



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, MARCH 17, 2025, 4:30 PM
City Hall, Room 604 - The Harry Maier Room.
Virtual attendance is also available via Zoom.

A. Zoom Meeting Information.

1. 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.

1. Members: Chair Noel Halvorsen, Vice-Chair Barb Dorff, Steven Schuchart, Joshua Koch, and Brian Ritter

C. Approval of the Agenda.

1. Approval of the agenda for the Monday, March 17, 2025, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

1. Approval of the minutes from the February 17, 2025 meeting.

E. Regular Business.

1. Welcome to the Board's newest member, Brian Ritter.
2. (Appeal 25-04) Consideration with possible action on a request from Derek Libehauser of SPARK Development Co, applicant and Marene Miller of Miller Land Investments LLC,

Property Owner, seeking a variance to exceed maximum of units of a multi-family residential development on a Downtown (D1) lot at 100 E Mason Street. (Ald. B. Johnson, District 9)

3. (Appeal 25-05) Consideration with possible action on a request from Dalton Ruesch of Ruesch Properties LLC, applicant and property owner, seeking variances to exceed standards for a multi-family property parking lot addition directly from an alley at 822 Pine Street. (Ald. A. Proffitt, District 7)

F. Informational.

1. Date of next meeting: April 21, 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

March 17, 2025

PREPARED BY

AGENDA ITEM # E.1

Welcome to the Board's newest member, Brian Ritter.

BACKGROUND

Brian Ritter was appointed by the Green Bay Common Council on March 11. He fills the fifth full-time seat on the Board of Appeals. Welcome, Brian!

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



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

MEETING DATE

March 17, 2025

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.2

(Appeal 25-04) Consideration with possible action on a request from Derek Libehauser of SPARK Development Co, applicant and Marene Miller of Miller Land Investments LLC, Property Owner, seeking a variance to exceed maximum of units of a multi-family residential development on a Downtown (DI) lot at 100 E Mason Street. (Ald. B. Johnson, District 9)

BACKGROUND

The applicant seeks one variance from the Green Bay Municipal Code, Chapter 44: Zoning

44-620, Table 44-6.

Minimum Square Footage per unit on a lot in DI district is 1000 sf per unit for multi-family units.

The applicant seeks to create 125 units for a multi-family development on 2.396 acres of land. 2.396 acres has a maximum of 104 units at 1000-sf per unit.

Applicant seeks to exceed by 21 units.

The applicant is proposing a 4-story multi-family building at the corner of East Mason and Adams. Within the DI code, the number of units is limited to 1000 square feet per unit depending on the size of the lot. This lot is approximately 104,400 square feet. The proposed 125-unit development exceeds requirements for parking, impervious surface, and buffer requirements within the district. Parking is located both underground and surface parking both on and off site.

Additionally, this lot received a recommendation for approval of a Conditional Use Permit to allow the height of the structure to exceed 45 feet in a DI district, at 54 feet. The Plan Commission unanimously recommended approval to the Common Council. Final consideration occurs on Tuesday, March 18 at Common Council.

If this Board determines the applicant meets criteria for approval, staff recommends a single condition.

Approval of a conditional use permit must be granted by the Common Council to allow a height of the building of 54 feet.

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

1. 25-04 Variance Application
2. ZP 25-05 Plans and Renderings
3. 25-04 View from Adams Street

4. 25-04 Map



ZONING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 2-24-25	PROJECT #: 119752	APPEAL #: 25-04
APPLICANT INFORMATION:		
Name: Derek Liebhauser		
Business Name: SPARK Development Co.		
Address: 2065 American Drive, Suite A		
City, State, Zip: Neenah, WI, 54956		
Phone: 920.428.9451		
Email: derek@sparkdevco.com		
PROPERTY OWNER INFORMATION (if different from above):		
Name: Marlene Miller		
Business Name: Miller Land Investments, LLC		
Address: 1618 Hidden Falls Court		
City, State, Zip: DePere, WI 54115		
Phone: 920-660-1636		
Email: marlenetmiller74@gmail.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: 100 E Mason St		
Tax Parcel Number(s): 15-168-A & 15-168-2 (One lot, 2 parcels per tax TID)		
Describe the Variance Request:		
We are requesting a total residential unit count of 125 for the building. The site size is 104,369 square feet. Per the ordinance minimum of 1,000 square feet per unit, this would allow us 104 total units.		
Our request of 125 units would reduce the square feet per unit to approximately 835 sq/ft.		

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).
Section 44-620, Table 44-6.
THREE STEP TEST - To qualify for a variance, the applicant must demonstrate that their property meets the following three (3) requirements:
Does unique physical characteristics of your property prevent the compliance with the ordinance? Explain
Yes, the property's characteristics prevent compliance with ordinance. At 2.396 acres, the available
land only supports 104 units under the 1,000 square feet per unit requirement. While our proposal
for 125 exceeds this limit, it is designed to address significant housing shortage and need in the City of
Green Bay.
Would granting the variance be contrary to the public interest? Explain.
No. The overall height, footprint, and general site layout would not be contract to the public interest.
Additionally, our proposed unit sizing, foot print, and total count is based on like-kind developments in
the market. The unit sizing is in line with what is seen in comparable properties.
Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose
(leaving the property owner without any use that is permitted for the property) or would render conformity with such
restrictions unnecessarily burdensome?
Without getting the variance to allow for the additional 21 units, this would not fit the demand for
more density and housing in this zoning, preventing us from achieving the property's best and highest
use. Our goal is to match general unit sizing, mix, and counts to comparable properties while achieving
a reasonable density for a 104,000 sq/ft site with the DT zoning.

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.

Marlene Miller  Digitally signed by Marlene Miller
Date: 2025.02.28 10:49:51 -06'00'

Signature of the Property Owner

Marlene Miller / Daniel Miller

Print Name

2/28/2025

Date

Derek Liebhauser Digitally signed by Derek Liebhauser
Date: 2025.02.24 10:06:13 -06'00'

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

Derek Liebhauser

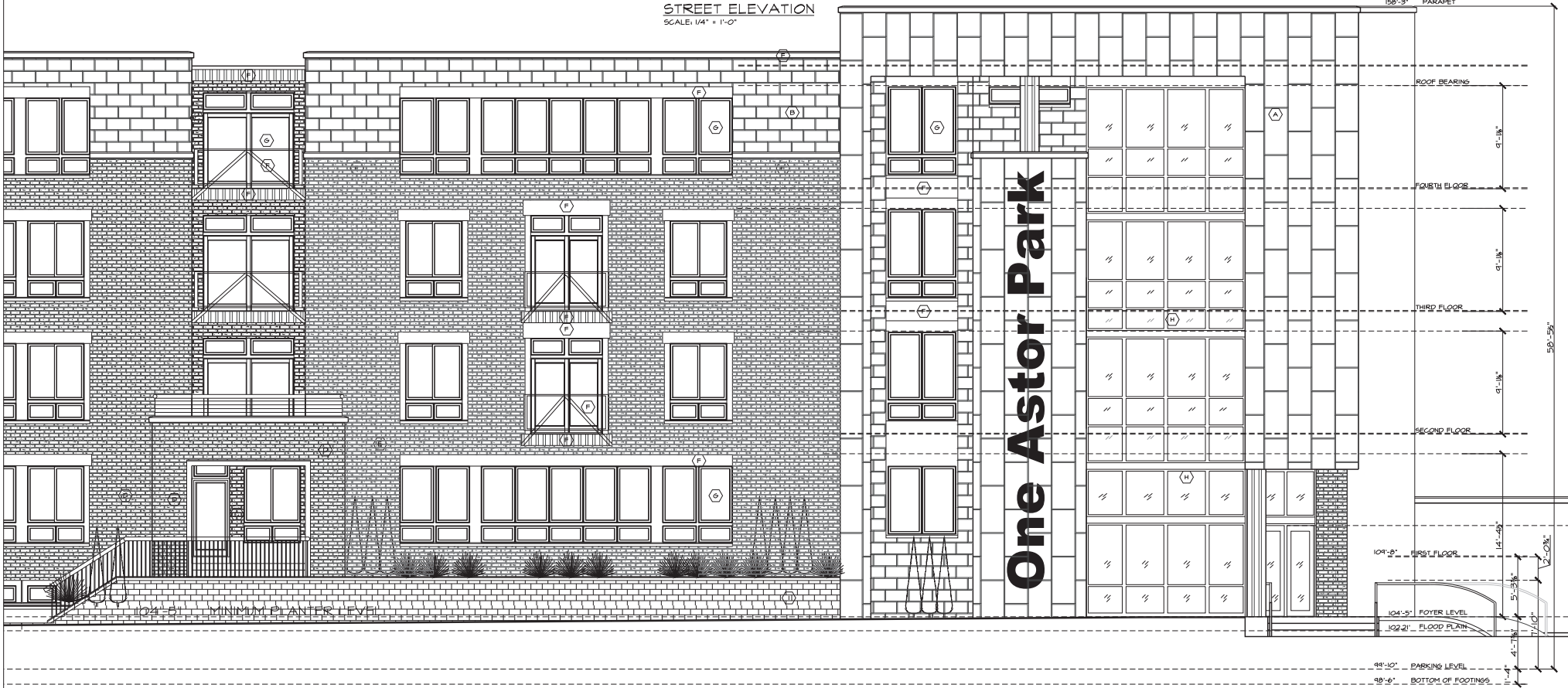
Print Name

24 February, 2025

Date

OFFICE USE ONLY:	Parcel #: 1-168A	Residential \$125 ☐	Commercial \$250 ☒
District: 9 Zoning: D1	Meeting Date: March 2025	Receipt #:	
Submittal Date: 3.3.25	Staff Signature: jl		

STREET ELEVATION
SCALE: 1/4" = 1'-0"



MATERIAL NOTES

- (A) 4'-0" x 2'-0" PANELS OF POLISHED LIMESTONE
- (B) 2'-0" x 1'-0" ELDORADO STONE ZEN4 NICKEL
- (C) ELDORADO BRICK VENEER, IRONSIDE
- (D) ELDORADO BRICK VENEER, HARTFORD
- (E) ELDORADO BRICK VENEER, LATIGO
- (F) IRON COLOR METAL, DECK, ROOF, WINDOW TRIM, BLACK EXPOSED BOLTS AS APPLICABLE
- (G) WHITE VINYL WINDOWS
- (H) ANODIZED ALUMINUM STOREFRONT
- (I) CONCRETE LANDSCAPE BLOCKS

PRELIMINARY
NOT FOR CONSTRUCTION

LaPlant
Architecture, LLC

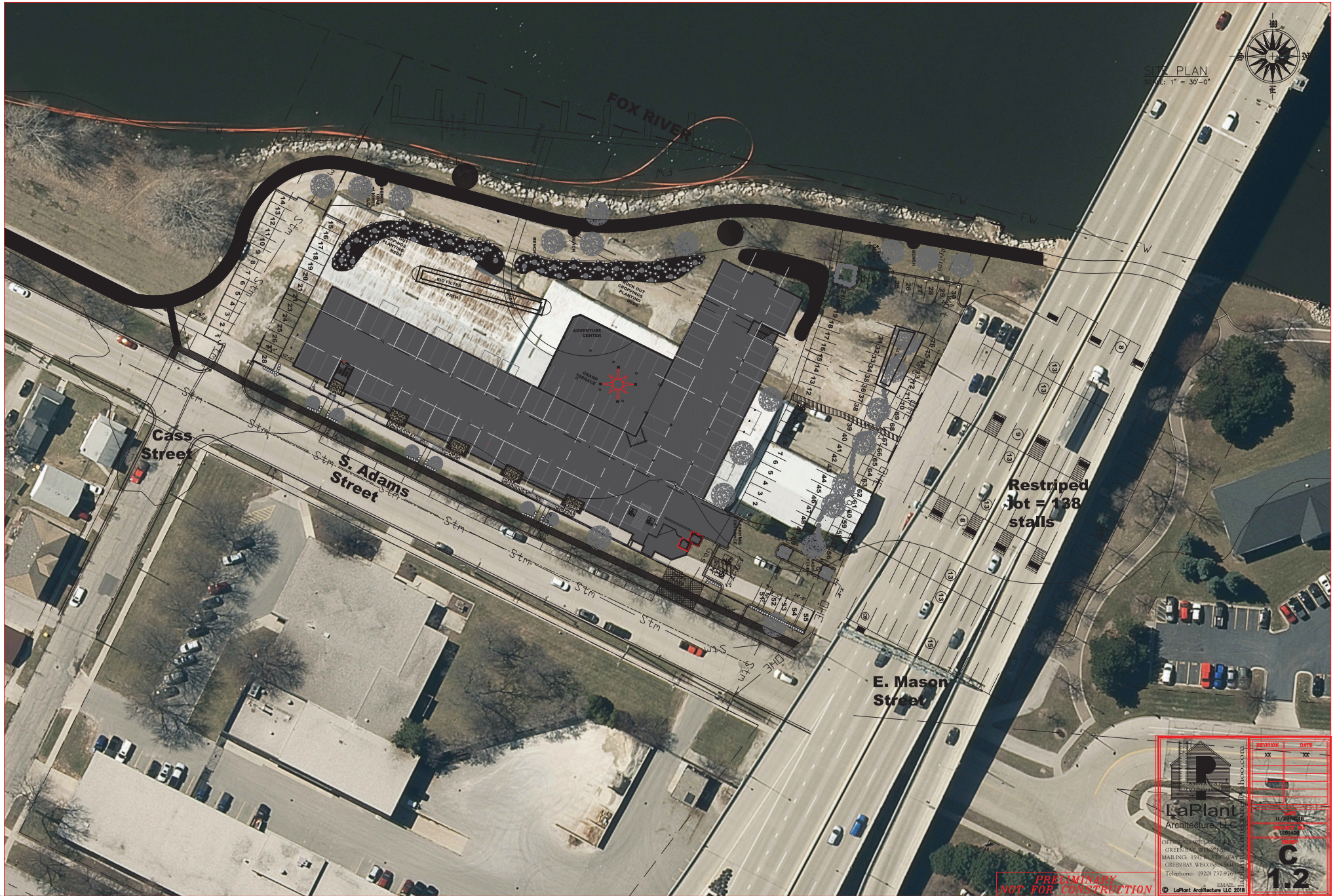
OFFICE: #26 WILLARD DRIVE
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MAILING: 1592 RUSTIC WAY
GREEN BAY, WISCONSIN 54311
Telephone: (920) 737-9769
Email: laplantarchitecture@yahoo.com

REVISION	DATE
XX	XX

DATE
12/17/2018

PROJECT NO.
1081400

SHEET
A
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SITE PLAN
SCALE: 1" = 30'-0"



Cass Street

S. Adams Street

E. Mason Street

Restriped lot = 138 stalls



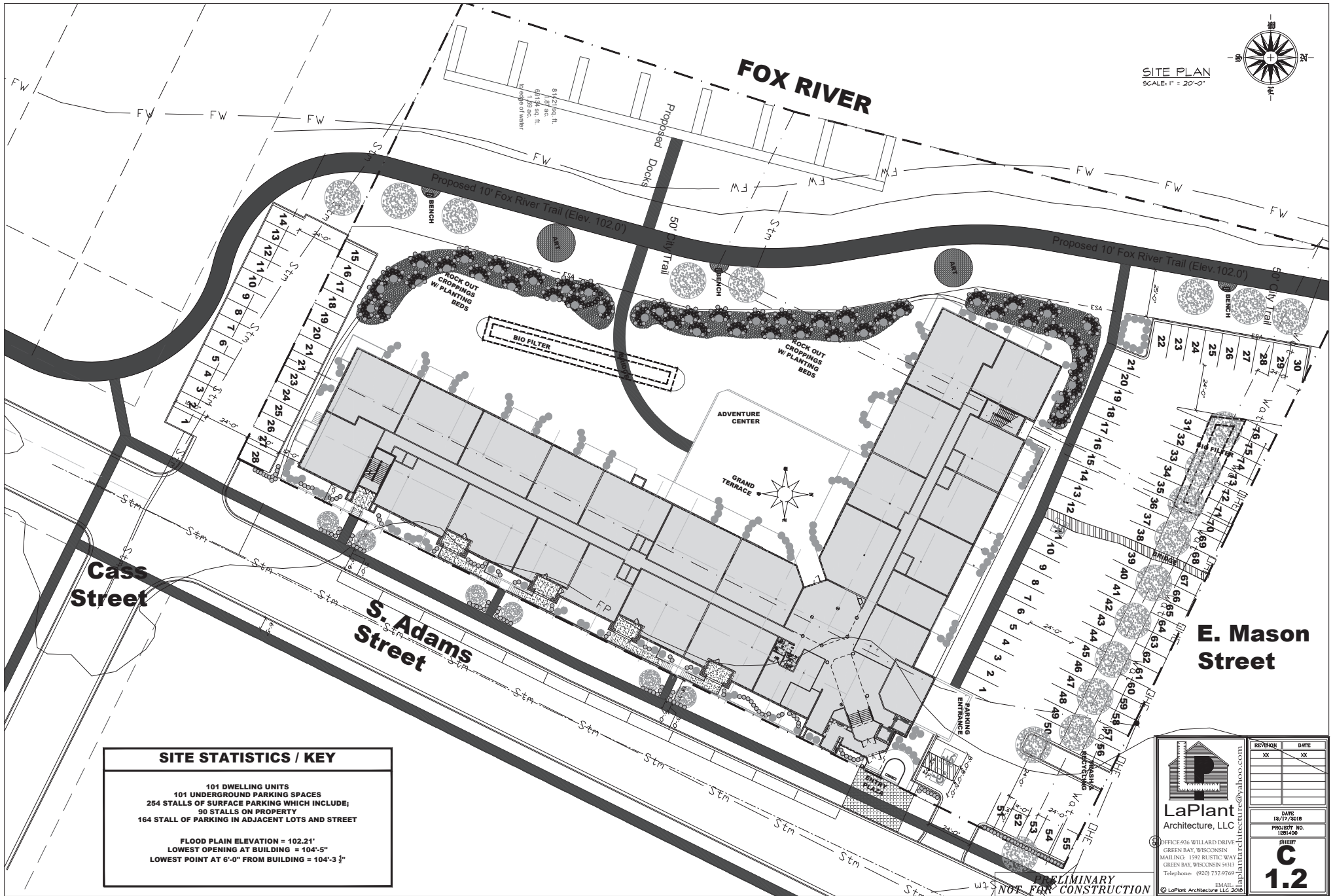
LaPlant
Architecture, LLC

OFFICE: 197 W. MICHIGAN ST., 3RD FLOOR
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GREEN BAY, WISCONSIN 54301
Telephone: (920) 737-9169
EMAIL: info@lplant.com

REVISION	DATE
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1.2

PRELIMINARY
NOT FOR CONSTRUCTION



SITE PLAN
SCALE: 1" = 20'-0"



SITE STATISTICS / KEY

101 DWELLING UNITS
101 UNDERGROUND PARKING SPACES
254 STALLS OF SURFACE PARKING WHICH INCLUDE:
90 STALLS ON PROPERTY
164 STALL OF PARKING IN ADJACENT LOTS AND STREET

FLOOD PLAIN ELEVATION = 102.21'
LOWEST OPENING AT BUILDING = 104'-5"
LOWEST POINT AT 6'-0" FROM BUILDING = 104'-3 1/2"



LaPlant
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GREEN BAY, WISCONSIN 54311
Telephone: (920) 737-9769
EMAIL: laplantarchitecture@yahoo.com

REVISION	DATE
XX	XX
DATE	16/17/2018
PROJECT NO.	1081400
DESIGN	C
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TOTAL UNITS		STATISTICS
UNIT STYLE	NUMBER OF UNITS PER FLOOR	
3 BEDROOM DELUXE CORNER 2 BATH	5	84 DECKS, FRONT PORCHES OR PATIOS 46 HEATED STORAGE CUBES 58 GARAGE LEVEL CUBES BIKE AND KAYAK SECURED STORAGE 101 INDOOR PARKING SPACES 101 OUTDOOR PARKING SPACES 23 STREET SPACES 5000 SQUARE FEET OF COMMON SPACE FOR TENANTS INCLUDING FITNESS CENTER, CAFE, CONCIERGE, LOUNGE, RENTAL PARTY ROOM, 2 3 STORY GRAND ENTRY 3000 S.F. COMMON TERRACE 172,664 TOTAL SQUARE FEET
2 BEDROOM DELUXE CORNER 2 BATH	12	
2 BEDROOM 2 BATH	44	
1 BEDROOM DEN 1 1/2 BATH	15	
1 BEDROOM 1 BATH	24	
STUDIO 1 BATH	1	
TOTAL	101	

ADAMS STREET ELEVATION
SCALE: 3/32" = 1'-0"



MASON STREET ELEVATION
SCALE: 3/32" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

 LaPlant Architecture, LLC OFFICE: #26 WILLARD DRIVE GREEN BAY, WISCONSIN MAILING: 1592 RUSTIC WAY GREEN BAY, WISCONSIN 54311 Telephone: (920) 737-9769 EMAIL: laplantarchitecture@yahoo.com © LaPlant Architecture LLC 2018	REVISION	DATE
	XX	XX
	DATE	12/17/2018
	PROJECT NO.	1081400
SHEET A 1.2		



RIVERFRONT ELEVATION
SCALE: 3/32" = 1'-0"

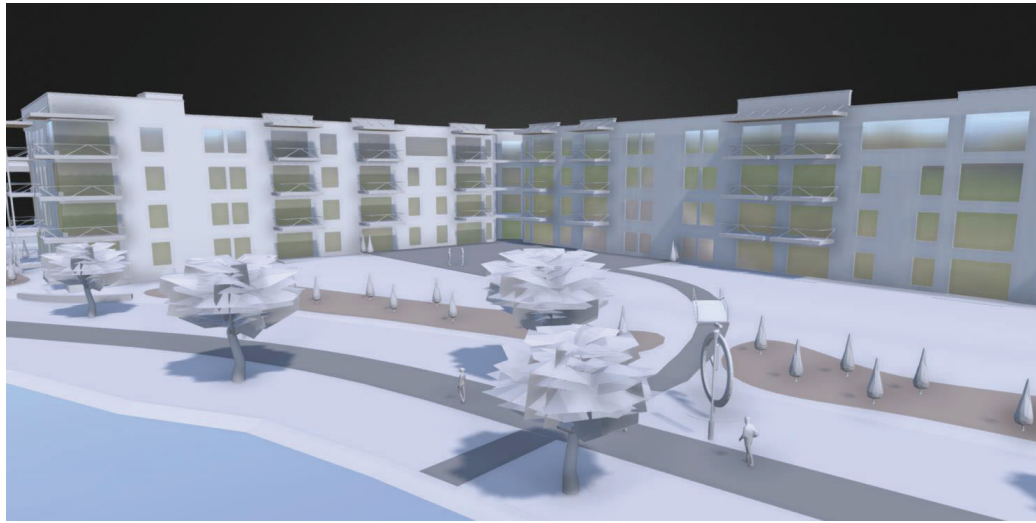
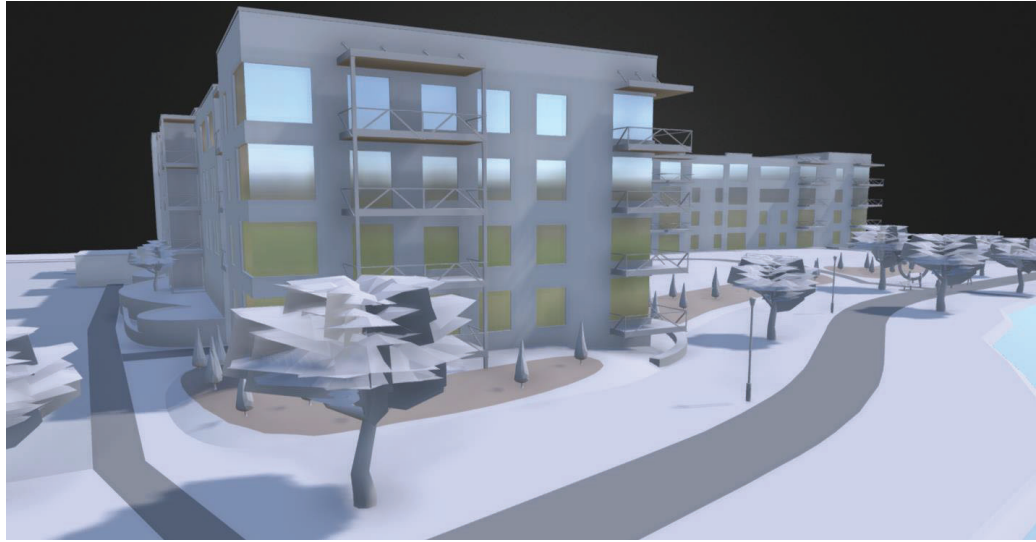


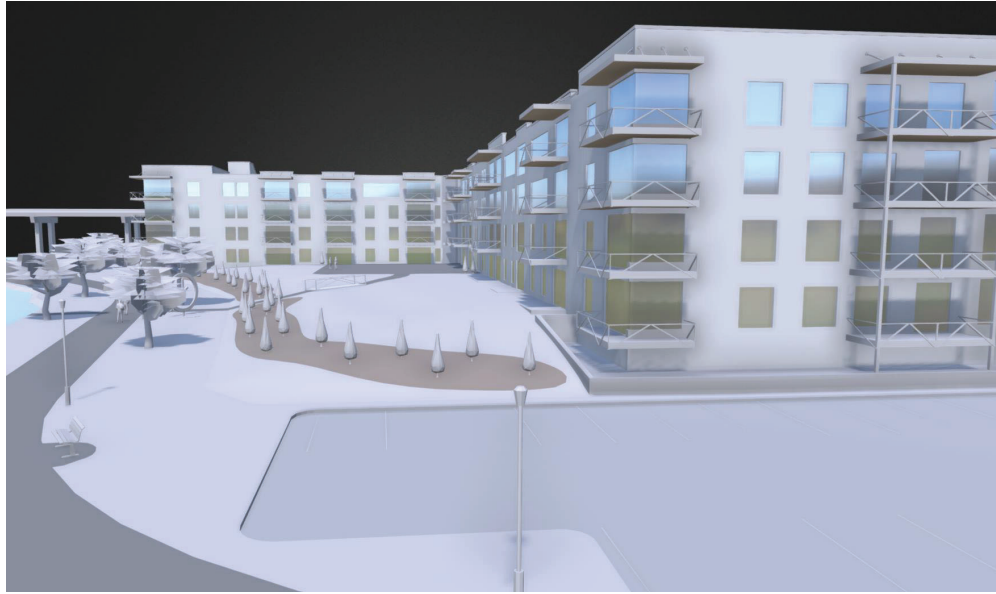
SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

 LaPlant Architecture, LLC OFFICE: #26 WILLARD DRIVE GREEN BAY, WISCONSIN MAILING: 1592 RUSTIC WAY GREEN BAY, WISCONSIN 54311 Telephone: (920) 737-9769 EMAIL: laplantarchitecture@yahoo.com © LaPlant Architecture LLC 2018	REVISION	DATE
	XX	XX
	DATE	12/17/2018
	PROJECT NO.	1081400
SHEET		A 1.4











GNFD FIRE
STATION 1

CHICAGO ST

E MASON ST

E MASON ST

S ADAMS ST

S JEFFERSON ST

JEFFERSON WAY

E MASON ST

54

S ADAMS ST

CASS ST

S MADISON ST



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

MEETING DATE

March 17, 2025

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.3

(Appeal 25-05) Consideration with possible action on a request from Dalton Ruesch of Ruesch Properties LLC, applicant and property owner, seeking variances to exceed standards for a multi-family property parking lot addition directly from an alley at 822 Pine Street. (Ald. A. Proffitt, District 7)

BACKGROUND

The applicant seeks 4 variances from the Green Bay Municipal Code, Chapter 44, Zoning:

44-1964(1)(b) Perimeter Landscape Buffer. The following buffers shall be at least 25 feet wide:

- a. Buffers for non-residential or multifamily buildings of two or more stories when adjacent to residential zoned property or property used for residential purposes.

Applicant seeks a buffer of 3.0 feet along south side of property adjacent to residential used properties.

44-1964(2) Buffer Design.

- a. Buffer areas shall consist of either a masonry wall, fence, berm, plantings, or a combination thereof that forms a screen a minimum of four feet in height and not less than 90 percent opaque on a year-round basis. Screening located along front and corner side yards is limited to four feet in height and not less than 90 percent opaque on a year-round basis and shall effectually block automobile headlights from trespass on roads or adjacent property.
- b. Buffers shall be landscaped with at least one tree and five shrubs for every 50 linear feet. Soil volumes and depths associated per tree type (small, medium or large) shall be determined by the Director of Community Development or their designee, in consultation with the City Forester, but shall not be greater than 1,200 cubic feet of volume or three feet of depth.

Applicant seeks variance to place a planting of fat Albert blue spruce and emerald green arborvitae. Applicant notes 6 shrubs and a combination of 3 shrubs and 3 trees on the east end of the property. Code requires screening to be a minimum of 4 feet in height and screen to 90 percent opaque levels on a year round basis. Additionally, code requires 1 tree and 5 shrubs for every 50 linear feet. The addition is approximately 106 feet. This means 3 trees and 15 shrubs are required. Applicant has submitted no evidence of a 4 foot tall screening and does not meet 3 tree and 15 shrub requirement.

44-1774(g) Driveway Throat Length.

The minimum permitted throat length of access drives serving parking lots is 18 feet, as measured from the right-of-way/property line along the centerline of the access drive to the access point of any parking stall within the parking facility, as depicted below. In no case shall the driveway throat length be less than the required setback.

Applicant seeks variance permitting 0 foot throat.

44-620, Table 44-6 (OR District).

Maximum impervious surface for OR district is 60 percent. Existing impervious surface is approximately 53.2 percent of property.

Applicant seeks 60.4 percent impervious

Applicant is seeking to create a 48 x 24 expansion of the parking lot directly off the alley on the parcel at 822 Pine. This plan could create 5 parking stalls. Zoning code calls for minimum width of a stall at 9 feet in a commercial or multi-family setting. An expansion of 48 feet can create 5 stalls. The area for the proposed expansion is grassy with a small garage. This garage is planned to be removed. These stalls would serve the apartment units on site, which total 31 units. Currently, the site has 27 parking stalls. The proposed addition could create 32 stalls. The minimum requirement in an OR setting is 39 stalls for 31 units.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 25-05 Site Plan
2. 25-05 Application
3. 25-02 View from Pine Street
4. 25-02 Aerial



Part of Brown County WI

Map printed on 2/5/2025

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: Nov 4 25	PROJECT #: 119771	APPEAL #: 25-05
APPLICANT INFORMATION:		
Name: Dalton Ruesch		
Business Name: Ruesch Properties		
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: 822 Pine St Green Bay WI		
Tax Parcel Number(s): 10-42		
Describe the Variance Request:		
I am requesting a variance to install a parking lot located at 822 Pine St. This parking lot will work in conjunction for both 814 Pine St and 822 Pine St.		
Total of 31 Apartment Units. This proposed parking lot is essential to accommodate the needs of the residents at this property.		
Variance Requested 1. Impervious surface area: The current zoning regulations limit the amount of impervious surface area that can be installed on the property.		
It is important to note that this parcel was never in compliance. Adding the lot and parking area will keep the similar % of impervious area on this lot.		
2. Parking lot setbacks: This zoning ordinance specifies minimum setback requirements for parking lots from property lines. The design of the proposed parking lot will not fully meet these setback standards due to the characteristics of the lot and its surrounding environments.		
A variance is requested to allow for reduced setbacks. Shrubs will be used for buffer zone with neighboring properties. Fat Albert Blue Spruce and Emerald Green.		

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

MuHyle - Listed in staff report 6)

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, including its size and location warrant consideration for these variances to ensure that residents have access to safely park. The current property is not in compliance with impervious area not is it compliant with adequate parking. By adding this lot to the parcel we will be adding the much needed 6 parking spots for a total of 33 stalls for our 31 apartments.

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

Granting these variances will not negatively impact the surrounding properties in the community. The design incorporates landscaping to mitigate any potential adverse effects. A portion of this area is already used as parking and is right off an ally way. This parking lot expansion will enhance the area with new shrubs. This parking lot will also provide residents and guests additional parking so that no longer need to park on the road providing 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 Safe Parking - The primary concern is the lack of parking for the 31 apartments. Without the variance, the property does not have enough space to accomodate the number of parking spots, which led to inconvenience and parking on the road and other parts of the surrounding areas. This discourages tenants, effects occupancy and creates parking hazards in the area.

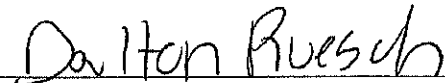
2. Increased strain on local infrastructure- If the parking lot cannot be constructed it leads to current overflow onto surrounding streets. This exacerbates parking issues in the neighborhood and creates safety hazards, as vehicles may be parked inappropriately or in ways that obsrcuet traffic flow. Not receiving the variance significantly hinders the ability to effectively use the property for its intended purpose and impose challanges to the residents and neighborhood that are not alligned with the goals of providing qaulity housing.

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.



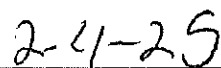
Signature of the Property Owner

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



Print Name

Print Name



Date

Date

OFFICE USE ONLY:	Parcel #: 10-42	Residential \$125 ☐	Commercial \$250 ☒
District: 7 Zoning: OR	Meeting Date: 3/17	Receipt #:	
Submittal Date: 3/4/25	Staff Signature: 