



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, APRIL 21, 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, Steven Schuchart, Joshua Koch, and Brian Ritter.

C. Approval of the Agenda.

I. Approval of the agenda for the Monday, April 21, 2025, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

I. Approval of the minutes from the March 17, 2025 meeting.

E. Regular Business.

I. (Appeal 25-06**) Consideration, with possible action, on a request from Antonio Bommarito, applicant and property owner; requesting to exceed maximum standards for a front yard parking stall for a one- or two-family residential home at 445 S. Baird Street. (Ald. B. Galvin, District 4)**

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 25-07)** Consideration, with possible action, on a request from Don McDonald of Donnie Mac's Landscaping (applicant) and Michael J. Shea (property owner), requesting to exceed maximum setback standards for a driveway and parking within the side yard and front yard setbacks for a one- or two-family residential house at 3535 Nicolet Drive. (Ald. J. Grant, District I)

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F. Informational.

1. Date of next meeting: May 19, 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

April 21, 2025

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.I

(Appeal 25-06) Consideration, with possible action, on a request from Antonio Bommarito, applicant and property owner; requesting to exceed maximum standards for a front yard parking stall for a one- or two-family residential home at 445 S. Baird Street. (Ald. B. Galvin, District 4)

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. The applicant seeks 8 feet of pavement off the garage door opening.

44-1746 (3.) c.:

Where the width of the driveway at the garage or other legal parking space exceeds the maximum width of the driveway at the property line, the driveway shall be tapered between the garage or the edge of a legal uncovered space and the property line, starting a minimum of five feet inside the parcel. The applicant seeks a minimum of three feet inside the parcel.

The applicant seeks to create a driveway expansion to allow an additional parking stall within the front yard setback at their property, which is located at the corner of S. Baird and Chicago Street. The house was recently built on a previously vacant lot and has a detached single-stall garage with tandem parking leading to Chicago Street. The existing parking meets the minimum standards for a one-family residential home.

The applicant is seeking to place a driveway stall in the front yard setback. They seek eight feet in width, the minimum size for a one-or two-family residential parking stall. Additionally, the applicant seeks a 15-foot-long parking stall length. Said length is the minimum for a one-or two-family residential parking stall, but the applicant seeks a reduction of the minimum triangle taper off the right of way.

The existing primary building is located directly to the north of the proposed driveway expansion. The applicant indicates on plans the overall length of the area between the right of way and the house is 18 feet and proposes a 15-foot-long parking stall and 3-foot triangle taper.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 25-06 Application
2. 25-06 Applicant Narrative
3. 25-06 Overhead Image
4. 25-06 Neighborhood Aerial 2023



ZONING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE: 04/07/2025	PROJECT #: 120043	APPEAL #: 25-06
APPLICANT INFORMATION:		
Name: ANTONINO BOMHARITO		
Business Name: \ \		
Address: 445 S BAIRD ST		
City, State, Zip: GREEN BAY, WI, 54301		
Phone: 715 304 6062		
Email: BOMHA131@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: 445 S BAIRD ST		
Tax Parcel Number(s): 17-880		
Describe the Variance Request:		
I AM requesting a variance to expand my current driveway to allow a second parking space along the portion of my property facing Chicago St. I need a second parking space, and I am planning on utilizing either impermeable pavers or concrete. The dimensions would be 8 ft wide x 15 feet long, with a triangular taper that would only be able to be 3 ft long due to property limitation.		

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

44-1746

8' ~~4'~~ ^{2 feet} beyond garage door, rather than

44-1746(3)(c) Min. triangle taper @ 3' rather than 5'

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

My property, as it stands, only allows one vehicle to be parked on the driveway. We have a detached one-stall garage that unfortunately cannot be used for a vehicle at this time ~~due to~~ storage need. Variance is requested due to the very limited area available on the property, and lack of alternative options that would allow to follow the legal code as it stands.

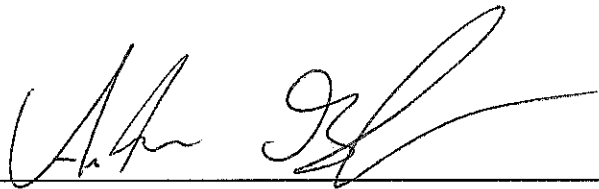
Would granting the variance be contrary to the public interest? Explain.

I do not believe granting this request would be contrary to public interest. Granting this request would allow a family to thrive in this area of green bay, and even increase its value for the city and its neighbors. The proposed 3 ft apron would still allow for ample of room to not damage grass that will be planted in the near future.

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?

Please see attachment (1) for complete answer.

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)

ANTONINO BONHARITO

Print Name

ANTONINO BONHARITO

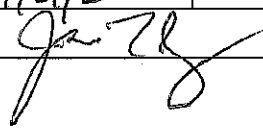
Print Name

4/7/25

Date

4/7/25

Date

OFFICE USE ONLY:	Parcel #: 17-880	Residential \$125 ☒ Commercial \$250 ☐
District: 4 Zoning: R1	Meeting Date: 4/21/25	Receipt #:
Submittal Date: Apr. 7 2025	Staff Signature: 	

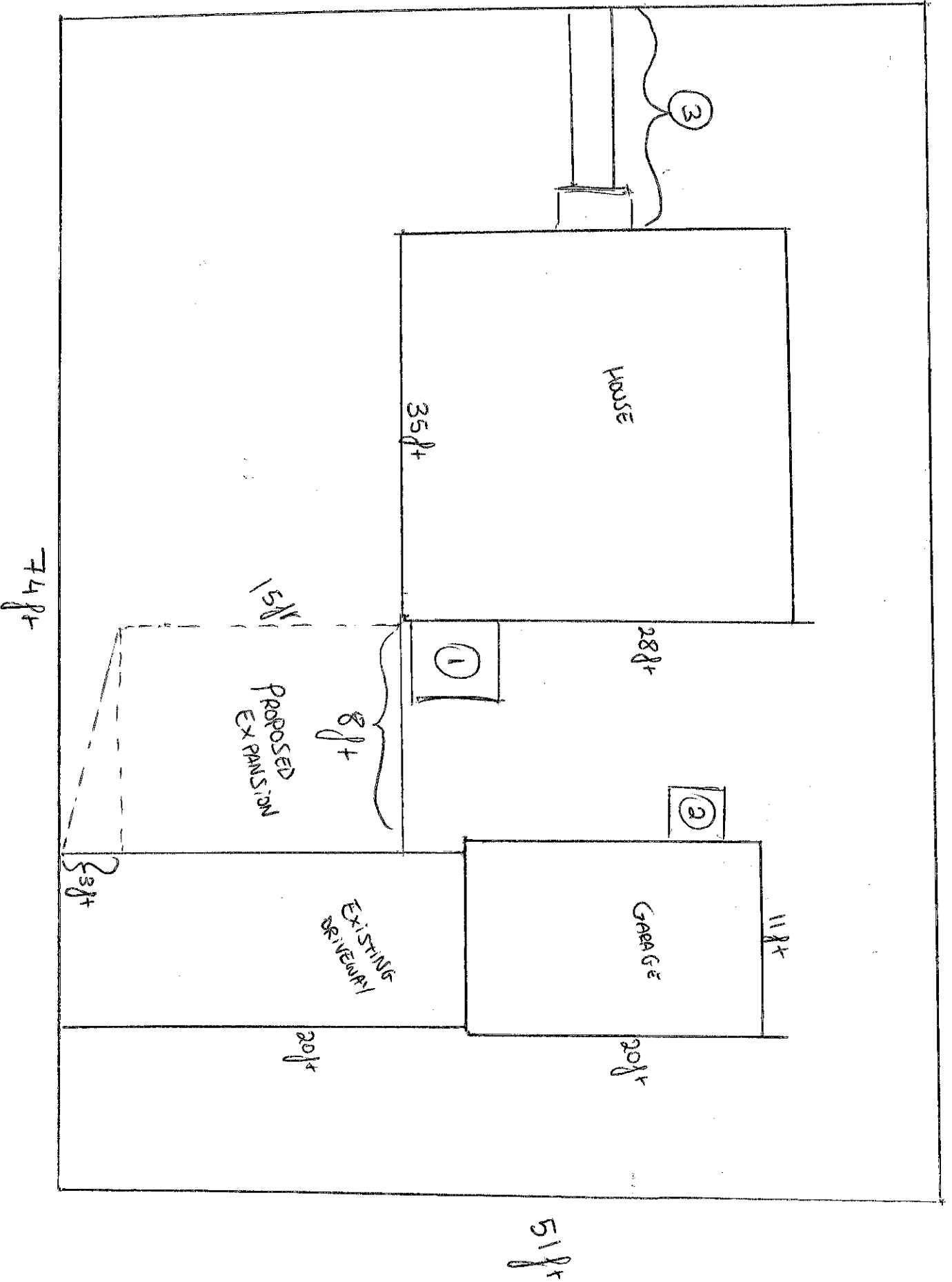
Attachment 1

Not getting variance will cause my family and I undue hardship for many reasons. We purchased this home in March 2025, and we were lead to believe by my real estate agent that I could either park on the street indefinitely, or easily expand my driveway to allow for more parking. Both premises ended up being untrue, and I have already received some parking citations from the city due to overnight street parking. Unfortunately, due to my garage having to be used for storage, I am in dire need of an additional parking spot on my property unless I want to be faced with continuous fines. If this request is denied, I will very likely have to sell this property and relocate within the next few months due to the city of Green Bay ~~fining~~ fining my vehicle for overnight parking. Allowing a second parking spot would also allow for larger families to move to this property in the future, and enrich the local community further.

I greatly appreciate your time and consideration for reviewing my application.

—Tory.

445 S Baird St



Area of Impermeable Surface

$$\text{Total property Area} = 612\text{m} \times 888\text{m} = 543,456\text{m}^2$$

$$\text{House} = 420\text{m} \times 336\text{m} = 141,120\text{m}^2$$

$$\text{Garage} = 240\text{m} \times 132 = 31,680\text{m}^2$$

$$\text{Driveway} = 240\text{m} \times 132 = 31,680\text{m}^2$$

$$\textcircled{2} \text{ Cement Garage Door} = 47\text{m} \times 45\text{m} = 2,115\text{m}^2$$

$$\textcircled{1} \text{ Cement Back Door Steps} = 59\text{m} \times 59\text{m} = 3,481\text{m}^2$$

$$\textcircled{3} \text{ Cement Front Door Steps} + \text{Walkway} = 3,525 + 6,720 = 10,245\text{m}^2$$

$$\text{Proposed Parking Space} = 17,280\text{m}^2 + 1,728 = 19,008\text{m}^2$$

w/ apron.

$$\text{total impermeable} = 239,329\text{m}^2$$

if proposal granted

44%
of total area







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

MEETING DATE

April 21, 2025

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.2

(Appeal 25-07) Consideration, with possible action, on a request from Don McDonald of Donnie Mac's Landscaping (applicant) and Michael J. Shea (property owner), requesting to exceed maximum setback standards for a driveway and parking within the side yard and front yard setbacks for a one- or two-family residential house at 3535 Nicolet Drive. (Ald. J. Grant, District 1)

The Board may convene in closed session pursuant to Sections 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Board will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

BACKGROUND

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

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 in which it is situated, or shall meet the side setback of the existing attached garage, whichever is less. Attached garages require an 8-foot setback for a two-story home. Applicant seeks as low as 2 feet from sideyard setback.

44-1746 (3) e.

Side-loading drives. The maximum width of driveway leading to a side-loaded garage shall not exceed 12 feet, except for the area directly leading of the garage, where it can be increased to the width of the garage. Applicant seeks a driveway width of a maximum of 81'5" than the maximum width permitted.

The applicant is seeking to create a new driveway on their property to connect from Nicolet Drive, past an existing legal non-confirming accessory building, to an attached side-loaded garage which currently has access from a driveway which is shared and is primarily located on the neighboring property. The applicant seeks to create a new driveway and reconstruct parking/driveway space in front of the house located on the parcel.

The applicant seeks to create a driveway which is primarily 12 feet in width off Nicolet Drive and leads to an area in front of the home and side-loaded garage which expands to create an area which creates a large front driveway/front yard parking space in front of the home. The dimensions vary, but generally, the area of pavement is proposed to be approximately 61.5 feet by 71 feet in front of the side-loaded garage area. A new driveway lane on the property is proposed with a large flare leading east to a 12-foot driveway leading back to Nicolet. The front yard parking area comes within 2 feet of the southern property line and a jog in the side yard line near the garage. Code requires a setback of 2 feet and driveway/tandem parking area to lead directly to a garage.

In addition, the 12-foot driveway leading from the house back to Nicolet has a curve which comes within 3 feet of the neighboring southern side property line as it avoids a shed and gives a berth of 7 to 8.8 feet off the southern wall of the shed. Driveways leading to the side-loaded garages are permitted to be 8 feet

minimum to 12 feet maximum.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 25-07 Application
2. 25-07 Applicant Narrative
3. 25-07 Applicant Supplied Photos
4. 25-07 Site Plan
5. 25-07 Aerial Image



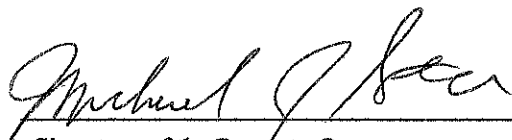
ZONING BOARD OF APPEALS VARIANCE APPLICATION

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

DATE:	4/1/2025	PROJECT #:	119552	APPEAL #:	25-07
APPLICANT INFORMATION:					
Name: Don McDonald					
Business Name: Donnie Mac's Landscaping					
Address: 1865 Commercial Way					
City, State, Zip: Green Bay, Wi, 54311					
Phone: 920-965-2222					
Email: leanne@donniemac.com					
PROPERTY OWNER INFORMATION (if different from above):					
Name: Michael J Shea					
Business Name:					
Address: 3535 Nicolet Drive					
City, State, Zip: Green Bay Wi 54311					
Phone: 920-217-8200					
Email: msheasr@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: 3535 Nicolet Drive Green Bay Wi 54311					
Tax Parcel Number(s): 22-44-22					
Describe the Variance Request:					
My property at 3535 Nicolet Dr. has no current legal right-of-way access to Nicolet Dr. Most recently this came to light when applying for a mortgage on the home.					
As a result of the unusual shape of the property, the future driveway will enter the access area in front of the garage at a different point. This will require a reconfiguration of the driveway access to the garage and storage shed.					
The variance request for setback and side width is necessary to maintain the current utilization of the property.					
The setback in the area of the shed will allow for egress from the building without stepping directly into the driveway.					
The setback and side width in the garage area will allow access to the garage and area for vehicle movement as currently configured. Additional notes are attached					

List ordinance(s) (number and description) the variance will be impacting (staff will assist with this).
44-1746 Sub2 SubC 8' side setback
44-1746 Sub E Side exceeds width
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 has an unusual shape with a narrow road frontage and wider Bay frontage. A storage shed
is located in the narrow portion closer to the south property line. The garage is situated at a 90° angle to the house.
In order to park in the left side of the garage it is necessary to align the vehicle by backing to the property line
and squaring up with the garage.
Being 300 feet from the Nicolet Drive makes it unreasonable to park on the road and walk to the house
for deliveries and visitors.
Would granting the variance be contrary to the public interest? Explain.
The new layout is very similar to the existing driveway. This has functioned for over 35 years without
any negative impact to neighbors or the community. The original building of the home and the layout of the driveway
preceded the current zoning ordinances but have not created issues.
Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome?
The property at 3535 Nicolet Dr. has no current legal right-of-way access. The bank indicated a mortgage
would require the property to have legal access.
The current neighbor, or a future owner, which has control of the driveway could deny access to the property .
Without the variances the access to the garage would be restricted, and egress from the storage shed would be hazardous.

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.



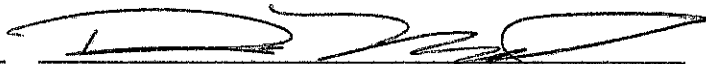
Signature of the Property Owner

MICHAEL J SHEA

Print Name

4-1-25

Date



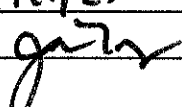
Signature of Applicant (working as "Agent" for owner)

DON McDONALD

Print Name

4-1-25

Date

OFFICE USE ONLY:	Parcel #: 22-44-22	Residential \$125 ☒ Commercial \$250 ☐
District: 12 Zoning: R1	Meeting Date: 4/21/25	Receipt #:
Submittal Date: 4/1/25	Staff Signature: 	

To whom it may concern,

My property at 3535 Nicolet Dr. has no current legal right-of-way access. Most recently this came to light when applying for a small mortgage on the home. The bank indicated a mortgage would require the property to have legal access. The current neighbor, or a future owner, which has control of the driveway could deny access to the property utilizing the current driveway.

Currently the existing driveway is approximately two thirds gravel. The propose driveway will be asphalt all the way to Nicolet Drive.

As a result of the unusual shape of the property the future driveway will enter the access area in front of the garage at a different point. This will require a reconfiguration of the driveway access to the garage.

The portion of the driveway which will be reconfigured is over 100 yards from Nicolet Drive. The current configuration of the area allows for access to the garage and turning areas for delivery trucks including Mail trucks, Amazon, UPS, and etc.

In order to park in the left side of the garage it is necessary to align the vehicle by backing to the property line and squaring up with the garage. This requires the asphalt area to be within 2 foot of the property line. Currently the asphalt goes completely to the property line. There is a natural tree barrier between the properties.

As indicated on the drawings the current island will be reconfigured and relocated to allow clearance for entrance from the new driveway. The basic configuration and layout will be similar to the current driveway . The asphalt is over 35 years old and will need to be resurfaced.

The current configuration and the new configuration allows for access to the garage and parking for visitors. Being over 300 feet from Nicolet Drive makes it unreasonable to park on the road and walk to the house.

The new layout is very similar to the existing asphalt driveway. This has functioned for over 35 years without any negative impact to neighbors or the community. The original building of the home and the layout of the drive preceded any of the current zoning ordinances.

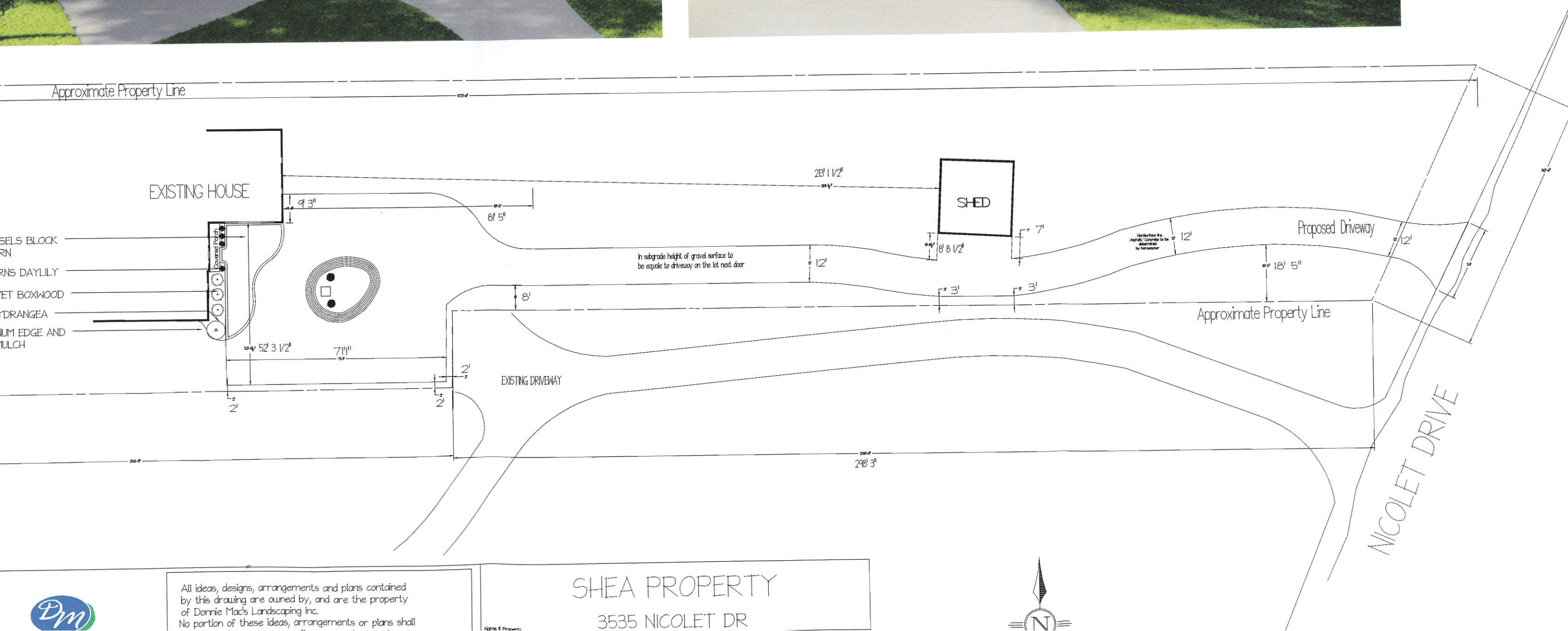
The new driveway from Nicolet Drive to the garage passes a storage unit. This building houses a freezer, refrigerator, lawn care equipment, and miscellaneous tools. The current requirement to remain 8 feet from the property line will put the traffic area directly in front of the building. This will create a hazard to anyone exiting the pedestrian door directly onto the driveway. The variance is to move the driveway to within 3 foot of the property line. This will allow an apron in front of the building to safely exit the pedestrian door and allow room to configure equipment such as lawn sweepers and attachments.

Currently the access goes beyond the property line to the neighboring property right-of-way.

Attached is a picture which shows the current configuration of the driveway in front of the home. Also included is a picture of the pedestrian door access to the storage unit and a picture of the property line showing the asphalt which extends into the neighboring property.







WARPINSKI PATRICK
J & COLLETTE
LARUE REV TRUST

22-44-12
E 100.00'

MARK
J CATHY L
RING

22-44-25
340.51
57,871 SF

CTH A

STREBEL DAIRY
REAL ESTATE LLC

HAWK PROPERTIES LLC

MICHAEL J & LOUISE R V
SHEA REVOCABLE TRUST

PETER A
KYLE R
SIMON

JAMIE D
ANGELINE I
JENSEN

PERRET DAVID
G & KATHRYN M
REVOCABLE TRUST

DAVID G
NICOLE G
PERRET

FRANK J JR
TERRIA

NICOLET DR

A

JON GIOVANNA
ODONAHUE

22-44-11
J1649-01
3711 AC

22-44-2
J1649-02
11,403 SF

22-45
J1649-03
11,821 SF

22-46
J1649-04
11,865 SF

22-44-19