



Board of Appeals

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Agenda

Monday, July 23, 2018

4:45 PM

De Pere City Hall Council Chambers

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 **July 23, 2018 at 4:45 PM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115.**

Call to Order

1. Roll Call
2. Approval of the minutes of the June 25, 2018 Board of Appeals meeting.
3. Variance request for the residential corner lot driveway setback to be reduced by 2 feet, changing the required distance from 25 feet to 23 feet, to allow for an 8 foot expansion to an existing driveway on a single family residential property located at 1715 Grace Street (Parcel ED-124-40). Submitted by Scott and Darlene Thoresen, property owners.

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.

Agenda Sent To:

Alderspersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Scott & Darlene Thoresen
David & Jane Rott
Randy McVey
Jo Ann Meyer
Erica Davies & John Stindt
Anthony Serauskas

City of De Pere, Wisconsin



Request For Board of Appeals Action

MEETING DATE: July 23, 2018

DEPARTMENT: Board of Appeals

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the June 25, 2018 Board of Appeals meeting.

ATTACHMENTS:

- BoA_Jun2018_Minutes_Draft (PDF)



Board of Appeals

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Draft Minutes

Monday, June 25, 2018

4:45 PM

De Pere City Hall Council Chambers

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	Excused	
Bob De Groot	Chairman	Present	
Paul De Leeuw	Board Member	Excused	
James Stadler	Board Member	Present	
William Vande Hei	Board Member	Present	
Andy Van Remortel	Board Member	Present	

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

2. Approval of the minutes of the May 29, 2018 Board of Appeals Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Stadler, Board Member
SECONDER:	William Vande Hei, Board Member
AYES:	Bob De Groot, James Stadler, William Vande Hei, Andy Van Remortel
EXCUSED:	Scott Bonfigt, Paul De Leeuw

3. Request a variance for the 30 foot rear yard setback to be reduced by 14 feet to allow for a 16 foot by 14 foot patio at the rear of a single family residential property, located at 1223 Cecelia Court (Parcel WD-746-D-47). Submitted by Taylor Markiewicz, Cover All LLC, authorized representative for Kao and Sue Xiong, property owners.

Chairman Bob De Groot read the notice of public hearing and Zoning Administrator Peter Schlein reviewed the variance request. He reported that when the house was built in the 1990's, it was built right at the 30 foot front and rear yard setbacks, restricting any other type of development in the rear yard. Mark Stacy, the neighbor, spoke in favor of the deck. He noted that every property on the back side of the yard has a six foot fence so the deck will not affect any of the neighbors. Sue Xiong, the homeowner, addressed the board, explaining that they would like to have a walk-out deck rather than the brick patio that is there now. The deck will measure 16 wide by 14 feet long and there will be approximately 15 feet from the back of the new deck to the neighbor's fence. Bill Vande Hei moved, seconded by Bob De Groot, to approve the variance request. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William Vande Hei, Board Member
SECONDER:	Bob De Groot, Chairman
AYES:	Bob De Groot, James Stadler, William Vande Hei, Andy Van Remortel
EXCUSED:	Scott Bonfigt, Paul De Leeuw

Adjournment

Bob De Groot moved, seconded by Bill Vande Hei, to adjourn the meeting at 5:02 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker

City of De Pere, Wisconsin

**Request For Board of Appeals Action**

MEETING DATE: July 23, 2018

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Variance request for the residential corner lot driveway setback to be reduced by 2 feet, changing the required distance from 25 feet to 23 feet, to allow for an 8 foot expansion to an existing driveway on a single family residential property located at 1715 Grace Street (Parcel ED-124-40). Submitted by Scott and Darlene Thoresen, property owners.

ATTACHMENTS:

- Report to Board of Appeals - within 25 of corner side yard at 1715 Grace ST (DOCX)
- Notice of Public Hearing_1715 Grace St (DOC)
- Application Form (PDF)
- Request Narrative From Owner (PDF)
- COPY of DENIED VARIANCE from 2007 (PDF)

- Item 3:** Variance request for the residential corner lot driveway setback to be reduced by 2 feet, changing the required distance from 25 feet to 23 feet, to allow for an 8 foot expansion to an existing driveway on a single family residential property located at 1715 Grace Street (Parcel ED-124-40). Submitted by Scott and Darlene Thoresen, property owners.

SITE MAP



REQUESTED ACTION: Variance Request.

A proposed 8 foot wide driveway expansion would extend 2 feet into the corner lot driveway setback of 25 feet.

COMMON DESCRIPTION: 1715 Grace Street, located east from the Grace Street and Knoll Terrace intersection.

PARCEL NUMBERS: ED-124-40

EXISTING ZONING: R-1 (Single Family Residence District)

PROPOSED ZONING: No change.

SURROUNDING LAND USES: Residential to the north, south, east, and west.
Town of Ledgeview border is located across the street to the east.

COMPREHENSIVE PLAN: Neighborhood Residential (Including Multi-Family)

APPLICANT / OWNER: Scott & Darlene Thoresen
Property Owners
1715 Grace Street
De Pere, WI 54115-3313

SITE HISTORY: The subject site is part of the residential subdivision titled, "The Bruss Addition," recorded on May 13, 1948. The subject lot is zoned R-1 and has an established 30 foot corner side yard building setback, per Municipal Code 14-38(6)(1). The lot also has an established 25 foot corner side yard driveway setback, per Municipal Code 14-55(8)(a)(3)(b). The subject house was built in the early 2000's.

On May 29, 2007 a variance was petitioned by the property owners asking to build a hard surface within the corner side yard for trailer parking. The variance was denied by the Board of Appeals. The variance was different than the present petition because, in 2007, the variance challenged the interpretation of the property being at an intersection having corner side yard setbacks. The Board determined that the lot was on a corner with corner side yard setbacks, thus, denying the 2007 variance. A copy of the 2007 denied variance is attached.

- *Variances and appeals may be requested, and repeated, once per year for a property. The last variance was 11 years ago.*

Driveways on corner side yards must be at least 25 feet from the corner side yard property line, per Municipal Code 14-55(8)(a)(3)(b).

STAFF REVIEW: The property owners want to build an 8 foot wide addition to the east side of their driveway and also extend the addition along the east side of the garage. The purpose for the expanded paved surface is to park automobiles. The existing side of the driveway and house garage is at the street corner of Grace Street. The purpose for the expansion is to allow the property owners to fit his, and his college age children's' automobiles on the property during the summer months without the need to park on the street.

- On September 26, 2011 the Board of Appeals approved a similar variance for a driveway at 2250 Trailside Lane. The purpose of the Trailside Lane expansion was to allow extra parking area on the side of the garage. The variance was approved with the condition that landscaping be added to screen the area on the side of the garage.

An expansion can be accomplished without a variance by extending the driveway only 6 feet, rather than 8 feet, as this will place the driveway at the boundary of the 25 foot driveway setback for corner lots. However, the property owners indicated that automobile tires would still partially be on the

lawn if only 6 feet was added.

The request also includes extending the paved surface along the side of the garage where a private walkway exists. The property owner indicated that landscaping will be placed along the other edge of the north and east end of the pavement that is adjacent to the garage in order to partially screen parked automobiles.

The property owners informed all adjacent neighbors to the south, east, and west about the proposed driveway expansion. The property owners obtained signatures from the neighbors, who expressed support for the project.

- *City staff denied the permit because the requested 8 foot driveway expansion extends 2 feet into the 25 foot corner side yard driveway setback, which is not allowed per Municipal Code 14-55(8)(a)(3)(b).*

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.

Publish: July 13, 2018

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 July 23, 2018 at 4:45 PM in the Common Council Chambers, Second Floor, City Hall, 335 S. Broadway Street, De Pere, Wisconsin, on the following matter:

An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-55-8(a)(3)(b) submitted by Scott Thoresen, 1715 Grace Street, De Pere, Wisconsin. Said appeal requests a building permit to widen the existing driveway by 8 feet on the property located at 1715 Grace Street, De Pere, Wisconsin which would require a 2 foot corner side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-55-8(a)(3)(b) which requires a 25 foot corner side yard setback for driveways.

Dated this 13th day of July

BY ORDER OF THE BOARD OF APPEALS

Peter Schleinz, Zoning Administrator

CITY OF DE PERE
RECEIVED
JUL - 3 2018
PLANNING DEPT.

	CITY OF DE PERE APPLICATION FOR VARIANCE	Fee: \$ 168.00
		Receipt #: 134189
		Date: 7-03-18

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) Scott Thoresen	Authorized Representative	Title	
Mailing Address 1715 Grace Street	City De Pere	State WI	ZIP Code 54115
Email Address sthoresen@mail.de-pere.org	Phone Number (incl. area code) (920) 639-1003	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)	Contact Person	Title	
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address: Legal Description: 1715 Grace Street	Parcel Number(s): ED-124-40
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SECTION 4: Variance Information

Section of De Pere Code which creates need for Variance:	14-55-(8) Driveways (2)(3)(b)
Ordinance Provision:	14-55-8(a)(3)(b) "Corner lots Driveways measured at the curb shall not be less than the following distance from the intersection with the street right-of-way line." ... 25 ft.
Project Description:	Widen existing driveway eight (8) feet.
Variance Requested:	Request two (2) foot variance
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	Corner lots are not able to widen a driveway like an interior lot can.
Describe the hardship(s) that would result if the variance is not granted:	Vehicles cannot park legally without being able to widen driveway.
Describe how the variance would not have adverse effects on surrounding properties:	There will not be any impacts to surrounding properties.

Attachment: Application Form (7196 : Variance request for the residential corner lot driveway setback to be reduced by 2 feet, changing t)

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) Scott Thoresen	Title	Phone Number (920) 639-1003
Signature of Applicant 		Date Signed 7/2/18

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

DENIED

3.c

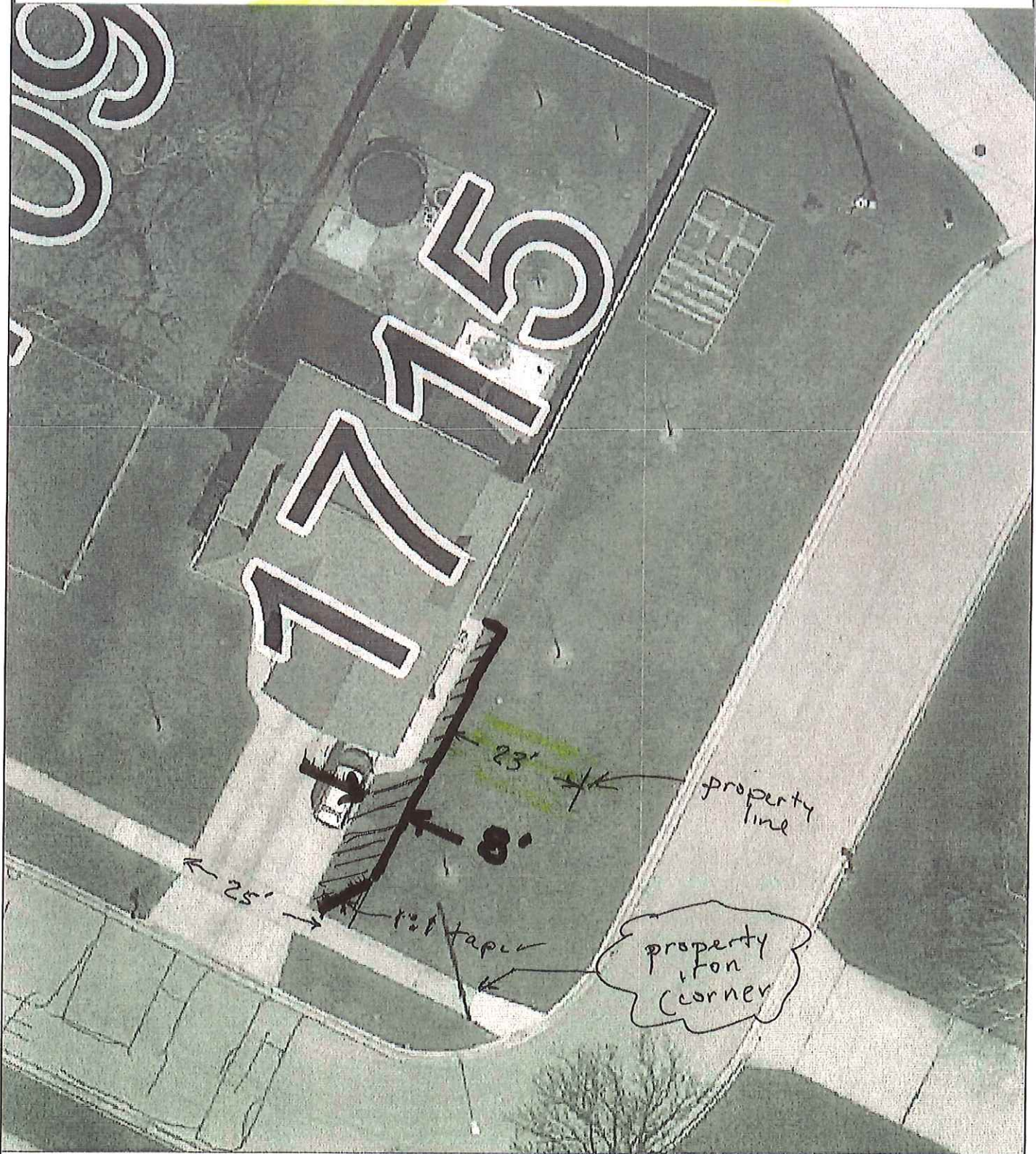
City of De Pere 335 S. Broadway De Pere, WI 54115 (920) 339-4053 Phone (920) 330-9491 Fax dpbldg@mail.de-pere.org	CURB CUT/ DRIVEWAY/ PARKING LOT PERMIT Application and Record 	Permit #: _____ Fee: _____ Receipt #: _____ Date: _____
PROJECT LOCATION		
Owner's Name: <u>Scott Thoresen</u>	Address: <u>1715 Grace Street</u>	
Phone #: <u>920-639-1003</u>	E-mail: <u>sthoresen@mail.de-pere.org</u>	
DRIVEWAY CONTRACTOR	CURB CUT CONTRACTOR	
Company Name:	Company Name:	
Mailing Address:	Mailing Address:	
Phone #:	Phone #:	
E-mail:	E-mail:	
Signature:	Signature:	
JOB SPECIFICATIONS		
☒ Single Family ☐ Commercial ☐ Two Family ☐ Industrial ☐ Multi Family (# of Units) _____	Driveway width at property line: <u>25 feet</u>	
Fees: Residential \$50.00 Comm/Ind/Multi \$150.00	Setback to interior property line: _____	
Curb Cut \$25.00 Total: _____	Curb width at driveway opening: <u>25 feet</u>	
	Curb Cut ☐ Yes ☒ No	
	Parking Lot ☐ New ☐ Expansion	
Brief Job Description: <u>Requesting to widen driveway 8 Feet. See attached</u>		
NOTES	APPROVAL CONDITIONS	
A site plan shall be submitted with this application.		
Curb alterations at the driveway apron require a curb cut permit. The curb cut must be performed per City specifications, and by a City licensed contractor.		
APPLICANT'S STATEMENT	PERMIT APPROVAL	
I certify that the information provided on this form is complete and accurate and hereby agree to comply with all applicable statutes of the State of Wisconsin and ordinances of the City of De Pere, Wisconsin. I further understand that the issuance of this permit creates no legal liability, express or implied, on the City of De Pere, Wisconsin.	Upon signature of an authorized member of the Building Inspection Department, this becomes a permit to conduct the above described work in accordance with all existing laws, ordinances, and regulations.	
Signature: <u>Scott Thoresen</u>	Inspector: _____	
Date: <u>6/28/18</u>	Date: _____ Certification #: _____	

1/1/18

Attachment: Application Form (7196 : Variance request for the residential corner lot driveway setback to be reduced by 2 feet, changing t)

<Title>

8 Foot driveway widening



This map was produced utilizing a variety of sources the City of De Pere reasonably believes are reliable, including GIS data, some of which was under development at the time this map was produced. The City of De Pere makes no warranty, either expressed or implied, including no warranty as to fitness for a particular use, of the information contained in or comprising this map.

Map of De Pere, WI Provided By The De Pere Planning/GIS Department 2010



06/28/2018
Scale 1:240

Attachment: Application Form (7196 : Variance request for the residential corner lot driveway setback to be reduced by 2 feet, changing t)

July 6, 2018

Dear Board of Appeals:

I would like to widen my driveway at 1715 Grace Street eight (8) feet to the east for the purpose of parking. In order to do this, I am requesting a two (2) foot variance because the widened driveway will extend into the corner side yard setback. Attached with this letter is a sketch of the proposed widening. In addition, I am proposing planting landscape type bushes/shrubs along the house side of the driveway widening to help screen the parking.

I have spoken to my adjacent neighbors regarding my proposed widening of my driveway and all are in support of my plans for widening my driveway. In fact, some of the neighbors that I talked to have widened driveways alongside their homes for parking purposes. I have attached with this letter my neighbors supporting signatures for granting a variance to widen my driveway.

Granting the proposed variance will not be detrimental to the public welfare or injurious to other property improvements in the neighborhood. The proposed variance will not impair an adequate supply of light and air to the adjacent property nor will it substantially increase the congestion of the public streets. It will not increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.

The proposed widening into the corner side yard setback is not uncommon for corner lots. There are many corner lot properties throughout the City with similar widened driveways for parking purposes. On 9/26/11, the Board of Appeals approved widening of a driveway on a corner lot for parcel ED-2894 located at 2250 Trailside Lane (See attached) for the same purposes I am requesting a two (2) foot variance for.

If you have any questions or require additional information, please feel free to contact me.

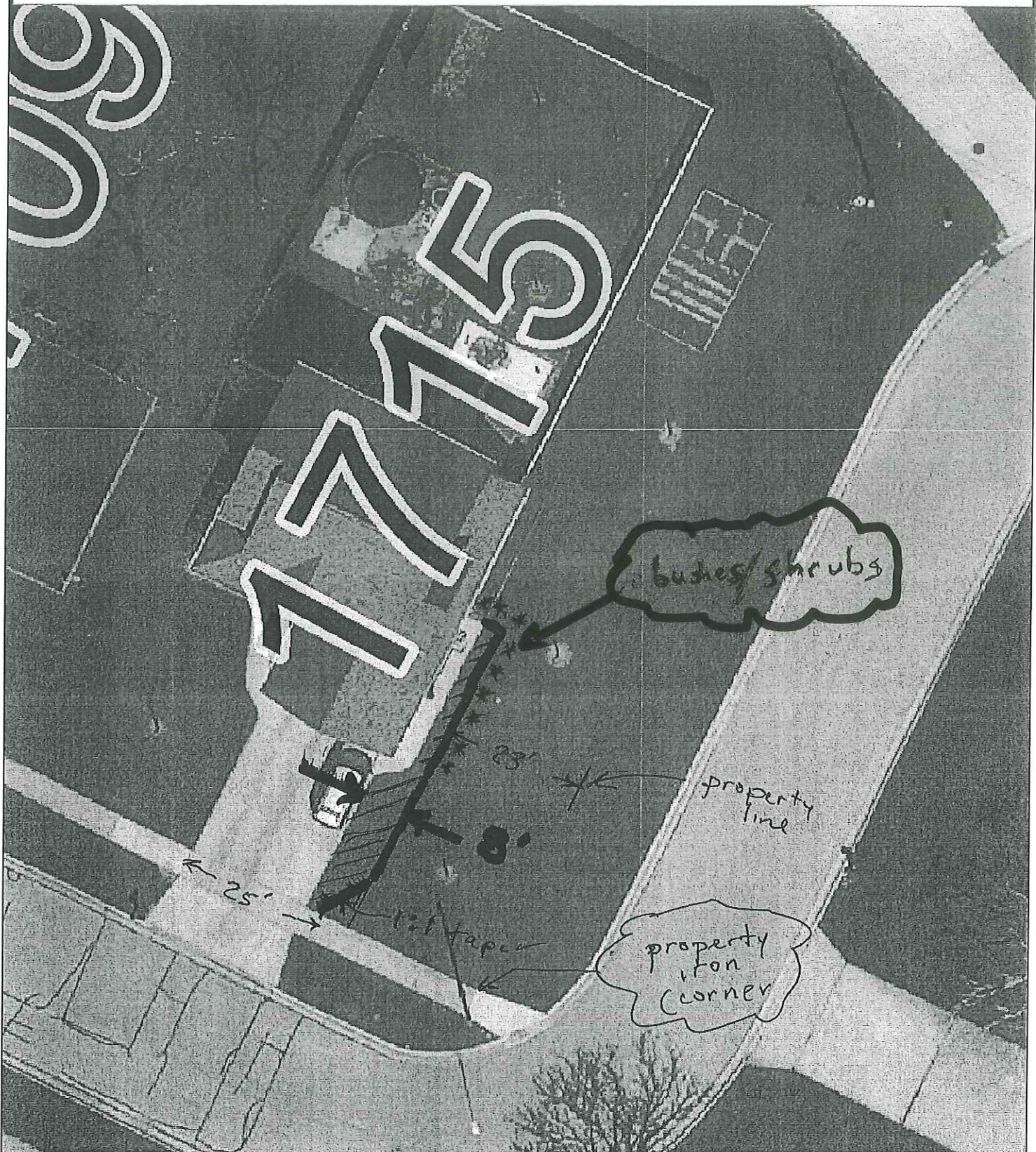
Sincerely,

Scott Thoresen
1715 Grace Street
De Pere, WI 54115
(920) 639-1003
deperehockeydad@gmail.com

Attachment: Request Narrative From Owner (7196 : Variance request for the residential corner lot driveway setback to be reduced by 2 feet,

<Title>

8 Foot drive way widening



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Map of De Pere, WI Provided By The De Pere Planning/GIS Department 2010

N
W E
06/28/2018
Scale 1:240

Attachment: Request Narrative From Owner (7196 : Variance request for the residential corner lot driveway setback to be reduced by 2 feet,

To Whom It May Concern:

Scott & Darlene Thoresen of 1715 Grace Street have informed us they would like to widen the existing driveway eight (8) feet towards the east for parking purposes. As a neighbor to this property we have no objections for granting a variance for the purpose of widening the driveway to accommodate parking.

Name: *Kelly Champ*

Address: *1803 Grace St*

Signature: *Kelly Champ*

Date: *7/5/2018*

To Whom It May Concern:

Scott & Darlene Thoresen of 1715 Grace Street have informed us they would like to widen the existing driveway eight (8) feet towards the east for parking purposes. As a neighbor to this property we have no objections for granting a variance for the purpose of widening the driveway to accommodate parking.

Name: Dave + Jane Rott

Address: 1709 Grace Street

Signature: Jane M Rott

Date: 7-5-10

To Whom It May Concern:

Scott & Darlene Thoresen of 1715 Grace Street have informed us they would like to widen the existing driveway eight (8) feet towards the east for parking purposes. As a neighbor to this property we have no objections for granting a variance for the purpose of widening the driveway to accommodate parking.

Name: *Anthony J. Seraas Kas*

Address: *1724 Grace St.*

Signature: *Anthony J. Seraas Kas*

Date: *11-5-18*

To Whom It May Concern:

Scott & Darlene Thoresen of 1715 Grace Street have informed us they would like to widen the existing driveway eight (8) feet towards the east for parking purposes. As a neighbor to this property we have no objections for granting a variance for the purpose of widening the driveway to accommodate parking.

Name: SUE HENDRICKS

Address: 1702 GRACE ST
DE PERE

Signature: Sue Hendricks

Date: 7-5-18

To Whom It May Concern:

Scott & Darlene Thoresen of 1715 Grace Street have informed us they would like to widen the existing driveway eight (8) feet towards the east for parking purposes. As a neighbor to this property we have no objections for granting a variance for the purpose of widening the driveway to accommodate parking.

Name: *Connie Heller* Connie Heller

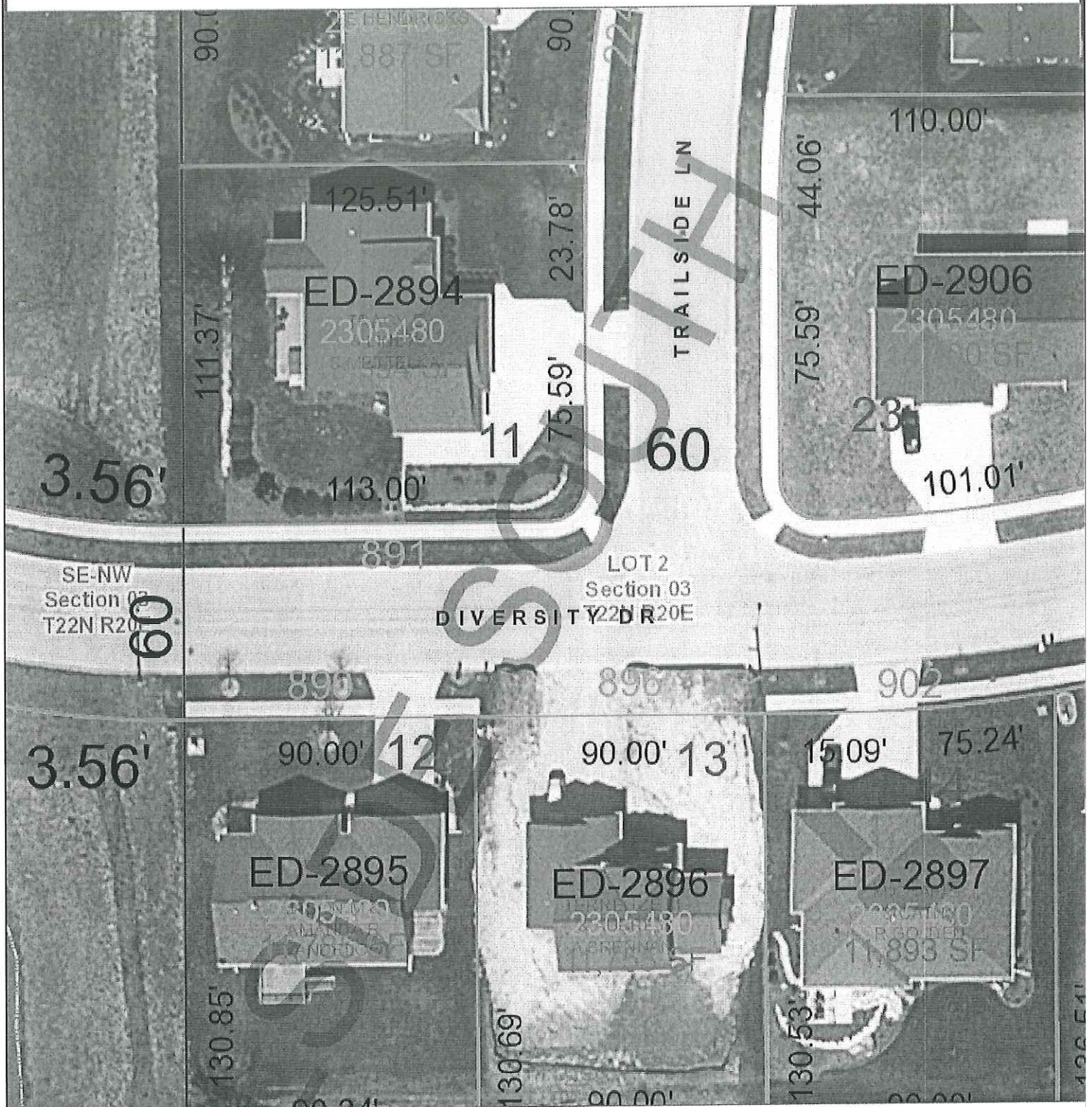
Address: *1802 Grace St.*

Signature: *Connie Heller*

Date: *7/5/18*

2250 Trailside Lane

Parcel - ED-2894



A map key (legend) and other information about this map is available at: maps.gis.co.brown.wi.us
 Geographic Information System (GIS) data provided by: Brown County Planning & Land Services Department
 Brown County is not responsible for user-drawn graphics that may have been added to this GIS base map.
 This map is intended for advisory purposes only. It is based on sources believed to be reliable, but Brown County distributes this information on an "As Is" basis. No warranties are implied. Boundaries shown on this map are general representations only and should not be used for legal documentation, boundary survey determinations, or other property boundary issues.

07/05/2018
 Scale 1:480

Attachment: Request Narrative From Owner (7196 : Variance request for the residential corner lot driveway setback to be reduced by 2 feet,

ZONING BOARD OF APPEALS MINUTES

A regular meeting of the De Pere Zoning Board of Appeals was held on May 29, 2007 at 4:45 p.m. in the Council Chambers of the De Pere City Hall.

Members present were: John Fairchild, Kathy Van Vonderen, Paul Deleeuw and Bill Vande Hei. Also present was Chairman Tom Keidatz and De Pere Building Inspector David Hongisto.

1) Minutes of the April 23, 2007 meeting.

Fairchild noted that he had stated that there was a lack of green space rather than excessive parking area on the Phantom Knight School of Opportunity project. Hongisto indicated that he would amend the language in the minutes. Motion was made by Fairchild, seconded by Van Vonderen to approve the minutes of the May 29, 2007 meeting. Motion carried.

2) Request submitted by Scott Thoresen, 1715 Grace Street, De Pere, Wisconsin for a building permit to construct a concrete parking area located at 1715 Grace Street, De Pere, Wisconsin which would require a variance to allow parking in a corner side yard setback.

Keidatz read the notice of public hearing.

Hongisto explained that the City of De Pere Common Council had amended the zoning code to control the locations of off street parking on residential properties. The amendment allowed parking to extend from a driveway towards an interior lot line. The intent was to not allow parking directly in front of a house (except duplexes) and corner side yards for aesthetic purposes. Hongisto stated that the property initially was at the end of Grace Street when it was platted decades ago and that it abutted the Town of Ledgeview. He noted that he classified it as a corner lot when the current residence was constructed approximately 4-5 years ago.

Van Vonderen told Thoresen that the lot would have been classified as a corner lot for street assessment purposes.

Petitioner Scott Thoresen told commission members that the lot should be classified as an interior lot. He noted that he had just purchased the property and wanted to park his recreational vehicle camper on the east side of his garage.

Hongisto informed commission members that he had consulted with City Attorney Judy Schmidt-Lehman and her interpretation of the code was that the lot was an exterior lot and that parking in a corner side yard setback was not allowed.

A vote was taken on the variance request and denied with Vande Hei, Deleeuw, Fairchild and Van Vonderen voting naye. Vande Hei told Mr. Thoresen that he would be open to granting a variance for a second curb cut to allow parking the camper in the rear yard behind the fence.

3) Request submitted by Matthew & Molly Daanen, 823 E. Gile Circle, De Pere, Wisconsin for a building permit to construct a six (6) foot high fence in a corner side yard setback on the property located at 823 E. Gile Circle, De Pere, Wisconsin which would require a three (3) foot height variance.

Keidatz read the notice of public hearing.

Hongisto explained the specific fence regulations specified in the De Pere Municipal Code.

Petitioner Matt Daanen told commission members that the fence would not create a vision hazard for traffic or pedestrians.

A brief discussion was held about the proximity to the location of future city sidewalks. Vande Hei said the Board typically requires the fence to be 2 feet in from the sidewalk. While noting that sidewalks have not been ordered in since the subdivision was developed years ago a vote was taken on the variance request and was approved with Vande Hei, Fairchild, Van Vonderen and Deleeuw voting aye. The granting of the variance would not impair vision and would not impact adjacent property values.

- 4) *Request submitted by Linda Beane Katner, 51 N. Superior Street, De Pere, Wisconsin for a building permit to construct a detached garage at 515 N. Superior Street, De Pere, Wisconsin which would require a four (4) foot interior side yard setback variance.*

Keidatz read the notice of public hearing.

Hongisto explained the applicable zoning code regulation.

Robert Reinhard represented Linda Beane Katner who out of town. He stated that moving to a six (6) foot interior side yard building setback from the two (2) foot interior side yard setback present with the existing garage would make it hard to maneuver into the garage.

Vande Hei noted that storm water drainage should be directed on to the petitioner's property.

A vote was taken on the variance request and was approved with Vande Hei, Fairchild, Van Vonderen and Deleeuw voting aye while referencing the fact that the lot was an old existing sub standard lot of record.

- 5) *Meeting time discussion.*

Van Vonderen told board members that the Common Council was reviewing the meeting starting times for its committees and asked board members for their thoughts. The members unanimously endorsed keeping the starting time at 4:45 p.m.

- 6) *Announcements.*

Commission members felt that the issue of parking campers on residential lots should be addressed.

Motion was made by Vande Hei and seconded by Van Vonderen to adjourn. Motion carried.

Respectfully submitted,

David R. Hongisto
Building Inspector

Publish: May 17, 2007

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 Tuesday, May 29, 2007 at 4:45 p.m. in the Common Council Chambers, Second Floor, City Hall, 335 S. Broadway Street, De Pere, Wisconsin, on the following matter:

An appeal for a variance of the City of De Pere Municipal Code, Chapter 14.55 (8) (2) submitted by Scott Thoresen, 1715 Grace Street, De Pere, Wisconsin.

Said appeal requests a building permit to construct a concrete parking area on the property located at 1715 Grace Street, De Pere, Wisconsin which would require a variance to allow parking in a corner side yard setback.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14.55 (8) (2) which requires that driveway extensions encroach only the front yard setback which is adjacent to the nearest interior side yard setback.

Dated this 9th day of May, 2007.

BY ORDER OF THE BOARD OF APPEALS

Thomas Keidatz, Chairman

David R. Hongisto, Building Inspector

CITY OF DE PERE APPLICATION FOR VARIANCE	Fee: \$ 100.00
	Receipt #: <u>25183</u>
	Date: <u>5-1-07</u>

Please print or type using black ink for duplicating purposes.

A. Property Owner: Name: Scott J. Thoresen
Mailing Address: 1715 Grace Street
Phone: 337-0033
Signature: Scott Thoresen Date: 4/30/07

I hereby appoint the following as my agent for purposes of this application:

Agent: Name: _____
Mailing Address: _____
Phone: _____
Signature: _____ Date: _____

B. Property Information:
Tax Key/Parcel: ED 124-40
Address/Location of Property: 1715 Grace Street
Legal Description: The Bruss Addition Lot 3 Block 7

Parcel Dimension: 80' x 145'

Parcel Area: 11,600 square feet
Zoning: R-1, Single Family Residence District

Attachment: COPY of DENIED VARIANCE from 2007 (7196 : Variance request for the residential corner lot driveway setback to be reduced by 2

C: Variance Application:

De Pere Municipal Code, Section(s): 14.55 (8) (2)

Ordinance Provision(s): Driveway width restrictions may be exceeded behind the front right of way line/front lot line and into the front yard setback provided the increased width encroaches only the front yard setback which is adjacent to the nearest interior side yard setback.

Proposed Use: Concrete parking area in a corner side yard (For an RV camper).

Variance(s) Requested: To allow off street parking in a corner side yard setback

Describe the exceptional or extraordinary circumstances or conditions that apply to your property and not to surrounding properties:

Describe the hardship(s) that would result if the variance is not granted:

Describe how the variance would not have adverse affects on surrounding properties:

Additional comments may be in the form of a letter to the Zoning Board of Appeals and attached to this application.

1-1-05

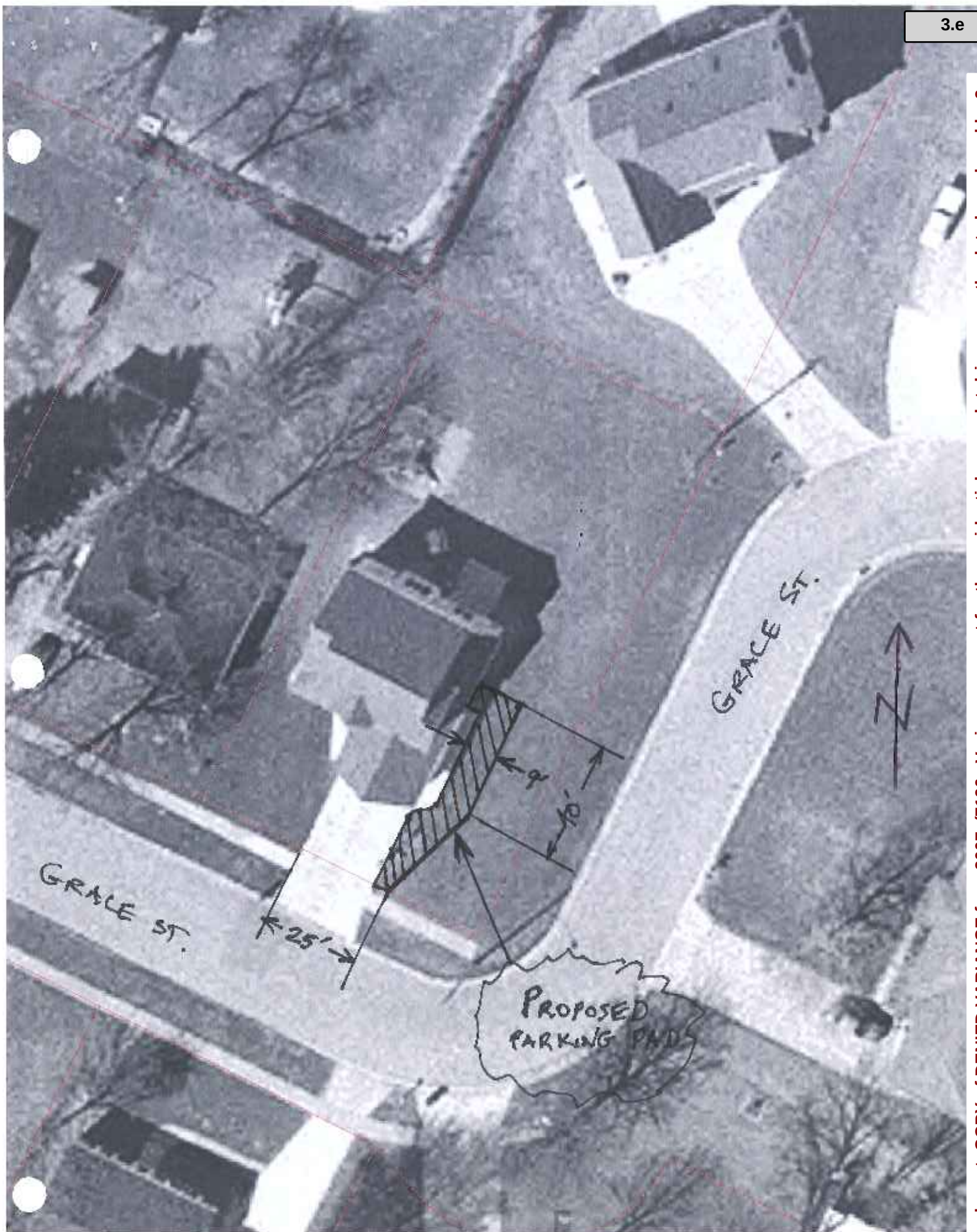


EXHIBIT A

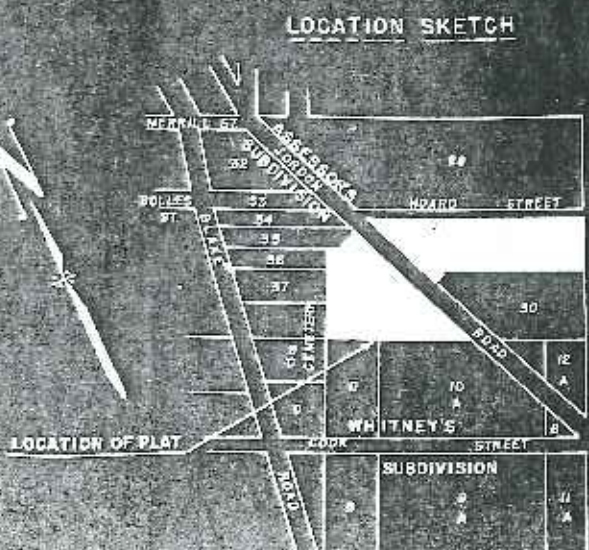


EXHIBIT E

STATE OF WISCONSIN
BROWN COUNTY

WE, I. A. SMITS, CITY CLERK, AND LILLIAN H. DILLON, CITY TREASURER, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT TAXES OR DELINQUENT SPECIAL ASSESSMENTS AS OF THIS DATE ON ANY LANDS INCLUDED IN THE PLAT DESIGNATED AS "THE BRUSS ADDITION".
DATED THIS 12th DAY OF July 1948, AT THE CITY OF DEPERE, BROWN COUNTY, WISCONSIN.

NOTARY PUBLIC, BROWN COUNTY, WIS.
MY COMMISSION EXPIRES SEPT 11/4

J. A. Smith
CLERK, CITY OF DEPERE
W. H. Bell
TREASURER, CITY OF DEPERE

April 30, 2007

Dear Board of Appeals:

At this time I am requesting a variance to widen my driveway for the purpose of parking our RV camper. Attached with this letter is a sketch of the proposed layout of the parking pad. (Exhibit A)

On March 12, 2007 my wife and I put in an offer to purchase the property at 1715 Grace Street with one of the contingencies being that we would be able to install a parking pad along the east side of the house. When I reviewed the City codes I did not see anything that prohibited the installation of such a parking pad. I then contacted the building inspector and he informed me that because this was a corner lot that installing a driveway on the east side of the house was not allowed by code. I was told if the proposed parking pad was on the west side of the house it would be allowed. I was also told that if this lot were not considered a corner lot then the installation of the parking pad would be allowed. I reviewed the code with the building inspector and did not agree with his interpretation. The building inspector informed me that the denial of my request to install a parking pad is appealable to the Zoning Board of Appeals of which the earliest next meeting would be April 23, 2007.

In the mean time, my wife and I had to make a decision on moving forward with the purchase of this home even though there may be a chance we could not install a parking pad. Our offer to purchase gave us until March 27th to back out of the deal if we could not install a parking pad. Faced with a very difficult decision with whether to pursue buying this property, we decided to talk to all the adjacent neighbors first to determine whether there would be any opposition to us installing a parking pad for our camper. I spoke to all the neighbors adjacent to this property including two, which are in the Town of Ledgeview. All supported the proposal of installation of a parking pad. In fact some of the neighbors that I talked with have parking pads for parking trailers on their own property. I have attached with this letter their supporting signatures on granting a variance for the installation of the parking pad. (Exhibit B) Please see attached map (Exhibit C) for location of these properties. After I had spoken with all the neighbors and received their support, my wife and I decided to pursue purchasing this home and at the same time decided to also pursue a variance for the installation of the parking pad. If I had the perfect scenario I would have liked to have gone to the Board of Appeals for approval of a variance prior to purchasing this home but due to time constraints for purchasing this property this was not feasible.

Earlier I mentioned that I do not agree with the building inspector's interpretation to the code and the following are reasons why:

- 1) The building inspector referred to this being a corner lot. I disagree with this because if you look at the definition of a corner lot in the City code book it states "A

lot situated at the intersection of two streets, the interior angle of such intersection not exceeding one hundred thirty-five degrees (135 degrees)." I have attached to this letter various pages that refer to the corner lot definition. (Exhibit D) I do not feel the property at 1715 Grace Street is a corner lot because it fronts one street, which is Grace Street on both sides of the lot. Grace Street is considered one continuous street. Again, as stated earlier if this was not a corner lot then I would be allowed to install the parking pad. This lot clearly does not meet the definition in the City's code book.

- 2) I have attached a copy of the original plat for this property. (Exhibit E) The plat shows this property abutting at the Corporate Limits of the City of De Pere. The proposed street ended at the City of De Pere/Town of Ledgeview limits. If this lot was at the end of a dead end street this would not be considered a corner lot and I would be able to install the parking pad.
- 3) In reviewing the code it is very unclear where it states that corner lots are not allowed to construct a parking pad in the manner that I propose.

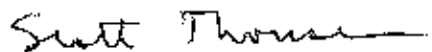
I would ask that the Board of Appeals grant this variance based on the fact that the property is unique as it pertains to whether or not this lot should be considered a corner lot based on the definition in the City's code book.

Granting the proposed variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The installation of the parking pad that I propose is not uncommon. In fact if you took a ride through the neighborhood where this property is located you would notice many properties with such parking pads or very wide driveways for parking purposes. In fact in one of the aerial photos attached with this letter one can see some properties with widened driveways.

The proposed variance will not impair an adequate supply of light and air to the adjacent property nor will it substantially increase the congestion of the public streets. It will not increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood. The installation of the parking pad will actually add value to this property.

If you have any questions or require additional information, please feel free to contact me.

Sincerely,



Scott J. Thoresen
1715 Grace Street
De Pere, WI 54115
(920) 337-0033
thoresenfamly@sbcglobal.net

To Whom It May Concern:

Scott & Darlene Thoresen have informed us they are potential buyers of the property at 1715 Grace Street and would like to widen the existing driveway for parking of a 31' camper. As a neighbor to this property we have no objections for granting a variance for the purpose of widening the driveway to accommodate the parking of their camper.

Name: Joann L. Meyer

Address: 1714 Grace St - Ste Peru

Signature: Joann L. Meyer

Date: 3-22-07

EXHIBIT B

To Whom It May Concern:

Scott & Darlene Thoresen have informed us they are potential buyers of the property at 1715 Grace Street and would like to widen the existing driveway for parking of a 31' camper. As a neighbor to this property we have no objections for granting a variance for the purpose of widening the driveway to accommodate the parking of their camper.

Name: SUE HENDRICKS

Address: 1702 GRACE ST

Signature: Sue Hendricks

Date: 3-22-07

EXHIBIT B

To Whom It May Concern:

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Name: Mike Ama

Address: 1709 GRACE ST.

Signature: Michael T. Ama

Date: 3/22/07

EXHIBIT B

To Whom It May Concern:

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Name:

Kelly J. Champ Kelly J. Champ

Address:

1803 Grace St

Signature:

Kelly J. Champ

Date:

3/23/07

Attachment: COPY of DENIED VARIANCE from 2007 (7196 : Variance request for the residential corner lot driveway setback to be reduced by 2

EXHIBIT B

To Whom It May Concern:

Scott & Darlene Thoresen have informed us they are potential buyers of the property at 1715 Grace Street and would like to widen the existing driveway for parking of a 31' camper. As a neighbor to this property we have no objections for granting a variance for the purpose of widening the driveway to accommodate the parking of their camper.

Name: Michelle Lemerond

Address: 1715 Grace St

Signature: M. Lemerond

Date: 3/23/07

To Whom It May Concern:

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Name: *Rose Mary Mc Uley*

Address: *1802 Grace St.*

Signature:

Date:

To Whom It May Concern:

Scott & Darlene Thoresen have informed us they are potential buyers of the property at 1715 Grace Street and would like to widen the existing driveway for parking of a 31' camper. As a neighbor to this property we have no objections for granting a variance for the purpose of widening the driveway to accommodate the parking of their camper.

Name:

Tim Tropicke

Address:

1811 Grace St.

Signature:

L. L. L.

Date:

3-22-07



EXHIBIT C

(97) *Limited access highway.* A traffic way, including toll roads, for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

(98) *Living area.* Those portions of a dwelling unit which are utilized by the inhabitants thereof on a regular basis, including, but not limited to, bathrooms, bedrooms, dens, dining areas, great rooms, hallways, living rooms, and recreation rooms.

(99) *Loading berth.* That portion of a building and lot designed to serve the purpose of loading or unloading all types of vehicles.

(100) *Lodging house (including boarding and rooming house).* A residential building, or portion thereof, owner-occupied, other than a motel, apartment hotel, or hotel which accommodates persons who are not members of the owner's family. Lodging or meals or both are provided for compensation on a daily, weekly, or monthly basis.

(101) *Lodging room.* A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one "lodging room" for purposes of this ordinance.

(102) *Lot.* A parcel of land which is either a "lot of record" or a "zoning lot". (See illustration in Appendix A at the end of this document.)

(103) *Lot area, gross.* The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river and/or public right-of-way.

(104) *Lot, corner.* A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding one hundred thirty-five degrees (135°). (See illustration in Appendix A at the end of this document.)

(105) *Lot, depth.* The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries. (See illustration in Appendix A at the end of this document.)

(106) *Lot, improved.* A lot of record with either street improvements of pavement, curb, sewer and water, or building improvements with a structure.

(107) *Lot, interior.* A lot other than a corner or reversed corner lot. (See illustration in Appendix A at the end of this document.)

(108) *Lot line, front.* That boundary of a lot which is along an existing or dedicated public street or, where no public street exists, along a public way. In cases of lots with more than one frontage, the front lot line shall be determined by the Building Inspector.

(109) *Lot line, rear.* That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

14.60

DE PERE CODE

Definitions

* Corner Lot

is a lot abutting on two streets at their intersection, where the angle of intersection is not more than 135 degrees.

Reversed Corner Lot

is a corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Interior Lot

is a lot other than a corner or reversed corner lot.

Through Lot

is a lot having a pair of opposite lot lines along two more or less parallel public streets. On a through lot both street lines shall be deemed front lot lines.

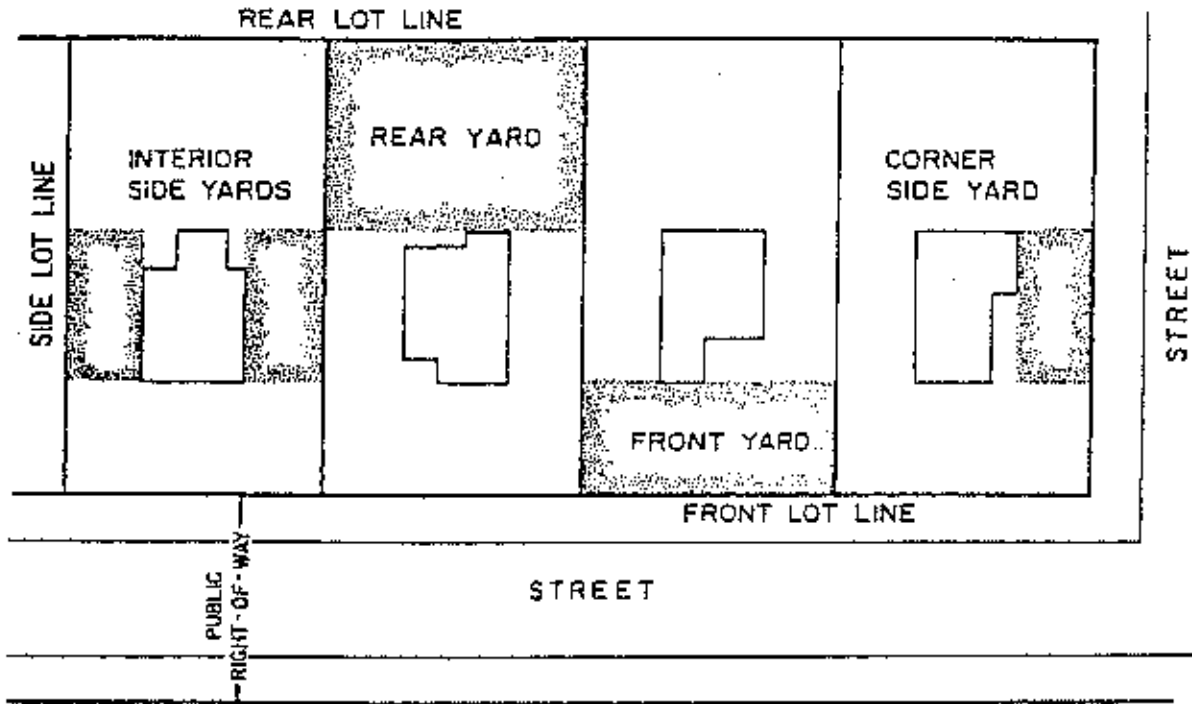
CDA:162

EXHIBIT D

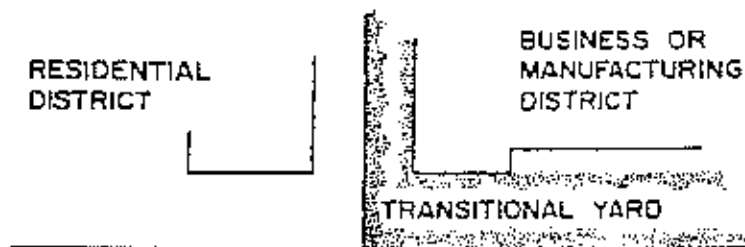
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DE PERE CODE

Required Yards—Illustrated



TRANSITIONAL YARDS



CDA:164

EXHIBIT D

APPENDIX A—ZONING

14.60

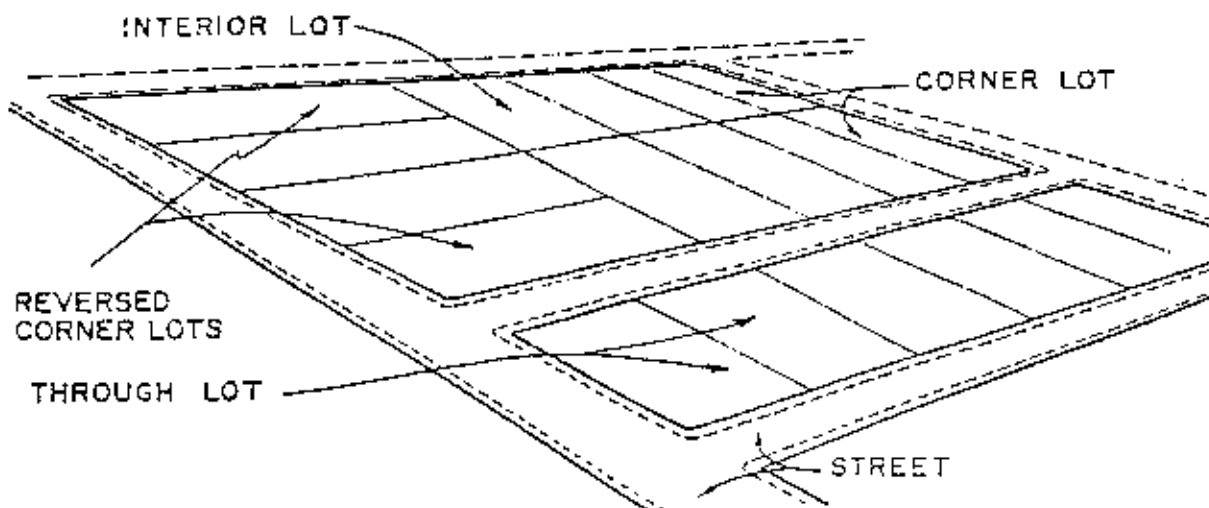
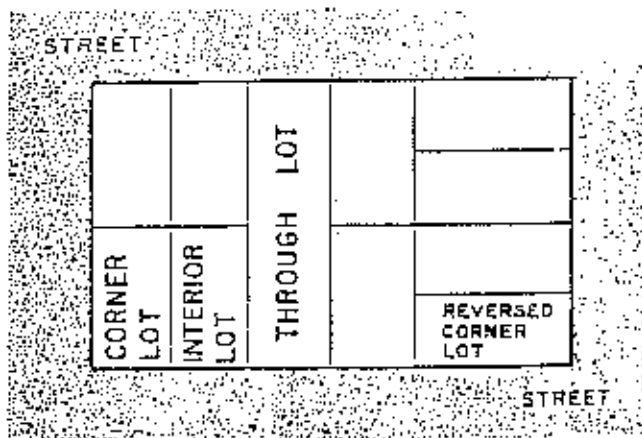
(i) *Maintenance.* It shall be the responsibility of the lessee and/or owner of the principal use, uses or building, to maintain in a neat and adequate manner, the loading space, accessways, striping, landscaping, screening, and required fences.

(14) *Outdoor storage.* Outdoor storage of any material other than motor vehicles in operable condition is prohibited. Storage of materials, equipment, parts, inventory, etc.[,] shall take place in completely enclosed structures that meet the General Building and Performance Requirements contained herein. Outdoor storage of motor vehicles in operable condition is allowed provided such outdoor parking (storage) areas are screened pursuant to the definition (of screening) contained in the Definitions Section.

APPENDIX A.

ILLUSTRATIONS

Example of Lot Types



CDA:161

EXHIBIT D