



# Board of Appeals

## Special Meeting

335 South Broadway  
De Pere, WI 54115  
<https://www.deperewi.gov/>

### Agenda

**Monday, December 21, 2020**

**4:45 PM**

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Board of Appeals** of the City of De Pere will be held on **December 21, 2020** at **4:45 PM**.

**Due to the current public health emergency, the meeting will be held electronically and the public may attend this meeting electronically or telephonically by accessing either:**

**Please join my meeting from your computer, tablet or smartphone.**

<https://www.gotomeet.me/DePere>

**You can also dial in using your phone.**

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(312\) 757-3117](tel:+13127573117)

**Access Code:** 154-883-285

**THIS MEETING WILL NOT BE HELD IN PERSON.**

*This meeting may also be rebroadcast on Spectrum Cable Channel 4 and AT&T U-verse Channel 99 throughout the week and available on demand at <http://depercitywi.iqm2.com/>.*

#### Call to Order

1. Roll Call
2. Approval of the minutes of the November 23, 2020 Board of Appeals meeting.
3. Consideration and possible action on a request for a variance to develop a building with a parking area and truck drive lane having 15' rear transitional yards, instead of 50' transitional yards, for two I-3 (General Industrial District) parcels at 1800-1862 Commerce DR (Parcels ED-344-101-1, ED-344-101-5).

#### Adjournment

Any person wishing to attend this meeting, who, because of disability, requires special accommodations should contact the City Planner's office at 339-4043 by noon on the day of the meeting so that arrangements can be made.

\*Items with an asterisk require City Council approval.

#### Agenda Sent To:

Alderspersons  
City Administrator  
Mayor  
Department Heads  
TV, Newspapers & Radio Stations  
Kress Family Library  
De Pere Chamber of Commerce

Paul Janssen, Performa  
Karl Schmidt, Belmark  
Boman Commercial Holdings LLC  
Judy Watermolen  
Phillip Birdsall  
Dennis & Gertrude Dolan



City of De Pere, Wisconsin

**Request For Board of Appeals Action**

---

**MEETING DATE:** December 21, 2020

**DEPARTMENT:** Planning

**FROM:** Kelly Barker

**SUBJECT:** Approval of the minutes of the November 23, 2020 Board of Appeals meeting.

---

**ATTACHMENTS:**

- BoA\_Nov2020\_Minutes\_Draft (PDF)



# Board of Appeals

335 South Broadway  
De Pere, WI 54115  
<https://www.deperewi.gov/>

## Regular Meeting

### Draft Minutes

Monday, November 23, 2020

4:45 PM

#### Call to Order

The meeting was called to order at 4:45 PM by Chairman Bob De Groot

Attendee Name	Title	Status	Arrived
Scott Bonfigt	Board Member	Present	
Bob De Groot	Chairman	Present	
Paul De Leeuw	Board Member	Excused	
Michelle Manke	Board Member	Present	
James Stadler	Board Member	Present	
William Vande Hei	Board Member	Present	
Andy Van Remortel	Board Member	Present	

Also present: City Planner/Zoning Administrator Peter SchleinZ and members of the public.

- Approval of the minutes of the October 26, 2020 Board of Appeals meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Van Remortel, Board Member
<b>SECONDER:</b>	William Vande Hei, Board Member
<b>AYES:</b>	Bonfigt, De Groot, Manke, Stadler, Vande Hei, Van Remortel
<b>EXCUSED:</b>	Paul De Leeuw

- Consideration and possible action on a request for a variance to build a primary structure addition with less than a 1 foot interior side yard setback, instead of a 10 foot interior side yard setback, for an R-2 (Single and Two-Family Residence District) zoned property at 721 Cedar ST (Parcel WD-470).

Bob De Groot read the public hearing notice and Zoning Administrator Peter SchleinZ reviewed the variance request to rebuild a primary structure less than 1 foot from the interior side yard setback at 721 Cedar Street. Right now, a house with a single story attached garage exists on the property. The owner wants to remove the existing garage and rebuild a new garage with living space on the second story. Peter noted that an email from the adjacent property owner to the east was received this afternoon, in objection of the project. Bob De Groot requested that the owner, Dan Dooyen address the board. He stated that the lot is quite narrow with only 2 bedrooms. By adding living space above the garage, he could provide much-needed additional living space. Jim Stadler asked for clarification of the property line. According to Dan, there is approximately 3 feet from the fence to the start of the garage. Peter noted that there is some discrepancy between the two property owners as to where the actual property line is. Michele Manke asked if there was anywhere else on the property where a garage could be built without the variance. Dan explained that he has considered other options, but this one makes the most sense. Bill Vande Hei added that the living space on the second floor could cause a fire hazard. Jim Stadler agreed with Bill's concern, and suggested that the garage be made a few feet smaller. Discussion followed and the board members all agreed that they would approve the variance if the garage was moved over an additional 3 feet so the setback was 6 feet from the interior side yard setback instead of 1 foot. Dan agreed with moving the garage to abide by the 6 foot setback. Zoning Administrator Peter SchleinZ clarified that it is the petitioner's responsibility to provide the City with a survey to

determine the exact property line prior to obtaining building permits. Property owner Dan Dooyen affirmed that information regarding the location of the property line will be provided. Andy Van Remortel moved, seconded by Scott Bonfigt, to approve a 6 foot side yard setback variance. Upon vote, motion carried unanimously. Bob De Groot added that construction on the project must start within 6 months and be completed within a year.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Van Remortel, Board Member
<b>SECONDER:</b>	Scott Bonfigt, Board Member
<b>AYES:</b>	Bonfigt, De Groot, Manke, Stadler, Vande Hei, Van Remortel
<b>EXCUSED:</b>	Paul De Leeuw

#### Adjournment

Scott Bonfigt moved, seconded by Bob De Groot, to adjourn the meeting at 5:34 PM. Upon vote, motion carried unanimously.

Respectfully submitted,  
Kelly Barker



City of De Pere, Wisconsin

**Request For Board of Appeals Action**

**MEETING DATE:** December 21, 2020

**DEPARTMENT:** Planning

**FROM:** Peter Schleinz

**SUBJECT:** Consideration and possible action on a request for a variance to develop a building with a parking area and truck drive lane having 15' rear transitional yards, instead of 50' transitional yards, for two I-3 (General Industrial District) parcels at 1800-1862 Commerce DR (Parcels ED-344-101-1, ED-344-101-5).

If Board of Appeals grants a variance on December 21, 2020, a site plan for the subject property will be reviewed by Plan Commission on December 21, 2020 at 7:00 PM.

**ATTACHMENTS:**

- BoA\_Dec2020\_Notice of Public Hearing (DOC)
- Report to BOA - reduced transitional yard (DOCX)
- Application Form - Paid (PDF)

Publish: December 11, 2020

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Zoning Board of Appeals of the City of De Pere, Brown County, Wisconsin, on December 21, 2020 at 4:45 PM on the following matter:

An appeal for a variance from the City of De Pere Municipal Code, Chapter 14, Article VIII, 14-48 (3) submitted by Paul Janssen, 124 N Broadway Street, De Pere, WI 54115. Said appeal requests a building permit to construct a building addition on the property located at 1800-1862 Commerce Drive, De Pere, Wisconsin which would require a 35 foot transitional yards variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14, Article VIII, 14-48 (3) which requires 50 foot transitional yards when adjacent to residence districts.

Due to the public health emergency, the meeting will be held electronically and the public may attend this meeting electronically or telephonically by accessing either: Computer/smart phone accessing <https://www.gotomeet.me/DePere> OR dial by phone: United States (Toll Free): 1-866 899-4679 United States: +1 (312) 757-3117 Access Code: 154-883-285.

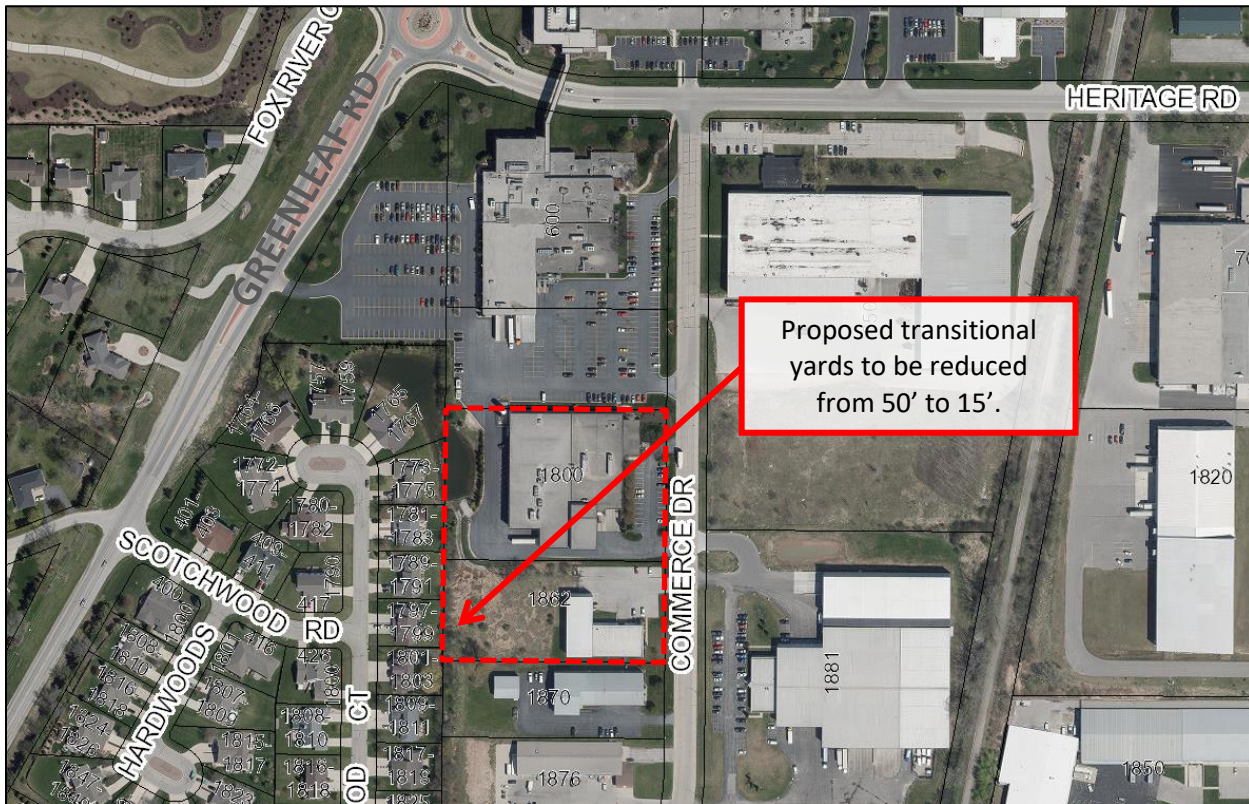
Dated this 11<sup>th</sup> day of December, 2020

BY ORDER OF THE BOARD OF APPEALS

Peter Schlein, Zoning Administrator

- Item 3:** Consideration and possible action on a request for a variance to develop a building with a parking area and truck drive lane having 15' rear transitional yards, instead of 50' transitional yards, for two I-3 (General Industrial District) parcels at 1800-1862 Commerce DR (Parcels ED-344-101-1, ED-344-101-5).

### SITE MAP



**REQUESTED ACTION:** Variance Request.

*Belmark Plant #2 is proposing an expansion. Company truck and Fire access is required at the rear (east) side of the building. As proposed, the site plan pavement addition will encroach 35' into a 50' landscaped transitional yard between the properties and residential properties to the west. Pavement will be 15' away from the property line and the building façade will be 65' away from the property line.*

**COMMON DESCRIPTION:** 1860-1862 Commerce DR, located south and west from the Commerce DR and Heritage RD intersection.

**PARCEL NUMBERS:** ED-344-101-1, ED-344-101-5

**EXISTING ZONING:** I-3 (General Industrial District)

**SURROUNDING LAND USES:** Industrial (I-3) to the north, south and east.  
Two-family residential (R-2) to the west.

**COMPREHENSIVE PLAN:** Industrial Park

<b>APPLICANT / OWNER:</b>	Paul Janssen, Project Manager Authorized Representative Performa 124 N Broadway ST De Pere, WI 54115	ED-344-102-1 Property Owner MASK LLC ATTN: Karl Schmidt, President/CEO Belmark INC 600 Heritage RD De Pere, WI 54115-2444
		ED-344-101-5 Property Owner Bowman Commercial Holdings LLC 862 Winding Waters WY De Pere, WI 54115-8384

**SITE HISTORY:** After a review of air photographs dating to 1938, the property has been used for agricultural purposes until mid-1990. The existing industrial building to the north was built in 1997 and expanded in 2007. The existing industrial building to the south was built in 2005.

On November 24, 2020 an authorized representative for the property owner to the north proposed a 71,255 SF building expansion, which will cross over the property line for the building to the south. The building to the south will be demolished as the business will be relocated southward to 1899 Commerce DR. The addition includes additional paved areas at the front and rear of the building.

**STAFF REVIEW:** The petitioner proposes a third expansion to an industrial building. Needed fire access, and desired company truck access, at the rear (west) side of the building creates the need for a hard paved surface on the proposed site plan. The proposed building is 65' from the rear property line and the paved area will be 15' away from the rear property line. The proposed pavement near the rear yard encroaches 35' feet into a required 50' transitional yard.

- Transitional yards are needed on rear and side lot lines when an I-3 District coincides with a side or rear lot line of an adjacent residential district.
- Transitional yards are 50' in-depth and shall contain landscaping and planting suitable to provide an effective screen.
  - This variance request relates specifically to the depth of transitional yards. Review of appropriate landscaping and screening will be part of the Plan Commission site plan review.
- The petitioner reached out to inform adjacent property owners that would be most affected by the transitional yard.

*City staff cannot issue a building permit because proposed construction on an I-3 zoned parcel requires a 50' wide transitional yards that contains landscaping and planting suitable to provide effective screen, per Municipal Codes 14-49(3) and 14-48(3).*

**HARDSHIP CONSIDERATION** When reviewing a variance, the following five hardship criteria must adequately be addressed, per Municipal Code 14-27(3). The response to each criterion is listed in italics:

1. Because of the particular physical surroundings, shape, or topographical

conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.

- *The project will incorporate manufacturing, storage, additional docks, offices, and updated landscaping into an existing property. The additions to the existing building with the limited configuration due to uses within the building on the existing lot limit where a building expansion can occur while providing fire lanes.*
2. The conditions upon which a petition for a variance are based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classifications.
    - *If the paved drive is not allowed within the 50'-0" [transition yards] setback, then the safety and accessibility for the local Fire Department is in jeopardy. The paved drive will also offer 15 additional parking stalls adjacent to the building in order to accommodate future employment growth and Belmark's on campus parking needs.*
  3. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person having an interest in the property.
    - *Transitional yards as identified in #2.*
  4. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
    - *The existing residential neighborhood to the west will be screened with a "living" fence and necessary landscape beds at the property line to minimize any undesirable sight lines of the proposed paved drive and parking.*
    - *The pavement is proposed to be within the transitional yards; however, the rear building façade is proposed 65' away from the rear lot line.*
  5. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
    - *As identified in #4.*


In addition to publishing a public hearing notice, staff mailed a copy of the meeting agenda to property owners that are adjacent to the subject parcel(s).

---

**REVIEW PROCESS:**

For variance applications, the Board of Appeals holds a public hearing, reviews the petition, and then makes a final decision of approval or denial within 30 days of the date the petition was filed. If the Board of Appeals decision is approval, the petitioner must obtain proper permits and begin the project within six months of the approval. One variance appeal per year may be petitioned.

*Note: If Board of Appeals grants a variance on December 21, 2020, a site plan for the subject property will be reviewed by Plan Commission on December 21, 2020.*

	<b>CITY OF DE PERE</b>  <b>APPLICATION FOR VARIANCE</b>	<b>Fee:</b> \$ 168.00
		<b>Receipt #:</b> _____
		<b>Date:</b> _____

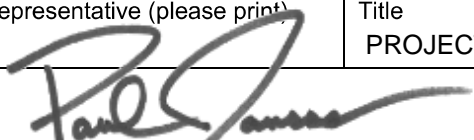
Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information			
Applicant Name (Ind., Org. or Entity) PERFORMA	Authorized Representative PAUL JANSSEN	Title PROJECT MANAGER	
Mailing Address 124 N BROADWAY	City DE PERE	State WI	ZIP Code 54115
Email Address PAULJ@PERFORMAINC.COM	Phone Number (incl. area code) 920-347-3136	Fax Number (incl. area code)	
SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)			
Name (Ind. Org. or Entity) BELMARK, INC	Contact Person KARL SCHMIDT	Title PRESIDENT/CEO	
Mailing Address 600 HERITAGE ROAD	City DE PERE	State WI	ZIP Code 54115
Email Address KARLS@BELMARK.COM	Phone Number (incl. area code) 920-330-0764	Fax Number (incl. area code)	
SECTION 3: Project or Site Location			
Project Address: COMMERCE DRIVE	Parcel Number(s):		
Legal Description:	ED-344-101-1		ED-344-101-5
SECTION 4: Variance Information			
Section of De Pere Code which creates need for Variance:	<b>CHAPTER 14: Article VIII, 14-48. (3) Transitional yards</b> <del>*14-49(3) and 14-48(3)</del>		
Ordinance Provision:	Transitional yards. Where a side or rear lot line in an I-2 District coincides with a side or rear lot line in an adjacent Residence District, a yard shall be provided along such side or rear lot line not less than fifty (50) feet in depth and shall contain landscaping and planting suitable to provide an effective screen.		
Project Description:	Construct a manufacturing plant and office addition of approximately 71,200 square feet attached to Belmarks existing Plant 2 facility on Commerce Drive. The project will incorporate manufacturing, storage, additional docks, offices, and updated landscaping. <b>**Request is to reduce the 50' transitional yard to be 15'.</b>		
Variance Requested:	Permission to construct a paved drive and 15 stall parking lot within the 50'-0" transitional yard setback, to allow fire department access to the proposed building addition, while providing a suitable screen of landscaping and plantings at the property line. <b>**Variance hardship for reduction of transitional yard is for fire and access.</b>		
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	Belmark professionally landscapes its campus to provide a beautiful backdrop to their award winning buildings, and to offer aesthetically pleasing scenery to the neighbors and visitors of DePere, WI. This can be seen in the attached photos.		
Describe the hardship(s) that would result if the variance is not granted:	If the paved drive is not allowed within the 50'-0" setback, then the safety and accessibility for the local Fire Department is in jeopardy. The paved drive will also offer 15 additional parking stalls adjacent to the building in order to accommodate future employment growth and Belmarks on campus parking needs.		
Describe how the variance would not have adverse effects on surrounding properties:	The existing residential neighborhood to the west will be screened with a "living" fence and necessary landscape beds at the property line to minimize any undesirable sight lines of the proposed paved drive and parking.		

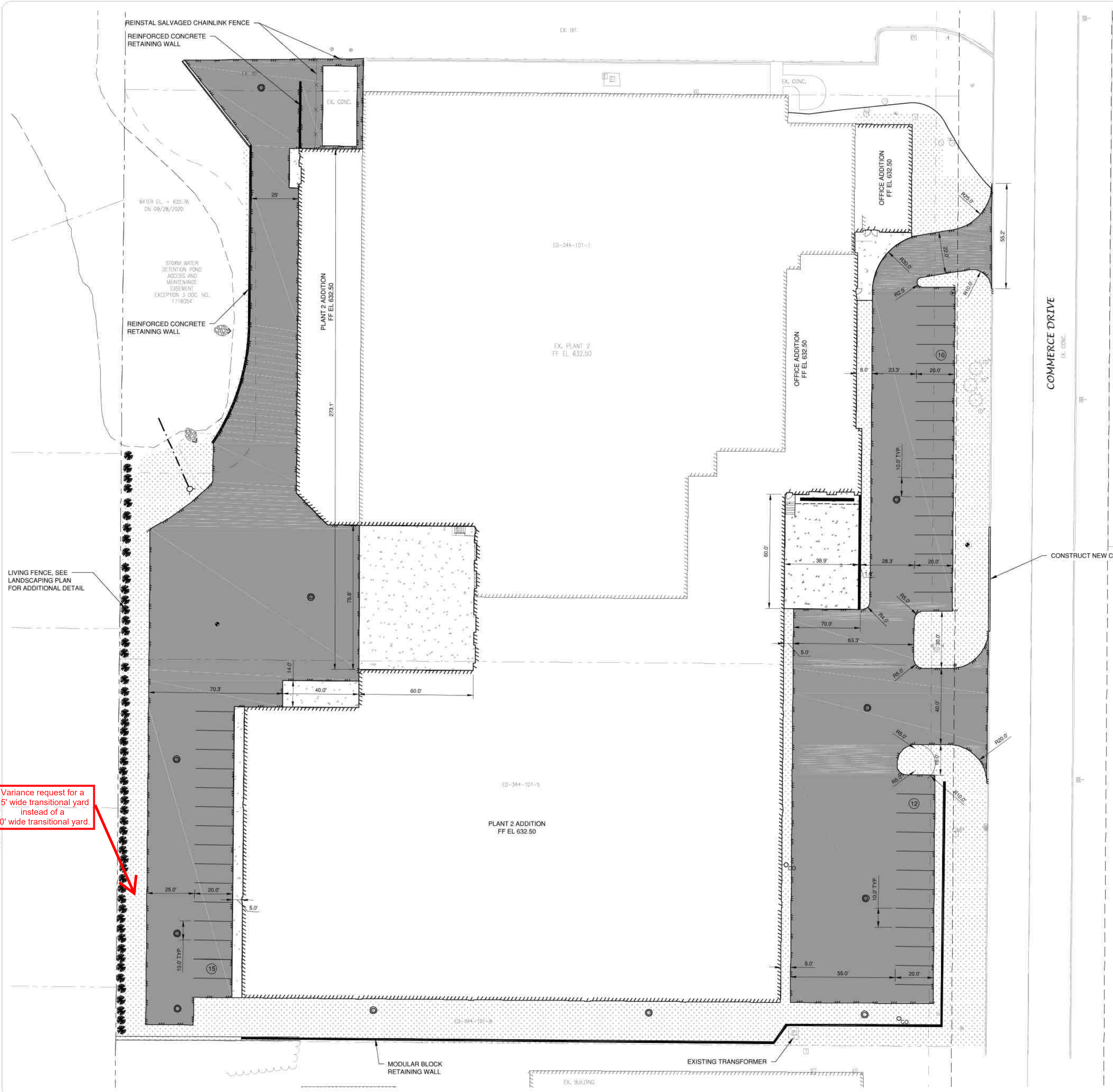
**SECTION 5: Certification and Permission**

**Certification:** I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Variance Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

**Permission:** I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) PAUL JANSSEN	Title PROJECT MANAGER	Phone Number 920-347-3136
Signature of Applicant 		Date Signed 11/24/2020

Maps and scaled drawings which help explain the request are strongly encouraged. Attach additional sheets if necessary.



- LEGEND**
- 8" CONCRETE PAVEMENT
  - ASPHALT PAVEMENT
  - LANDSCAPE AREA
  - GREEN SPACE
  - TRAFFIC FLOW ARROW
  - HANDICAPPED PARKING
  - INDICATES NUMBER OF PARKING STALLS

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

**NOTE**  
ALL DISTURBED AREAS SHALL BE TOPSOILED TO A DEPTH OF 6 INCHES, SEEDED AND MULCHED. AREA TO BE RAKED FREE OF STONES AND CLUMPS.

**PARKING DATA**

PROPOSED PARKING:	
EXISTING OFFICE	191
PLANT 1	177
PLANT 2	44
PLANT 3 & 5	318
NORTH OFFICE LOT	43
PLANT 4	34
<b>TOTAL</b>	<b>807</b>

ACCESSIBLE PARKING SPACES REQUIRED = 16  
ACCESSIBLE PARKING SPACES PROVIDED = 17

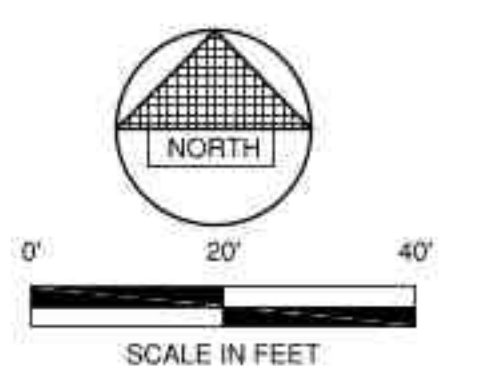
2020 PARKING REQUIRED = 618  
2030 PARKING REQUIRED = 808

**SITE DATA**  
TOTAL AREA = 13.49 ACRES, 587,629 S.F.  
BUILDING AREA = 4.19 ACRES, 182,409 S.F. (31.1%)  
SIDEWALK/PARKING LOT AREA = 6.34 ACRES, 276,128 S.F. (47.0%)  
GREEN SPACE = 2.96 ACRES, 129,092 S.F. (21.9%)

**ZONING**  
I-3 INDUSTRIAL PARK DISTRICT

**PARCEL NO.**  
ED-344-101-1  
ED-344-101-5

Variance request for a 15' wide transitional yard instead of a 50' wide transitional yard.



NO.	DESCRIPTION	DATE

**PLANT 2 ADDITION**  
**Belmark Inc.**  
De Pere, WI



**SITE PLAN SUBMITAL**

SITE PLAN

**Robert E. Lee & Associates, Inc.**  
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES  
1250 CENTENNIAL CENTRE BOULEVARD HOBBART, WI 54155  
920-862-9641 www.rleelnc.com

DATE	11/11/2020	SCALE	AS NOTED
DRAWING NO.	<b>C103</b>		
PROJECT NO.	3439013	REV.	JK











