENALTY OF PERJURY THAT THE INFORMATION
PROVIDED IN THIS STATEMENT IS TRUE & CORRECT TO THE BEST OF MY
KNOWLEDGE.

ROGER AND DONNA TRUCKEY

MARCH 11-2024


Donna M. Truckey

