



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, AUGUST 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, August 19, 2024, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

- I. Approval of the minutes from the July 15, 2024 meeting.

E. Regular Business.

- I. (Appeal 25-24) Consideration with possible action a variance request from Keith Boucher, applicant and property owner, requesting to exceed the maximum number of driveways for a single-family home at 3493 Nicolet Drive. (Ald. J. Grant, District 1)

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 26-24) Consideration with possible action on a request from Dave Mertens, applicant; Mertins LLC, property owner, requesting to exceed rear and corner front yard setback standards for a single family home in an R1 Low Density Residential District at 1600 S Norwood Ave. (Ald. B. Johnson, District 9)

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 27-24) Consideration with possible action on a variance request from Donald Blomberg, property owner and applicant, requesting to exceed rear yard setback minimums for a single family home at 1203 Bay Mist Drive. (Ald. J. Grant, District 1)

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.

1. Date of next meeting: September 16, 2024.

G. Public Hearings.

H. 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

August 19, 2024

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.1

(Appeal 25-24) Consideration with possible action a variance request from Keith Boucher, applicant and property owner, requesting to exceed the maximum number of driveways for a single-family home at 3493 Nicolet Drive. (Ald. J. Grant, District I)

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 one variance from the Green Bay Municipal Code, Chapter 44: Zoning.

44-1746 (1.)

Number of driveways. Single-family uses are permitted one driveway per lot unless otherwise regulated in this chapter, subject to the design regulations specified herein.

The applicant is seeking to create a second paved driveway which leads to a second accessory garage building off Nicolet Drive. The parcel has two accessory garages and a primary residential building setback near the bayshore. The lot is approximately 64 feet wide and about 450 feet deep.

A larger garage is located near the primary residence and appears to have been built between 1967 and 1978. The larger garage has one existing driveway leading to said garage.

A second, smaller garage has been on site for decades and has not had a formal driveway leading to the garage which is located about 25 feet off the right of way of Nicolet Drive. Aerial photos indicate some sort of gravel-like surfacing has occurred intermittently throughout past decades. A permit was pulled in 2014 to allow for remodeling of the second smaller garage, but no permits were pulled for a driveway. Street view imagery shows changes to ingress/egress leading to the second garage off Nicolet from 2014 through 2016; noting gravel was placed between the garage door and the right of way. This gravel driveway is non-conforming.

A site plan has been submitted for the driveway and the proposed driveway meet other bulk requirements in the vacuum of reviewing the garage setbacks to the property line.

Surfacing and size of apron requirements will need to have a site plan review with approvals from DPW and Brown County Highway as the driveway egresses to a county trunk highway which is currently constructed like a rural road (no curb and gutter).

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 25-24 Application
2. 25-24 Aerial May 2023
3. 25-24 View From Nicolet Drive

DATE: 7-30-24	PROJECT #: 117558	APPEAL #: 25-24
APPLICANT INFORMATION:		
Name:	KEITH E. BOUCHER	
Business Name:		
Address:	3493 NICOLET DR	
City, State, Zip:	GREEN BAY WI 54311	
Phone:	920-360-9015	
Email:	kipboucher88@gmail.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:	3493 NICOLET DR GREEN BAY, WI 54311	
Tax Parcel Number(s):	22-47	
Describe the Variance Request:	PAVED CONCRETE DRIVEWAY UP TO ROW & INSTALL ASPHALT APRON PER BROWN COUNTY STANDARDS. DRIVEWAY IS CURRENTLY NON CONFORMING PER CURRENT ZONING.	

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

44-1746 (1) Number of Driveways,

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 GARAGE WAS BUILT WITH ORIGINAL CONSTRUCTION 1947 APPROX. AND ~~RE~~ IMPROVED WITH PERMITS 10 YRS AGO. IN LINE WITH CURRENT ORDINANCES.

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

AN APPROVED VARIANCE WOULD BE IN THE INTEREST OF THE PUBLIC AS IT IS AESTHETICALLY MATCHING MY NEIGHBORS DRIVEWAYS. MY DRIVEWAY CAN ALSO BE SLIPPERY DURING WINTER MONTHS AND INSTALLING PAVEMENT WILL ALLOW ME TO MORE SAFELY MERGE ONTO THE COUNTY ROAD

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?

MY WIFE & I ARE BOTH ELDERLY WITH MANY APPOINTMENTS TO KEEP. EASY ACCESS TO ROAD IN WINTER WILL BE VERY HELPFUL. TRYING TO AESTHETICALLY CONFORM WITH BOTH NEIGHBORS WHO HAVE CONCRETE DRIVEWAYS.

* ADDITIONAL TEXT to 3 step test *

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

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 GARAGE WAS BUILT WITH ORIGINAL CONSTRUCTION 1947 APPROX. AND ~~RE~~ IMPROVED WITH PERMITS 10 YRS AGO. IN LINE WITH CURRENT ORDINANCES. WHEN REMODELING WE SPREAD GRAVEL OVER AN EXISTING DRIVEWAY OVERGROWN BY GRASS.

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

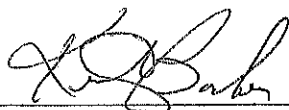
AN APPROVED VARIANCE WOULD BE IN THE INTEREST OF THE PUBLIC AS IT IS AESTHETICALLY MATCHING MY NEIGHBORS DRIVEWAYS. MY DRIVEWAY CAN ALSO BE SLIPPERY DURING WINTER MONTHS AND INSTALLING PAVEMENT WILL ALLOW ME TO MORE SAFELY MERGE ONTO THE COUNTY ROAD.

A COUNTY EMPLOYEE SUGGESTED KEEPING GRAVEL OUT OF ROADWAY WOULD BE MUCH SAFER FOR PEDESTRIANS + CYCLIST.

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?

MY WIFE & I ARE BOTH ELDERLY WITH MANY APPOINTMENTS TO KEEP. EASY ACCESS TO ROAD IN WINTER WILL BE VERY HELPFUL. TRYING TO AESTHETICALLY CONFORM WITH BOTH NEIGHBORS WHO HAVE CONCRETE DRIVEWAYS.

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

KEITH E. BOUCHER

Print Name

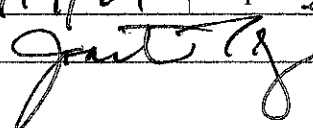
7-28-24

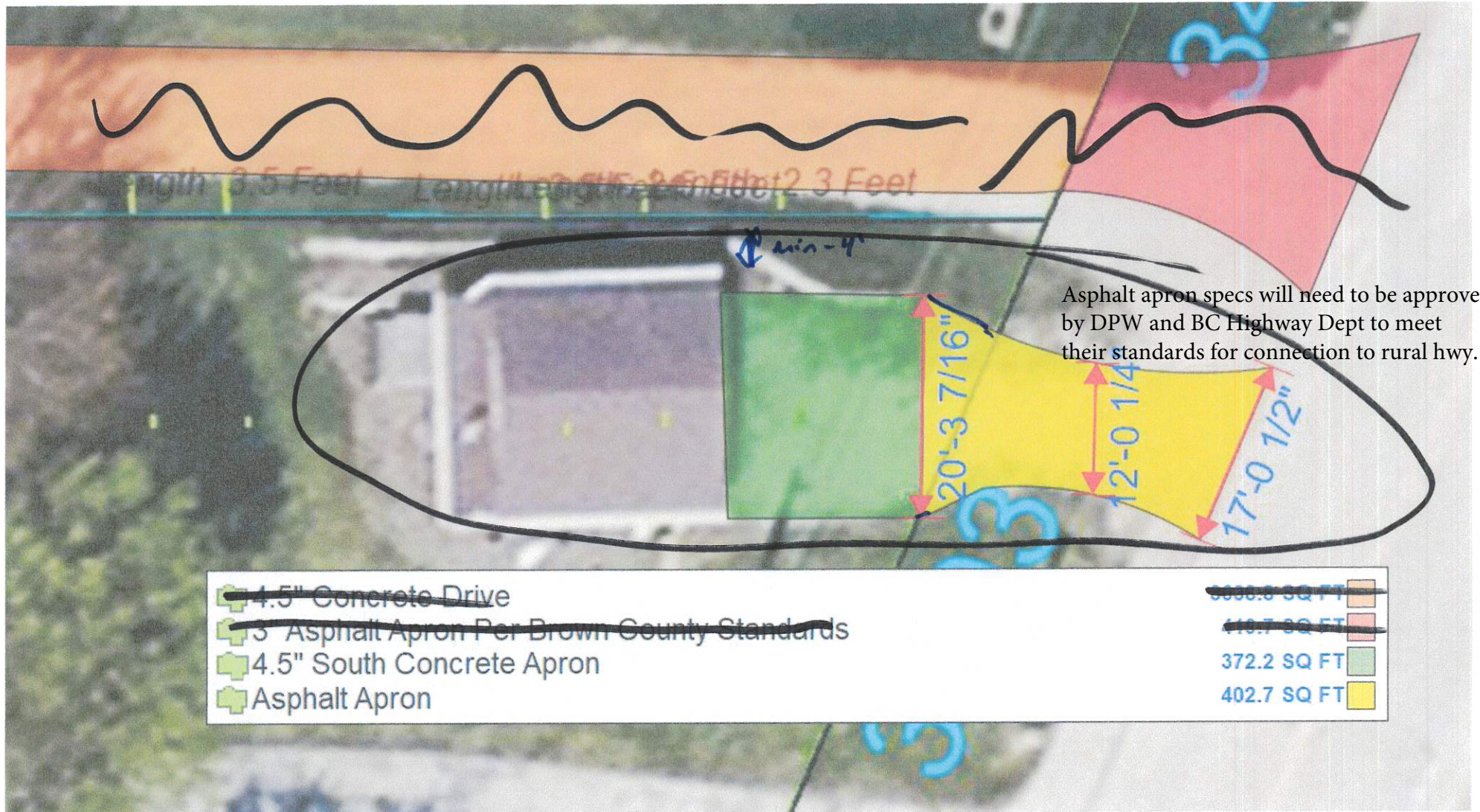
Date

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

Print Name

Date

OFFICE USE ONLY:	Parcel #: 22-47	Residential \$125 ☒ Commercial \$250 ☐
District: 1 Zoning: R1	Meeting Date: 8/19/24	Receipt #: 2765918-002
Submittal Date: 8/2/24	Staff Signature: 	



JAMIE D
ANGELINE J
JENSEN

453.57

22-4

1024.00

6,150.00

22-44-2

162,337

11,500.00

PERRET DAVID
G & KATHRYN M
REVOCABLE TRUST

DAVID G
NICOLE G
PERRET

469.00 OLD C/L

420.00

22-45

120.00

11,000.00

FRANK J JR
TERRI A
HANOLD

22-46

101,085.00

27,650.00

KEITH E & ANDREAL
BOUCHER REVOCABLE
TRUST OF 2019

22-47

13,005.11

1,000.00

DALE N KENLYN J
LAUTENBACH

22-48

1,000.00

1,000.00

FREDRIC L
SHEILA H G
GRADLER

22-49

10,776.05

2,700.00

DEAN E
COOKLE

22-50

1,000.00

1,000.00

EVANS JOHN C &
BONNIE E JOINT
REVOCABLE TRUST

22-51

10,350.00

2,000.00

RICHARD G
EVANS

22-52

10,150.00

2,000.00

RICHARD J
JACQUELYN L
KUMMERS

22-53

10,200.00

2,000.00

DONALD R BONNIE J

R/W VARIES

R/W VARIES

JON GIOV
ODONAH

22-44-19

3,700.00

ANDREW J
KOERNER

450.00 C/L

374.60

22-44-26

ROBERT B
BROOKE B
COLEATES

157,002.7

1,700.00

CHRISTOPHER
J LAURA J
EHMANN

22-44-27

157,002.7

1,700.00

LOT 2
360CSM149

22-44-15

157,002.7

62,345.00

LOT 2
360CSM149





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

MEETING DATE

August 19, 2024

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.2

(Appeal 26-24) Consideration with possible action on a request from Dave Mertens, applicant; Mertins LLC, property owner, requesting to exceed rear and corner front yard setback standards for a single family home in an R1 Low Density Residential District at 1600 S Norwood Ave. (Ald. B. Johnson, District 9)

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 is seeking three variances from the Green Bay Municipal Code, Chapter 44, Zoning.

44-554 Lot Dimension and Building Bulk Requirements

1) Rear Yard: (South Side) Min setback is 25 feet. Requesting 3 feet.

2) Corner Front Side Yard (f) (East Side): The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street. If no structure exists on the adjacent property, the setback shall be a minimum of one-half the required front yard setback of the subject property's zoning district. Requesting 25 feet, neighboring property is 30 feet.

3) Front Yard (c): (North Side): Where at least 50 percent of the front footage of any block is built up with principal structures, the front yard setback for new structures shall be equal to the average of the existing structures. The existing structure to the west constitutes 50 percent of the frontage of block and is setback 20 feet. Requesting 15 feet.

The applicant is seeking to construct a single family home with detached garage at the corner of Norwood and Waverly. The parcel is approximately 40 feet along Norwood and 120 feet along Waverly. The applicant is seeking to create a 990 square foot home on the parcel with a detached garage located in the side/rear yard on the western edge of the parcel.

A single family home was on the parcel until last year, but was razed. The former building was approximately 550 square feet, near 23 x 23 feet in width. It was located about 3 feet from the south property line. It was located about 14 feet from the north property line. It was located about 24 feet from the east property line.

The proposed home is located on a corner lot. The front of house location can be interchangeable among corner lots, but the intention proposed has a front yard and entry facing north along Waverly, rather than east along Norwood. This instructs the interpretation of which part of the parcel is a side yard, rear yard, and corner front yard for a primary building. The former home had doorways along both Waverly and Norwood, but a front door entry leading to Norwood and would have been classified as having a home facing Norwood.

In reviewing options for the property owner for a site plan; the following uses are permitted in an R1 district; single family dwelling, detached, public park/playground/recreation center, community gardens, public safety/service facility. Single family homes are the most predominant use in the R1 district. Chapter 44 also requires new homes to be a minimum of 22 feet in width. On this parcel, any building created at 22 feet in width requires at least one variance to be granted to meet setback standards for a corner lot in the context of this block.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 26-24 Application
2. 26-26 View From Street Summer 2023



ZONING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 8-6-24	PROJECT #: 117613	APPEAL #: 26-24
APPLICANT INFORMATION:		
Name: Dave Mertens		
Business Name: Mertens LLC		
Address: 1600 S. Norwood		
City, State, Zip: Green Bay WI 54304		
Phone: 920-574-5237		
Email: dmerty@hotmail.com		
PROPERTY OWNER INFORMATION (if different from above):		
Name: Same as above		
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: 1600 S. Norwood Green Bay 54304		
Tax Parcel Number(s):		
Describe the Variance Request:		
I am looking for setback variances along the south lot line of 3', which I believe was the previous structure setback. I am requesting a 15' setback along waverly. This will accomodate the 22' minimum new construction width. I also request moving the front door/front of house/address to be on waverly for aesthetics, as the garage proposed and the yard are on waverly.		

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

44-554 Table 44-2

= Frontyard sub (p) corner properties
frontyard sub (u)

~~'Sideyard sub (u)'~~ ~~REMOVED FROM THE~~ 'New yard'

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 size of lot is 40x120 and a corner lot.

These dimensions make it impossible to build a home on the property that is 22' wide/deep without granting setback variances.

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

I don't believe it would be a negative in any way.

A new home on the property would only bring value to the neighborhood. I also believe there is a need for housing in the area.

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?

As I stated earlier, without the variances, it would be impossible to improve the property + neighborhood.

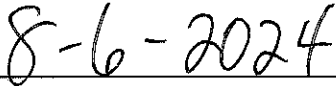
I HEREBY CERTIFY THAT I HAVE READ AND FULLY UNDERSTAND THE VARIANCE PROCEDURE AND FAILURE TO COMPLY WITH CITY REQUIREMENTS WILL RESULT IN THIS APPLICATION BEING WITHHELD FROM CONSIDERATION BY THE ZONING BOARD OF APPEALS.



Signature of the Property Owner



Print Name

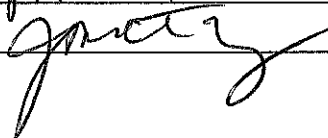


Date

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

Print Name

Date

OFFICE USE ONLY:	Parcel #: 1-1160	Residential \$125 ☒ Commercial \$250 ☐
District: 79 Zoning: R1	Meeting Date: Aug 19	Receipt #:
Submittal Date: 8/6/24	Staff Signature: 	

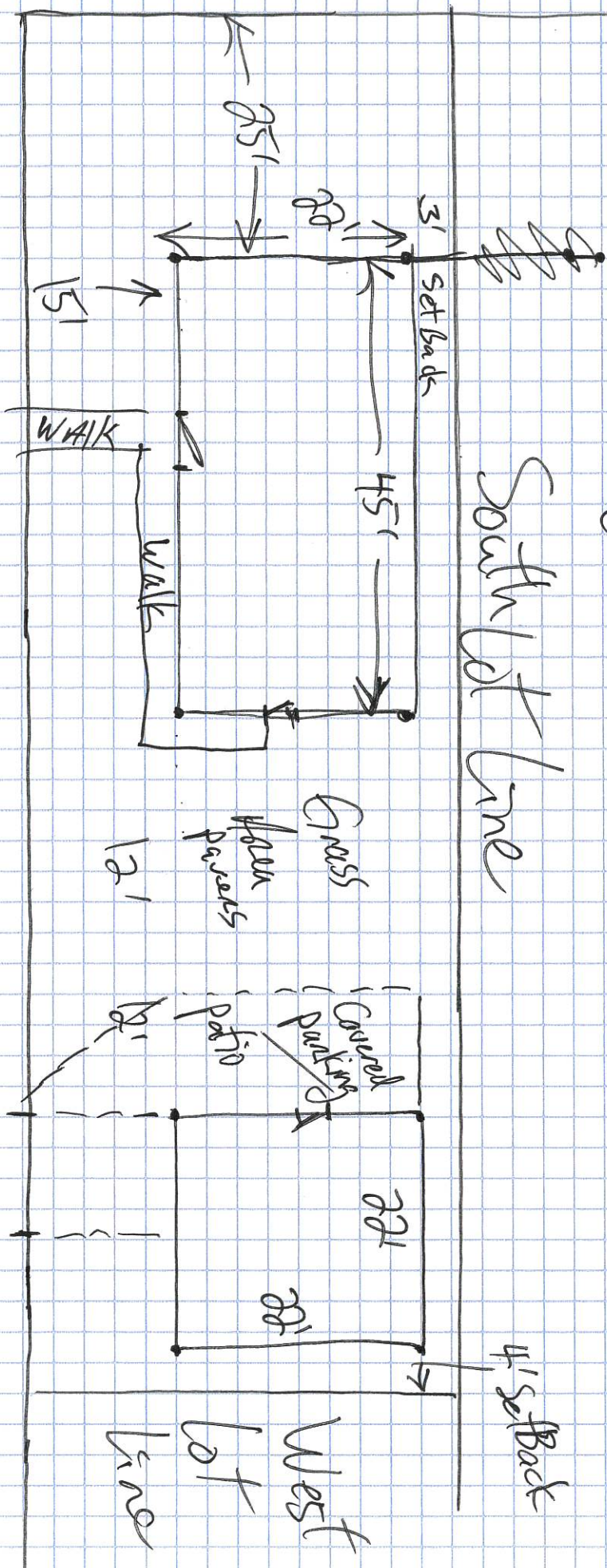
Norwood

Change address to Waverly - move front door

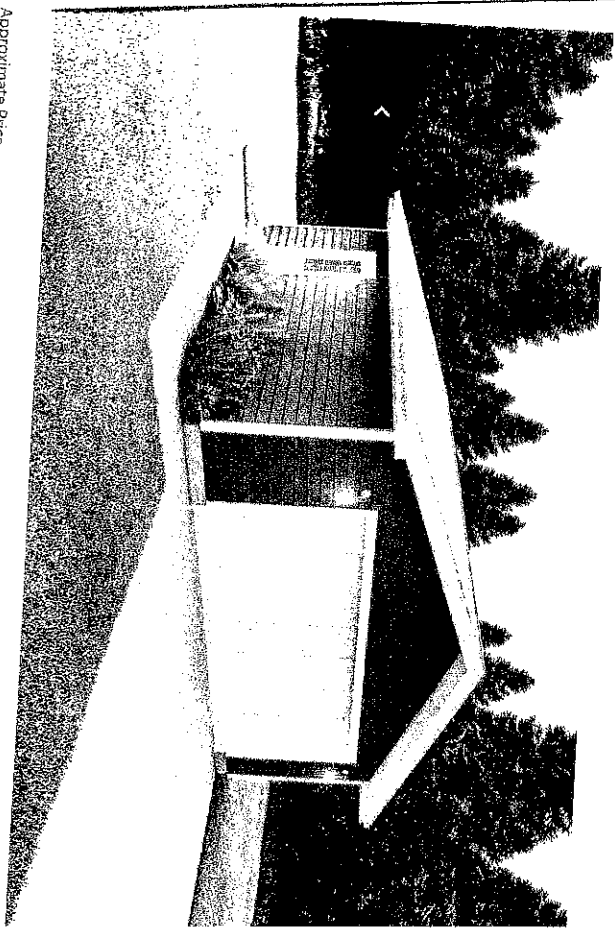
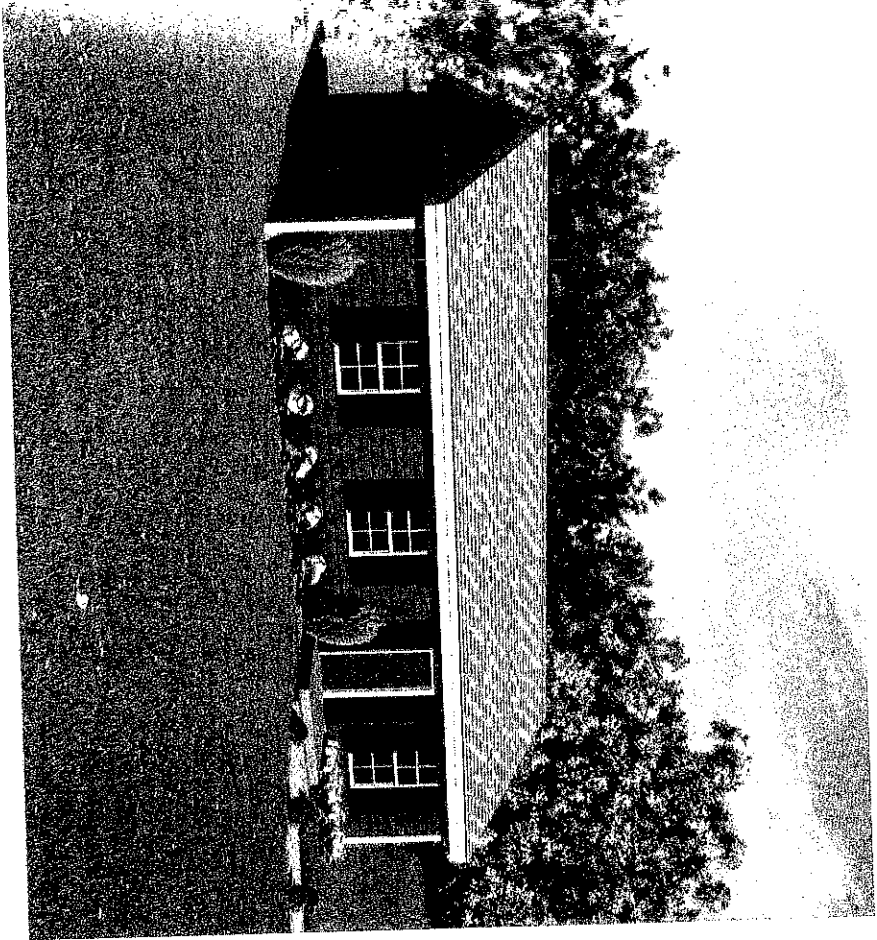
House 990'
walks 320'
Garage 484'
Driveway 180' + 90'
Covered patio 204'

2328
~~2064~~ total est Impervious
2391 Allowed

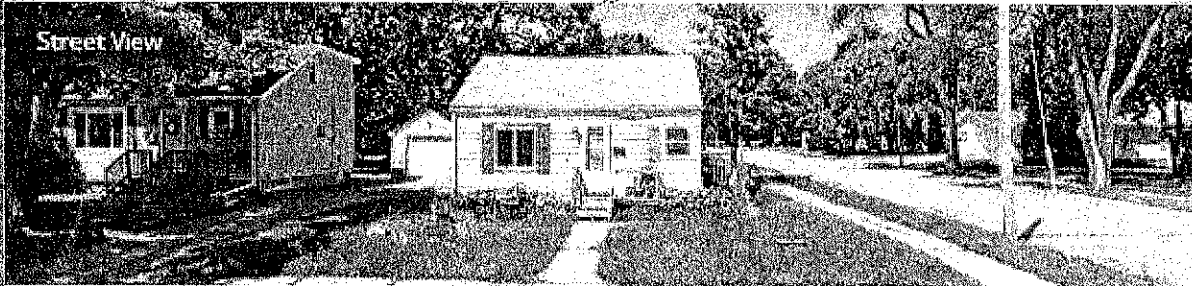
South lot line



Waverly



Approximate Price



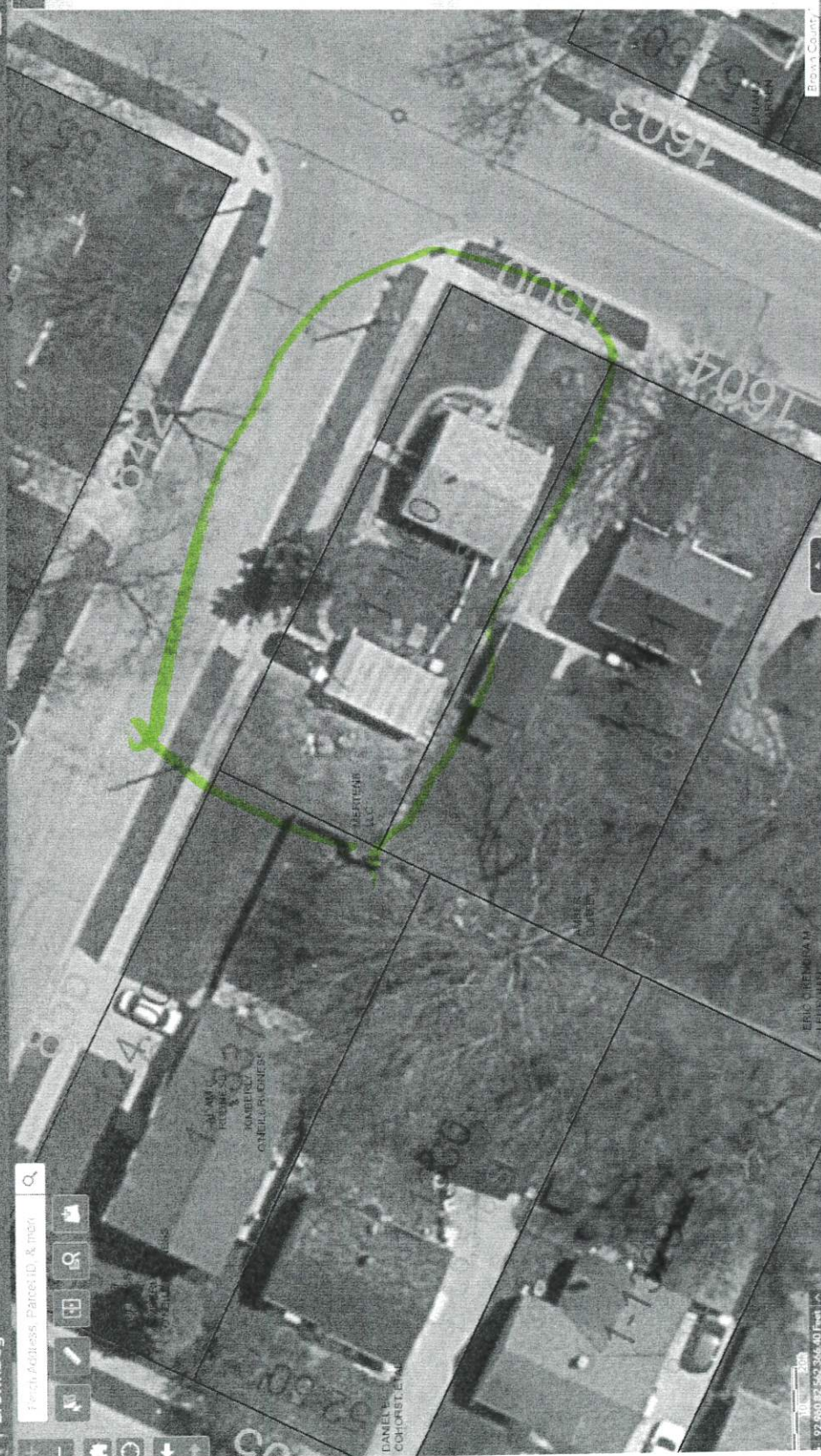
prior house on property

Search Address, Parcel ID, & more

Layers



- Overlay Layers (scroll down to see all)
- ☒ Address & Common Name Points (+)
 - ☐ Sales since 1/1/2023 and other transfers (+)
 - ☒ Parcel Ownership
 - ☐ Future County Highway Right of Way and proposed setbacks
 - ☒ Parcel Graphics
 - ☐ PLSS (+)
 - ☐ Survey Index (+)
 - ☐ Street Labeling
 - ☐ Parks and other public natural areas, trails, photos & points of interest (+)
 - ☐ Aerials & Historical Maps
 - ☐ Air Photos May 9 2023
 - ☒ Air Photos May 2020
 - ☐ Surface Shaded Relief 2020 (LDAR)
 - ☐ Surface Model (DSM) 2020 (LDAR)
 - ☐ Hillshade effect (LDAR Spring 2020)
 - ☐ Digital Elevation Model (LDAR Spring 2020)
 - ☐ USGS 1:24,000 scale quadrangle maps
 - ☐ Air Photos Apr 2017
 - ☐ Air Photos May 2014







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

MEETING DATE

August 19, 2024

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.3

(Appeal 27-24) Consideration with possible action on a variance request from Donald Blomberg, property owner and applicant, requesting to exceed rear yard setback minimums for a single family home at 1203 Bay Mist Drive. (Ald. J. Grant, District 1)

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 is seeking one variance from the Green Bay Municipal Code, Chapter 44, Zoning:

44-554 Lot Dimension and Building Bulk Requirements:

Rear Yard: Minimum setback is 25 feet. Requesting an addition which would place setback at 18 feet, proposed attached deck extends 7 feet past the rear yard setback.

The applicant is seeking to create a new 12 x 16 foot attached deck on the back of their residence. Deck additions which connect to a primary residential home and exceed 25 square feet are subject to bulk measurement requirements applicable to the principal structure/use for the parcel. The property itself measures about 112.74 feet in depth from front to back. The existing back of the home is located about 30 feet from the rear property line.

The neighborhood has been built up in recent years, with some parcels in the subdivision yet to be built upon.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 27-24 Application and Information
2. 27-24 Color Photos A
3. 27-24 Color Photos B
4. 27-24 Color Photos C



ZONING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 08/07/2024	PROJECT #: 117109 Variance	APPEAL #: 27-24
APPLICANT INFORMATION: Application		
Name: Donald Blomberg		
Business Name:		
Address: 1203 Bay Mist Drive		
City, State, Zip: Green Bay, Wisconsin 54311		
Phone: 307-214-1492		
Email: pastordonb@hotmail.com		
PROPERTY OWNER INFORMATION (if different from above):		
Name: Same as above		
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: 1203 Bay Mist Drive		
Tax Parcel Number(s): 21-8410		
Describe the Variance Request:		
Request: To be allowed to place a 12' wide x 16' long deck on the backside of the house. Typical deck size is 300-400 square feet. We are asking for a small deck of 192 square feet. This would create a functional deck that would allow for the placement of patio furniture--table and several chairs and a grill.		
The ordinance requires 25' from the property line and with a 12' wide deck this would only allow for approximately 18' from end of deck to property line.		
We are asking for a variance to allow us to put a functional deck (12' x 16') on the backside of our house.		

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).
Section 44-554; Table 44-2. Lot dimensions and set back requirements of rear yard are 25'
from property line to end of structure--in this case the end of the deck.
See photos enclosed.
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
1) Backyard has steep slope so strict compliance to ordinance would prevent the landowner from using this property for outdoor activities and render conformity burdensome.
2) Patio door sits 36" above ground level so raised deck becomes necessary to use patio door.
3) House sits on a hill and is set back from road to prevent such a steep incline of driveway. Still drops 6-8' feet from garage to road. This is to prevent hardship in entering garage in the winter months.
4) This property sits on a hillside and is unique from other properties on this development. This causes practical difficulty in strict compliance with the ordinance listed above.
5) The placement of the house on this lot, creating the need for a variance to allow for a functional deck, was not created by any action taken by the homeowner. As a result the homeowner should not be penalized for this hardship. Strict compliance to the ordinance would result in an inadequate deck.
Would granting the variance be contrary to the public interest? Explain.
I don't believe the variance would be contrary to public interest.
The 12' wide (distance from house) x 16' long (portion attached to house) would allow for an adequate deck size to allow for the usage of the backyard. This deck is not extravagant but functional and don't believe it would impose on the neighboring yards. The deck and rails are modest and attractive.
If variance is not approved it would require a detached deck that would be more imposing on the neighboring property. The attached deck seems to be the best option available to use the backyard.
The deck is an attached structure but not a huge building. I believe the intent of the ordinance is to prevent huge structures from imposing on the neighbors. I believe a functional deck would not be contrary to public interest and would in my opinion add to the appeal of the backyard. It would allow for adequate deck for homeowner.
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?
Without the variance to allow for the building of a 12' x 16' attached deck, it would be burdensome and create a hardship. The unique circumstances of this property, which is not shared by neighboring properties, caused a situation which was not self-created. The placement of the house closer to the back property was the result of the contractor and land surveyors subdivision of this property.
A 6' wide deck would not be a functional deck size and make it unusable since there would not be room for patio furniture or table and still be able to walk around. The 36" drop from the patio door to ground level make it unsafe without a deck. It would be a huge hardship if the deck is too small to make it functional.
Without the variance, the backyard would not be used to its full capacity. The unique circumstances of this house placement should not prevent the homeowner from reaching the potential of the backyard, which a functional deck would allow. See attached sheet for further explanation.

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.

Donald Blomberg
Signature of the Property Owner

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

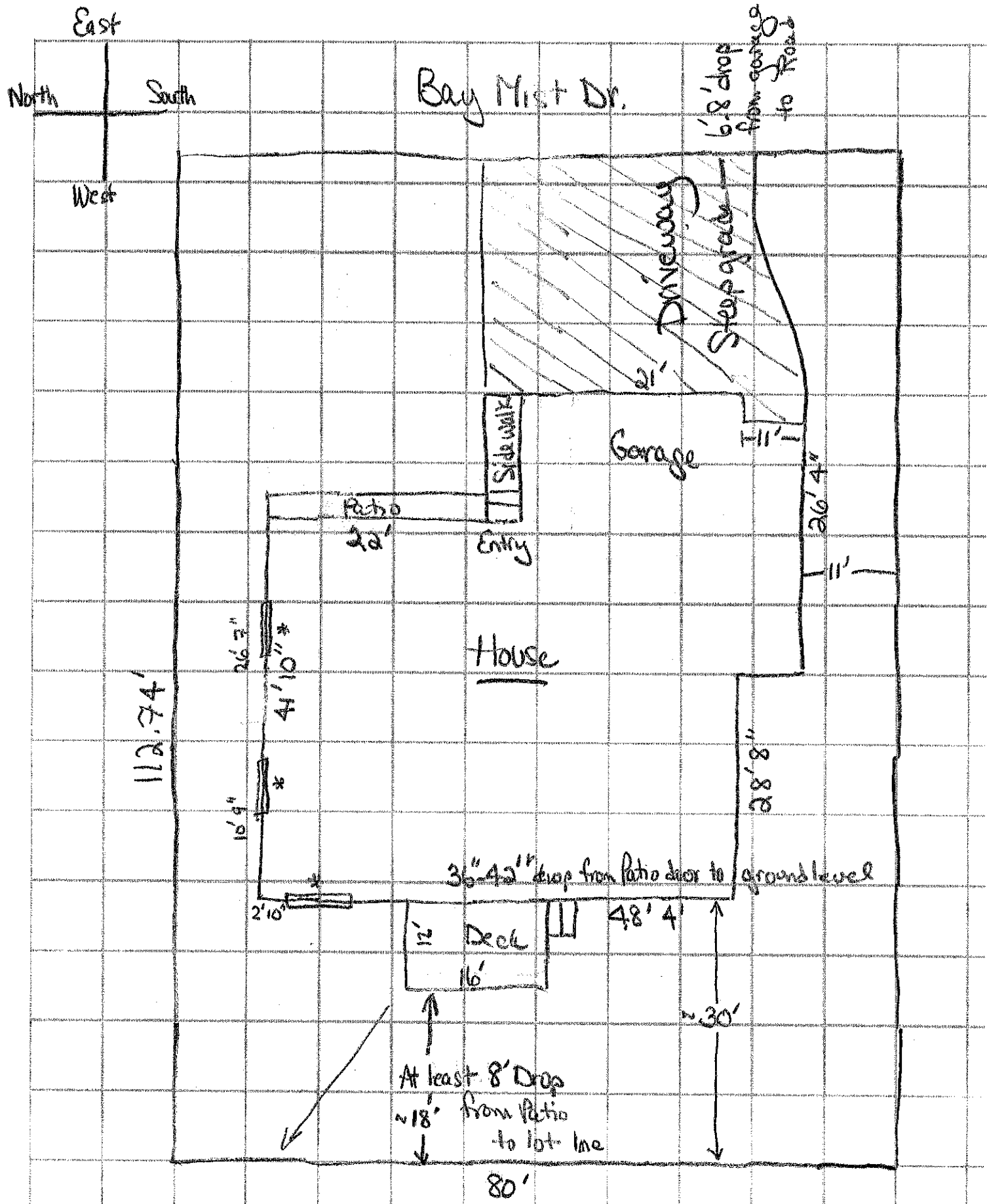
Donald Blomberg
Print Name

Print Name

08/07/2024
Date

Date

OFFICE USE ONLY:	Parcel #: 21-8410	Residential \$125 ☒ Commercial \$250 ☐
District: 1 Zoning: R1	Meeting Date: 8/19/24	Receipt #:
Submittal Date: 8/7/24	Staff Signature: jl	

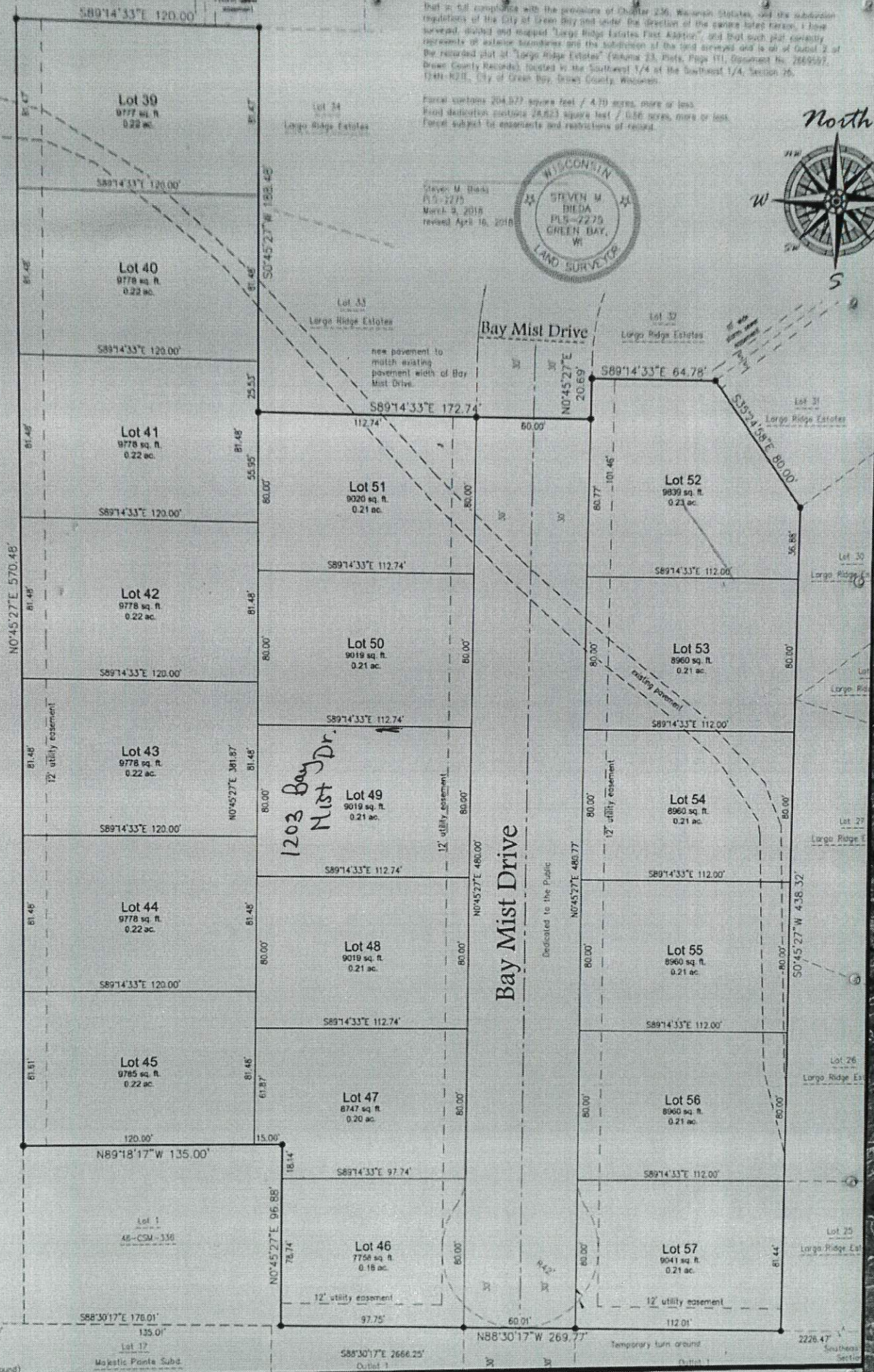
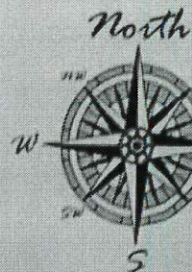


Lake Largo Drive

that is full compliance with the provisions of Chapter 236, Wisconsin Statutes, and the subdivision regulations of the City of Green Bay and under the direction of the common lotteries, I have surveyed, divided and mapped "Large Ridge Estates, First Addition," and that such plot correctly represents of existing boundaries and the subdivision of the land surveyed and is all of Parcel 2 of the recorded plat of "Large Ridge Estates" (Volume 23, Plate, Page 11, Document No. 2869597, Deane County Records), located in the Southwest 1/4 of the Southwest 1/4, Section 26, T14N-R2E, City of Green Bay, Brown County, Wisconsin.

Fixed contents: 204.877 square feet / 4.70 acres, more or less
Fixed dedication: 204.823 square feet / 0.468 acres, more or less
Fixed subject to encumbrance and restrictions of record.

Steven M. Hogg
R3-1275
March 2, 2018
revised April 10, 2018



2x10 LEGBR

HOUSE

10

12

21'

2x10 JOISTS

16" o.c.

(GALVANIZED JOIST
HANGERS)

4

TRX ALUMINUM
RAILINGS (200⁺ + LATEST
(36" TALL) SUPPORT)

7 1/4" OR
LESS SPACING

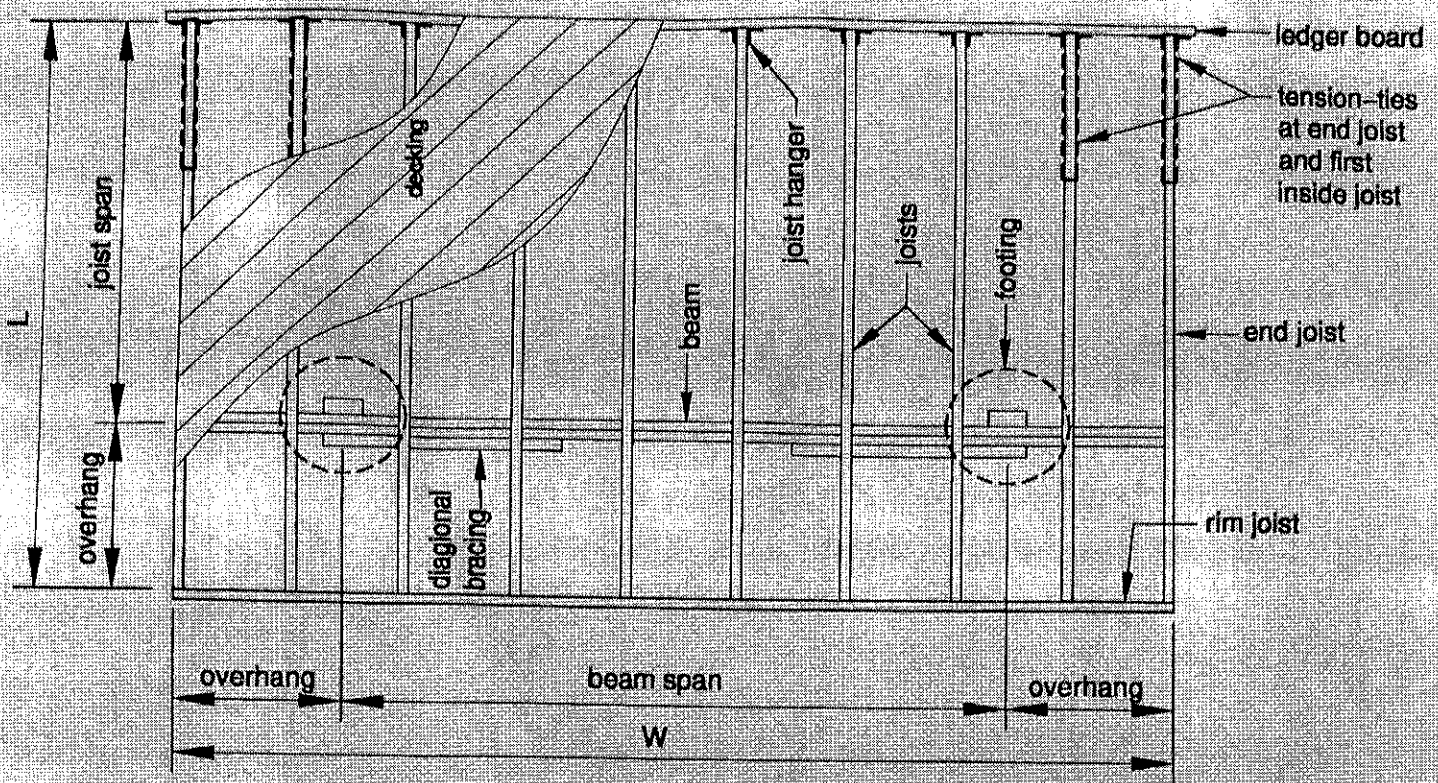
12" x 48" CONCRETE PIER
w/ 18" ROUND / 8" THICK
FOOTING BELOW

2PLY 2x10 BEAM

18'

6x6 SUPPORT POSTS
ANCHORED TO CONCRETE
WITH GALVANIZED
BRACKETS & POST/BEAM
BRACKETS

Figure 35
TYPICAL DECK FRAMING PLAN



Decking: ☐ 2x4 ☐ 2x6 ☐ five-quarter board ☒ wood-plastic composite (per ASTM D 7032)
☐ Other decking, evaluation report number: _____

Joists: size: ☐ 2x6 ☐ 2x8 ☒ 2x10 ☐ 2x12 spacing: ☐ 12 in. ☐ 16 in. ☐ 24 in.
 joist span dimension: 12 ft. - 0 in.
 overhang: ☐ Yes ☒ No overhang dimension: _____ ft. - _____ in.
 rim joist: ☐ 2x6 ☐ 2x8 ☒ 2x10 ☐ 2x12

Beam(s): number of plies: ☒ 2 ☐ 3 size: ☐ 2x6 ☐ 2x8 ☒ 2x10 ☐ 2x12
 overhang: ☒ Yes ☐ No overhang dimension: 1 ft. - 4 in.

Posts: size: ☐ 4x4 ☐ 4x6 ☒ 6x6 height: 4 ft. - 0 in.

Footings: size: 18 in. ☐ square ☒ round thickness: 8 in.

Ledger: ledger board size: ☐ 2x8 ☒ 2x10 ☐ 2x12 ☐ Not applicable (free-standing deck)
 fastener: ☐ Through bolt ☒ Lag screw ☐ Wood screw
☐ Expansion anchor ☐ Adhesive anchor

Lateral support: ☐ Tension-tie ☒ Diagonal bracing, size: ☒ 2x
 (not permitted for free-standing deck)

Deck size: L = 12 ft. - 0 in. W = 16 ft. - 0 in.

Five Conditions that Warrant a Variance

1) Preservation of Intent—a variance would not be inconsistent with the spirit, purpose, and intent of the regulations for the district in which it is requested.

I believe the variance would still preserve the intent of the regulations. With the exceptional circumstances unique to this lot, an exception to the regulations is in order. The deck size is 12' wide and 16' long and would allow for a functional deck for resident/family enjoyment. Although it is 6' closer to the property line than specified by regulations, I feel it would not impose on the neighbor's backyard. However, it would allow for the ability to adequately use an otherwise fairly useless backyard and improve the appeal of the backyard. The deck is not large or extravagant but large enough to allow for patio furniture and an outdoor living area.

The house was set back further than other houses in the development due to the steep incline of the driveway, requiring the need for a variance to maintain the purpose of the patio door and backyard. This placement was not self-created but dictated by land surveyors and the contractor. I believe an exception to the intent of the regulation is in order due to the unique terrain of this lot.

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.

Several unusual circumstances apply to this property, which are unique to this property and not to others in this development.

(1) Backyard has steep slope so strict compliance to the ordinance would prevent the landowner from using this property for outdoor living and renders conformity burdensome.

(2) Patio door sits 36"-42" above the ground level, making a raised deck necessary to use patio door. Without a deck it is unsafe for young children and adults, with this huge drop off.

(3) This property and house sits on a hill and is set back from the roadway to reduce the incline of the driveway to make it more navigable. It still drops 6'-8' from garage to road. This set back of the house helps to prevent hardship in entering the garage during the winter months.

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.

The 12' width of the deck allows for the residents of this household to enjoy outdoor living and creates a place to relax. Neighboring households have functional decks, many larger than this property. The variance would allow this household to have the same privileges. I do not believe that this ordinance was intended to prevent residents from using or enjoying their backyards, even when they are steep and difficult to manage.

I believe an exception to the ordinances is in order because of the unique terrain of this lot. The 12' x 16' deck allows for a deck that is considered small—only 192 square feet in size—but allows room for a table, several patio chairs and room to move around. This deck I feel does not impose on other neighbors and creates a casual outdoor space off the patio door.

Other properties in this neighborhood have been allowed for a functional deck. Several much larger decks than this homeowner's request. Strict compliance to the ordinance prevent the improvement of this property in a manner that is reasonable, customary and consistent with other properties in the area. A variance would allow for this property to enjoy a functional deck that is consistent with other properties in this development.

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.

The approval of a variance, which would allow the building of a 12' wide deck, does not create any substantial detriment to adjacent properties. In fact, by allowing for this variance it would be less invasive than the need to place a detached deck to the property that could be built within 4 feet of the property line.

It would also require some additional steps to be installed outside the patio doors and be a detriment visually since it will not flow as nicely as an attached deck.

Although the deck is considered an attached structure, by allowing a variance, it would allow for a functional deck of 12' x 16' that is not huge. It would not be a building and would be a well-built deck along with attractive rails, which would maintain the mandates of the community covenants and match the fence that will be installed later after landscaping is complete.

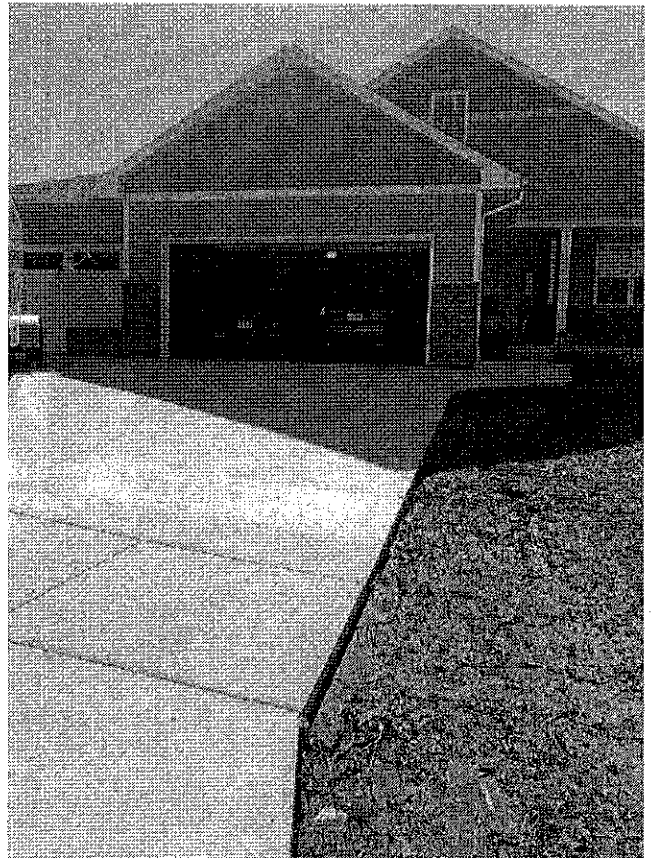
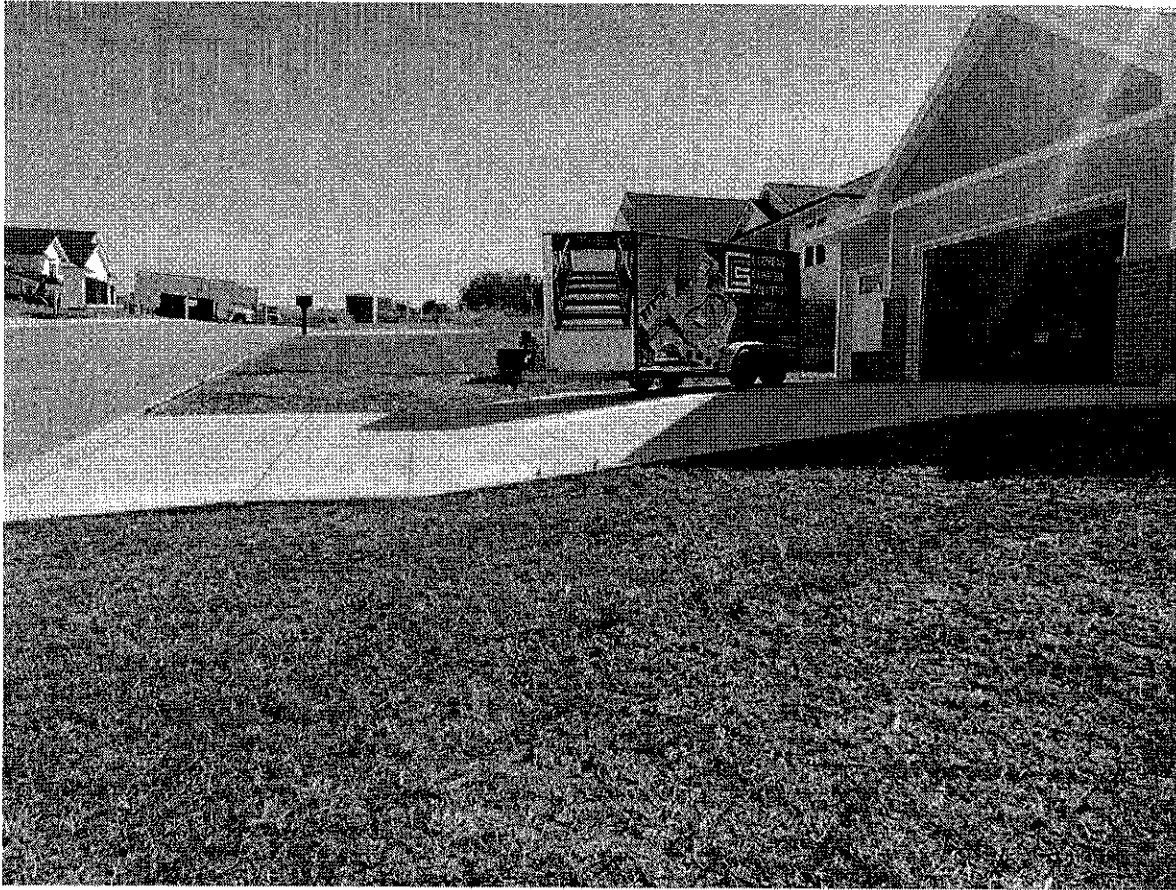
5) Hardship—the alleged difficulty in complying with the Municipal Code is not self-imposed nor is it based solely on economic grounds.

Without the approval of the variance #117109 Variance Application, the 12' x 16' deck could not be added to the backyard. It would be a huge hardship. It would not allow the proper usage of the patio door. In fact, the patio door would become unsafe since the drop off is between 36'-42' from patio door level to the ground level. This would place a burden on the resident's ability to create a beautiful outdoor living areas large enough to sit, eat, and relax. A 6' wide deck does not allow for furniture and the ability to move freely on the deck.

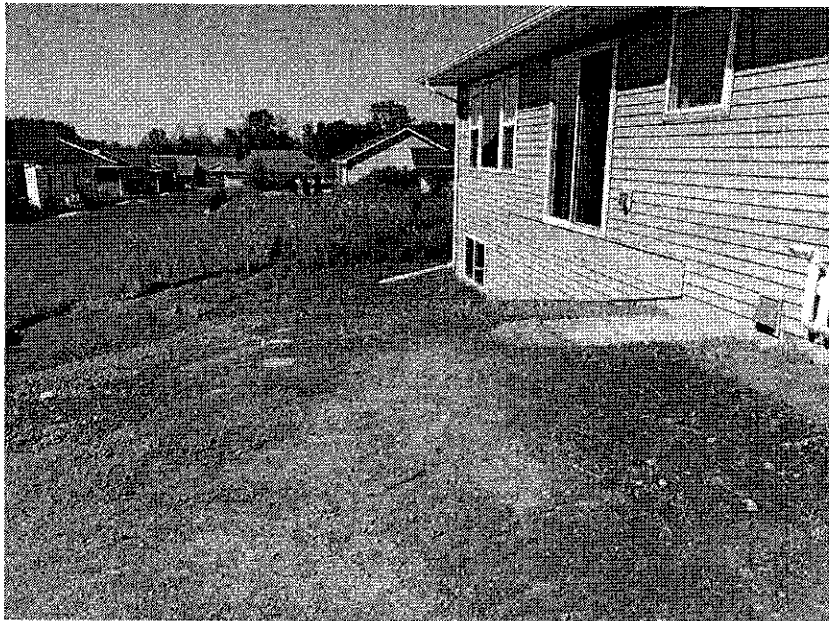
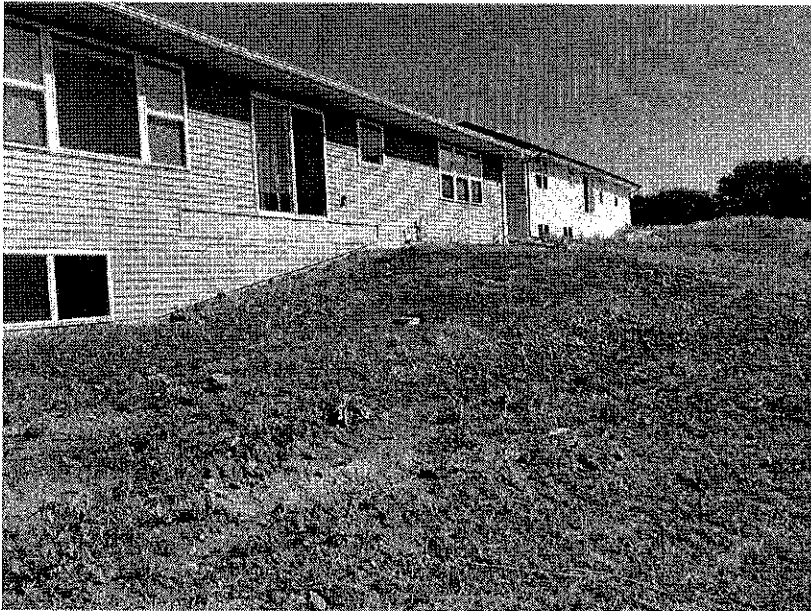
I have looked at other options and alternatives but nothing else seems to allow for a functional deck and outdoor living area. The cost of such improvements are prohibitive—almost three times greater than the cost of the recommended deck. I feel that the homeowner should not be penalized for this situation since they had no control over the placement of the house on this lot. I believe that strict compliance would prevent the homeowner from enjoying the backyard as was intended. With the placement of the patio door, it is obvious that it was intended to allow for a functional deck when installed. Since it sits 36"-42" above ground level, the option available would be an attached deck on the side of the house outside the patio door.

Please consider approving the variance to allow this outdoor living space to be enjoyed by others for many years to come.

Pictures showing Incline of Driveway



Pictures of Backyard and Patio Door



Pictures of Neighboring Homes

