



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, FEBRUARY 17, 2025, 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, February 17, 2025, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

- I. Approval of the minutes from the December 16, 2024 meeting.

E. Regular Business.

- I. (Appeal 25-01) Consideration with possible action on a request from Jeremy Doughty, applicant and property owner; requesting approval of a driveway width which exceeds standards for a one- or two-family residential home at 3633 Arcadia Bluff 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.

2. (Appeal 25-02) Consideration with possible action on a request from John Kershek, applicant and property owner; requesting approval of an encroachment within the side yard setback for a two-story building within an R1-Low Density Base Zoned District at 1524 N Bay Highlands Drive. (Ald. J. Grant, District 1)

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3. (Appeal 25-03) Consideration with possible action on a request from Melissa Adams, applicant and property owner; requesting approval of an encroachment within the side yard setback for a 1.5 story building within an R1-Low Density Base Zoned District at 1195 Bond Street. (Ald. B. Delie, District 10)

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. Update on Appeal 24-43
2. Date of next meeting: March 17, 2025.

G. Adjournment.

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this Zoning & Planning Board of Appeals meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.



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

MEETING DATE

February 17, 2025

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.I

(Appeal 25-01) Consideration with possible action on a request from Jeremy Doughty, applicant and property owner; requesting approval of a driveway width which exceeds standards for a one- or two-family residential home at 3633 Arcadia Bluff 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

Driveways shall lead from the public right-of-way to a garage door opening plus 24 inches on either side of said door.

Applicant seeks approximately 16 feet of width past the garage door opening with a driveway depth of 24 feet in length for additional stalls in the front yard setback.

A complaint was noted to the Department of Community and Economic Development regarding a driveway width which was too large (along with other decking issues).

The home was approved for construction in 2021. Attached plans note a driveway approval for a typical garage entry to the three stall attached garage. Images attached note a constructed driveway which has an expansion which is approximately 16 feet in width of the third garage stall off the main drive entrance. The approximate 16' wide by 24' depth part of the driveway located in the front yard setback exceeds permitted standards for parking within a one or two family residence. The applicant seeks to a variance so the additional driveway can remain with the parcel.

Timeline:

- Property was built in 2021 with an approved site plan which noted a driveway to service three stalls, not expanding in the front yard to create additional stalls.
- A street view image shows the driveway expansion as of October 2022. No record of any request to build additional stalls was on file.
- Property was sold in October 2023.
- Complaint for the property was noted in December 2023 and applicant is now seeking a variance for the purpose of keeping the pavement as is.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 25-01 Variance Application
2. 25-01 APPROVED PLAN
3. BLDG PERMIT From 2021 Site Plan 25
4. Doughty Cover Letter
5. 25-01 View From Street October 2022



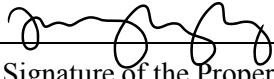
ZONING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE:	January 3, 2025	PROJECT #:	118868	APPEAL #:	
APPLICANT INFORMATION:					
Name: Jeremy Doughty					
Business Name:					
Address: 3633 Arcadia Bluff Drive					
City, State, Zip: Green Bay, WI 54311					
Phone: 920-256-5128					
Email: doughty.jeremy@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: 3633 Arcadia Bluff Drive					
Tax Parcel Number(s): 22-2020					
Describe the Variance Request:					
I am requesting a variance to maintain the existing driveway expansion at my property. The expansion was completed by the previous owner and integrated into the property's layout, originally serving as a small basketball play area. While I do not use the expansion for parking due to my three-stall garage, it remains an established feature of the property. Maintaining the current configuration does not have any adverse effects on the community, as it aligns with the character of the neighborhood and does not obstruct public access or visibility. Granting this variance will avoid unnecessary modifications and costs while preserving the property's usability and aesthetic consistency.					

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).
44-1746 Driveways shall lead from the public right of way to a garage door opening plus 24 inches on either side of
said door. Applicant seeks approximately 16 feet past edge of garage door opening area. Appx. 24 feet in depth.
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 circumstances of this property stem from the fact that the previous owner initiated
and oversaw the driveway expansion, integrating it into the property's layout for use as a
small basketball play area. As the current homeowner, I inherited this configuration and had no
role in its construction. While I no longer use it for recreational purposes, the expansion is now an
established part of the property's design, making compliance with the ordinance impractical without
significant and expensive alterations. These circumstances, tied to decisions made before my
ownership, create a unique challenge in meeting the ordinance requirements.
Would granting the variance be contrary to the public interest? Explain.
Granting the variance would not harm the public interest, as the expanded driveway does not obstruct
visibility, public access, or neighborhood aesthetics. The driveway expansion, which was completed
by the previous owner of 3633 Arcadia Bluff Drive, is consistent with the character of nearby
properties and does not impose on the rights or enjoyment of others. Maintaining the current
configuration ensures safe and efficient use without adverse effects on the community.
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?
Conforming to the ordinance would impose an unnecessarily burdensome financial and practical
hardship, particularly since the driveway expansion predates my ownership. I have already incurred
multiple fees, including a \$75 citation fee, a \$100 permit fee, and now a \$125 variance application
fee related to work that I did not initiate, oversee, or complete. Additionally, I recently paid nearly
\$10,000 for the addition of a sidewalk required by the City of Green Bay, creating significant and
unexpected expenses shortly after moving to the area. These cumulative costs make strict conformity
disproportionately burdensome without providing any tangible benefit to the community.

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)

Jeremy Doughty

Print Name

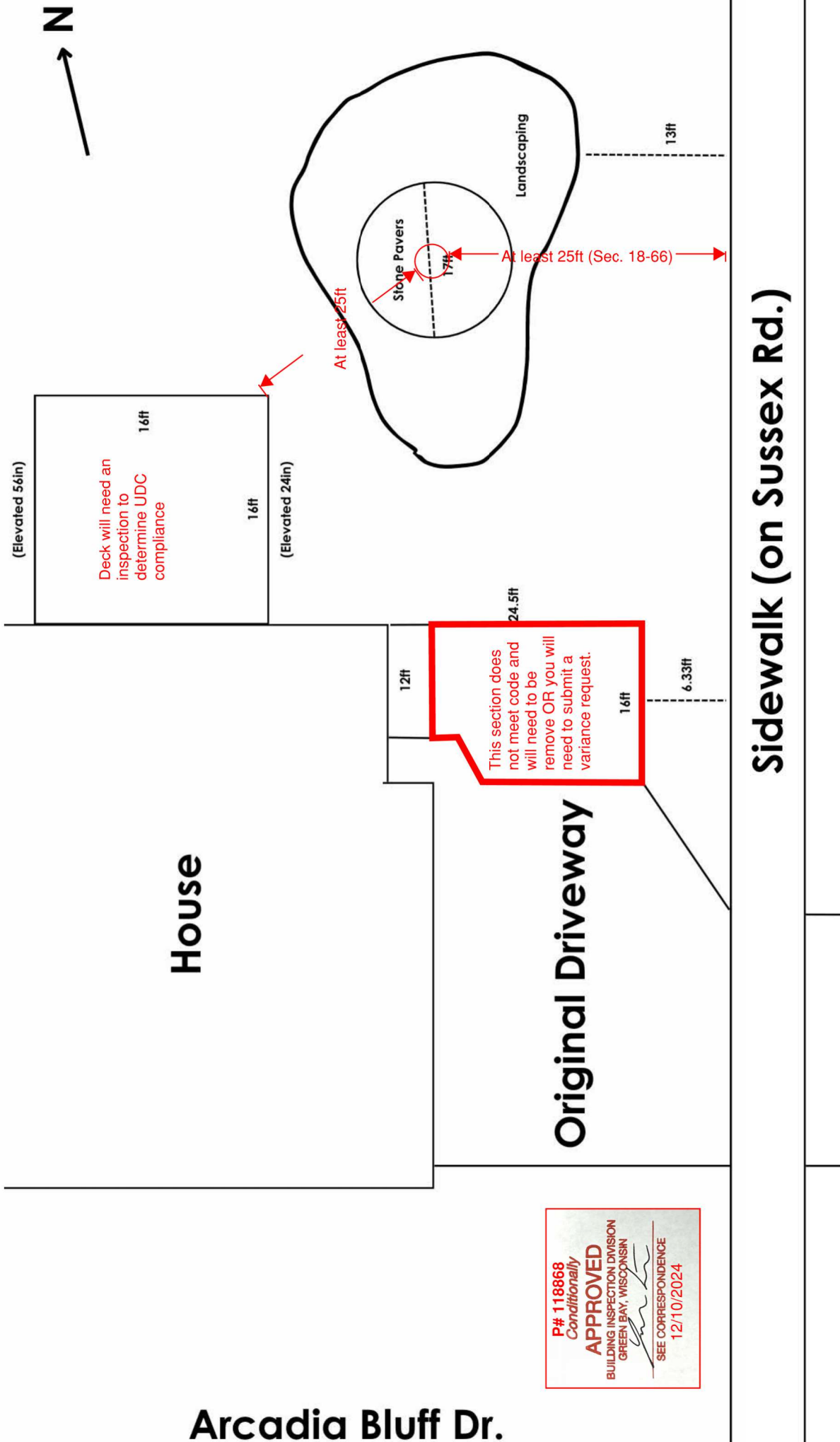
Print Name

January 3, 2025

Date

Date

OFFICE USE ONLY:	Parcel #: 22-2020	Residential \$125 ☐ Commercial \$250 ☐
District: 1 Zoning: R1	Meeting Date: FEB 17	Receipt #: paid 
Submittal Date: 1.3.25	Staff Signature: jl	



Arcadia Bluff Dr.



652

657

104532

Conditionally
APPROVED

BUILDING INSPECTION DIVISION
GREEN BAY, WISCONSIN

Paul D. Hunt
SEE CORRESPONDENCE

5-11-21

FLATWORK CONC.

DRIVEWAY	1020 ϕ
APRON	400 ϕ
WALKS	150 ϕ

78'-6"

9'-4"

73'-9"

26'

SILT SOCK

11/5 STOCK Pile

2675 ARCADIA
BLVD. DR.

TOF
659

HOUSE

GARAGE

1/4" GRAVEL
TRACKING PAD

23'

28'

CURB CUT

INLET
PROTECTION

51 FT SOCK

SILT SOCK

50'-6"

26'

CONC. WALK

SILT SOCK

658

658

December 5, 2024

City of Green Bay
100 N. Jefferson Street
Green Bay, WI 54301

Subject: Response to Case #135379

Dear Mr. Erik Wasileski,

I am writing in response to the recent notice that I received regarding the lack of building permits for three items at my property (3633 Arcadia Bluff Drive): an expanded driveway, a deck, and a patio. Below, I have outlined relevant details and actions taken to address the matter.

1. Expanded Driveway and Deck

Both the expanded driveway and deck were completed before I purchased the property. My closing date was October 1, 2023, and I moved into the home on December 20, 2023. Unfortunately, I do not have information about the contractors involved in these projects. While I am able to provide dimensions for these structures, I recommend contacting the previous owners, Justin and Susan Baloun, for further details about their construction.

2. Landscaping

The patio was installed under my ownership by Sharper Edge Landscaping (2750 Little Rapids Rd, De Pere, WI 54115). After receiving the notice, I contacted the contractor, who informed me that they do not typically apply for permits for this type of work. Additionally, the City of Green Bay's website states that landscaping projects do not require a permit (<https://www.greenbaywi.gov/977/Do-I-Need-a-Permit>).

Nonetheless, as requested, I am submitting the dimensions of all relevant projects and additional documentation for review. I have submitted the required permit applications to the best of my ability based on the information available to me. However, I am not a trained contractor, and I respectfully request that the submitted content be reviewed and verified by a city inspector to ensure compliance with municipal standards.

Although you may not have all of the information at this point, this initial step illustrates my interest to resolve the outstanding matters. Please let me know what further information or clarification is needed.

Thank you for your time and attention to this matter. I look forward to your guidance on next steps.

Sincerely,
Jeremy Doughty
doughty.jeremy@gmail.com
920-256-5128





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

MEETING DATE

February 17, 2025

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.2

(Appeal 25-02) Consideration with possible action on a request from John Kershek, applicant and property owner; requesting approval of an encroachment within the side yard setback for a two-story building within an R1-Low Density Base Zoned District at 1524 N Bay Highlands 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 seeks one variance from the Green Bay Municipal Code, Chapter 44: Zoning

44-554 Table 44-2

Side yard setback within an R1 Low Density Residential District for a primary building exceeding 1.5 stories or more. Minimum setback is 8 feet. Applicant seeks an addition to home setback as little as 2 feet from side line.

Applicant is seeking to place a 16 x 16 foot addition to their primary residence for the addition of a three season room. The property is located on a corner lot with the building not fully aligning with either the north-south street, nor the east-west street. Staff reviewed the initial site plan and determined the southern property line is side yard, not a rear yard. Side yard setbacks are required to be 8 feet off the property line.

The applicant has supplied documents from the Homeowners Association (HOA) which has additional regulations which impose bulk requirements upon the property. These are private agreements between property owners and the HOA. Additionally, this parcel was apart of a Planned Unit Development dated from 1979. The PUD references the base zoning for the area to be Low-Density Residential zoning. Typical low-density residential bulk requirements are applied to this lot.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 25-02 Application
2. 25-02 Applicant Supplied Site Plan and Supporting Construction Documents
3. 25-02 Applicant Supplied Photos of Existing Parcel
4. 25-02 Applicant Bay Highlands HOA Documents



ZONING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: <u>2/4/25</u>	PROJECT #: <u>119451</u>	APPEAL #: <u>25-02</u>
APPLICANT INFORMATION:		
Name:		
Business Name:	K John Kershek 1524 N. Bay Highlands Dr. Green Bay, WI 54311	
Address:		
City, State, Zip:		
Phone:		
Email:		
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: <u>1524 N. BAY HIGHLANDS DR GB WI 54311</u>		
Tax Parcel Number(s): <u>21-5789</u>		
Describe the Variance Request:		
<u>ERECT A 3 SEASON ROOM WITHIN 2' OF</u>		
<u>ADJOURNING PROPERTY LINE.</u>		
<u>(1520 N. BAY HIGHLANDS DR.)</u>		
<u>Room will be 16'x16'</u>		

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

ORD Sect 44-554 TABLE 44-2

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

We bought the home 01/2023. There was snow and we didn't know where the exact boundary line(s) were. Due to HOA Regulations, no fences, no sheds, no animal shelters etc., can be erected. (We have no idea or markers where the actual line(s) were.) In spring we could tell where the previous owners and adjacent neighbors mowed their lawns. We made an incorrect assumption. Our lot is actually smaller than what we believed was accurate. Due to the HOA restrictions, we have very little if any privacy. We believe if we can construct the 3-Season room, it will gain us additional family time and greatly improve our possible enjoyment outside of our main residence. Our home was erected on a winding corner and the majority of the lot is adjacent to the main street in front (N Bay Highlands DR)

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

We will keep and persevere the current sight lines for our residence and all surrounding neighbors. All homes do align with the HOA Regulations. There would be no disturbance to any neighbors, nor will this addition interfere with any other neighbors' enjoyment of their outdoor space. The neighbors adjacent to our property, (1520 N Bay Highlands DR) have no objections to this request. The proposed addition would not be seen by them, as it would be on their NW corner of their garage. This would also NOT interfere with their outside enjoyment of their property. As stated earlier, the majority of our property lies in the front and the sides of our home. We have very little backyard space to enjoy.

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?

If the variance is not granted, our extended and future enjoyment will be very limited. Now knowing the actual lot is smaller than originally thought, this gives us even less enjoyment outside of our home. The proposed 3 Season addition will match perfectly to the original structure, will not interfere with any neighbors' sight lines, or will it interfere with any other neighbors' enjoyment of their properties. Other residents/neighbors have constructed similar additions, but their homes have a much larger backyard and much smaller front yards.

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.

John R Kershek

Signature of the Property Owner

JOHN R KERSHEK

Print Name

Feb. 3, 2025

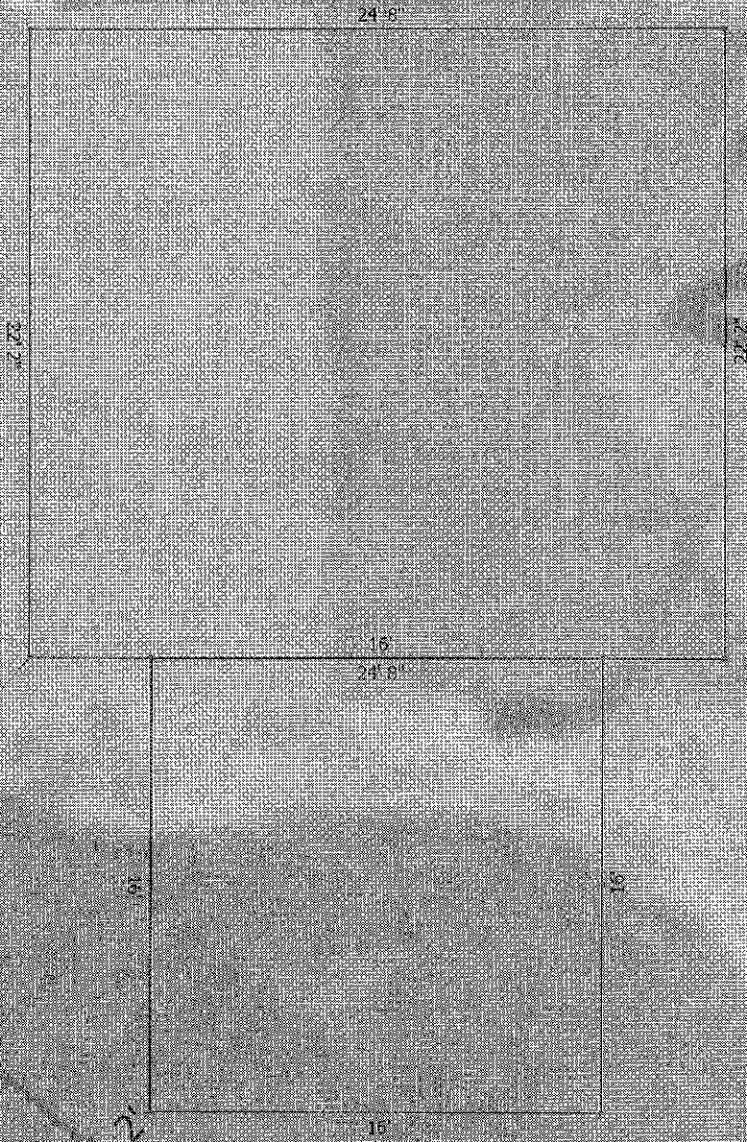
Date

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

Print Name

Date

OFFICE USE ONLY:	Parcel #: <u>21-5789</u>	Residential \$125 ☒ Commercial \$250 ☐
District: <u>1</u> Zoning: <u>R1</u>	Meeting Date: <u>2/17/25</u>	Receipt #:
Submittal Date: <u>2/4/25</u>	Staff Signature: <u>[Signature]</u>	





Rear of Home
1524 N Bay Highlands DR.



Front of 1524 N. BAY Highlands
DR.

MAJORITY of PROPERTY, Front
of home FACING
N. BAY Highlands DR.



Dave Van Rite Construction, LLC
1988 Donbea St
Green Bay, WI 54311
sales@dvrconstruction.com
(920) 468-7219

16'w x 16' Gable Roof Three Seasons Room

1

- Room to be centered on rear of garage.
- Room will be above grade, no excavation included in bid
- Roof pitch to match garage
- Existing Cedar lap wood siding to remain on garage wall
- Owner to Paint Exterior

* Room size is pending lot set backs. If details look good we will proceed with verifying with the city of green bay it meets proper requirements.

Includes:

Install proper foundations per code

Frame floor with 2x10 or 2x12 KDAT framing.

(pending joist spans)

*Screening to be installed on top of framing

Trex Basics Decking for floor (Color TBD)

2x4 walls

Ceiling- Primed tongue and groove.

Wall finishes- Estimated for Primed tongue and groove. (Matl to be verified by owner)

Installation of Windows and Door

Window openings to have primed jamb extensions and 1x4 trim.

Gable roof framed with 2" x 8" Rafters

3qty aprox 40" wood "beams" or collar ties in peak of ceiling

Exterior siding to match existing cedar lap siding on house.

Rough Sawn Cedar fascia board & Aluminum Soffit to match house

Shingles to match house.

Proposal of 3
Season / screen
Room

Window and Door Allowance:	\$0.00	1	\$0.00
• Homeowner providing storm windows and door			
Painting Allowance:	\$0.00	1	\$0.00
• Interior of room to be painted (Color- off white) to be verified by owner			



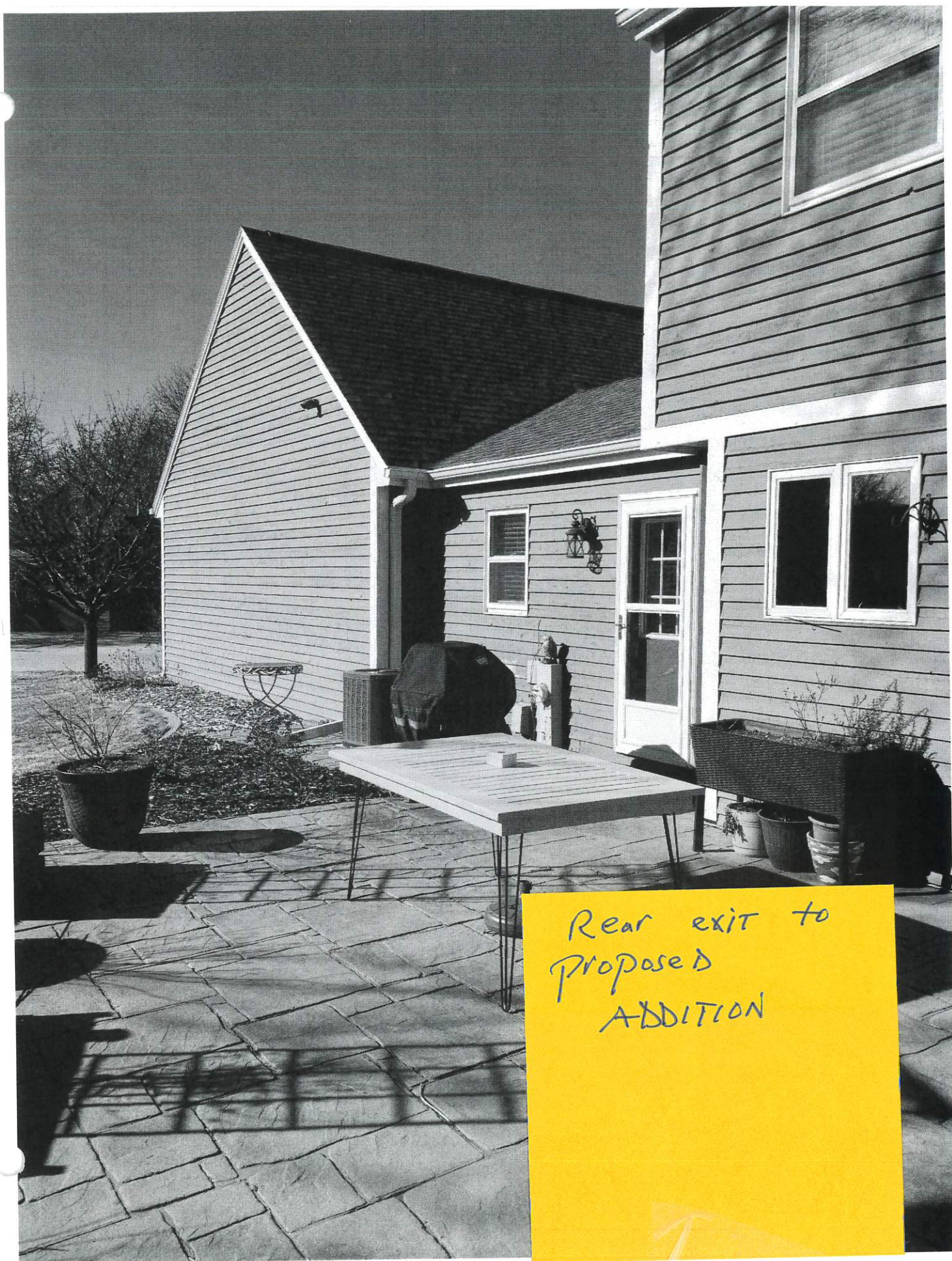




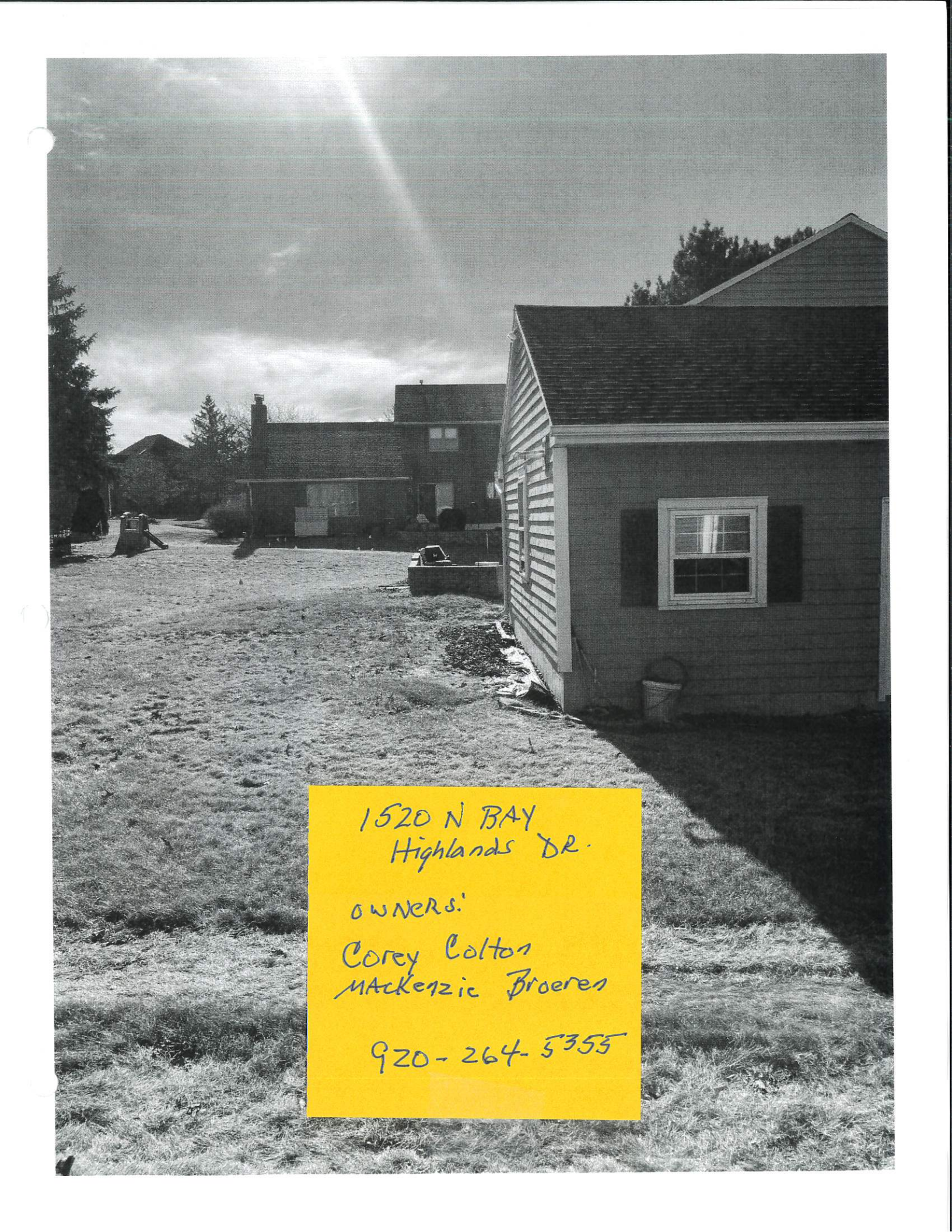


Rear of
garage





Rear exit to
Proposed
ADDITION

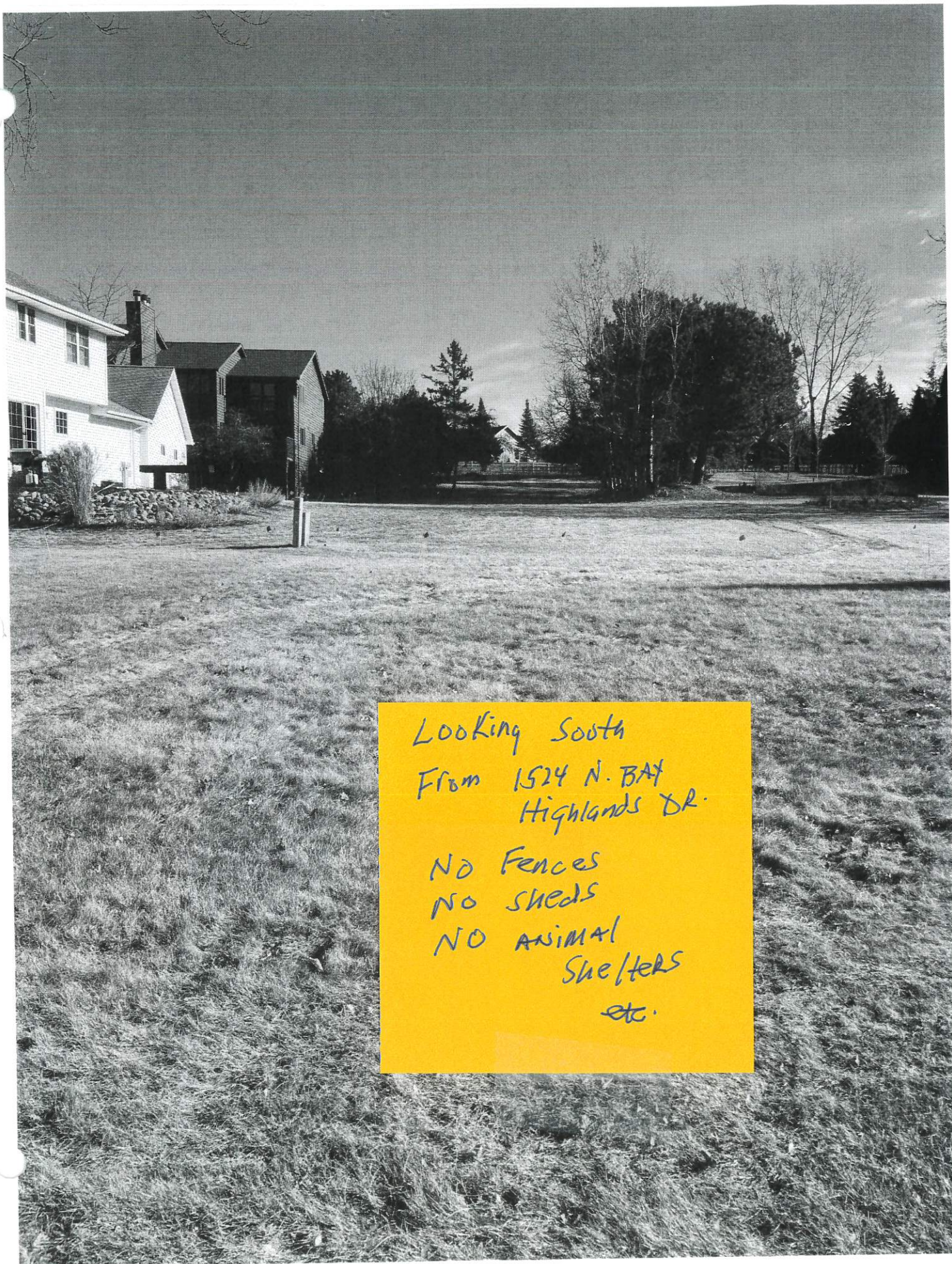


1520 N BAY
Highlands DR.

OWNERS:

Corey Colton
Mackenzie Broeren

920-264-5355



Looking South

From 1524 N. Bay
Highlands Dr.

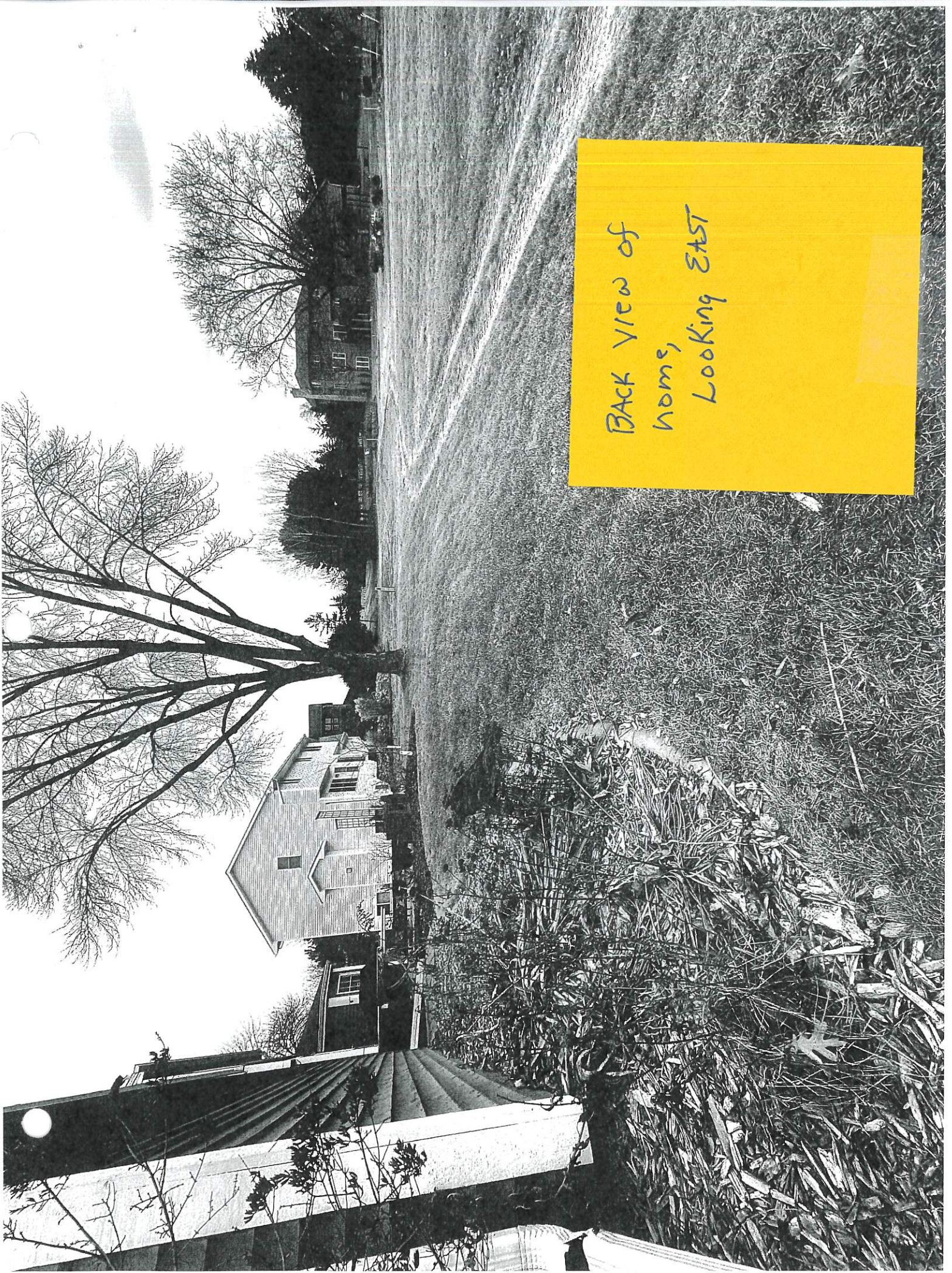
No Fences

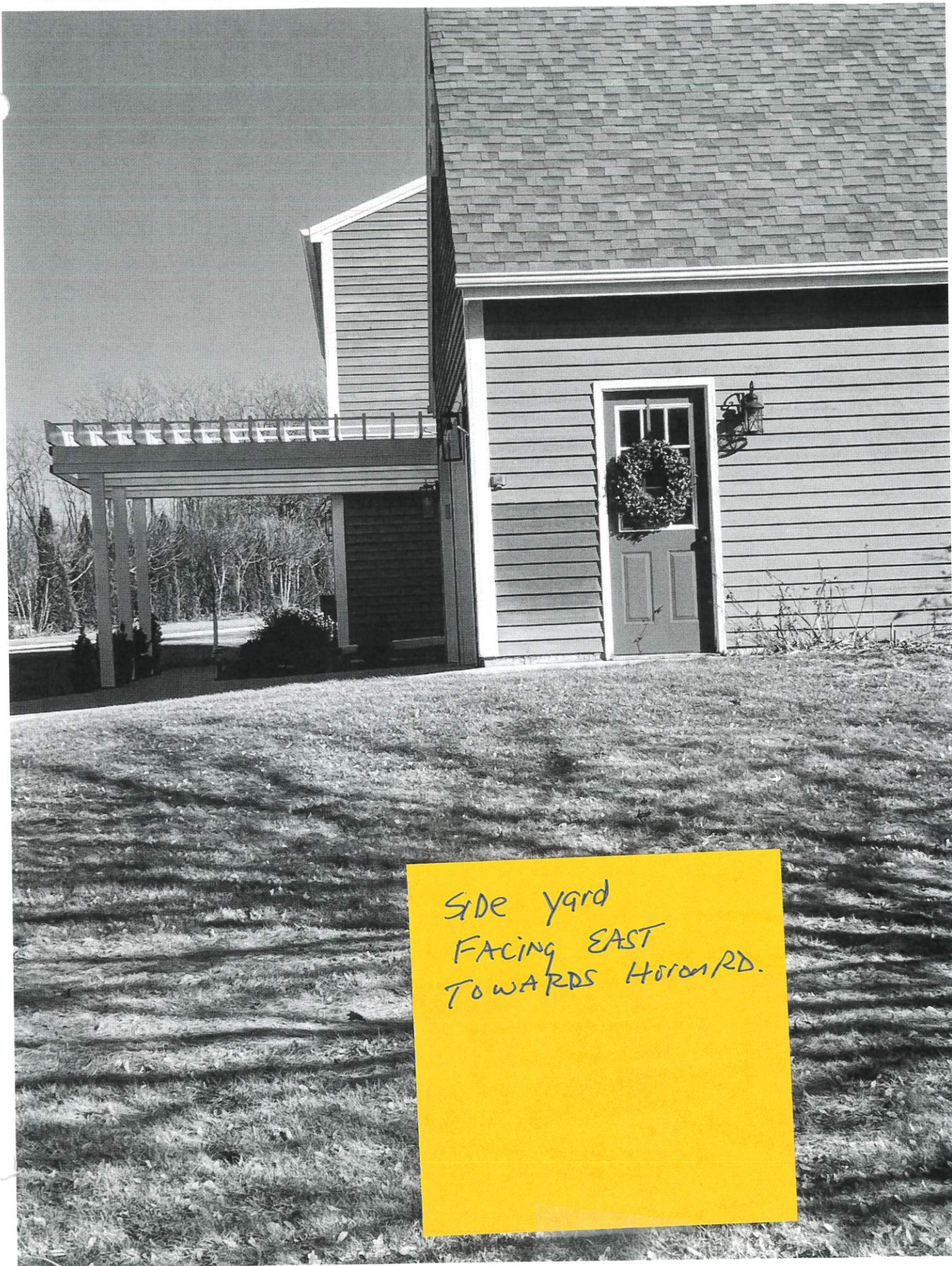
No Sheds

No Animal
Shelters

etc.

Back view of
homs,
Looking East





SIDE YARD
FACING EAST
TOWARDS HOWARD RD.

948408

J 4339 I 20

DECLARATION OF COVENANTS

The undersigned developer and parties having an interest in the hereinafter described real estate, cumulatively herein called "Declarant", for the purpose of enhancing and protecting the value, attractiveness and desirability of the real estate, hereby declare that all of the real property described herein and each part thereof shall be held, sold and conveyed only subject to the following covenants, conditions and restrictions, which shall constitute covenants running with the land and shall be binding on all parties having any right, title or interest in the hereinafter described property or any part thereof, their heirs, personal representatives, successors and assigns and the covenants contained herein shall inure to the benefit of each owner thereof.

SECTION I

REAL ESTATE

The following described property shall be subject to the terms of this document:

Lots 4 through 112, excluding Lots 53, 54 and 55, 110 (previously Lot 52), Lot 112 (previously Lot 1), Lot 111 (previously Lots 2 and 3) and Lot 4, Plat of The Bay Highlands and The Bay Highlands First Addition, located in the City of Green Bay, Brown County, Wisconsin, respectively filed in the Office of the Register of Deeds for Brown County, Wisconsin, on April 3, 1980, in Volume 17 Plats, Pages 167-170 and on September 12, 1980, in Volume 17 Plats, Page 183.

(Lots 1, 2, 3, and 52 were renumbered upon filing of The Bay Highlands First Addition.)

**RULES AND REGULATIONS
FOR
BAY HIGHLANDS PROPERTY OWNERS ASSOCIATION, LTD. ("BHPOA")**

ARTICLE 1- PAYMENT OF ASSOCIATION DUES

Section 1.1 Due date of payment and default in payment:

- A. The due dates for the payment of BHPOA dues and special assessments shall be January 31. Payments shall be made annually.
- B. If an owner defaults in paying the charges, the BHPOA may take prompt action to collect any such charges due which remain unpaid by the owner for more than thirty (30) days from the date established for payment.
- C. In the event of default beyond the thirty (30) day period, the delinquent owner shall be liable for all charges, and shall be assessed a monthly \$10 late fee for each month, or portion of a month, that the payment is delinquent.
- D. The delinquent owner shall be responsible for and shall pay all expenses incurred in collecting the charges due, including, but not limited to, actual attorney fees incurred in any proceedings brought to collect such unpaid charges. Such charges shall, together with interest thereon, and the expenses of the proceedings as set forth above, be a lien against the Property.

ARTICLE 2- ARCHITECTURAL CONTROL COMMITTEE ("ACC")

Section 2.1 The ACC shall consist of three (3) persons appointed by the Board of Directors of this corporation and the purpose of the ACC shall be as follows:

- A. Approval of all plot plans and proposed improvements submitted by Property Owners.
- B. Approval of elevations for improvements to be constructed.
- C. Address concerns for the environment of Bay Highlands presented by any member.
- D. Such other duties as shall be assigned to the committee by reason of the restrictive covenants pertaining to the Properties in the Plat.

owed. The lien shall be released upon payment of the amount owed plus accrued interest.

ARTICLE 15- CONSTRUCTION AND DEFINITION

Unless the context requires otherwise, the general provisions, rules of construction and definitions contained in "The Wisconsin Nonstock Corporation Law," Chapter 181, Wisconsin Statutes, shall govern the construction of these By-Laws. Without limiting the foregoing, words importing one gender extend and apply to any gender. Any person who is designated a chairman or other similar title may use another equivalent title such as in the case of chairman, "chair," "chairperson," "chairwoman," or other such appropriate title.

ARTICLE 16- BUILDING AND USE RESTRICTIONS

Section 16.1 Application. All Properties are considered as single family residential unless any Property is subjected to the condominium form of ownership. Any new construction or remodeling of the exterior of any existing structures shall be subject to the restrictions set forth in the following Section 16.2.

Section 16.2. Restrictions.

- A. All construction plans must be approved by the Architectural Control Committee ten (10) days prior to the application for a local building permit. The Board of Directors may establish restrictions applicable to Properties pertaining to the size of any single-family residence, building materials, out-buildings/sheds and setback requirements; provided, however, any existing structure as of the effective date of these By-laws shall be grandfathered with respect to any new restrictions.
- B. All building exteriors must be completed within twelve (12) months from the date construction begins.
- C. The following building criteria must be satisfied to meet minimum approval criteria:
 - 1. A single-story home must be a minimum of 1,800 square feet above grade.
 - 2. A two-story home must be a minimum of 2,200 square feet above grade.
 - 3. Exterior building materials must be:
 - a. Natural Wood (i.e., wood siding) or vinyl/aluminum siding (seamless siding preferred).
 - b. Brick or cultured/natural stone on the front elevation in conjunction with vinyl/aluminum siding (seamless siding preferred).
- D. The following information submittals are required for new homes. They apply to



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

MEETING DATE

February 17, 2025

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.3

(Appeal 25-03) Consideration with possible action on a request from Melissa Adams, applicant and property owner; requesting approval of an encroachment within the side yard setback for a 1.5 story building within an R1-Low Density Base Zoned District at 1195 Bond Street. (Ald. B. Delie, District 10)

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

44-358(3) Permitted Setbacks:

All required setbacks shall remain open and unobstructed, except for the following permitted obstructions. In no case, however, shall the identified permitted obstructions be located closer than one foot to a property line, except for fences.

(3) Chimneys, fire escapes, uncovered stairs, ramps and necessary landings, bay windows no closer than one-half the applicable setback to a side or rear property line.

The side yard setback is established in an R1 District in Chapter 44-554 Table 44-2.

44-554 Table 44-2:

Side yard setback within an R1 Low Density Residential District for a primary building exceeding 1.5 stories or more. Minimum setback is 8 feet. Minimum setback for a single story building is 6 feet.

Side yard setback for ingress egress window within a setback is either 3 or 4 feet based on the established side yard setback of the primary home. The home is a 1.5 story cape cod and the setback is thus established at 8 feet for the primary home. Features like ingress-egress windows for access to basements are permitted to encroach up to half the setback. The applicant is seeking a ingress-egress window from the basement, and thus the setback for an ingress-egress window opening is reduced to 4 feet for a cape cod home. The eastern side yard is approximately 5.25 feet from the edge of the primary footprint. This distance is a legal non-conforming aspect of the home. The ingress-egress window extends 3 feet past the home, creating a setback at 2.25 feet from the side yard line. Requirements call for a 4 foot setback. Applicant seeks 1.75 encroachment into the side yard.

The applicants applied for two ingress-egress windows from the basement of the primary home in early January with DCED staff. This application noted two different openings. On the application, the western portion of the building was clearly identifiable with an "X", but not as easily identifiable on the eastern portion of the attached approved plans. A mistake was made by DCED staff as the interpretation for the two windows was thought to be on the western portion of the house when processing approvals were granted, not interpreting for the eastern portion of the house. Staff recognized this error as a complaint was noted to

DCED staff in late January regarding a hole which was dug on the eastern portion of the building. Upon further inspection of the application, DCED staff noted the mistake with the applicant.

The applicants have chosen to seek a variance to allow the full construction of an ingress egress window at the eastern property line after discussions with DCED staff. The applicants are seeking a width of 36 inches from the building as building code requires a minimum of 36 inches from a below grade ingress-egress window to achieve standards for emergency access. This places the outer edge of the building approximately 2.5 feet from the property line.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 25-03 Application
2. 25-03 Applicant Site Plan
3. 25-03 Initial Site Plan Approval and Image of Excavation
4. APPROVED PERMIT APP
5. Photo February 2025 West Side of House
6. Photo February 2025 East Side of House
7. Photo February 2025 East Side of House Looking Towards Rear of Home
8. Photo February 2025 Rear of House
9. Photo February 2025 Front of House



ZONING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 1-28-25	PROJECT #: 119042	APPEAL #: 25-03
APPLICANT INFORMATION:		
Name: Melissa Adams		
Business Name:		
Address: 1195 Bond St		
City, State, Zip: Green Bay, WI 54303		
Phone: 920-883-2925		
Email: missycodybaby@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: 1195 Bond St Green Bay, WI 54303		
Tax Parcel Number(s): 5-1312-D		
Describe the Variance Request:		
Refer to pictures and added questionnaire info.		
"open to conversation"		

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

44-358(3) Half distance of side 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

Yes I do believe we are really close to code regulations after future confirmation. We have a side yard of 5ft 2.5 in from home to property line. window well install come off home 3ft in total, leave 2.25' leftover. all construction after protection fence will be within our property respectfully. wells will be above ground level approximately 4 to 8', adding more reason we wanna take extra measures to ensure safety and are open to suggestions/ our steps 1.) continuing fence to front edge of house and also grates and covers to windows.

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

Due to the placement of both east and west egress installments would be very similar/ west side being on driveway side and east side being on side yard, I do not believe so as only used for emergency and also side yard being behind a bush and protected by not only a installed cover to prevent slips, trip, or potential hazards but also a fence to insure safe use for tenants residing only.

I don't believe even an eye sore to public due to them being set back and adding value and more usable space to home

Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome?

We have a 2 story home with 2 adults and 7 children, Having 4 bedroom as is. we would like to utilize all finished areas of home with basement having space for extra bedrooms, family room and or ext... adding, it would be hard to expand to exterior due to placement of yard and concrete slabs, AC unit, garage ext... reason for size of windows is due to code of natural lighting in living spaces. We would to Maximize all available space, we feel adding to front yard would be the opposite of all asked questions

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)

Melissa Adams

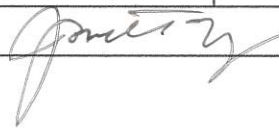
Print Name

Print Name

1-28-25

Date

Date

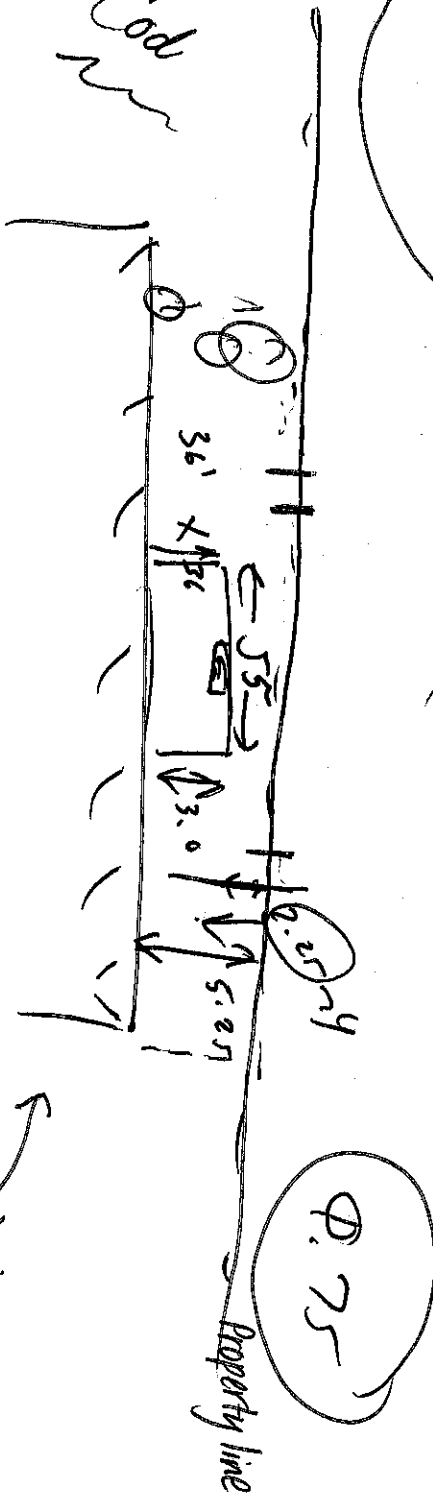
OFFICE USE ONLY:	Parcel #:	Residential \$125 ☒ Commercial \$250 ☐
District: 10 Zoning: R1	Meeting Date: Feb 17 25	Receipt #: upus
Submittal Date: 2/3/25	Staff Signature: 	

Diagram

X

Cod

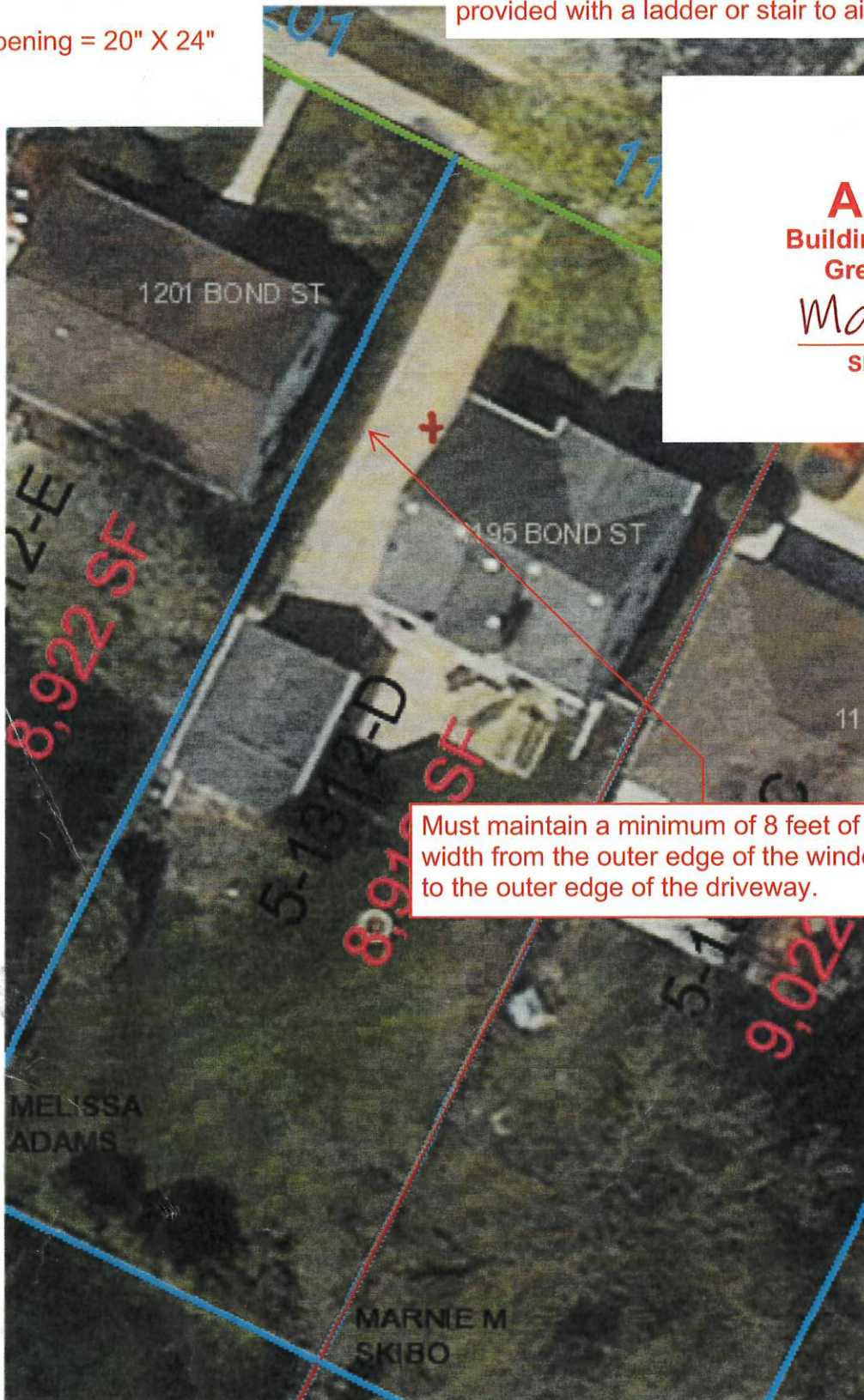
~~East~~ East side
of home



Egress Windows shall be installed in accordance with SPS 321.03(6)

Min. Opening = 20" X 24"

If the bottom of the areaway is more than 46 inches below adjacent grade or the top of the areaway enclosure, the areaway shall be provided with a ladder or stair to aid egress.



P#119042
Conditionally

APPROVED

Building Inspection Division
Green Bay, Wisconsin

Matt Bablitch

SEE CORRESPONDENCE

.1/13/2025

↓
upon further
review, reject

Must maintain a minimum of 8 feet of driveway width from the outer edge of the window well(s) to the outer edge of the driveway.

Final inspection required prior to concealing interior framework.





www.greenbaywi.gov

PROJECT PERMITS APPLICATION

Department of Community
and Economic Development
100 N. Jefferson Street, Rm 608
Green Bay, WI 54301-5026
(920) 448-3300 - phone
(920) 448-3426 - fax
inspmail@greenbaywi.gov

All highlighted fields must be completed before permit will be processed.

Project Address 1195 Bond St Green Bay, WI		Parcel # 5C130		Project # (assigned by City) 119042	
Property Owner			Contractor (If Applicable)		
Name Melissa Adams			Name Russ Castro		
Company (if applies)			Company BCLS Construction LLC		
Address 1195 Bond St			Address 2738 VanBeek Rd		
City, State, Zip Green Bay, WI 54303			City, State, Zip Green Bay, WI 54311		
Phone # 920-883-2925			Phone # 920-362-1238		
Email Missycodybaby@gmail.com			Email		
Current Land Use, Flood Plain & Zoning (check which applies)					
Land Use: ☐ Vacant Lot ☒ 1-Family ☐ 2-Family ☐ Multi-Family # of units ☐ Commercial (describe)					
Zoning: ☒ R-1 ☐ R-2 ☐ R-3 ☐ RR ☐ OR ☐ NC ☐ D ☐ C-1 ☐ C-2 ☐ C-3 ☐ LI ☐ GI ☐ BP ☐ PI ☐ CON ☐ TND					
Flood Plain: ☐ Yes Base Flood Elevation (BFE) ☒ No					
Project Scope: ☐ New ☐ Addition ☐ Alteration ☐ Repair ☐ Move ☐ Raze (demolish) ☐ Change-of-use					
(check all that apply) Height Area: Finished Unfinished Total Bldg:					
Description of Project ↓			Estimated Cost of Construction \$ 7,366.14		
2- Egress windows					
Plan Approvals					
☐ Plumbing Plan - Int. #		☐ City ☐ SBD \$		☐ Foot & Found Only #	
☐ Plumbing Plan - Ext. #		☐ City ☐ SBD \$		☐ Building Plan #	
☐ SWR Plan #		☐ City ☐ SBD \$		☐ HVAC Plan #	
				☐ Site Plan #	
				☐ City ☐ SBD \$	
				☐ City ☐ SBD \$	
				☐ City ☐ SBD \$	
Contractors (UDC Numbers Required for Dwellings): DCC # 071000068 ✓ DCQ # 071000113 ✓					
☒ BLDG - Homeowner				Bldg Fee \$ \$50.00	
☐ ELEC -				Elec Fee \$	
☐ HVAC -				Hvac Fee \$	
☐ PLBG - # of Fixtures				Plbg Fee \$	
☐ SWRS -CONNECTIONS Permit: ☐ Water Fee \$ ☐ Storm Fee \$ ☐ Sanitary Fee \$				Swrs Fee \$	
Connection: \$ Connection: \$				Connection: \$	
☐ CERTIFICATE OF OCCUPANCY				C.O. \$	
☐ STORMWATER MANAGEMENT PLAN APPLICATION/PERMIT FEE				Stormwater Fee \$	
☐ EROSION CONTROL APPLICATION/PERMIT FEE				Erosion Ctrl \$	
☐ ADDITIONAL PERMITS (Sprinklers #, Curb Cut, Flood Plain, Temp. Occupancy, Etc.) (Please List)				Addl. Fee \$	
☐ DOUBLE FEE PERMIT [s.8-47(g)(2)] If application for a building permit has not been obtained prior to commencement of the job, applicable permit fee shall be doubled.				Double Fee \$	
Application Signature The applicant certifies that information submitted herein is accurate; agrees to comply with the Wisconsin Administrative Code, Municipal Ordinance, and with the conditions of this permit; and understands that permit issuance creates no legal liability, expressed or implied, on the Department or Municipality.					
Signature of Applicant				Date 1-7-25	
For Office Use Only		Class Code		Census	
Matt Bablitch		022200010		434	
Reviewed By		Credentail #		Receipt No.	
				Total Fee \$50.00	

City Representative who reviewed the above requirements with the Project Representative:

Matt Bablitch

01/13/2025

(Signature)

Matt Bablitch

UDC Construction Inspector

(Print Name and Title Here)

City Project ID: 119042

Site Name: _____

Address / Location: _____

Land Owner: _____

Land Owner's Contact Representative: _____

I have reviewed the City of Green Bay Permit Conditions for the Erosion and Sediment Control Standards for the Non-Permitted referenced project above. I agree to comply with these conditions and will notify the City of Green Bay of any changes to the plan or project schedule.

Melissa Adams

1-7-25

(Signature)

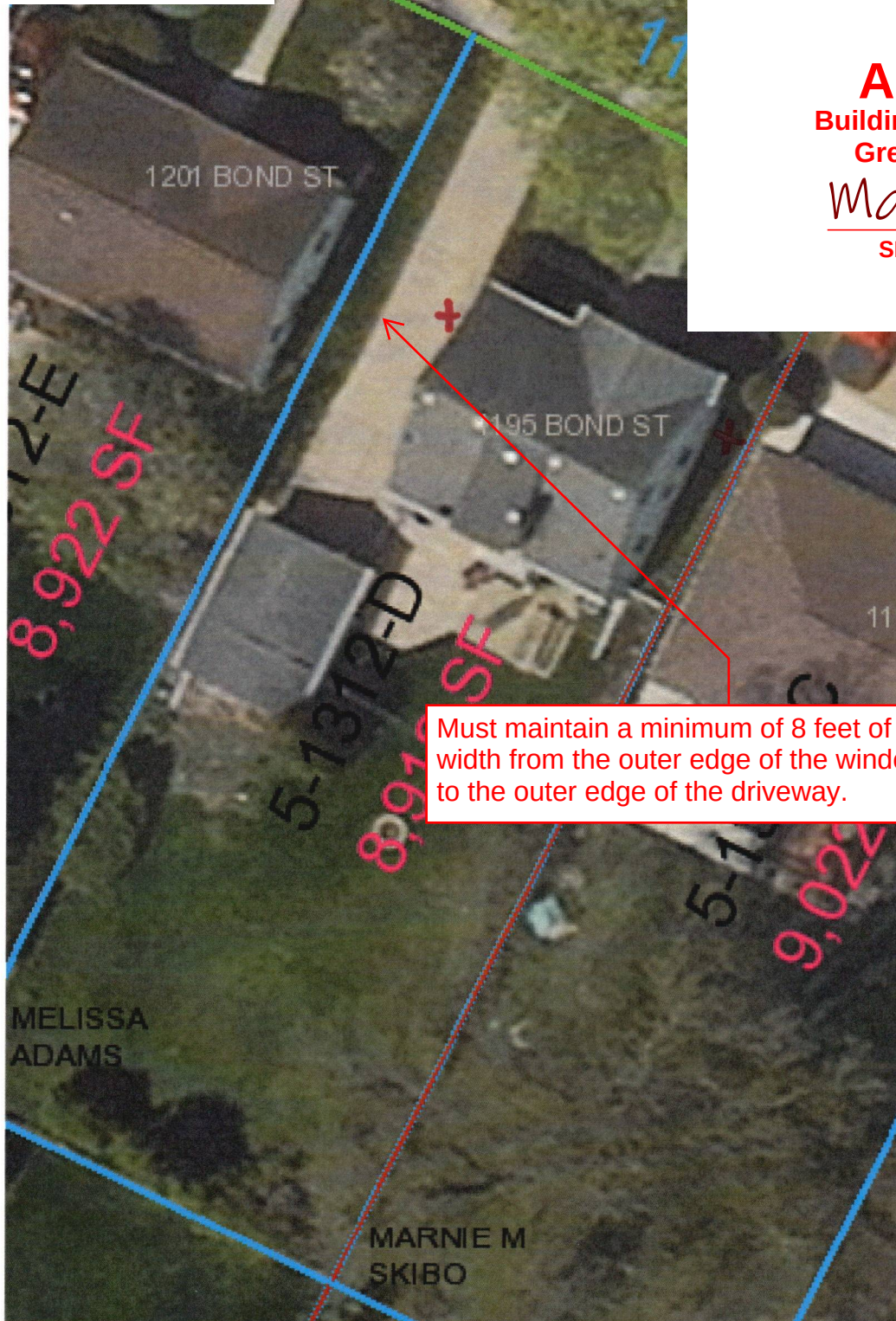
(Print Name and Title Here)

(1 Copy Permittee, 1 Copy Inspection Files, 1 Copy Engineering Files)

Egress Windows shall be installed in accordance with SPS 321.03(6)

Min. Opening = 20" X 24"

If the bottom of the areaway is more than 46 inches below adjacent grade or the top of the areaway enclosure, the areaway shall be provided with a ladder or stair to aid egress.



P#119042

Conditionally

APPROVED

Building Inspection Division

Green Bay, Wisconsin

Matt Bablitch

SEE CORRESPONDENCE

.1/13/2025

Must maintain a minimum of 8 feet of driveway width from the outer edge of the window well(s) to the outer edge of the driveway.

Final inspection required prior to concealing interior framework.



Estimate 1214 from RCLS Construction LLC

1 message

RCLS Construction LLC <quickbooks@notification.intuit.com> Mon, Dec 23, 2024 at 8:50 AM

Reply-to: rclsllc1973@gmail.com

To: Mommyadams16@gmail.com

Cc: rclsllc1973@gmail.com

ESTIMATE 1214 DETAILS



RCLS Construction LLC

\$7,366.14

Review and approve

Powered by QuickBooks

Good Morning Melissa,

Here is the updated estimate as requested for your project. Operations for RCLS Construction L.L.C. will be closing today at 2pm. 12/23/2024 - 1/1/2025 and operations will

begin again on 1/2/2025 so our employees may enjoy spending time with their families over the Holidays. Our normal business hours are 7:30 am - 5:00pm Mon. - Fri.

Happy Holidays,
RCLS Construction LLC

Address

Melissa Kniess
1195 Bond St.
Green Bay, WI 54303

P.o. number

Egress Window

Sales rep

Russ

EGRESS WINDOWS

Job Materials \$826.96

EGRESS BASEMENT WINDOW: R.O. 48" W x 60"H , TTT: 47-1/2" W x 59-1/2" H, Alliance Windgate Single vent slider Built-in "J" - Nail Fin, Standard vent slider, Interior color : White, Exterior color: White, Dual glaze - double strength, Glass IG - LoE 270/clear IG, Half screen - fiberglass, double locks

2 X \$413.48

Job Materials

\$1,442.18

55"W x 72"H x 36" Projection White steel square egress window well

MENARDS Model # SPE5536-72

(HOMEOWNER RESPONSIBLE TO PURCHASE AND GET TO SITE)

2 X \$721.09

Job Materials

\$270.06

Ultra Protect 16"W x 62" H 5-step Aluminum Basement Window egress escape ladder

MENARDS Model # 5ESL

(HOMEOWNER RESPONSIBLE TO PURCHASE AND GET TO SITE)

2 X \$135.03

Job Materials

\$126.59

24" x 50' white/white aluminum trim coil

MENARDS SKU# 157-3245

(HOMEOWNER RESPONSIBLE TO PURCHASE AND GET TO SITE)

1 X \$126.59

Job Materials

\$11.58

2" x 10" x 10' #2 & better construction lumber

MENARDS SKU# 102-2029

(HOMEOWNWER RESPONSIBLE TO PURCHASE AND GET TO SITE)

1 X \$11.58

Job Materials

\$22.27

2" x 10" x 10' pressure treat lumber

MENARDS SKU# 111-1639

(HOMEOWNER RESPONSIBLE TO PURCHASE AND GET TO SITE)

1 X \$22.27

Job Materials

\$52.70

2" x 10" x 12' pressure treat lumber

MENARDS SKU# 111-1642

(HOMEOWNER RESPONSIBLE TO PURCHASE AND GET TO SITE)

2 X \$26.35

Job Materials

\$174.00

36" x 66' 8" LeakBarrier BG700 self adhering foundation membrane

MENARDS SKU# 153-6002

(HOMEOWNER RESPONSIBLE TO PURCHASE AND GET TO SITE)

1 X \$174.00

Job Materials

\$10.00

Owens Corning FoamSealR 3/16" x 7-1/2" x 50'

MENARDS SKU# 161-3305

(HOMEOWNER RESPONSIBLE TO PURCHASE AND GET TO SITE)

1 X \$10.00

Job Materials

\$6.30

4" x 8' perforated drain pipe

MENARDS SKU# 689-3772

(HOMEOWNER RESPONSIBLE TO PURCHASE AND GET TO SITE)

1 X \$6.30

Job Materials

\$48.50

Fernco 4" Cast iron/plastic/steel qwik Tee flexible coupling

MENARDS SKU# 689-5015

(HOMEOWNER RESPONSIBLE TO PURCHASE AND GET TO SITE)

2 X \$24.25

Job Materials

\$75.00

Misc. Materials allowance - plastic, spray foam, fasteners, caulk, etc.

1 X \$75.00

Job Materials

\$100.00

1/2 yard gravel

1 X \$100.00

subcontract

\$2,200.00

All Star Cutting and Coring - Cut for egress window openings of 51" W X 62" H, block wall, no disposal

2 X \$1,100.00

Job Materials

\$2,000.00

Installation of egress window - frame opening to accept listed window, apply moisture barrier, Installation of window, seal nailing flange, application of trim coil, Set egress window well, tie in drainage tile to existing house drainage, fill base with 3/4" stone for drainage. Interior - insulate, install moisture resistant plasterboard around perimeter of window framing, apply paneling as specified by homeowner
(EXCAVATION, BACKFILLING, AND FINAL GRADE TO BE DONE BY OTHERS)

2 X \$1,000.00

Total \$7,366.14

Review and approve

RCLS Construction LLC

2738 Van Beek Rd Green Bay, WI 54311

If you receive an email that seems fraudulent, please check with the business owner before paying.



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

MEETING DATE

February 17, 2025

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # F.I

Update on Appeal 24-43

BACKGROUND

Appeal 24-43 at 821 Cherry Street was placed on hold to the February 2025 meeting for further action. The applicant has withdrawn the request. No business to be taken on the item.

RECOMMENDATION**FISCAL IMPACT****ATTACHMENTS**

None