



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, DECEMBER 16, 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, and Joshua Koch

C. Approval of the Agenda.

- I. Approval of the agenda for the Monday, December 16, 2024, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

- I. Approval of the minutes from the November 18, 2024 meeting.

E. Regular Business.

- I. (Appeal 24-39) Consideration with possible action on a request from Brandon Robaidek of Robert E. Lee and Associates, Inc, applicant and Mark Fine of Russel Metals Williams Bahcall, Inc, property owner; requesting approval of driveway entrances exceeding maximum width standards for an industrial user at 825 Hinkle Street (Ald. M. Eck District 11)

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 24-40) Consideration with possible action on a request from Gavin Kimmeth of Zenture Solutions, applicant and Dorothy Harrsch, property owner; requesting an encroachment within the front yard setback for a raised concrete patio within a (RI) Low-Density Residential Zoning District at 1177 Shadow Lane. (Ald. C. Wery, District 8)

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 24-41) Consideration with possible action on a request from Father Don Everts of St. Elizabeth Ann Seton Parish, applicant and property owner; requesting approval of a driveway which exceeds width and setback standards for a one or two family residence at 2756 Oakwood Drive. (Ald. K. Hinkfuss, 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.

4. (Appeal 24-42) Consideration with possible action on a request from Matthew Litchfield of Mach IV, applicant and MCPM Enterprises LLC, property owner; requesting to allow a second drive entrance on a parcel within 200 feet of an existing drive entrance and screening exceptions for loading areas at 1111 S Huron Road. (Ald. J. Hutchison, District 2)

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5. (Appeal 24-43) Consideration with possible action on a request from Dalton Ruesch of Ruesch Properties LLC, applicant and property owner; requesting to exceed maximum standards for the width of a driveway adjacent to an alley for a one or two family residence at 821 Cherry Street. (Ald. A Proffitt, District 7)

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: TO BE DETERMINED.

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

December 16, 2024

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.1

(Appeal 24-39) Consideration with possible action on a request from Brandon Robaidek of Robert E. Lee and Associates, Inc, applicant and Mark Fine of Russel Metals Williams Bahcall, Inc, property owner; requesting approval of driveway entrances exceeding maximum width standards for an industrial user at 825 Hinkle Street (Ald. M. Eck District 11)

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 (at two separate locations) from the Green Bay Municipal Code, Chapter 44: Zoning.

- **44-1773(d.)(2.)** Two-lane, full access drive width of semi-trailers: Maximum width of drive at property line: 30 feet. Maximum width of drive at curb, 40 feet.

Plans seek to reconstruct two drive entrances. North side at 60 feet wide at the curb and south side at 60 feet at curb and 40 feet at property line.

The applicant is seeking to replace existing non-conforming drive entrances to standards. The two separate locations serve as entrances into the industrial facility in which semi-trailers and trucks routinely access. The existing drives warrant reconstruction due to failing conditions. The existing drives do not meet standards and are non-conforming.

North Entrance:

Drive entrance remains 30 feet at the right of way, but flares to 60 feet at the curb and gutter.

South entrance:

Drive entrance proposed at 40 feet at the right of way and flared out to 60 feet at curb and gutter.

DPW Director Grenier was consulted regarding this request. DPW supports these individual requests based on the turning radii noted in proposed plans, the nature of the use along Hinkle, and the sizing of the specific street. DPW believes the code maximum size is warranted, but in this specific case, the proposed widths are appropriate.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 24-39 Variance Application
2. 24-39 825 Hinkle Proposed Site
3. 24-39 Street Photos



ZONING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE:	10/15/24	PROJECT #:	118855	APPEAL #:	24-39
APPLICANT INFORMATION:					
Name: Brandon Robaidek, P.E.					
Business Name: Robert E. Lee and Associates, Inc.					
Address: 1250 Centennial Centre Blvd					
City, State, Zip: Hobart, WI 54155					
Phone: 920-662-9641					
Email: brobaidek@releeinc.com					
PROPERTY OWNER INFORMATION (if different from above):					
Name: Mark Fine					
Business Name: Russel Metals Williams Bahcall, Inc.					
Address: 6600 Financial Drive					
City, State, Zip: Mississauga, Ontario L5N 7J6					
Phone: 920-497-1020					
Email: mfine@williamsbahcall.com					
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: 825 Hinkle Street					
Tax Parcel Number(s): 6H-1759					
Describe the Variance Request:					
The requested variance includes the widening of the curb cut at the northern and southern driveway at the back of curb from the City ordinance width of 40 feet to 60 feet to allow for easier semi truck entrance into the site and the avoidance of the continuous damage to the City curb head in this area.					

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).
Section 44-1773 (d)(2) Driveway entrance max width of 30' at ROW, 40' at curb.
Request to create NORTH 60' wide at curb. SOUTH 60' wide at curb, 45 feet at ROW
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
Due to the distance from curb to property line in the area the trucks need to utilize the entire right side of the road (both north lanes)
to right turn in and they need to utilize the entire road to right turn out so this variance would not fix that issue but it would reduce
the swaying and any damage to the trucks and curb when they are hopping it to enter and exit the site.
Would granting the variance be contrary to the public interest? Explain.
No, granting the variance would not be contrary to the public interest in this area. If granted it would reduce the continuous damage
to the City curb and gutter in the area and make it safer for the truck drivers to avoid this bump when maneuvering the area with
heavy loads of metal.
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?
Not receiving the variance would continue to make the truck drivers uncomfortable when turning in and out of the development with
heavy loads. Also, the damage to the City curb and gutter would continue to happen. The owner may also have to adjust how the
property is used and avoid the use of large trucks which may make it not economically viable to use the property in the way that
it is currently being used.

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.

Mark Fine

Signature of the Property Owner

Brandon Robaidek

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

Steve DeBot

Mark Fine

Brandon Robaidek

Print Name

Print Name

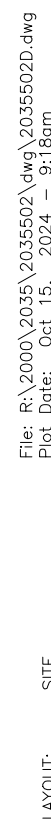
10/21/24

10/15/24

Date

Date

OFFICE USE ONLY:	Parcel #: 6h-1759	Residential \$125 ☐ Commercial \$250 ☒
District: 11 Zoning: bp	Meeting Date: 12/16/24	Receipt #:
Submittal Date: Nov 24	Staff Signature: jl	



*NOTE: ALL DIMENSIONS ARE TO THE FACE OF CURB, UNLESS NOTED OTHERWISE









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

MEETING DATE

December 16, 2024

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.2

(Appeal 24-40) Consideration with possible action on a request from Gavin Kimmeth of Zenture Solutions, applicant and Dorothy Harrsch, property owner; requesting an encroachment within the front yard setback for a raised concrete patio within a (R1) Low-Density Residential Zoning District at 1177 Shadow Lane. (Ald. C. Wery, District 8)

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.

- **44-554 Table 44-2: Note C.** 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 applicant is seeking to keep a built 6' x 35' raised concrete patio which is connected to the front of the house. The structure is raised approximately 15 inches above grade and is level with the front entry of the house.

The applicant applied and received a building permit to create a slab on grade 6 x 35 foot concrete patio in front of the house in September. The applicant poured a raised patio which is above grade.

The front yard setback is not permitted to have structures which exceed the front yard setback. The front yard setback is established at a very consistent number for structures on the block, at approximately 24 feet from the right of way. This home (and all homes on this block) is capped at the depth of adding structures to a front of home because the front setback is established. A 6 by 35 slab on grade was permitted as it acts as a sidewalk. Sidewalks are permitted in the front yard so long as it meets other bulk requirements of the site. However, once a structure is raised, it becomes apart of the primary structure. Thus, a note was issued on the building permit that the slab was to be on grade.

The applicant notes the plans they had were in black and white, and they did not see the note regarding slab on grade and placed a raised concrete patio to the height of the front door.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 24-40 Variance Application
2. 24-40 Images
3. 24-40 Scanned Black and White Approved Plans
4. 24-40 Approved Plan

DATE: Dec, 1, 2024	PROJECT #: 118135	APPEAL #: 24-40
APPLICANT INFORMATION:		
Name: Gavin Kimmeth		
Business Name: Zenture Solutions		
Address: N126 Speedway In ste d		
City, State, Zip: Kaukauna, Wi, 54130		
Phone: 920-810-8962		
Email: gavin@zenturesolutions.com		
PROPERTY OWNER INFORMATION (if different from above):		
Name: Dorothy Harrsch		
Business Name:		
Address: 1177 Shadow Ln		
City, State, Zip: GreenBay, Wi, 54304		
Phone: 201-919-5126		
Email: dorothyharrsch@hotmail.com		
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: 1177 Shadow Ln GreenBay WI 54304		
Tax Parcel Number(s): 1-2226		
Describe the Variance Request: We are requesting to keep our raised porch we poured at 1177 Shadow Ln. It is 36ft x 5ft x 15in and was poured at the height of the porch. Instead of being poured on grade like the site plan shows, our provided copy was printed in black and white so the requirements of being on grade were unclear to us. We were not emailed or provided a copy of the site map in color via email or in person.		

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

-Front yard setbacks

44-554// Table 44-2/ Note C

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 property in question does not have a unique characteristic that would prevent it from complying with the ordinance, other than the fact that the patio has already been poured and it will be a hardship to remove it and re-pour it on grade. The unique situation is the circumstances of getting the permit without clear instructions concerning the patio height.

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

No, there are other porches in Green Bay that are at a raised height. This will not harm the public as the functionality of the porch will remain the same as if it were on grade.

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?

It would prevent this property and other properties in the area from getting full use of the property. They are wanting a porch to sit on in the front yard because of the traffic on the back side of their home. Steps could be used to walk down to a on grade patio in the front yard but steps would cause more liability in the winter and in general because of tripping. It would also require the homeowner to pay for the cost of removing the porch in December and not being able to have a new porch poured until the Spring.

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.

Peter Harrsch

Signature of the Property Owner

Peter Harrsch

Print Name

12/2/24

Date

Garvin Kimmeth

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

Garvin Kimmeth

Print Name

11/2/24

Date

OFFICE USE ONLY:	Parcel #: <u>1-2226</u>	Residential \$125 ☒ Commercial \$250 ☐
District: <u>8</u> Zoning: <u>M1</u>	Meeting Date: <u>12/16/24</u>	Receipt #:
Submittal Date: <u>12/2/24</u>	Staff Signature: <u>[Signature]</u>	



P#118135

Conditionally

APPROVED

Building Inspection Division
Green Bay, Wisconsin

Matt Bablitch

SEE CORRESPONDENCE

.9/26/2024



AA

google.com



Sign in

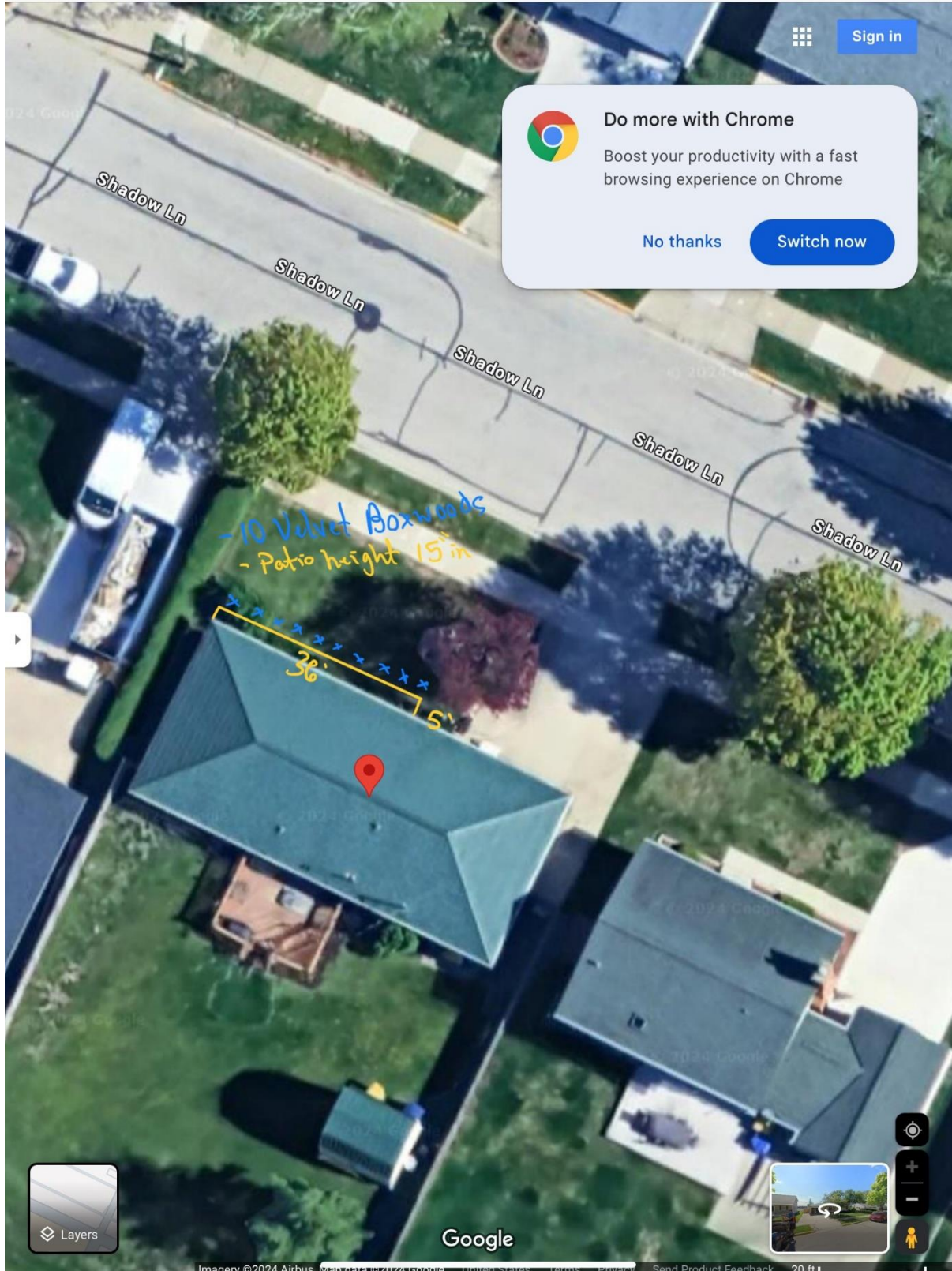


Do more with Chrome

Boost your productivity with a fast browsing experience on Chrome

No thanks

Switch now











Address, Parcel ID or



XYZ



Cannot extend in front of the entry porch

2.5' flares

25'

20'

Patio - Not to be used for parking

1177 SHADOW LA

4'

1 foot minimum side yard setback. This area to be returned to grass

P#118135
Conditionally

APPROVED

Building Inspection Division
Green Bay, Wisconsin

Matt Bablitch

SEE CORRESPONDENCE
.9/26/2024

TO SCHEDULE INSPECTIONS
CALL (920) 448-3300 BETWEEN
8:00 AM AND 4:00 PM AT LEAST
ONE BUSINESS DAY PRIOR TO
INSPECTION DATE NEEDED.

DEPARTMENT OF COMMUNITY
AND ECONOMIC DEVELOPMENT

It shall be unlawful to conceal or proceed
with any part of the work on this building
until official approval has been given.

THE FOLLOWING INSPECTIONS
ARE REQUIRED:

Bldg: ☐ Footing ☐ Rough In/Framing
☐ Foundation/Wall ☐ Insulation
☐ Tar/Tile/Stone ☒ Final
Hvac: ☐ Rough In ☐ Final
Elec: ☐ Service ☐ Rough In ☐ Final
Plbg: ☐ Sewer ☐ Groundwork
☐ Rough In ☐ Final

THIS BUILDING PERMIT COVERS:

REPLACE DRIVEWAY. ADD 6X35 PATIO

PERMIT EXPIRES: 09/26/2025

Please be advised that any work within or
around the right-of-way that would affect a
public tree may be subject to fees as outlined
by the City of Green Bay Tree and Stump
Removal Policy.

IT IS UNLAWFUL TO COMMENCE WORK BEFORE THIS CERTIFICATE
IS PLACED IN A CONSPICUOUS PLACE ON THE PREMISES

THIS CERTIFIES THAT A

BUILDING PERMIT

HAS BEEN ISSUED TO
ZENTURE SOLUTIONS

Authorizing such building, repairing, or remodeling as shown in the application, plans, and
specifications on file in the office of the Building Inspector, City Hall, Green Bay, Wisconsin

Address: 1177 SHADOW LN

Parcel # 1-2226

Project # 118135

Dated: 9/26/2024

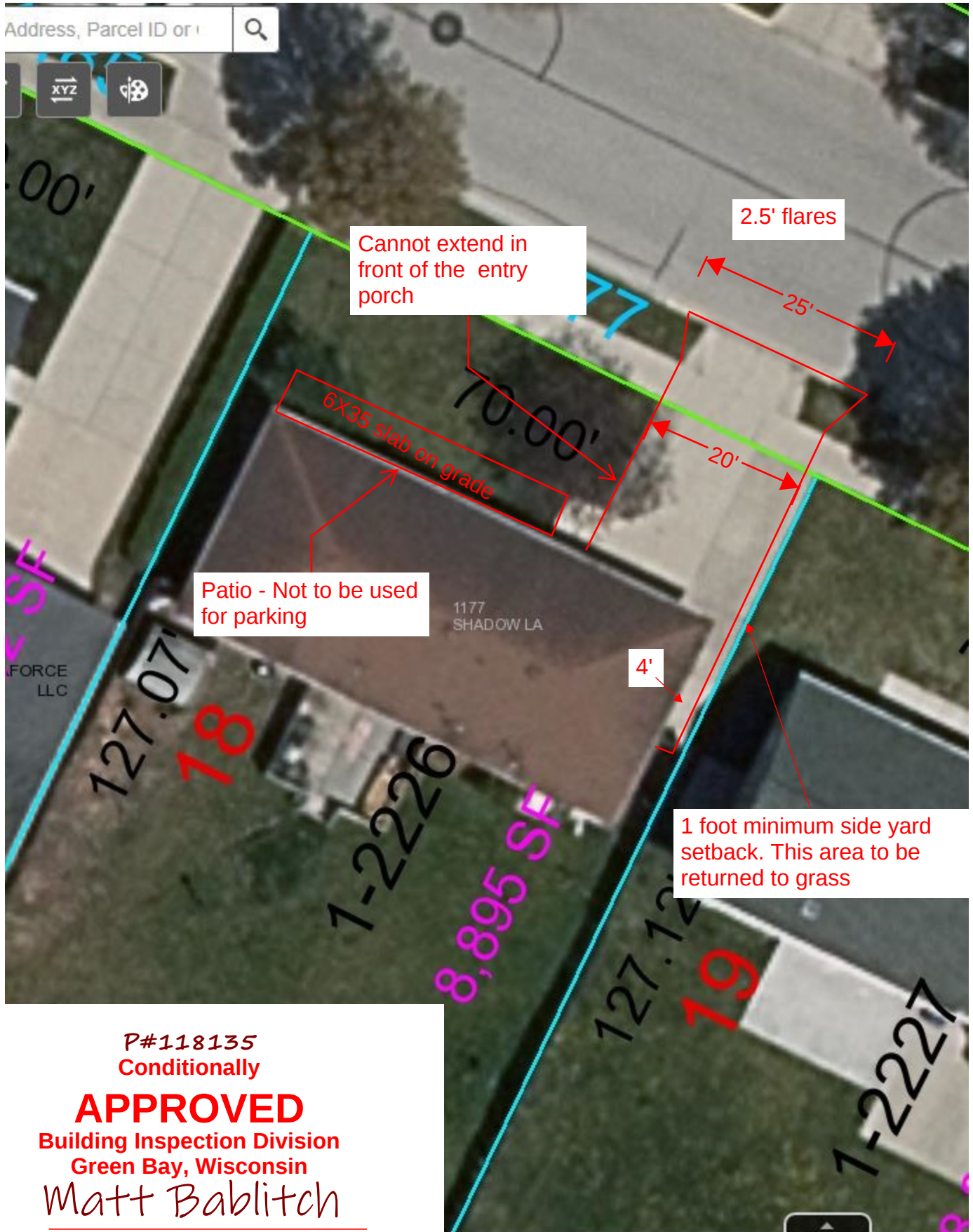
Matt Ba

BUILDING INSPECTOR

**NOTICE: No wiring shall start until an electrical permit is obtained. An electrical permit
signed by the owner or licensed electrical contractor is required before wiring can begin.**

NOTICE: It is the general contractor's responsibility to schedule all applicable inspections.

Please post this permit in a window visible from the street when work commences and remove after final inspection has been approved.



P#118135
Conditionally

APPROVED

Building Inspection Division
Green Bay, Wisconsin

Matt Bablitch

SEE CORRESPONDENCE
.9/26/2024



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

MEETING DATE

December 16, 2024

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.3

(Appeal 24-41) Consideration with possible action on a request from Father Don Everts of St. Elizabeth Ann Seton Parish, applicant and property owner; requesting approval of a driveway which exceeds width and setback standards for a one or two family residence at 2756 Oakwood Drive. (Ald. K. Hinkfuss, 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 two variances from the Green Bay Municipal Code, Chapter 44: Zoning.

- **44-1746** 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 parking space.
- **44-1746 (2) c. Attached garages.** Driveways leading to attached garages shall meet the applicable side or rear setbacks for principal structures established in the district. This house and district aligns with a 6-foot side yard setback.

The applicant seeks to keep a poured driveway which is 14 x 22 feet in size which comes within approximately 1.8 feet of the side yard of the property and extends past the garage door opening by approximately 22 feet.

The property serves as a rectory for St. Elizabeth Ann Seton Parish. The house is classified as a single or two-family home.

The applicants applied for a building permit to rebuild an existing asphalt driveway in summer. However, full permits were not granted by the time the contractor had removed the driveway and poured concrete in the same area the former asphalt driveway was developed.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 24-41 Application
2. 24-41 Submitted Images and Narratives
3. 24-41 Rectory Driveway Early 2024



ZONING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: November 14th 2024	PROJECT #: 117505	APPEAL #: 24-41
APPLICANT INFORMATION:		
Name: Father Don Everts		
Business Name: St. Elizabeth Ann Seton Parish		
Address: 2756 Oakwood Drive		
City, State, Zip: Green Bay, WI 54304		
Phone: (920) 499-1546		
Email: jborchardt@seasgb.org		
PROPERTY OWNER INFORMATION (if different from above):		
Name:		
Business Name: St. Elizabeth Ann Seton Parish		
Address: 2771 Oakwood Drive		
City, State, Zip: Green Bay, WI 54304		
Phone: (920) 499-1546		
Email: seas@seasgb.org		
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: 2756 Oakwood Drive, Green Bay WI. 54304		
Tax Parcel Number(s): 6H-1430-K-14		
Describe the Variance Request:		
St. Elizabeth Ann Seton Parish owns a residential home across the street that serves as our rectory. This is an extension of our tax-exempt parish property. The parish has owned the home since 1980. We recently replaced the driveway as it was unsafe to traverse and was graded improperly causing water to run toward the home. Our contractor only replaced what was existing. See accompanying pictures.		
In fact, the original footprint was reduced to allow additional space between property lines. The area in question is a 14' by 22' section. This area acts as a safety turn around for our resident handicap priest. The space also serves as parking for weekly cleaners and physically challenged clergy/parishioners to more easily access the home. Our direct neighbors to the West have offered a letter indicating that they do not object to the driveway's size or aesthetics. Several pictures accompany this submission. They show the extensive distance between the garage and the road.		
Oakwood Drive is a busier street. The section in question provides a safety component for entrances and exits for guests and our handicap priest.		

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).
44-1746 Driveways shall lead from ROW to garage door opening plus 24 inches
44-1746 2. c. Attached garages. Setback shall meet setback of the district (6 feet)
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
There is a great distance from the home to the road (Oakwood Drive). Approving the variance would
provide safer exits and entrances for elderly parishioners/clergy as well as our handicap priest.
Would granting the variance be contrary to the public interest? Explain.
Granting the variance would not be contrary to the public interest. The driveway was replaced with quality
and care. Granting the variance would improve safety and functionality of the parish's property.
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 previously mentioned, our resident priest is handicap. One year ago he broke his hip and continues his
recovery from a recent major heart surgery. Not allowing for the variance would create an undue hardship
on him and for the diocesan personnel/parishioners that visit the rectory. We aren't seeking an approval
for a new design. We only replaced what was existing.

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.

St. Elizabeth Ann Seton Parish

Signature of the Property Owner

FR. Don Evans

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

FATHER Don EVANS

Print Name

FATHER Don EVANS

Print Name

11-14-2024

Date

11-14-2024

Date

OFFICE USE ONLY:	Parcel #: 6h-1430-k-14	Residential \$125 ☒ Commercial \$250 ☐
District: 12 Zoning: R1	Meeting Date: Dec. 2024	Receipt #:
Submittal Date: 11.15.24	Staff Signature: jl	



This picture shows the finished product. Again, this was the existing layout since the property was acquired in 1980. It acts as a safety turn around for our resident handicap priest and also allows for elderly diocesan clergy to park closer to the home.



Original Driveway showing that the side-area always existed. Picture also shows the wear of the driveway and the need for replacement and poor grading.



Street view showing Oakwood Drive. Road heavily traveled due to its connection to Packerland Drive and the Parish.



Grassy area between neighbor shows the amount that the original layout was reduced. The driveway does not bump up against the neighbor's property. A letter accompanies this application indicating that the neighbor has no objections to the layout or aesthetics.

November 19th 2024

Attn: Zoning Board of Appeals Committee

We are the neighbors immediately to the West of 2756 Oakwood Drive. Our names are Roger and Dorothy DeGuelle. Our address is 2766 Oakwood Drive. We have been neighbors to the resident Priests and Pastoral Leaders of St. Elizabeth Ann Seton parish for many years. The purpose of this document is to confirm that we do not have any objections to the size or aesthetics of the parish's new rectory driveway. We can confirm that the layout was not altered from its original design.

Thank you for considering our viewpoints when determining the variance approval for St. Elizabeth Ann Seton Parish.

Sincerely,

The image shows two handwritten signatures in cursive. The first signature on the left is 'Roger DeGuelle' and the second signature on the right is 'Dorothy DeGuelle'. Both are written in dark ink.

Roger DeGuelle

Dorothy DeGuelle





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

MEETING DATE

December 16, 2024

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.4

(Appeal 24-42) Consideration with possible action on a request from Matthew Litchfield of Mach IV, applicant and MCPM Enterprises LLC, property owner; requesting to allow a second drive entrance on a parcel within 200 feet of an existing drive entrance and screening exceptions for loading areas at 1111 S Huron 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 two variances from the Green Bay Municipal Code, Chapter 44 Zoning:

- **Sec. 44-1773 (a) (1)** Multiple two-way driveways may be permitted on one street frontage, provided the distance between driveway centerlines is no less than 200 feet.
- **Sec 44-1917 (c) Screening.** Trash receptacles and dumpsters, trash recycling containers, and loading docks shall be fully enclosed and screened with walls and/or fences at least six feet in height and 90 percent impervious to sight.

The applicant seeks to create a loading dock and drive entrance. The proposed expansion will create a driveway approximately 156 feet apart and a loading dock which does not have screening.

The applicant is seeking to create an expansion of an industrial use at 1111 S Huron. The existing building is situated on the north side of the parcel and has large garage opening/loading areas facing the side of the building past the front facade. The applicant is seeking to create a new wing which would run north-south of the existing eastern side of the existing building. The proposal includes a new driveway entrance and additional loading docks and garages on the east side of the building.

The applicant notes the facility has two wetland areas on site. In discussion with DPW Director Grenier, DPW staff believes the distance proposed of 156 feet is appropriate on this site as the wetland features prohibit a wider driveway entrance to the south as wetlands exist and block development southward and the existing driveway location is set in relation to the existing building.

The applicant is seeking to place a loading dock on the south end of the building, in line with the proposed drive entrance. The applicant notes the addition of 2 black hills spruce trees, a sugar maple, tree and 8 dogwoods adjacent to the proposed drive entrance, but this screening does not fully encapsulate the proposed 28 foot dock as the dock primarily aligns with the proposed entrance.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 24-42 Application
2. 1235-05-24 Eng - Variance Exhibits
3. 24-42 Existing Structure Street View



Community & Economic Development Department
100 North Jefferson Street • Room 608
Green Bay, Wisconsin 54301-5026
www.greenbaywi.gov

Phone 920.448.3400
Fax 920.448.3426

Dear Zoning Board of Appeals Variance Applicant:

In this packet you will find a variance application form as well as detailed information by which the Zoning Board of Appeals (ZBA) bases its decisions. Please review all the information regarding variance standards. Perhaps you have a few general questions about the ZBA process, so here's some of the basics about the variances.

What is a variance? It's an authorization granted by the ZBA to construct or alter a building or structure in a manner that deviates from the dimensional standards of the Zoning Code.

What is the ZBA? It's a quasi-judicial body that functions much like a court. The ZBA reviews variance applications. The ZBA has the power to grant variances when special conditions unique to the property itself will not allow the property owner to meet dimensional standards of specific ordinances. It is the job of the ZBA to **not** compromise Zoning Code provisions for a property owner's convenience. Variance approvals are meant to be used infrequently as a remedy when an ordinance imposes a unique and substantial burden.

The ZBA has the power to grant a variance when special and unique conditions exist on a property and the property owner cannot meet the dimensional standards of a specific ordinance. To demonstrate these conditions, you as the applicant need to explain the following standards:

- Unnecessary Hardship
- Unique Property Limitation
- Protection of the Public Interest

In the attached packet, please reference Part 3: Criteria for Variance for further details on these standards. The ZBA must uphold the intent of the zoning ordinance in its decision.

You must contact our office to discuss your project before you intend to apply for a variance. You must provide a site plan to staff to discuss your project. To apply for a variance, a site plan must be denied. During this process, staff will discuss alternatives which could avoid a variance request. Please contact me if you have any questions or concerns about the materials provided in this packet or any other aspects of the City's appeal process.

Sincerely,

Jon LeRoy
Zoning Administrator / Senior Planner
Phone: (920) 448-3405
Email: jon.leroy@greenbaywi.gov

Zoning Board of Appeals (ZBA)

The five members of the ZBA are citizens appointed by the Mayor and approved by the City Council, who give their time without compensation. Cases are generally heard in the order as they appear on the agenda. As an applicant you will be invited to present information regarding your request. City staff may provide factual evidence regarding your request. Neighboring property owners have been sent notice of your project and will also be allowed an opportunity to speak.

The ZBA decision is based on the evidence and testimony received as part of the application and through the public hearing process. The ZBA may impose special conditions on any use or development being proposed in order to ensure that these criteria can and will continue to be met. Only the minimal amount of relief necessary to allow reasonable use or development of the property will be granted. Unless otherwise stipulated by a condition of approval, variances that permit some type of building or development will expire after twelve (12) months unless the building or development commences within 12 months and continues in reasonable manner toward completion.

Part 1: Application Requirements

The ZBA meets the third Monday of each month starting at 4:30 p.m. The meetings are held both in person at City Hall, Room 604, and virtually through Zoom. Instructions to access the meeting will be provided in advance of the meeting. For an appeal to be heard at any monthly hearing, an application must be on file in the Community and Economic Development Department, City Hall, 100 N Jefferson Street, Room 608, by **12:00 Noon on the first Tuesday of the month.**

The following items must be addressed, prepared, and submitted as part of your appeal application. Some of the items may not apply to all appeals. Incomplete applications will be returned and will affect the scheduling and processing of your appeal before the ZBA. A site plan must first be filed with the Community and Economic Development Department prior to application. The Zoning Administrator may grant an exemption from this requirement based on evidence provided by the applicant.

At the direction of the ZBA, the following information is required to be submitted with the application (**plans are not to be larger than 11 x 17**):

1. The parcel in question with property boundaries and dimensions.
2. Abutting streets, properties, natural features, structures and their dimension to the site in question.
3. Location and size (with dimensions and area) of any existing buildings or structures.
4. Ordinary High-water Mark, 100-year Flood Elevation, 2-ft. above the 100-year Flood Elevation, Easements, etc.
5. Location and size of culverts, ditches, trees, wells, septic system, retaining wall, driveways, sidewalks, patios, or any other items pertinent to the variance requested – **including area calculations.**
6. Elevations at corners of parcel, building corners, grade breaks and other elevations pertinent to the variance requested.
7. Proposed building, structure or appurtenance for which the variance is being requested.
8. Additional requirements may apply when considering variance requests in floodplain districts.
9. A narrative and/or supporting photos, documents, paperwork, etc. that may have a bearing on the variance request.

Fee in the amount of \$250 for Commercial Properties and \$125 for Residential Properties, which is non-refundable once the hearing has been noticed. Contact the Zoning Administrator, Jon LeRoy, at (920) 448-3405 or Jon.leroy@greenbaywi.gov to discuss your appeal.

Please submit completed City of Green Bay Zoning Board of Appeals Variance Application (attached as part of this packet) to:

Community and Economic Development Department
Attn: Jon LeRoy, Zoning Administrator / Senior Planner
100 North Jefferson Street, Room 608
Green Bay, WI 54301

Part 2: Review Process

Please check with the Zoning Administrator for further information on application deadlines, meeting dates, times, and when your appeal may be scheduled. Appeal applications are reviewed and scheduled on a first come first served basis. Once an appeal is scheduled, public hearing notices for that appeal will be (1) published in the City's official newspaper, (2) mailed to property owners who are within 100 feet; and (3) mailed to you along with an agenda for the meeting your appeal is scheduled. On or prior to the meeting date, ZBA members may visit your property prior to conducting a public hearing of your appeal.

Once the public hearing and testimony have been completed, the ZBA will act on your appeal (or continue to the next meeting if additional information or clarification is needed). Once decided, an Appeal summary will be prepared by the Zoning Administrator and will be recorded in the minutes as part of the proceeding of the ZBA meeting.

Each applicant (or a representative of the applicant) is required to attend the hearing, or the appeal may be denied by the ZBA. In granting variances, the ZBA may impose special conditions to ensure that public interest and welfare will not be threatened. Variances granted by the ZBA remain valid for one year from the hearing date or as stipulated in the decision. If work to implement the variance has not begun within that time, the variance shall expire requiring the ZBA to re-approve the variance should the applicant wish to implement the plan.

If necessary, an applicant may postpone the hearing of an appeal provided it is received by staff in writing prior to the hearing. The appeal will be postponed for one month or at a future meeting agreed upon by the ZBA. An application for appeal may be withdrawn provided it is received by staff in writing prior to the hearing date.

No application which has been denied by the ZBA shall be reconsidered without material alteration or revision within one year of the board's decision, except pursuant to a court order or motion to reconsider made by a member voting with the majority. The ZBA may refuse to act upon an appeal if the applicant has failed to implement previously granted appeals.

Part 3: Criteria for Variance

To qualify for a variance, an applicant must demonstrate that all three statutory standards will be met:

1. **Unnecessary Hardship.** A matter to be determined from the facts and circumstances of each individual appeal, including:
 - A. Unnecessary hardship is situation where, in the absence of a variance, an owner can make no feasible use of a property or strict conformity is unnecessarily burdensome. *A variance is not warranted if the physical character of the property allows a landowner to build or develop in compliance with a zoning ordinance.*
 - B. Hardship must be peculiar to the parcel in question and different from that of other parcels. Hardship arises because of some unique property limitation of a parcel, or because the property was created before the passage of the zoning ordinance.
 - C. Self-imposed hardship is not grounds for a variance. Improvements that were made in violation of the ordinance are generally considered to be self-imposed hardships.
 - D. Hardships cannot be one that would have existed in the absence of a zoning code.
2. **Unique Property Limitation.** Unique physical characteristics of the property, not the desires of or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. These features may be a wetland, soil type, parcel shape, or a steep slope that limits the reasonable use of the property.
3. **Protection of the Public Interest.** Granting of a variance must neither harm the public interest nor undermine the purpose of the ordinance. The public interest includes the interest of the public at large, not just that of nearby property owners. Lack of local opposition does not in itself mean that a variance will not harm public interest. Property owners within 100 ft. of the property area and Alderpersons will be noticed of the request prior to the meeting.

Part 4: Findings by the ZBA

No variance shall be granted by the ZBA unless it finds the following facts and conditions exist and so indicates in the minutes of its proceedings:

- 1) *Preservation of Intent.* A variance would not be inconstant with the spirit, purpose, and intent of the regulations for the district in which it is requested.
- 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.
- 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.
- 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.
- 5) *Hardship.* The alleged difficulty in complying with the Municipal Code is not self-imposed nor is it based solely on economic grounds.



ZONING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE:	12-10-2024	PROJECT #:		APPEAL #:	
APPLICANT INFORMATION:					
Name: Mathew Litchfield					
Business Name: Mach IV Engineering & Surveying, LLC					
Address: 2260 Salscheider Court					
City, State, Zip: Green Bay, WI 54313					
Phone: 920-569-5765					
Email: mlitchfield@mach-iv.com					
PROPERTY OWNER INFORMATION (if different from above):					
Name: Michael Kraft					
Business Name: MCPM Enterprises, LLC					
Address: 122 Noble Court					
City, State, Zip: Green Bay, WI 54311					
Phone: 920-406-1500					
Email: mkraft@iso-intl.net					
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: 1111 S Huron Road					
Tax Parcel Number(s): 21-185-2					
Describe the Variance Request:					
The owner is proposing to add a 23,400 SF building addition with two new loading docks to meet the needs of expanding business. Additional pavement is proposed for semi-truck turning and additional passenger vehicle parking and a new driveway will be required for the semi-trucks.					

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).
Sec. 44-1773. (a) Multiple two-way driveways may not be permitted on one street frontage, provided the distance between the driveway centerlines is no less than 200 feet.
Sec 44. 1845. (b) No loading space shall not be located at the front of a building without adequate screening and landscaping.
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 existing site utilizes a hammerhead turnaround for the semi-truck maneuvering. With the building addition, the hammerhead turnaround will be removed and a second driveway required. To avoid the wetlands on site, the driveway will not be able to meet the 200-foot distance between driveways.
The position of the building addition requires the loading docks to face Huron Road to allow the semi-trucks to access the loading docks.
Would granting the variance be contrary to the public interest? Explain.
No, the majority of the traffic on site will use the north driveway, following current traffic patterns. The second driveway will help separate passenger vehicles traffic from semi-truck traffic on site and allow safe on site truck maneuvering. Additionally, existing wetland will be maintained.
Visual landscape screening will be provided along Huron Road to reduce visibility of the loading dock.
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?
A second driveway 200 feet from the existing driveway on site would place the new driveway in a wetland, see Exhibit A.
The building addition will occupy space currently used for truck maneuvering, see Exhibit B. The physical parameters of the lot do not allow sufficient space for semi-trucks to exclusively use the existing driveway.

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.

Michael Kraft

Digitally signed by Michael Kraft
Date: 2024.12.12 08:33:56 -06'00'

Signature of the Property Owner



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

MICHAEL KRAFT

Print Name

JOE ELPHUR

Print Name

12.12.2024

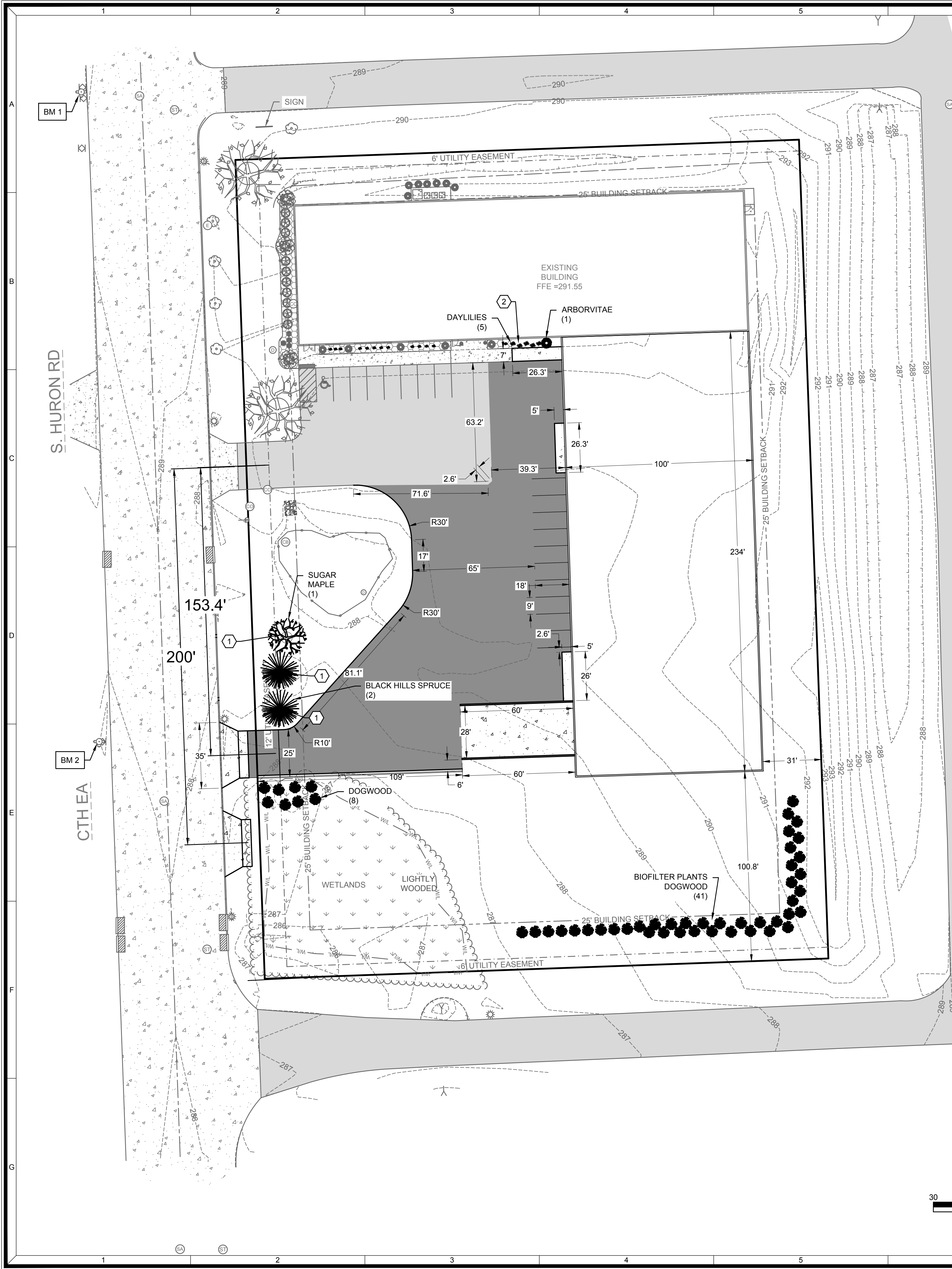
Date

12.12.2024

Date

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

R:\Jobs\1235-05-24 Inside-Out Int Addition\DRAWINGS\1235-05-24 Eng.dwg 12/10/2024 4:03:03 PM



SHEET KEY NOTES:

- 6" DIAMETER SPADE EDGE & 3" HARDWOOD MULCH;
SEE DETAIL A THIS SHEET
- RIVER ROCK TO MATCH EXISTING WITH WEED
BARRIER FABRIC

LANDSCAPE REQUIREMENTS

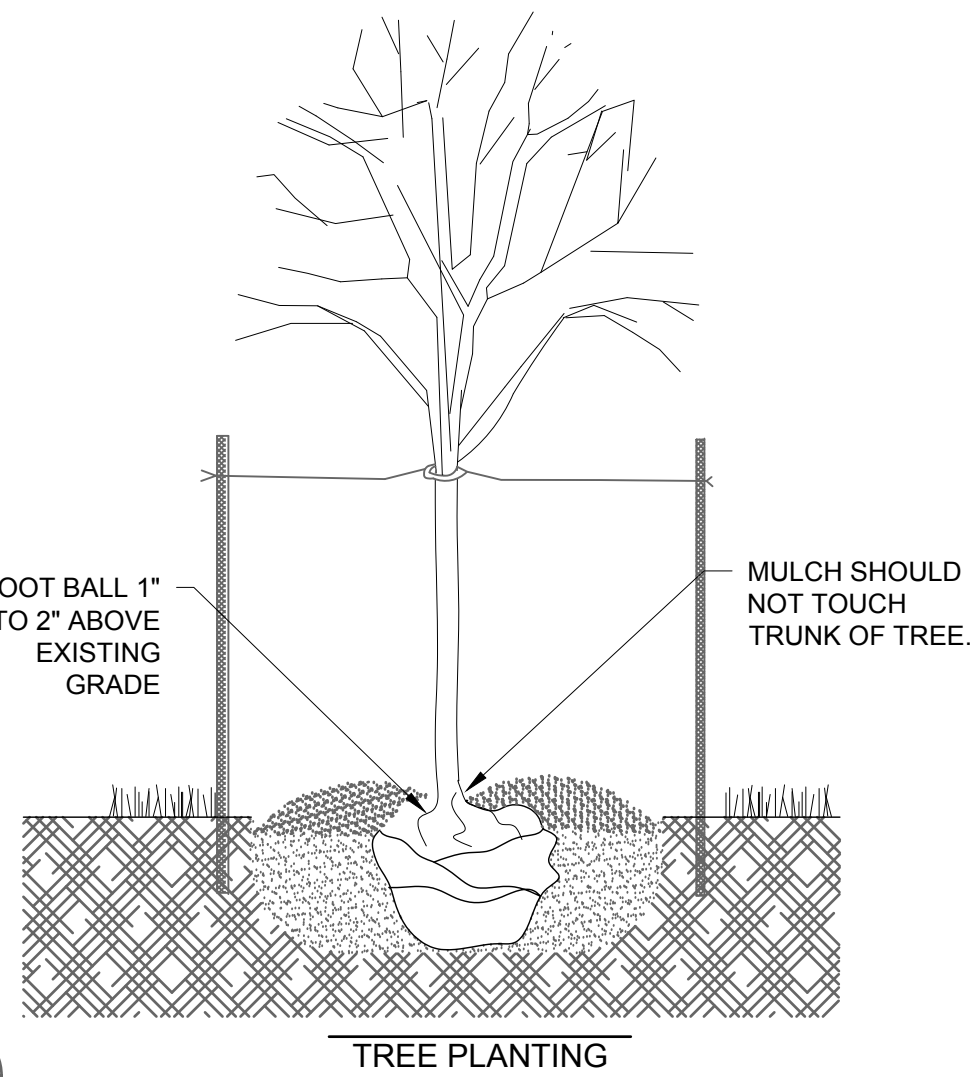
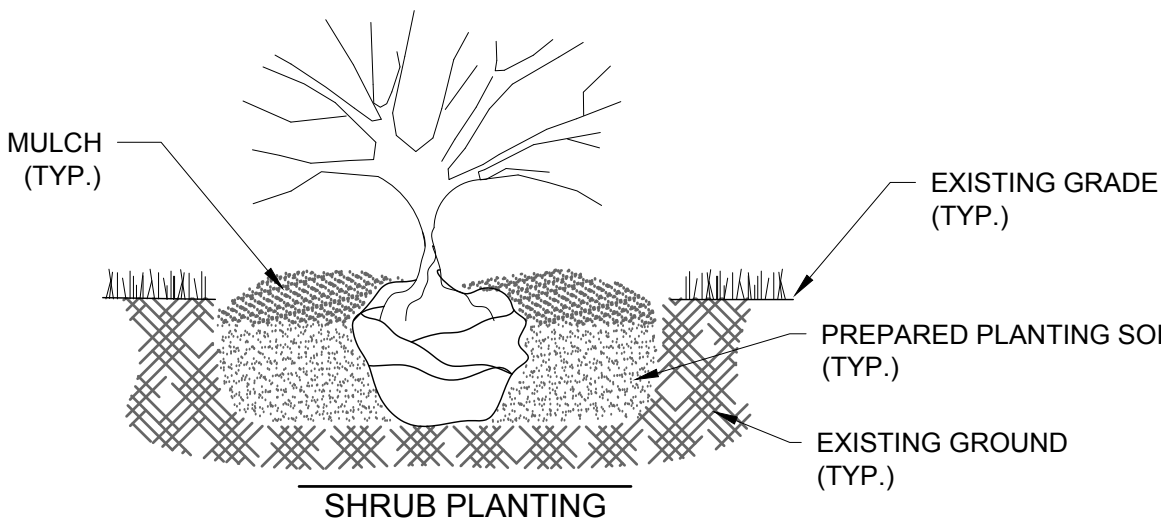
LANDSCAPE REQUIRED:
1 TREE PER 7,000 SF OF BUILDING
3 SHRUB PER 1,000 SF OF BUILDING

BUILDING: 18,233 SF
TREES: 18,233 SF / 7,000 SF = 3 TREES
SHRUBS: 18,233 SF / 1,000 SF X 3 = 55 SHRUBS

LANDSCAPE PROVIDED:
TREES: 3 TREES
SHRUBS: 55 SHRUBS

PLANT TABLE

SYMBOL	COMMON NAME	SCIENTIFIC NAME	QUANTITY	SIZE
	SUGAR MAPLE	ACER SACCHARUM	1	2 1/2"
	DOGWOOD	CORNUS	49	4-5'
	BLACK HILLS SPRUCE	PICEA GLAUCA DENSATA	2	4'
	ARBORVITAE	THUJA OCCIDENTALIS 'SMARAGD'	1	2 GAL.
	DAYLILIES	HEMEROCALLIS	5	1 GAL.

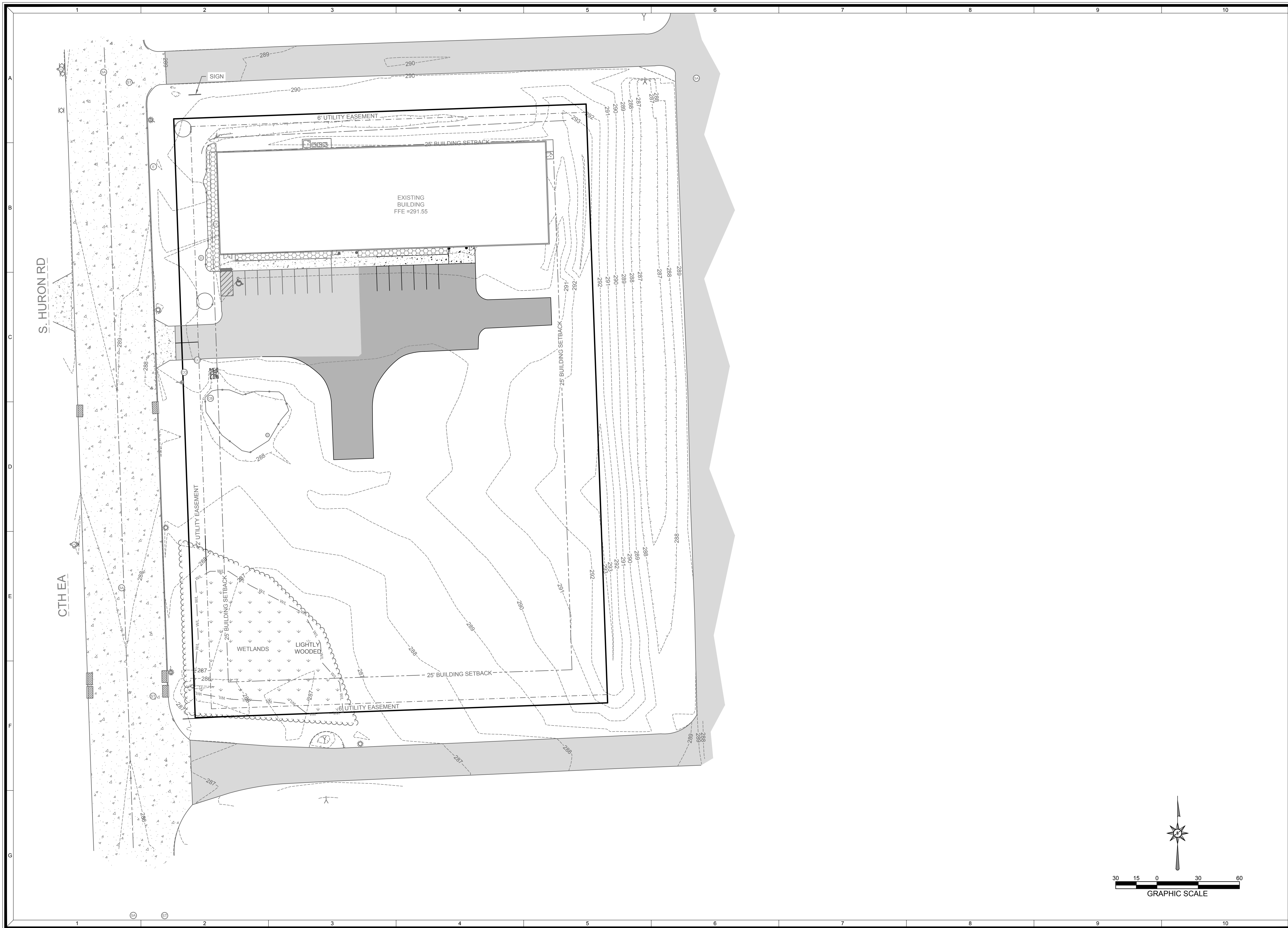


PLANTING NOTES:

- PLANTING HOLE SHALL BE A MINIMUM OF TWO TIMES THE DIAMETER OF THE ROOT BALL, AND EQUAL TO THE DEPTH OF THE ROOT BALL.
- EXCAVATED SOIL FROM PLANTING HOLE SHALL BE MIXED WITH 1 PART POTTING SOIL TO 2 PARTS EXCAVATED SOIL.
- PLANT SO THAT THE ROOT COLLAR WILL BE 1" TO 2" ABOVE EXISTING GRADE.
- IF BALLED AND BURLAPED, PLACE PLANT IN HOLE, CUT THE BAILING TWINE, AND PEEL BACK THE TOP TWO THIRDS OF BURLAP. IF POTTED REMOVE POT, AND PLACE PLANT INTO HOLE.
- BACKFILL HOLE WITH PREPARED SOIL, AND MOUND SOIL 2" TO 3" HIGH IN A RING AT THE PERIMETER OF THE EXCAVATED HOLE. WATER AND SMOOTH RING PRIOR TO MULCHING.
- MULCH WITH 3" OF SHREDDED HARDWOOD MULCH OR LANDSCAPE STONE (RIVER ROCK, NOT CRUSHED STONE).
- IF STAKING IS REQUIRED FOR TREES TWO STAKES SHALL BE USED ONE ON THE PREVAILING WIND SIDE OF THE TREE, AND THE OTHER STAKE ON THE OPPOSITE SIDE. STAKES SHALL BE FASTENED TO THE TREE USING RUBBER TUBING, OR NYLON STRAPPING.

LANDSCAPE NOTES

- DIAMETERS OF PLANT MATERIALS AS DRAWN ARE REPRESENTATIVE OF PLANTS AT OR NEAR MATURITY RATHER THAN AT INITIAL PLANTING SIZES.
- THE PLANT LIST IS INTENDED AS A GUIDE FOR THE CONTRACTOR. IN THE EVENT OF DISCREPANCY BETWEEN THE NUMBER OF PLANTS ON THE PLANT LIST AND ON THE DRAWING, THE GREATER NUMBER SHALL APPLY.
- ADJUSTMENTS IN LOCATIONS OF PLANT MATERIALS MAY BE NECESSARY DUE TO NEW OR EXISTING UTILITIES OR SITE OBSTRUCTIONS. REVIEW WITH ARCHITECT BEFORE ADJUSTMENTS ARE MADE.
- ALL SHRUBS OCCURRING IN CONTINUOUS ROW OR FORMAL ARRANGEMENT SHALL HAVE UNIFORM HEIGHT, SPREAD AND HABIT OF GROWTH. FOR GROUND COVER LOCATIONS, FILL AREA WITH QUANTITY OF PLANTS DESIGNATED, EVENLY SPACED.
- A MINIMUM OF 12" DEPTH OF 50% TOPSOIL AND 50% COMPOST SHALL BE PLACED IN ALL BED AREAS BY THE CONTRACTOR PRIOR TO PLANT INSTALLATION.
- MULCH TREES WITH MIN. 3" DEPTH OF GRAVEL OR HARDWOOD MULCH AS NOTED ON PLAN AND PER DETAILS. MULCH SHALL EXTEND IN A CONTINUOUS LAYER WITHIN PLANTING BEDS FROM FACE TO FACE OF SITE STRUCTURES - WALKS, BUILDING, OR OTHER PLANT BED LIMITS.
- PROTECT EXISTING LAWN AREAS; REPAIR ANY CONTRACT RELATED DAMAGE TO LAWN AREAS.
- THE CONTRACTOR SHALL MAINTAIN ALL PLANTS AND BEDS FOR A 60 DAY PERIOD AFTER ACCEPTANCE OF THE WORK BY THE ARCHITECT. THIS INCLUDES REGULAR WATERING, WEEDING AND MOWING.
- THE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR ONE-YEAR FROM DATE OF ACCEPTANCE. BEFORE END OF WARRANTY PERIOD CONTRACTOR SHALL REPLACE ALL TREES, SHRUBS OR PLANTINGS NOT ALIVE OR IN A HEALTHY GROWING CONDITION.
- SEED ALL DISTURBED AREAS WITH Wdot No. 40 GRASS MIX.

[illegible]





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

MEETING DATE

December 16, 2024

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.5

(Appeal 24-43) Consideration with possible action on a request from Dalton Ruesch of Ruesch Properties LLC, applicant and property owner; requesting to exceed maximum standards for the width of a driveway adjacent to an alley for a one or two family residence at 821 Cherry Street. (Ald. A Proffitt, District 7)

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 Chapter 44 Green Bay Municipal Code, Zoning:

- **44-1746 (3) g. Driveway width.** Alley Drives. The driveway may extend to the garage opening or may extend into the lot for 30 feet in width and 40 feet in depth but shall not extend into the side yard setbacks.

The applicant seeks to create a driveway which is 63 feet in width.

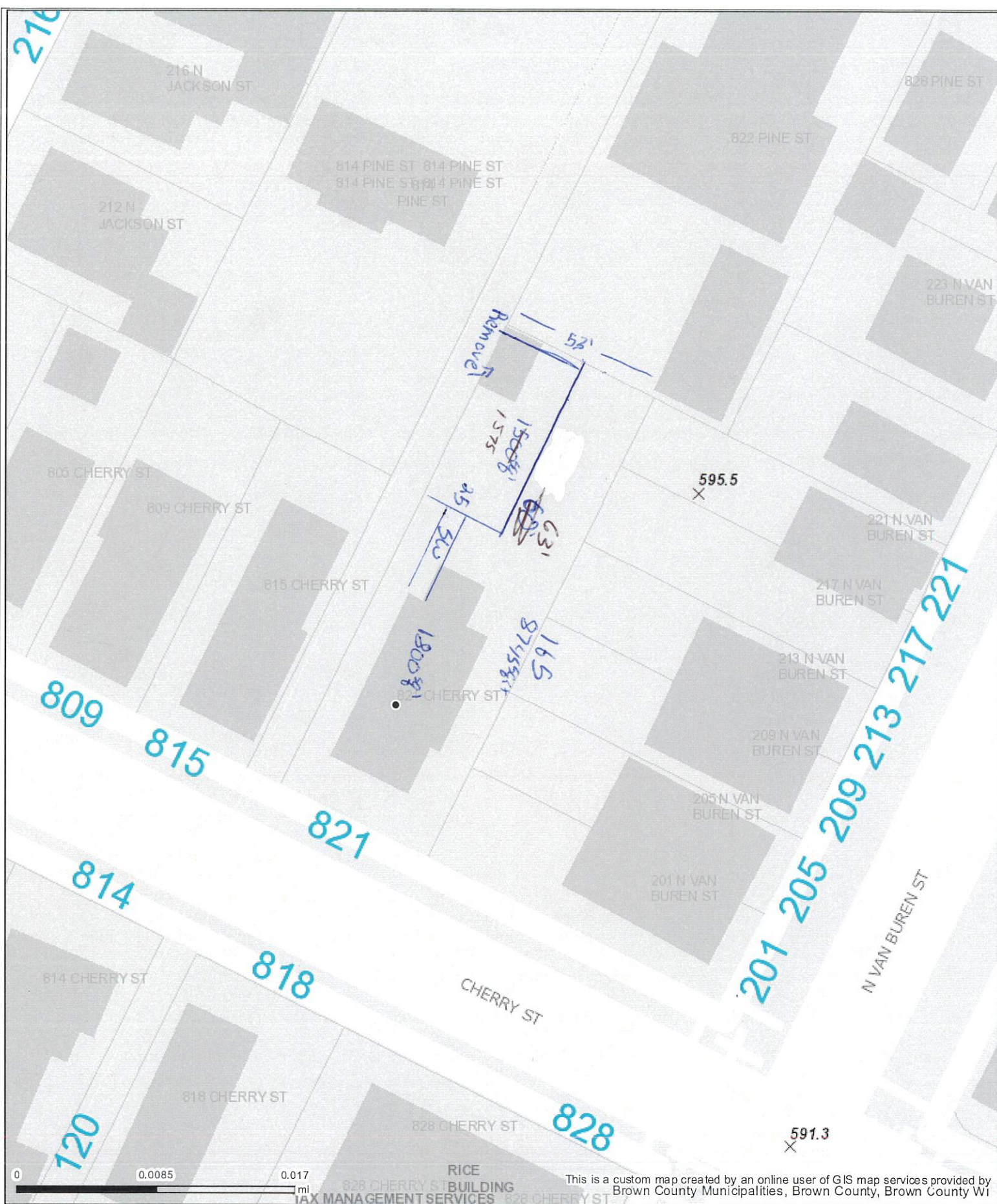
The applicant owns a single family property on a narrow lot at 821 Cherry. The applicant is seeking to create a surface parking in the rear of the property which serves the single family residence at 821 Cherry and create additional shared parking for neighboring multi-family residences owned by the same party for parcels directly adjacent. Code allows for a 30-foot wide drive to exist off of an alley with parking coming directly off the alley for one and two-family use. The applicant is seeking 63 feet in width to accommodate up to 7 parking stalls on the site, a maximum of 5 of which would be used as shared parking for other parcels.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 24-43 Application and Site Plan



This is a custom map created by an online user of GIS map services provided by Brown County Municipalities, Brown County, Brown County WI

Part of Brown County WI

Map printed on 12/4/2024

1:480

1 inch = 40 feet*
1 inch = 0.00758 miles*

*original page size: 8.5"x11"
Appropriate format depends on zoom level

Parcel ownership key

-  Parcel Boundary
-  Condominium
-  Gap or Overlap
- "hooks" indicate parcel ownership crosses a line

-  Parcel line
-  Right of Way line
-  Meander line
-  Lines between deeds or lots
-  Historic Parcel Line
-  Vacated Right of Way

A complete key (legend) is available at:
tinyurl.com/BrownDogLegend



(920) 448-6480
www.browncountywi.gov



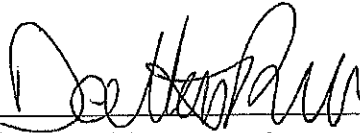
ZONING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE:	12/4/2024	PROJECT #:		APPEAL #:	
APPLICANT INFORMATION:					
Name: Dalton Ruesch					
Business Name: Ruesch Properties LLC					
Address: 1241 Bellevue St					
City, State, Zip: Green Bay WI 54302					
Phone: 7154593263					
Email: daltonruesch@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: 821 Cherry St					
Tax Parcel Number(s): 10-70					
Describe the Variance Request:					
I am requesting to pour a concrete parking area on 821 Cherry St lot. This parking area will work in conjunction with					
821 Cherry, 822 Pine St and 814 Pine St. Currently 821 Cherry St has no hard surface parking and the parking					
for the other associated properties are limited. We are short 4 parking stalls. This parking pad would create an					
additional 8 parking spots.					

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).
-Wider Driveway/ 30 to 60 ⁶⁷ ft
No garage on site
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 unique characteristics of the property include its size and location. These buildings are located on an alley,
also they were built many years ago when vehicles and parking issues have changed.
Would granting the variance be contrary to the public interest? Explain.
Granting these variances will not negatively impact the surrounding properties or the community. This added
parking stalls will give more parking options to residents where it is very limited or in one case none at all.
Allowing residents and guests to stay out of the street parking areas will provide more safety for pedestrians.
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?
1. Inadequate parking - The primary concern is the lack of parking for the 31 unit apartments that share this parking lot
and it would add parking space for 821 Cherry St that currently has no option to park.
2. Increased Strain- The current parking situation creates parking overflow into surrounding areas and street.

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


Signature of the Property Owner

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

Dalton Ruesch
Print Name

Print Name

10-7-24
Date

Date

OFFICE USE ONLY:	Parcel #: Su chs 10-20	Residential \$125 ☒ Commercial \$250 ☐
District: 7 Zoning: OL	Meeting Date: Dec. 24	Receipt #: L
Submittal Date: 12/4/	Staff Signature: 