



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

THURSDAY, APRIL 8, 2021, 5:30 PM
Virtual Meeting. Public may join via Zoom.

A. Zoom Meeting Information.

- I. This item contains documents which provide call in information and instructions for the Zoom Meeting.

B. Roll Call.

- I. Members: Don Carlson - Chair, Gregory Babcock - Vice Chair, Tommy Everman, Noel Halvorsen and Jim Hutchison

Alternate: Tom Hoy

Does anyone need to abstain from voting? Was anyone out to any of the properties? Did you speak to anyone regarding this variance request?

C. Approval of the Agenda.

- I. Approval of the agenda for the April 8, 2021, special meeting of the Zoning & Planning Board of Appeals.

D. Regular Business.

- I. (Appeal 21-005) Nate Zepnick, on behalf of Greater Green Bay Habitat for Humanity, property owner, proposes to retain the building footprint for a single-family home located in a Low Density Residential (R1) District at 1696 Deckner Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, front yard setback-footnote c (Ald. C. Stevens, District 5).

2. (Appeal 21-009) Nate Zepnick, on behalf of Greater Green Bay Habitat for Humanity, property owner, proposes to construct a single-family home located in a Low Density Residential (RI) District at 1692 Deckner Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, front setback-footnote c and rear yard setback (Ald. C. Stevens, District 5).

E. Informational.

1. Next Meeting Date: April 19, 2021

F. 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.

Virtual Meeting Instructions



Zoning & Planning Board of Appeals 11/16/2020

Zoom Meeting Information

Join Zoom Meeting

<https://us02web.zoom.us/j/82345213442?pwd=TFBbFNiKIFqZUhlUzIiEWEhiVmZlZz09>

Meeting ID: 823 4521 3442

Password: 483400

One tap mobile

+13126266799,,82345213442# US (Chicago)

+16468769923,,82345213442# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Germantown)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 823 4521 3442

Find your local number: <https://us02web.zoom.us/j/82345213442?pwd=TFBbFNiKIFqZUhlUzIiEWEhiVmZlZz09>

Additional Information

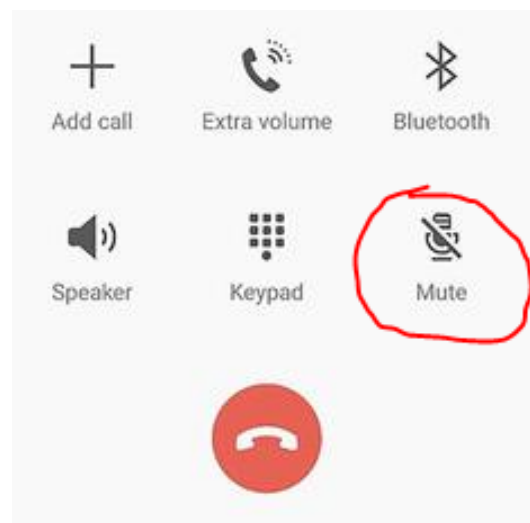
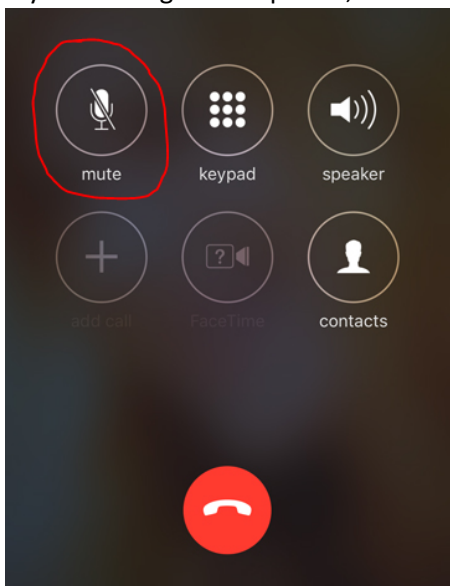
1. Wisconsin Open Meetings Law still applies
 - a. Persons interested in speaking to an item must give their name and address
 - b. Committee/Commission/Board members will still follow *Roberts Rules of Order*
2. All zoom meetings will have a password in the instructions. Please enter when prompted.
3. Please log into the Zoom meeting 10 minutes before the meeting starts to ensure proper technology is working.
 - a. If you are a Board Member, please log into [CivicClerk](#) with a computer, laptop, or tablet device.
4. Once you are in the meeting please mute yourselves.
 - a. You may unmute yourself when you are called upon to speak.
5. Waiting room
 - a. When you call in, all callers/participants will be placed in a “waiting room.”
 - b. Persons on the agenda will be admitted to the meeting, and then once the item is concluded, the host will permanently mute you from the meeting (you can still hear the meeting).
6. Using Zoom with a tablet or computer
 - a. Tablet—you will be asked to sign in. Download the app either with the Apple Store or the Play Store
 - b. Computer—you will be asked to sign in. You may download the app or click on the link to open Zoom in your browser.
7. Registering
 - a. The host may ask you to register for the meeting. A registration link will be sent to you along with the invite. You’ll receive another email confirming that you’re registered for the meeting.
 - b. If you’re using a phone, your registration will still be tied to an email.
8. Raising your hand
 - a. Committee members—you can either use CivicClerk and request to speak or you can “raise your hand” in the zoom meeting (you’d need to use a computer or tablet) to let the host know you’d like to speak. You can also un-mute yourselves and start speaking.
 - b. Persons on the agenda—you can “raise your hand” but you’d need to use a computer. You will be allowed to speak, per Wisconsin Open Meetings Rules, once the committee has “opened the floor for interested parties to speak.” Once the committee is finished with your agenda item, the host will mute you permanently, unless the committee opens the floor again.
9. What devices should I use?
 - a. Smart phone (please see more detailed instructions on page 3)
 - b. Land line
 - c. Tablet—well in advance of the meeting, please download the Zoom Meeting app before you join a meeting by using either the Apple Store or the Play Store. You will be asked to input your name, thus identifying you for the meeting. You’ll also be asked to verify your email.
 - d. Computer—well in advance of the meeting, please download the Zoom Meeting app, but you can also click on a link to open the Zoom Meeting in your browser. You will be asked to input your name, thus identifying you for the meeting.
 - e. For tablet and computer users—if you download the app you will be asked to verify your email.
10. Zoom etiquette
 - a. Muting yourselves when you’re not talking will prevent your background noise from interfering with others’ ability to listen to and participate in the meeting.
 - b. If you’re using a telephone, please identify yourself with your phone number and name before you speak. Zoom meeting hosts can see only your telephone number and will ask you to identify yourselves.
11. Closed session
 - a. Persons in the Zoom meeting will be put into a waiting room while the committee meets in Closed Session. Participants will be admitted back into the Zoom meeting once the committee reconvenes in Open Session.
 - b. Persons watching live on YouTube will see a gray screen with the City logo during closed session.
12. Persons interested in listening to the meeting can go to www.youtube.com/CityofGreenBay

Calling into the Zoom meeting using a smartphone

1. Dial the phone number listed at the beginning of this document.
2. When prompted, enter the Meeting ID number followed by #
 - a. If you're using a smartphone, you can access the keypad by clicking "Keypad" on your screen



3. Once you are in the meeting, notify the meeting host that you are in and state your name.
4. If you do not need to talk, please make sure your phone is on **Mute**
 - a. If you're using a smartphone, look at your screen and click the Mute button



- b. If you're using a computer, you should see a Mute button in the Zoom application





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

MEETING DATE

April 8, 2021

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # D.I

(Appeal 21-005) Nate Zepnick, on behalf of Greater Green Bay Habitat for Humanity, property owner, proposes to retain the building footprint for a single-family home located in a Low Density Residential (R1) District at 1696 Deckner Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, front yard setback-footnote c (Ald. C. Stevens, District 5).

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

1. 1696 Deckner Ave
2. Site Plan
3. Wayne Rusch 1700 Deckner Avenue
4. Picture1
5. Picture2
6. Picture3
7. Picture4
8. DNR Letter Tom Hoy 04-02-21a

ZONING & PLANNING BOARD OF APPEALS VARIANCE APPLICATION

APPLICATION DEADLINE: FIRST TUESDAY OF THE MONTH AT 12 NOON.

DATE: 3/1/21		PROJECT #: 102853	APPEAL #: 21-005
APPLICANT INFORMATION:			
Name: Nate Zepnick			
Business Name: Greater Green Bay Habitat for Humanity			
Address: 1967 Allouez Ave.			
City, State, Zip: Green Bay, WI 54301			
Phone: 920-362-7888			
Email: nzepnick@greenbayhabitat.org			
Property Owner Information (if different from above):			
Name: Nate Zepnick			
Business Name: Greater Green Bay Habitat for Humanity			
Address: 1696 Deckner Ave.			
City, State, Zip: Green Bay, WI 54302			
Phone: 920-362-7888			
Email: nzepnick@greenbayhabitat.org			
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:			
Location/Address: 1696 Deckner Avenue			
Tax Parcel Number(s): 21-2299-2			
Describe the Variance Request:			
TO allow for a 25' front yard setback			

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

Front yard setback 25 ft front yard setback
required set back
13-604 Table 6-2 notes (c) = new structures
shall be equal to the Average of the
existing structures

ALTERNATIVES:

Describe alternatives to your proposal, to include other locations, designs, construction techniques, etc.

n/a

Alternatives that you considered that comply with existing regulations:

n/a

Reasons for not pursuing the alternative(s) listed above:

foundation and framing has already been completed.

Front yard setback was approved upon receiving permit.
Inspections department contacted me, asking to file for a variance
during the week of 2/21/21

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, foundation + framing is completed. Cannot be
moved at this point of the build.

Would granting the variance be contrary to the public interest? Explain.
No. House would be closer to the street than the neighboring property.
Why would not getting the variance unreasonably prevent you from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome?
We would not be able to afford the cost of moving the house at this stage. Scheduling any modification to the location of this house, as it relates to the property is not feasible at this point.

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.

	- Construction Manager GGBHFFH
Signature of the Property Owner	Signature of Applicant (working as "Agent" for owner)

<u>Nate Zepnick</u>	
Print Name:	Print Name:
<u>3-1-21</u>	
Date	Date

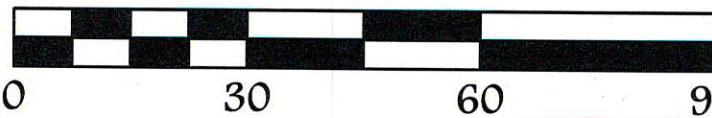
OFFICE USE ONLY:	Parcel# 21-2299-2	Residential \$75 ☒	Commercial \$150 ☐
District: 5 Zoning: R1	Meeting Date: 3-15-21	Receipt #:	
Submittal Date: 3-01-21	Staff Signature:		

Site Plan

Lot 1, Volume 8, Certified Survey Maps, Page 65, Map No. 1874, Document No. 924150, Brown County Records, located in Section 5, T23N-R21E, City of Green Bay, Brown County, Wisconsin
-- 1696 Deckner Ave --

Legend

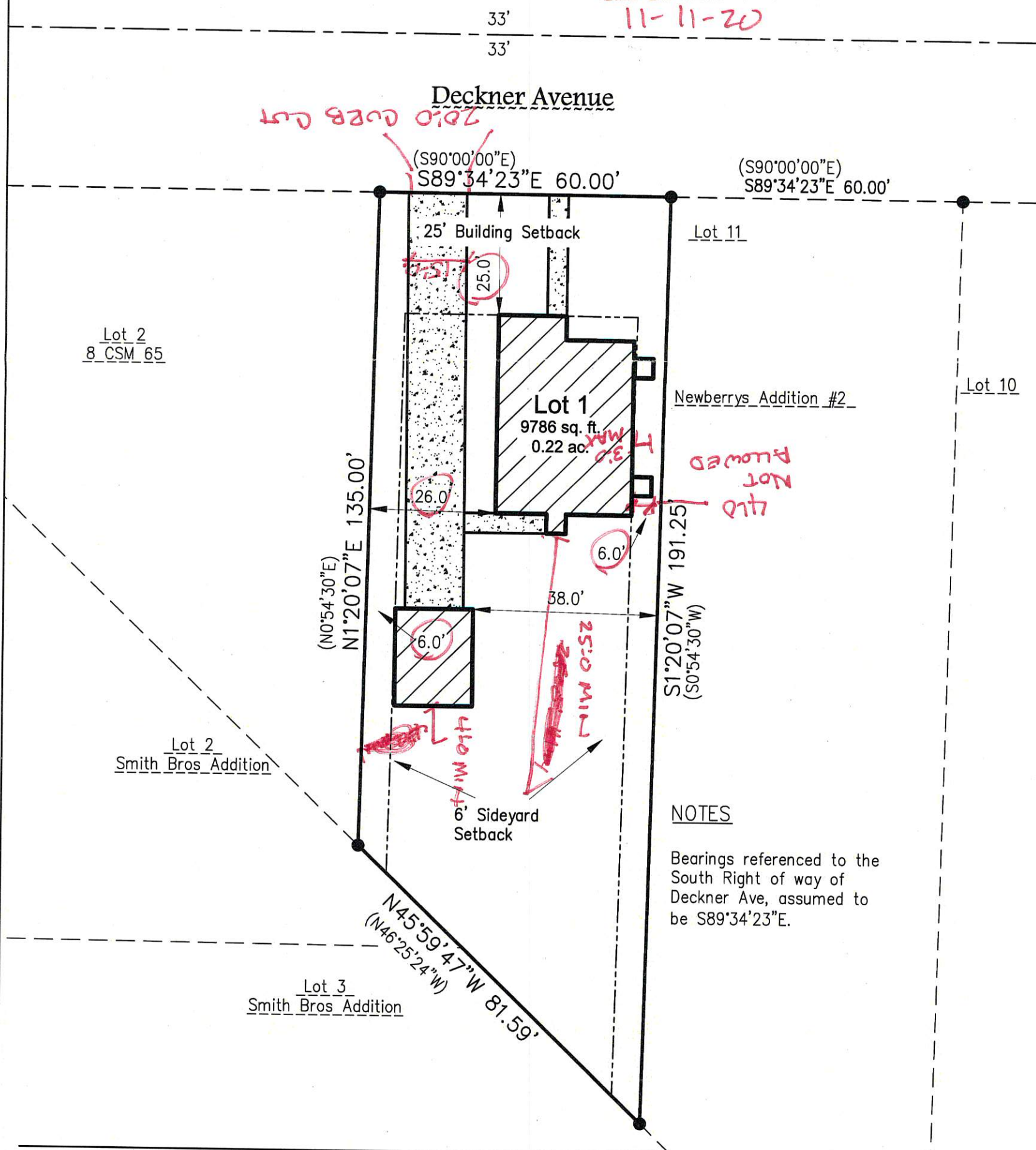
- point of record
- () recorded as bearing / distance
-  proposed concrete
-  proposed building



Scale: 1" = 30'

Conditionally # 102853
APPROVED
BUILDING INSPECTION DIVISION
GREEN BAY, WISCONSIN
Paul D. Muta
SEE CORRESPONDENCE
11-11-20

North



NOTES

Bearings referenced to the South Right of way of Deckner Ave, assumed to be S89°34'23"E.

Client: Habitat for Humanity

Tax Parcel: 21-2299-2

Drafted By: Tyler

File: O-2202Site Plan 091820.dwg

Data File: O-2202.txt

Mau & Associates, LLP

LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Website: www.mau-associates.com
400 Security Blvd Ste 1, Green Bay, WI 54313-9712

Sheet One of One

Project No.: O-2202

Drawing No.: L-11234

Fieldwork Completed: xx/xx/xx

Members of the Board of Appeals:

I received a call from Wayne Rusch, 1700 Deckner Avenue, property owner to the east of the subject property on Thursday, March 11. He requested that I forward his concerns/objections as he was unable to provide written comments:

- a. The proposed structure does not meet code.
- b. The proposed structure obstructs his view to the street.

Paul Neumeyer

Zoning Administrator

City of Green Bay Department of
Community and Economic Development

100 North Jefferson St., Room 608

Green Bay, WI 54301-5026

Paul.Neumeyer@greenbaywi.gov

920.448.3405

www.greenbaywi.gov





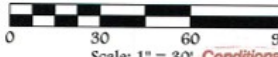


Site Plan

Lot 1, Volume 8, Certified Survey Maps, Page 65, Map No. 1874, Document No. 924150, Brown County Records, located in Section 5, T23N-R21E, City of Green Bay, Brown County, Wisconsin
- 1696 Deckner Ave -

Legend

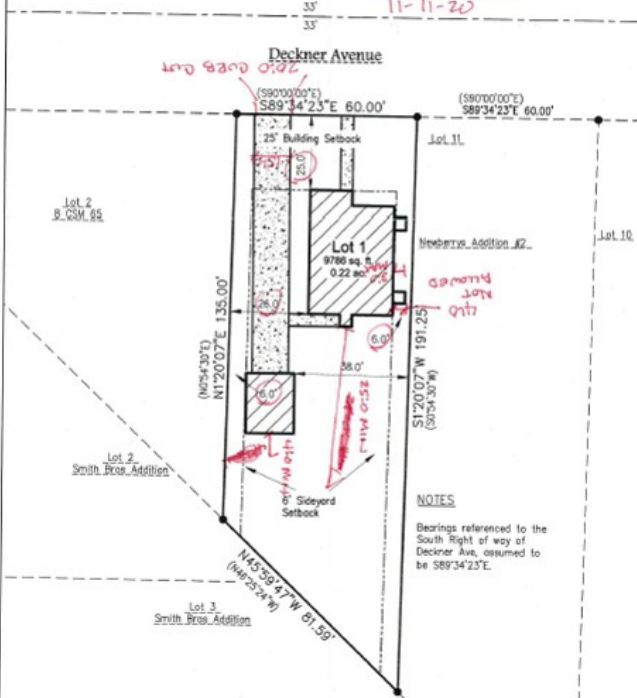
- point of record
- () recorded as bearing / distance
-  proposed concrete
-  proposed building



Scale: 1" = 30'

APPROVED
BUILDING INSPECTION DIVISION
GREEN BAY, WISCONSIN
Paul D. Muter
SEE CORRESPONDENCE
11-11-20

North



NOTES

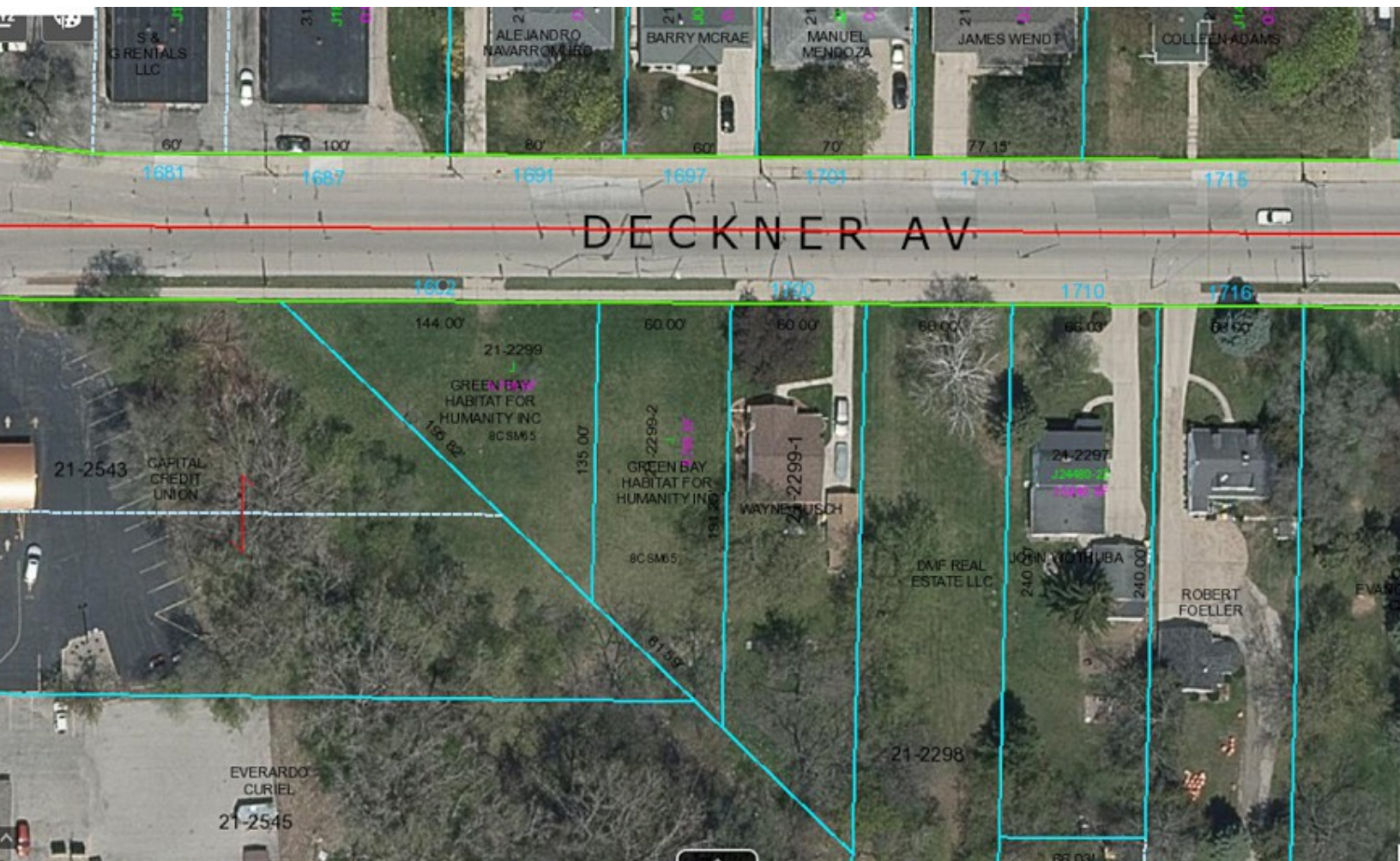
Bearings referenced to the South Right of way of Deckner Ave, assumed to be S89°34'23"E.

Client: Habitat for Humanity

Tax Parcel: 21-2299-2
Drafted By: Tyler
File: O-2202Site Plan 091820.dwg
Date File: O-2202.bt

Mau & Associates, LLP
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9870 Website: www.mau-associates.com
400 Security Blvd Ste 1, Green Bay, WI 54313-4712

Sheet One of One
Project No.: O-2202
Drawing No.: L-11234
Fieldwork Completed: xxxxxxxx





April 2, 2021

Mr. Thomas Hoy
1120 Cass Street
Green Bay, WI 54301

Subject: Your letter regarding development at 1696 Dreckner Ave., Green Bay, WI

Dear Mr. Hoy,

The department received your letter of March 16, 2021 regarding the development at 1696 Deckner Ave. in the City of Green Bay. We understand that you have concerns about the proximity of the creek to the two lots on Deckner Ave. After reviewing the variance application and hearing minutes, we reviewed our desktop tools to evaluate the location of the creek in relation to the two lots owned by Habitat for Humanity on Dreckner Avenue. See the attached screen pictures from our web GIS map and Lidar elevation data (2-foot contours to indicate the stream location).

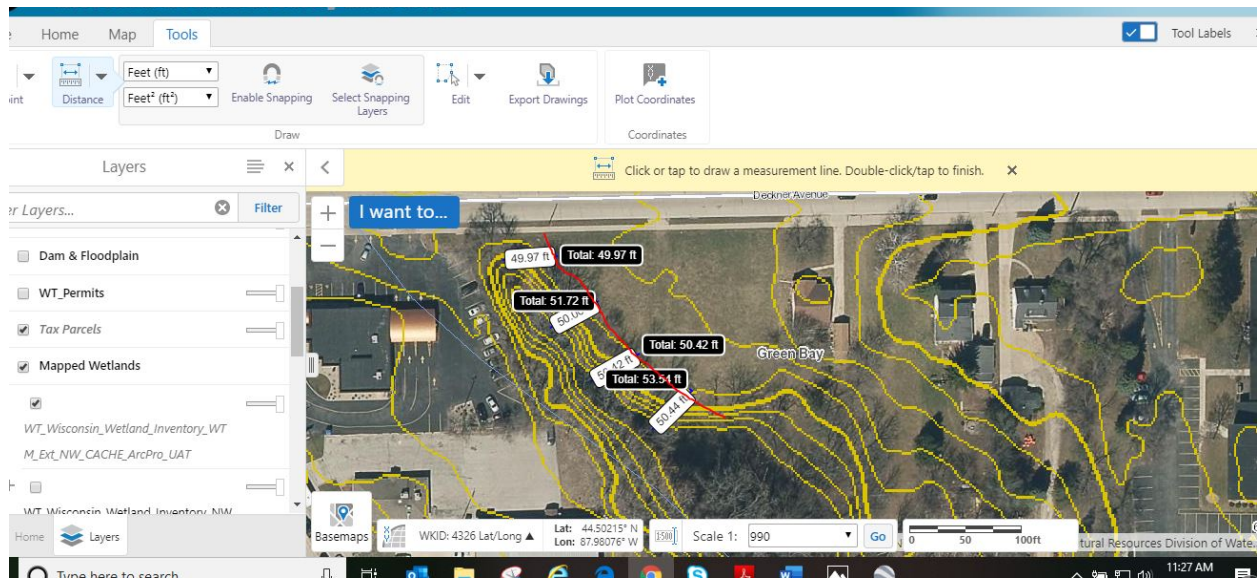
The department concurs with the city that the location of the waterway is far enough away to appear to not be impacted by the construction on the lot, based on the ordinance required setback of 50 feet from the ordinary high water mark. Both of the two lots appear to be well beyond the setback required, and as long as erosion controls and all other ordinance provisions are met, the stream would not be a factor in the variance criteria.

It is the responsibility of the BOA to assure that the statutory standards for the granting of a variance are met. While it may be hard at times to follow these standards, the standards help to ensure protection of the public interest, including the preservation of water quality and fish and wildlife habitat along lakes and rivers. Wisconsin's navigable waterways are held in trust for all people to enjoy. Setbacks from waterways are important to protect the water quality, natural scenic beauty and the fish and wildlife habitat of Wisconsin's waterways. Please contact me if you have any question regarding these recommendations at 920-303-5440.

Sincerely,

Dale Rezabek
Shoreland Specialist

cc: File
Paul Neumeyer, City of Green Bay (via email)





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

MEETING DATE

April 8, 2021

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # D.2

(Appeal 21-009) Nate Zepnick, on behalf of Greater Green Bay Habitat for Humanity, property owner, proposes to construct a single-family home located in a Low Density Residential (R1) District at 1692 Deckner Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, front setback-footnote c and rear yard setback (Ald. C. Stevens, District 5).

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

- I. 1692 Deckner Ave



DATE: 4-5-21	PROJECT #: 103844	APPEAL #: 21-009
APPLICANT INFORMATION:		
Name:	Nate Zepnick - Greater Green Bay Habitat for Humanity	
Business Name:	Greater Green Bay Habitat for Humanity	
Address:	1967 Allouez Ave	
City, State, Zip	Green Bay, WI 54311	
Phone:	920-362-7888	
Email:	nzepnick@greenbayhabitat.org	
Property Owner Information (if different from above): SAME AS ABOVE		
Name:		
Business Name:		
Address:		
City, State, Zip:		
Phone:		
Email:		
PLEASE FILL OUT INFORMATION BELOW REGARDING THE PROPOSED DIMENSIONAL VARIANCE:		
Location/Address:	1692 Deckner Ave.	
Tax Parcel Number(s):	21-2299	
Describe the Variance Request:	Request is to have a 21' rear yard setback. (from the back right corner of the garage to the hypotenuse) * see attached site plan - 25' front setback	

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

- Rear setback 25' per 13-604 Table 6-2 requesting 21' rear setback proposed

- Front setback 13-604 table 6-2 notes (c) = new structures shall be equal to the average of the existing structures.

ALTERNATIVES:

Describe alternatives to your proposal, to include other locations, designs, construction techniques, etc.

triangle lot, requires house to be placed closer to the street, due to ESA/wetland/river located on the property.

Alternatives that you considered that comply with existing regulations:

none, this house provides us with enough rear yard setback to comply with distance required from the river.

Reasons for not pursuing the alternative(s) listed above:

N/A

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, see above. river runs from back left corner of lot to front right corner of lot. Setbacks to ESAs must be considered.

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

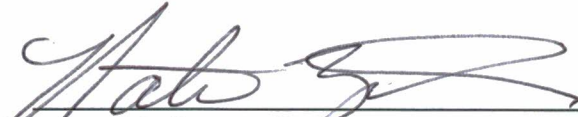
front yard setback would require variance.

* It should be noted that the new building would be set back farther from the street than the previous residential home that was located on this property.

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

Not granting this variance would not allow for a reasonable, simple, new construction home to be placed on this lot. A house was torn down on this site that had a setback of less than 25' (which is what this variance is requesting).

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

Nathan Zepnick
Print Name:

4-5-21
Date

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

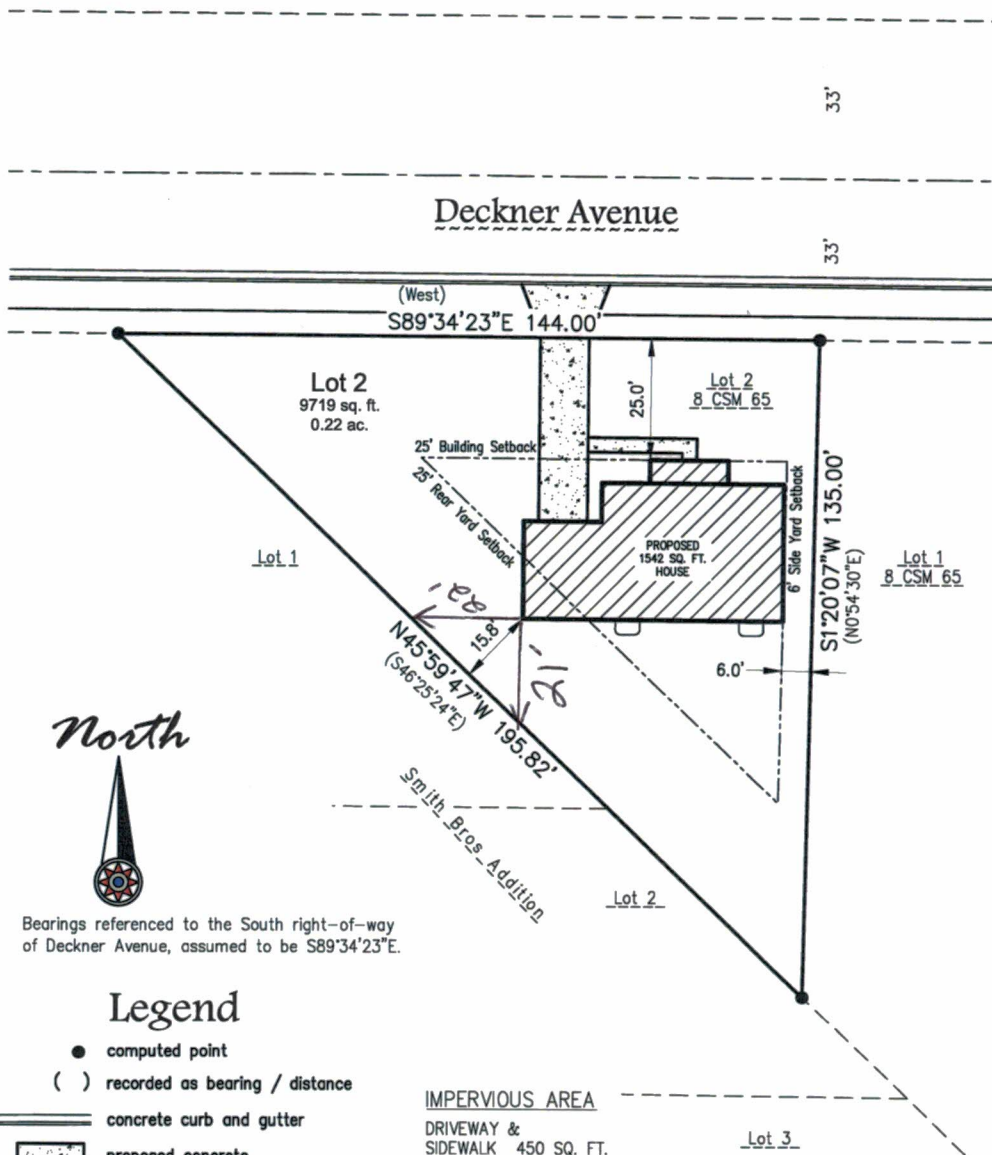
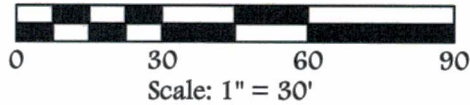
Print Name:

Date

OFFICE USE ONLY:	Parcel# 21-2299	Residential \$75 ☒ Commercial \$150 ☐
District: 5 Zoning: R1	Meeting Date: 4/8/21	Receipt #: 2758047-6
Submittal Date: 4/5/21	Staff Signature:	

SITE PLAN

Lot 2, Volume 8, Certified Survey Maps, Page 65, Map No. 1874, Document No. 924150, Brown County Records, located in Section 5, T23N-R21E, City of Green Bay, Brown County, Wisconsin.
-1692 Deckner Ave-



Legend

- computed point
- () recorded as bearing / distance

- concrete curb and gutter
- ▨ proposed concrete
- ▩ proposed building
- egress window well

IMPERVIOUS AREA

DRIVEWAY & SIDEWALK	450 SQ. FT.
HOUSE	1443 SQ. FT.
TOTAL	1893 SQ. FT.
	19.5%

Client: Habitat for Humanity
Tax Parcel: 21-2299
Drafted By: BAB
File: O-2202Site Plan 030121.dwg
Data File: O-2202.txt

Mau & Associates, LLP
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Website: www.mau-associates.com
400 Security Blvd Ste 1, Green Bay, WI 54313-9712

Sheet One of One
Project No.: O-2202
Drawing No.: L-11386
Fieldwork Completed: —