



# Board of Appeals

## Special Meeting

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

### Agenda

Wednesday, July 7, 2021

4:45 PM

GoToMeeting

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 7, 2021** at **4:45 PM**.

**This 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://deperewi.iqm2.com/>.*

#### Call to Order

1. Roll Call
2. Approval of the minutes of the May 24, 2021 Board of Appeals meeting.
3. Public comments upon matters not on the agenda.
4. A. Consideration and possible action on a request for a variance to reduce a proposed single-family dwelling corner side yard setback to 13', instead of a 30' corner side yard setback, in an R-2 District at 701 Oak ST (Parcel WD-435). B. Consideration and possible action on a request for a variance to reduce a proposed single-family dwelling interior side yard setback to 6', instead of a 10' interior side yard setback, in an R-2 District at 701 Oak ST (Parcel WD-435).
5. A. Consideration and possible action on a request for a variance to allow loading berths in the front yard with screening established by Plan Commission, instead of screened in the side yard and rear yard, in an I-B-2 District at 2400 BLK American BL (All of Parcels: WD-L510, WD-L511, WD-L514, WD-L515 and Part of Parcels: WD-L482, WD-L483-1, WD-L484-1, WD-L485, WD-L486). B. Consideration and possible action on a request for a variance to allow outdoor storage (truck trailer parking only) in the front yard with screening established by Plan Commission, instead of screened in the rear 25 percent of the side yard and the rear yard, in an I-B-2 District at 2400 BLK American BL (All of Parcels: WD-L510, WD-L511, WD-L514, WD-L515 and Part of Parcels: WD-L482, WD-L483-1, WD-L484-1, WD-L485, WD-L486).

#### 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

Nate Zepnick, Greater Green Bay Habitat for Humanity

Donna Lefebvre

Kathleen & Paul Hermsen

Keith Brunette

Green Bay Montessori Children's World Inc.

Zachary Zweifler, Scannell Development CO III INC

Garrity Family Real Estate LLC

Prime Veal Inc.

Wisconsin Central LTD

R & M Garrity Farm LLC

Green Bay Packaging Inc.



City of De Pere, Wisconsin

**Request For Board of Appeals Action**

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**MEETING DATE:** July 7, 2021

**DEPARTMENT:** Planning

**FROM:** Kelly Barker

**SUBJECT:** Approval of the minutes of the May 24, 2021 Board of Appeals meeting.

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**ATTACHMENTS:**

- BoA\_May2021\_Minutes\_Draft (PDF)



# Board of Appeals

## Regular Meeting

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

### Draft Minutes

Monday, May 24, 2021

4:45 PM

GoToMeeting

#### 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	Excused	
James Stadler	Board Member	Present	
William Vande Hei	Board Member	Present	
Andy Van Remortel	Board Member	Present	

Also present: Zoning Administrator Peter Schleinz and members of the public.

- Approval of the minutes of the December 21, 2020 Board of Appeals meeting.

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

- Public comments upon matters not on the agenda.

There were no public comments.

<b>RESULT:</b>	<b>DISCUSSED</b>
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- Consideration and possible action on a request for a variance to expand a driveway with a 15' corner side yard setback, instead of a 30' corner side yard setback, in an R-2 District at 831 Virginia DR (Parcel ED-371-G-12).
  - Consideration and possible action on a request for a variance to expand part of a single-family dwelling driveway to ~27' wide, instead of 25' wide, in an R-2 District at 831 Virginia DR (Parcel ED-371-G-12).

Before reading the public hearing notice, Bob De Groot asked if the petitioners were in attendance. They were not present. Jim Stadler moved, seconded by Bill Vande Hei, to move this item to the end of the agenda since the petitioners were not present yet. Upon vote, motion carried unanimously. After returning to this item, the petitioners were still not in attendance so the board proceeded with their review. Discussion followed and it was decided that the board would make a decision on this item without the petitioner present. Jim Stadler moved, seconded by Bill Vande Hei, to deny Part A of the variance request. Upon vote, motion carried unanimously. Bill Vande Hei moved, seconded by Scott Bonfigt, to deny Part B of the variance request. Upon vote, motion carried unanimously. The reason for the denial of the variance requests is because the application was incomplete. Also, it was difficult to get clarification since the petitioners were not present to answer questions.

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

5. A. Consideration and possible action on a request for a variance to expand an attached garage and driveway on a single-family dwelling with a 16' corner side yard setback, instead of a 30' corner side yard setback, in an R-1 District at 230 Colleen LN (Parcel WD-758-S-13). B. Consideration and possible action on a request for a variance to expand part of a single-family dwelling driveway to 32' wide, instead of 25' wide, in an R-1 District at 230 Colleen LN (Parcel WD-758-S-13).

Bob De Groot read the public hearing notice and Zoning Administrator Peter SchleinZ reviewed the variance request. The petitioner is requesting a variance to expand an attached garage and driveway on a single-family dwelling to be extended into the corner side yard setback. The request is broken into two parts: the first relates to setbacks, the second relates to driveway width. The petitioner provided information that reflects the desired petition, collected signatures from the adjacent property owners, and designed landscaping to help screen the subject area. Andy Van Remortel moved, seconded by Scott Bonfigt to approve the variance for both Part A and Part B. Upon vote, motion carried unanimously.

<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, Stadler, Vande Hei, Van Remortel
<b>EXCUSED:</b>	Paul De Leeuw, Michelle Manke

#### Adjournment

Bob De Groot moved, seconded by Andy Van Remortel, to adjourn the meeting at 5:15 PM. Upon vote, motion carried unanimously.

Respectfully submitted,  
Kelly Barker



City of De Pere, Wisconsin

**Request For Board of Appeals Action**

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**MEETING DATE:** July 7, 2021

**DEPARTMENT:** Planning

**FROM:** Kelly Barker

**SUBJECT:** Public comments upon matters not on the agenda.

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City of De Pere, Wisconsin

**Request For Board of Appeals Action**

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**MEETING DATE:** July 7, 2021

**DEPARTMENT:** Planning

**FROM:** Peter Schleinz

**SUBJECT:** A. Consideration and possible action on a request for a variance to reduce a proposed single-family dwelling corner side yard setback to 13', instead of a 30' corner side yard setback, in an R-2 District at 701 Oak ST (Parcel WD-435). B. Consideration and possible action on a request for a variance to reduce a proposed single-family dwelling interior side yard setback to 6', instead of a 10' interior side yard setback, in an R-2 District at 701 Oak ST (Parcel WD-435).

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**ATTACHMENTS:**

- BoA\_JuL2021\_Special\_Public Hearing Notice (DOC)
- Report to BOA - residential house with side and corner side setback reductions (DOCX)
- Application Form and Petitioner Documents (PDF)

Publish: June 23, 2021

## 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 7, 2021 at 4:45 PM on the following matters:

- 1a. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-39(6)(1)(a) submitted by Greater Green Bay Habitat for Humanity, 1967 Allouez Ave, Green Bay, WI. Said appeal requests a building permit to construct a single family dwelling 13 feet from the corner side yard setback on the property located at 701 Oak St, De Pere, WI.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-39(6)(1)(a) which requires a 30 foot corner side yard setback in an R-2 District.

- 1b. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-39(6)(1)(a) submitted by Greater Green Bay Habitat for Humanity, 1967 Allouez Ave, Green Bay, WI. Said appeal requests a building permit to construct a single family dwelling 6 feet from the interior side yard on the property located at 701 Oak St, De Pere, WI.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-39(6)(1)(a), which requires a 10 foot interior side yard setback in an R-2 District.

- 2a. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-60(13)(b)(2) submitted by Scannell Development Company III, 8801 River Crossing Blv, Indianapolis, IN. Said appeal requests a variance to allow loading berths in the front yard, with screening established by Plan Commission review of a site plan, at the 2400 BLK of American Blv, De Pere, WI.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-60(13)(b)(2), which only allows loading berths in the side and rear yards in an I-B-2 District.

- 2b. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-60(6)(i)(3) submitted by Scannell Development Company III, 8801 River Crossing Blv, Indianapolis, IN. Said appeal requests a variance to allow outdoor storage

(truck trailers only) in the front yard, with screening established by Plan Commission review of a site plan, at the 2400 BLK of American Blv, De Pere, WI.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-60(6)(i)(3), which only allows outdoor storage in the rear 25% of the side and rear yards in an I-B-2 District.

This meeting will not be held in person. 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 23<sup>rd</sup> day of June, 2021

BY ORDER OF THE BOARD OF APPEALS

Peter Schlein, Zoning Administrator

- Item 4A:** Consideration and possible action on a request for a variance to reduce a proposed single-family dwelling corner side yard setback to 13', instead of a 30' corner side yard setback, in an R-2 District at 701 Oak ST (Parcel WD-435).
- Item 4B:** Consideration and possible action on a request for a variance to reduce a proposed single-family dwelling interior side yard setback to 6', instead of a 10' interior side yard setback, in an R-2 District at 701 Oak ST (Parcel WD-435).

### SITE MAP



- REQUESTED ACTION:** Area Variance Requests.
- Item 4A:** Request to deviate from Municipal Code 14-39(6)(1)(a) by reducing the corner side yard setback from 30' to 13' to construct a single-family home.*
- Item 4B:** Request to deviate from Municipal Code 14-39(6)(1)(a) by reducing the interior side yard setback from 10' to 6' to construct a single-family home.*
- COMMON DESCRIPTION:** 701 Oak ST, located southwest of the Oak ST and N Seventh ST intersection.
- PARCEL NUMBERS:** WD-435
- ZONING:** Single and Two-Family Residence District (R-2).
- SURROUNDING LAND USES:** Single-family residential (R-2) to the north, south, and west. Montessori School (R-2) to the east.

<b>COMPREHENSIVE PLAN:</b>	Commercial Redevelopemnt
<b>APPLICANT / OWNER:</b>	Nate Zepnick, Construction Manager Greater Green Bay Habitat for Humanity 1967 Allouez AV Green Bay, WI 54311
<b>SITE HISTORY:</b>	<p>The City ordered the removal of a dilapidated house in 2019. The setbacks for the dilapidated house were legal-nonconforming in an older neighborhood at the time the removal was ordered. The remaining property had a 10' wide by 70' deep building envelope, due to the corner lot being a narrow lot. Because of the narrow building envelope it was known that a variance(s) would likely need to be successfully obtained if future residential development was desired that matched the neighborhood.</p> <p>On November 22, 2020 Habitat for Humanity purchased the property and on June 4, 2021 petitioned for a variance to construct a home.</p>
<b>STAFF REVIEW:</b>	<p>The petitioner proposes two variances:</p> <ol style="list-style-type: none"> <li>1. Request to deviate from Municipal Code 14-39(6)(1)(a) by reducing the corner side yard setback from 30' to 13' to construct a single-family home.</li> <li>2. Request to deviate from Municipal Code 14-39(6)(1)(a) by reducing the interior side yard setback from 10' to 6' to construct a single-family home.</li> </ol> <p><i>Note: The petitioner unnecessarily requested a third variance for a reduction to the 30' front yard setback. Municipal Code 14-37(2)(c) allows an average of the block (10.8') to be used without the need for a variance to the front yard setback.</i></p> <p>Attached with this report is a scaled plan that the petitioner proposes for the project site. The specific hardship relates to the inability to develop the property for residential purposes due to a minimal buildable area that is 10' wide, preventing traditional houses in the neighborhood from being constructed. The Board of Appeals does not have a history of reviewing variances with such an extreme minimal buildable area on a corner lot.</p> <p>The petitioner reached out to inform adjacent property owners that would be most affected by the request. A copy of signatures from some of the adjacent property owners is included with this report.</p> <p><b><i>Item 4A: City staff cannot issue a building permit because the proposed development requires a minimum 30' corner side yard setback, per Municipal Code 14-39(6)(1)(a).</i></b></p> <p><b><i>Item 4B: City staff cannot issue a building permit because the proposed development requires a minimum 10' interior side yard setback, per Municipal Code 14-39(6)(1)(a).</i></b></p>
<b>AREA VARIANCE REQUEST HARDSHIP PROOF NEEDED</b>	Under state law [Wis. Stats. §62.23(7)(e)7.a.] an "area variance" means a modification to a dimensional, physical, or locational requirement such as a

**FROM PROPERTY OWNER:** setback, frontage, height, bulk or density restriction for a structure.

Also under state law [Wis. Stats. §62.23(7)(e)7.d] for an area variance, the property owner bears the burden of proving that:

1. The dimensional, physical or locational requirement of the code is an “unnecessary hardship” by demonstrating that strict compliance with the zoning ordinance would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome;
2. The unnecessary hardship is based upon circumstances unique to the property rather than considerations personal to the property owner; and
3. The unnecessary hardship was not created by the property owner.

In reviewing an area request, the following five criteria are listed in Section 14-27(3) De Pere Municipal Code for the Board to use in determining whether the property owner has proven unnecessary hardship:

Standards for variances. The Board of Appeals shall not vary the regulations of this ordinance, as authorized in subsection 2., above, unless it shall make findings based upon the evidence presented to it in each specific case that:

- (a) *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;*
- (b) *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;*
- (c) *The alleged difficulty or hardship is caused by this ordinance and has not been created by any person having an interest in the property;*
- (d) *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; and*
- (e) *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.*

The petitioner provided information in the attachments to provide responses related to Items 1, 2, and 3 as well as items (a), (b), (c), (d), and (e) above. The petitioner has also been advised to attend the Board of Appeals meeting in order to provide further detailed information and/or answer questions of the Board in order to verify if a hardship exists.

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 approves the request, the petitioner must obtain proper permits and begin the project within six months of the approval. One variance appeal per year may be petitioned.

	<b>CITY OF DE PERE</b> <b>APPLICATION FOR VARIANCE</b>	<b>Fee:</b> \$ 168.00
	JUN 4 2021 RECEIVED PLANNING DEPT.	<b>Receipt #:</b> 161903
		<b>Date:</b> 6-04-21


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) Greater Green Bay Habitat for Humanity	Authorized Representative Nate Zepnick	Title Construction Manager	
Mailing Address 1967 Allouez Avenue	City Green Bay	State WI	ZIP Code 54311
Email Address nzepnick@greenbayhabitat.org	Phone Number (incl. area code) 920-362-7888	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: Lots 2 and 4, block 16 of De Pere Company's Addition		Parcel Number(s): WD-435	
SECTION 4: Variance Information			
Section of De Pere Code which creates need for Variance:	Municipal Code 14-39(6)(1)(a)		
Ordinance Provision:	See Attached		
Project Description:			
Variance Requested:			
Describe the exceptional 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 effects on surrounding properties:			

**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) Nate Zepnick	Title Construction Manager	Phone Number 920-362-7888
Signature of Applicant 		Date Signed 6/3/21

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

701 Oak Street

# Site Plan

Lots 2 and 4, excepting a strip of land 1 foot wide along the Westerly line of said Lot 4, all in Block 16, according to the recorded Plat of De Pere Company's Addition to the Village of West De Pere, in the City of De Pere, West side of Fox River, Brown County, Wisconsin.

-701 Oak Street-

### Notes

House placement for the side and front is based off of averaging the 6 structures adjacent and to the west of parcel and South of Oak Street. Seventh Street side is what was left after averaging. These measurements were field measured on 05/18/2021

Site plan is based on previous survey work and GIS information available.

Bearings referenced to the West right of way Seventh Street, assumed to be N26°43'54"E.

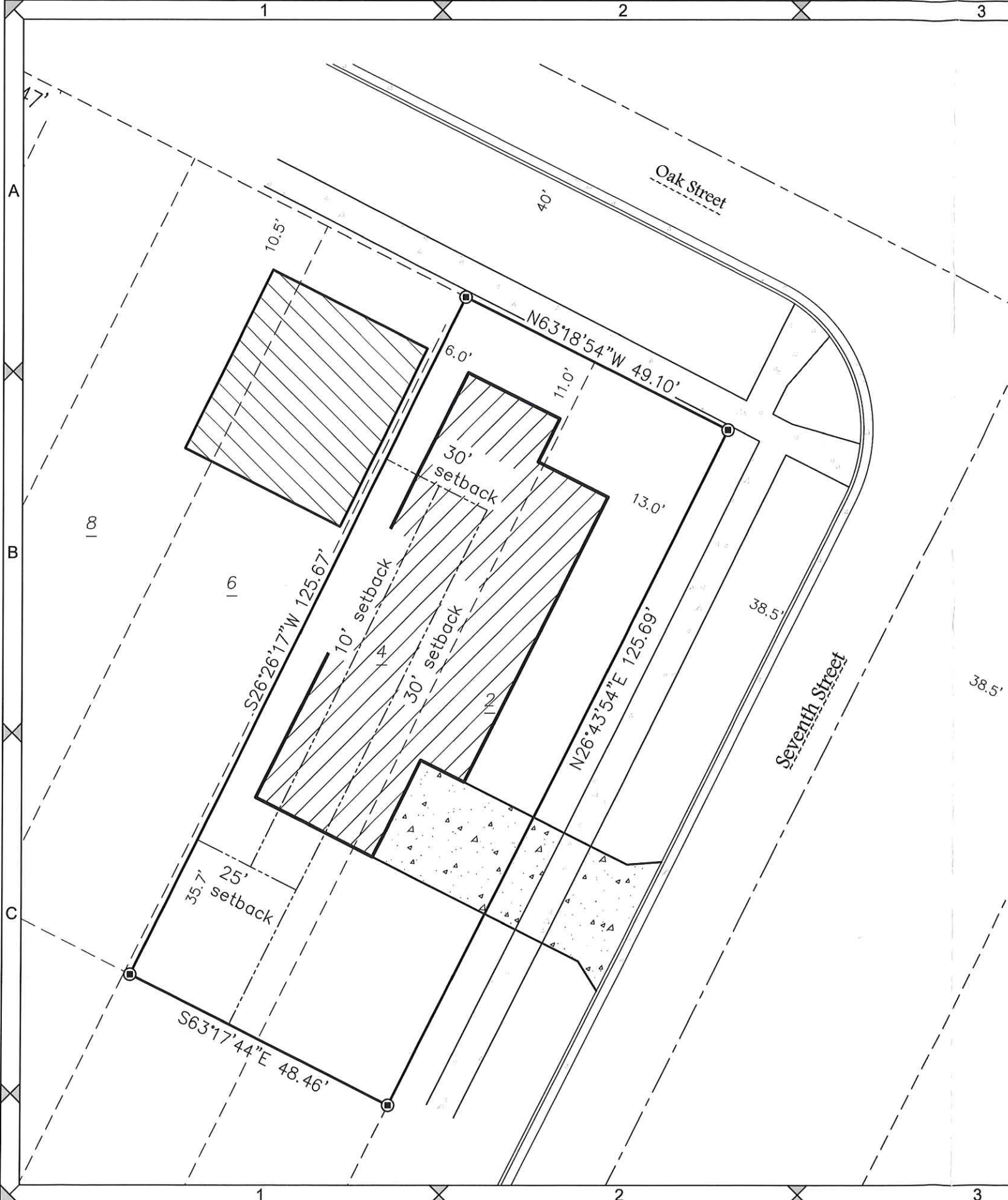
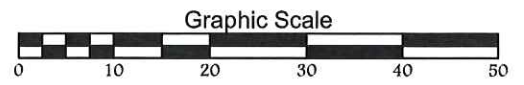
**DENIED**  
*[Signature]*  
5/21/2021

RECEIVED MAY 27 2021

Scale: 1" = 20'

### Legend

- computed point
- ══ concrete curb & gutter line
- ▨ concrete
- ▩ existing building
- ▧ proposed building
- ▤ proposed concrete



Sheet One of One  
Project No.: F-6905  
Drawing No.: X-1120

**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

Client: Habitat  
Tax Parcel: WD-435  
Drafted By: JRW  
File: F-6905Site Plan 0511421.DWG  
Data File: F-6905.TXT

## 701 Oak Street Application for Variance

### Project Description:

Greater Green Bay Habitat for Humanity proposes to build a single family home on the corner of Oak Street and 7<sup>th</sup> Street. The address is 701 Oak Street, with the front door and porch facing Oak Street, while the garage and driveway will be accessed from 7<sup>th</sup> Avenue. The proposed building will include 1597 square feet of finished space on the first floor, in addition to a single stall garage, which is 396 square feet. The proposed driveway will be approximately 13 feet wide by 21 feet long. Habitat for Humanity builds simple, decent, and affordable homes for deserving families in our community. This particular home would be built for a veteran, single mother, with three children. The house will also have ADA compliant aspects for wheelchair needs.

Our partner families pay interest free mortgages on their homes, and take full ownership upon completion. Our thorough pre-construction process ensures that the families we work with have full time jobs, the ability to pay their mortgages, the passion and work ethic to help in the building of their homes (sweat equity), and are contributing members of their communities.

### Variance Requested:

Per restrictions from Municipal code 14-39(6)(1)(a), we are requesting a variance in regard to the following setbacks:

1. Front Yard setback changing from required 30' to 11'
2. Corner side yard setback changing from 30' to 13'
3. Interior side yard setback changing from 10' to 6'

\*Please see Exhibit for variance for building setbacks

### Existing Hardships:

At the time of purchase, Habitat for Humanity, as an organization, was not aware of the unique nature of this particular parcel. Upon further research along with Mau and Associates land surveyors, it was determined that the current lot (zoned R-2) would essentially be unbuildable. The current code requirements for corner lot setbacks would only allow for a house 10 feet wide. We are asking to consider a variance to this parcel's setback requirements to allow for a new single family home to be built per the plans included. Our intention on this project is simply to comply with the neighboring houses, as to not be an outlier. We believe that the opportunity to build on this lot would help to improve the neighborhood, but also add to the tax base.

**Describe the hardships that would result if the variance is not granted:**

If the variance would not be granted, it would essentially make the lot unbuildable for our organization and the family. The future homeowner has committed to this particular lot, and we have designed house plans to accommodate her family size and disability needs. Without a variance, the remaining buildable area would not accommodate any type of residence that would meet building code.

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

It is Habitat for Humanity's intention to simply build a single family home that conforms to the neighborhood. We would like to set the front of the house in line with neighboring homes, to match. We are also asking for reasonable setbacks for the remainder of the property lines. Additionally, Aerial photos of the parcel being reviewed, show an existing house located at 701 Oak street as recent as 2017. These photos show that the previous home had an approximate front yard setback of 5 feet, and a setback of less than 10 feet from 7th Street.

**History:**

Habitat purchased this lot with the hopes of building a new home for a well deserving family. The lot contained several overgrown trees that have since been removed and cleaned out. Some of the trees become a nuisance to neighboring properties, due to size, danger, and overgrowth. Please see photos for reference of work which has already been done to enhance this lot.

**Conclusion:**

It is our hope that the committee will grant Habitat for Humanity this variance so that we can place a well deserving family in a great area. I believe that what we are asking for is a reasonable request, with the full intension of simply conforming to the neighboring homes. Thank you for your consideration.

Sincerely,

Nate Zepnick - Greater Green Bay Habitat for Humanity

701 Oak Street - Habitat for Humanity - New Construction Proposal

The city of De Pere is requesting a variance, based on the unique nature of the building code for a corner lot. Greater Green Bay Habitat for Humanity is proposing to erect a new construction, single family, 4 bedroom dwelling. Habitat for Humanity builds simple, decent affordable homes for deserving families in our community. The families take ownership upon completion and pay their own mortgage and taxes.

The following neighbors of 701 Oak Street and it's proposed new construction home, have been presented the details of our project, including site plans and construction plans. These individuals have expressed that they approve of the proposed project.

Signature Paul B. Henman  
Address 705 OAK St. DePere

Signature Donna Lepore  
Address 702 Oak St. DePere

Signature Susan Arnold  
Address 718 Oak St DePere

Signature \_\_\_\_\_  
Address \_\_\_\_\_

Signature \_\_\_\_\_  
Address \_\_\_\_\_

Signature \_\_\_\_\_  
Address \_\_\_\_\_

Signature \_\_\_\_\_  
Address \_\_\_\_\_

Signature \_\_\_\_\_  
Address \_\_\_\_\_

Signature \_\_\_\_\_  
Address \_\_\_\_\_

Signature \_\_\_\_\_  
Address \_\_\_\_\_



This is a custom map created by an online user of GIS map services provided by Brown County Municipalities, Brown County, Brown County WI

### Part of Brown County WI

Map printed on 6/8/2021

**1:720**  
 1 inch = 60 feet\*  
 1 inch = 0.0114 miles\*  
 \*original page size: 8.5"x11"  
 Appropriate format depends on zoom level

**Parcel ownership key**

- Parcel Boundary
- Condominium
- Gap or Overlap
- Parcel line
- Right of Way line
- Meander line
- Lines between deeds or lots
- Historic Parcel Line
- Vacated Right of Way

\*hooks\* indicate parcel ownership crosses a line

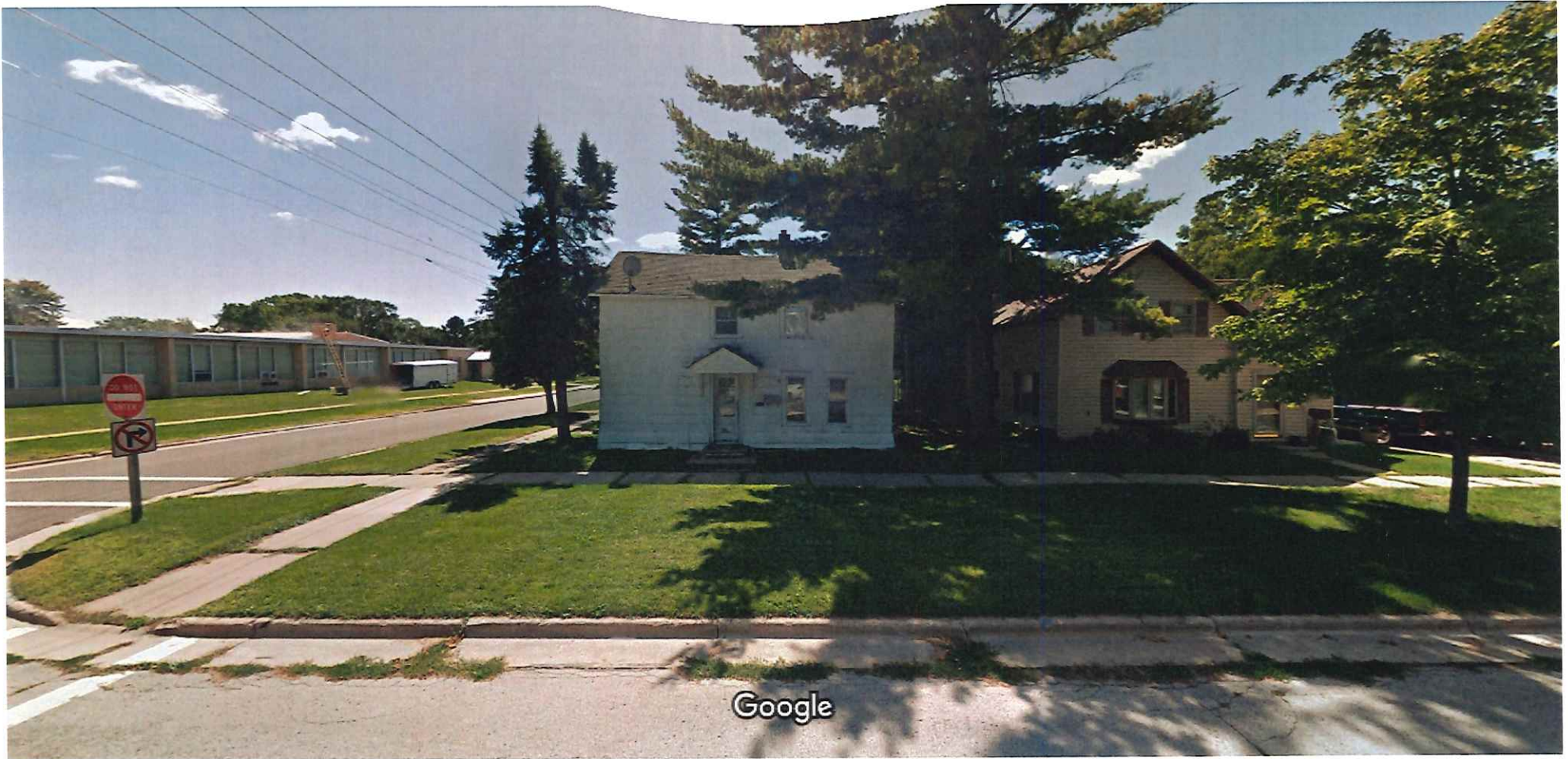
SC-190-2	Parcel ID Number
2880257	Document Number
0.814 AC	Area of parcel
279.8'	Line Distance
3547	Address

A complete key (legend) is available at: <https://tinvurl.com/BrownDocKey>



Google Maps 701 Oak St

Previous Home - Same Parcel



Google

Image capture: Aug 2012 © 2021 Google

De Pere, Wisconsin

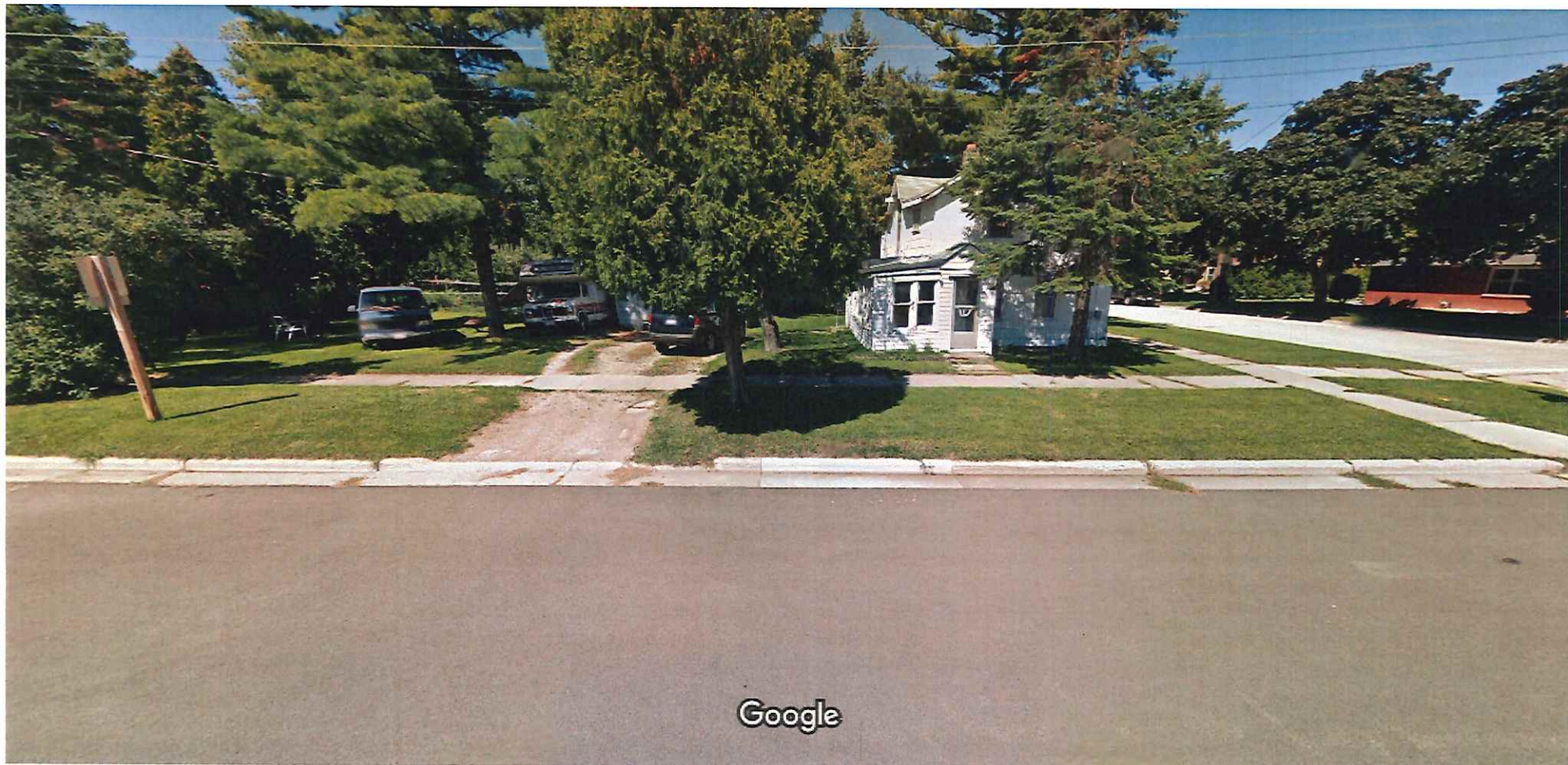


Street View



Google Maps 198 N 7th St

Previous Home - Same Parcel



Google

Image capture: Aug 2012 © 2021 Google

De Pere, Wisconsin



Street View





# Exhibit for variance for building setbacks

Lots 2 and 4, excepting a strip of land 1 foot wide along the Westerly line of said Lot 4, all in Block 16, according to the recorded Plat of De Pere Company's Addition to the Village of West De Pere, in the City of De Pere, West side of Fox River, Brown County, Wisconsin.

-701 Oak Street-

Front yard setbacks on the North side of Oak Street	Front yard setbacks on the South side of Oak Street	Front yard setbacks on the North and South side of Oak Street
10'	10.5'	9.8
10'	9'	+11.5'
9'	7'	21.3'
-25'	14'	± 2
+ 10'	12'	10.7'
64'-39'	+12'	
± 5.4	64.5'-57.5'	
±2.8'-9.8'	± 6.5	
	10.75'-11.5'	

Side yard setbacks on the North and South side of Oak Street

The side yards varied from 1' to 25' based on occupation.

The proposed side yard is the least restrictive of all minimal residential side yard setbacks.

Front yard setbacks on Seventh Street

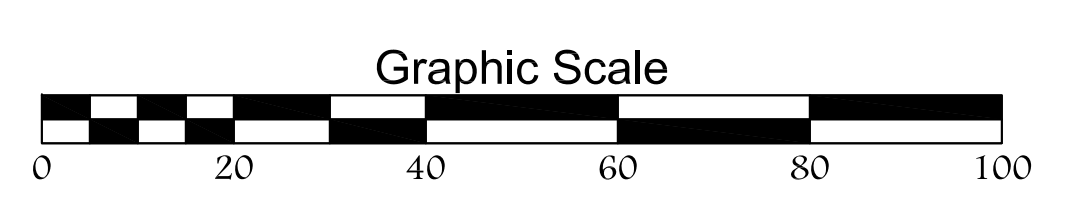
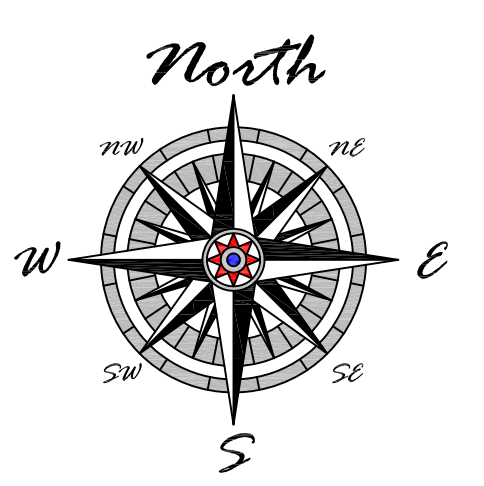
This setback is based on the distance from the garage to the property line and its capability to park a full size passenger vehicle in that space without impeding pedestrian access to the sidewalk.

### NOTES

- Dimensions for the existing residential buildings along Oak Street were measured from the back of sidewalk to the face of siding.
- Side yard dimensions were based off a visual estimate from occupation to face of siding.
- Map boundaries derived from Brown County GIS information.

### Legend

- computed point
- ▨ existing building
- ▤ proposed building
- ▧ proposed concrete



SCALE 1"=20'

DRAWN BY JRW

TAX PARCEL NO. WD-435

**Exhibit**

**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

Habitat for Humanity

PROJECT NO. F-6905  
 SHEET NO. 1 of 1  
 DRAWING NO. S-3434

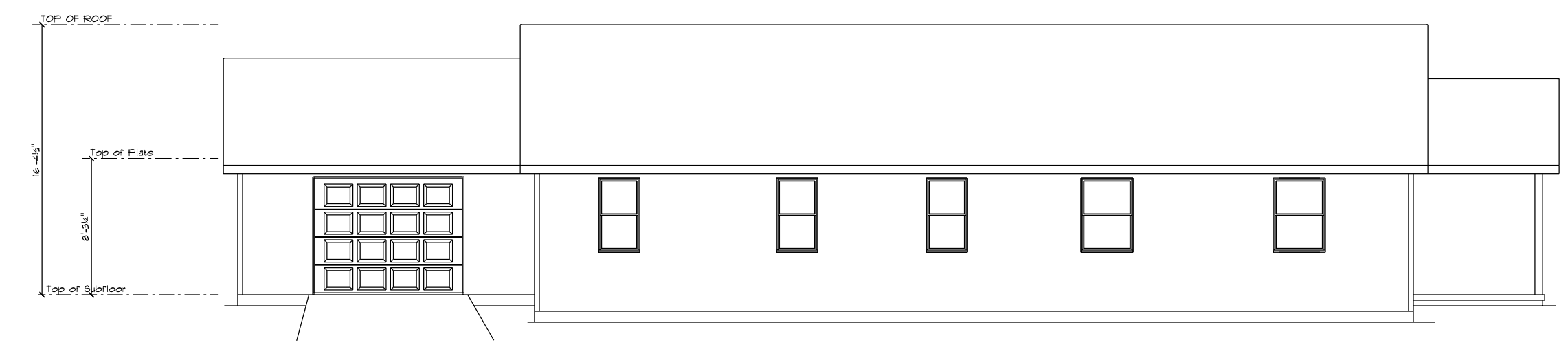
File: F-6905exhibit 08/22.dwg

Fieldwork Completed: 5/18/21  
 Data File: F-6905.TXT

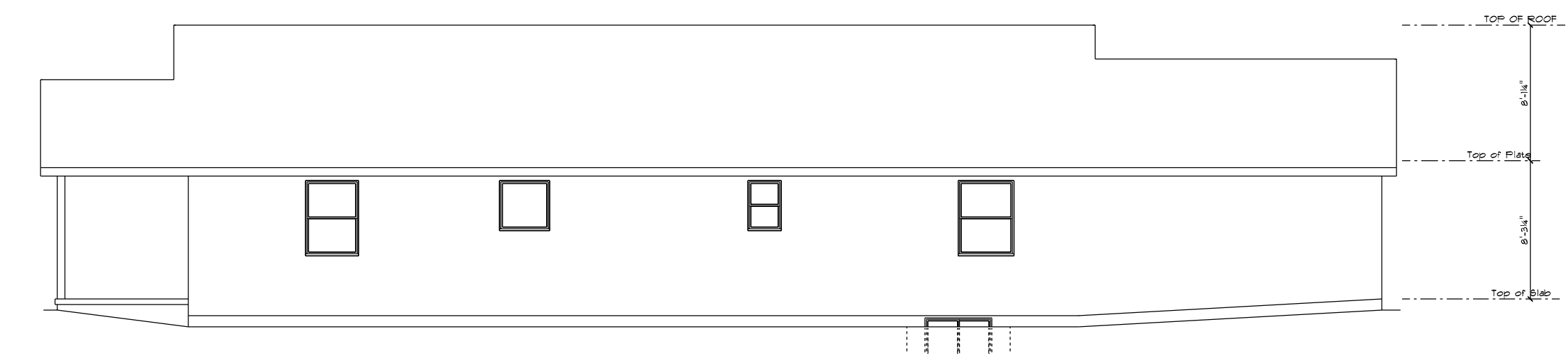
SQUARE FOOTAGE:	
FIRST FLOOR:	1591
FUT. FINISHED BSMNT:	566
GARAGE:	396
COVERED PORCH:	136



**REAR ELEVATION**  
SCALE: 1/8" = 1'-0"

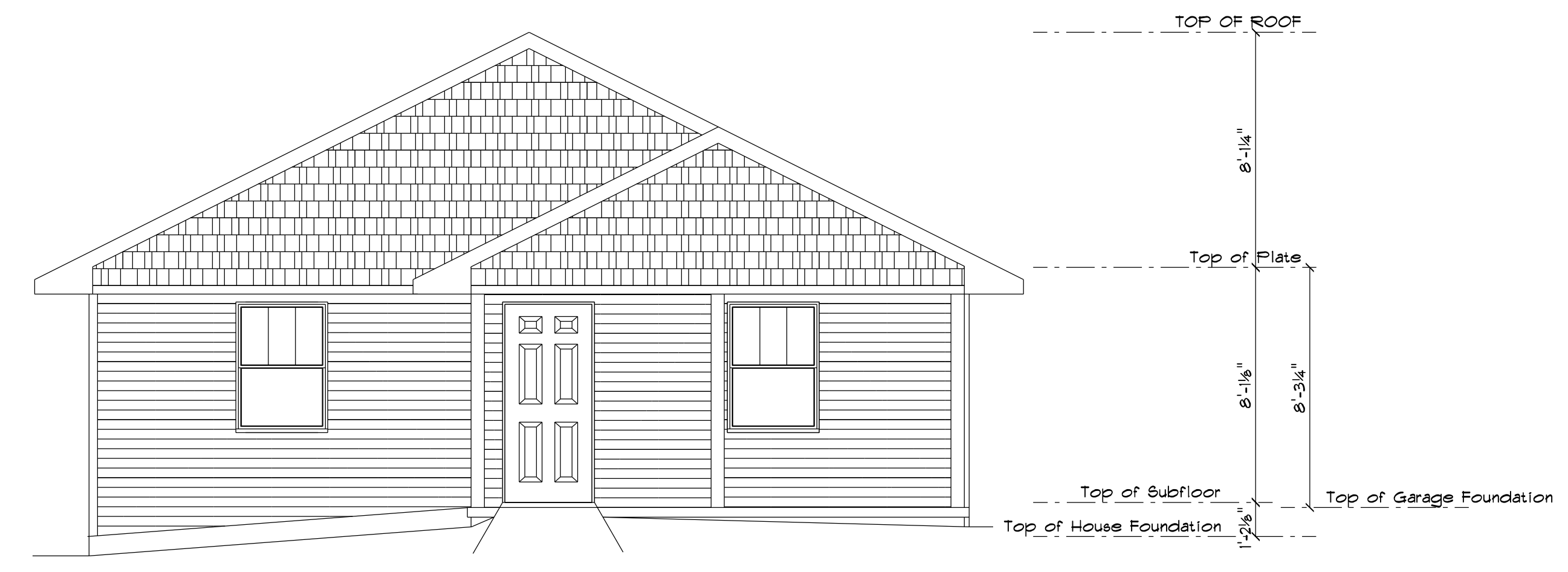


**LEFT ELEVATION**  
SCALE: 1/8" = 1'-0"



**RIGHT ELEVATION**  
SCALE: 1/8" = 1'-0"

-NOT FOR CONSTRUCTION-



**FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"

CUSTOM DESIGNED FOR:

**HABITAT FOR HUMANITY Greater Green Bay**

JOB NAME: 101 OAK STREET  
DATE: 4-10-2021  
DRAWN BY: MARY JO KITTEL  
PLAN # 2-117-R

REVISIONS:	
B-20-2021	
B-19-2021	

**IMPORTANT NOTE:**

- IT IS AGREED THAT ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING AND CHECKING THESE PLANS FOR ACCURACY, THE GENERAL CONTRACTOR/OWNER MUST REVIEW ALL DIMENSIONS, DETAILS AND NOTES BEFORE BEGINNING ANY CONSTRUCTION AND IS HEREBY HELD RESPONSIBLE FOR ANY DISCOVERED DISCREPANCIES.
- IT IS UNDERSTOOD THAT THE WISCONSIN SAFETY AND PROFESSIONAL SERVICES CODE AND LAYOUT DRAWINGS FOR FLOOR AND ROOF TRUSSES SHALL TAKE FINAL PRECEDENCE OVER THESE ARCHITECTURAL PLANS.

MAILING ADDRESS:  
P.O. BOX 6007  
GREEN BAY, WI 54301-0007

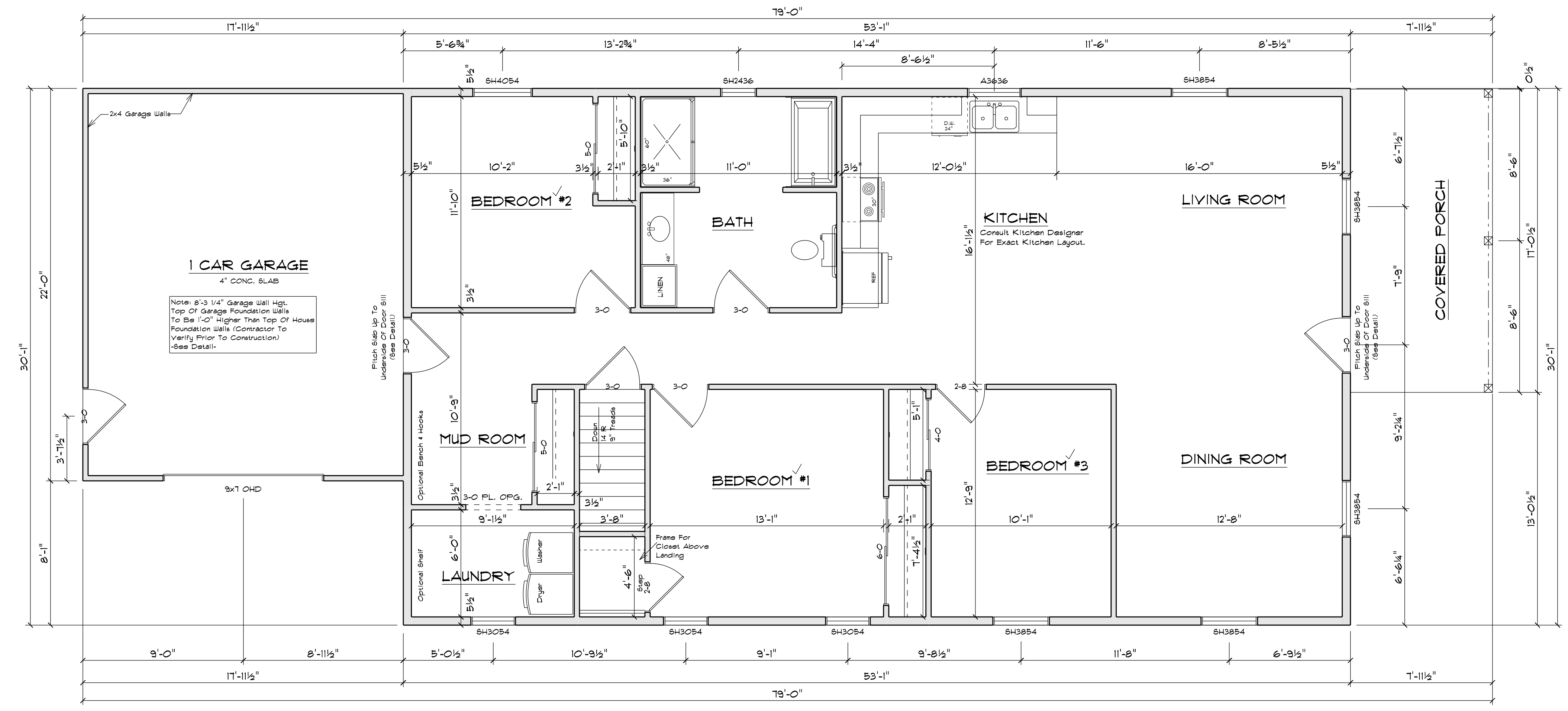
OFFICE:  
GREEN ROAD  
GREEN BAY, WI 54303  
PHONE (920)436-5080  
FAX (920)434-9510

COMPONENTS:  
GREEN BAY, WI 54303  
PHONE (920)436-5084  
FAX (920)438-2178

**Wisconsin**  
BUILDING SUPPLY

**SQUARE FOOTAGE:**

FIRST FLOOR:	1591
FUT. FINISHED B&MNT:	566
GARAGE:	396
COVERED PORCH:	136

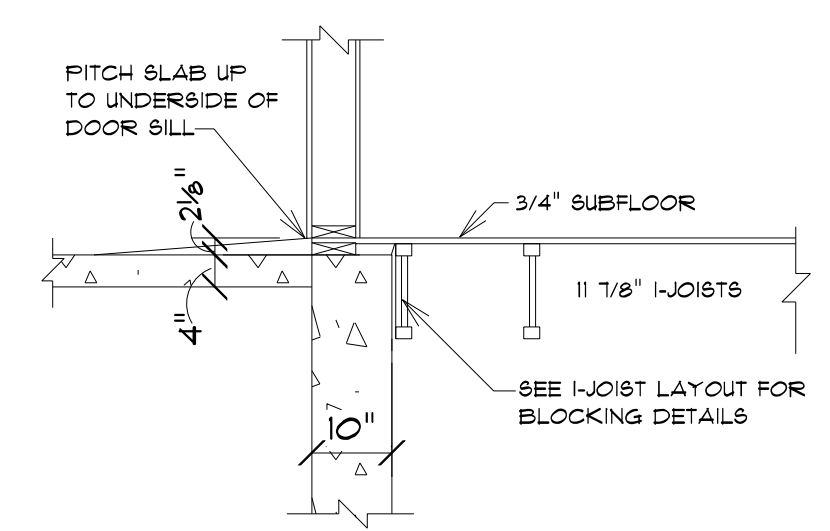


**FLOOR PLAN**

SCALE: 1/4" = 1'-0"  
8'-1 1/8" CLG. HGT.

BROWN COUNTY / ZONE 2 (30 P&F TC LL + 10 P&F TC DL + 10 P&F BC DL) + 50 P&F \* 1.15%

**-NOT FOR CONSTRUCTION-**



**"NO STEP" ENTRY DETAIL**

SCALE: 1/2" = 1'-0"

CONTRACTOR TO VERIFY DETAIL PRIOR TO CONSTRUCTION

CUSTOMER DESIGNED FOR:

**HABITAT FOR HUMANITY Greater Green Bay**

JOB NAME:	101 OAK STREET
DATE:	4-10-2021
DESIGNED BY:	MARY JO KITTELL
REVISIONS:	5-22-2021
	5-25-2021
PLAN #:	2-1177-R

**IMPORTANT NOTE:**

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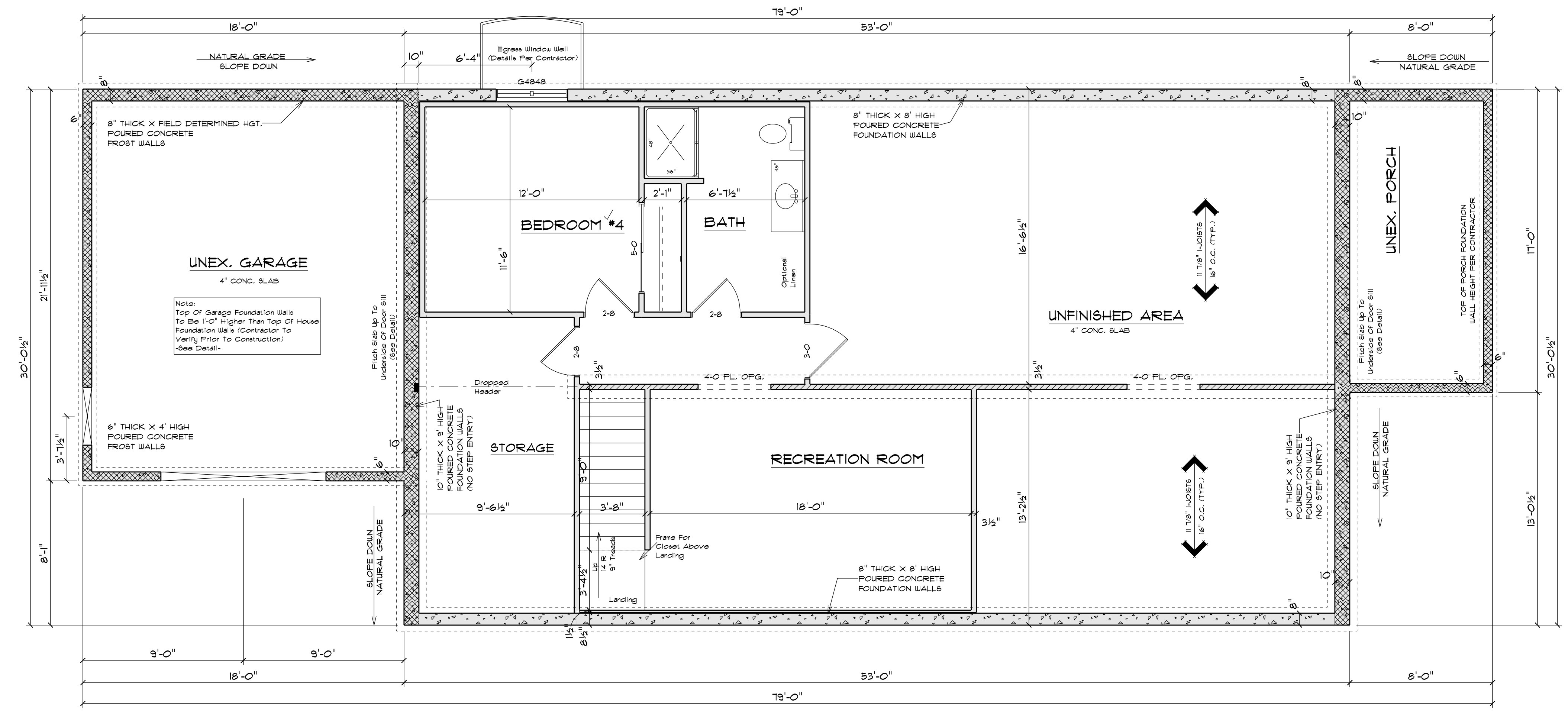
MAILING ADDRESS:  
P.O. BOX 10001  
GREEN BAY, WI 54307-10001

OFFICE:  
GREEN ROAD  
GREEN BAY, WI 54303  
PHONE (920)436-5080  
FAX (920)434-9570

COMPONENTS:  
GREEN BAY, WI 54303  
PHONE (920)436-5084  
FAX (920)434-9570

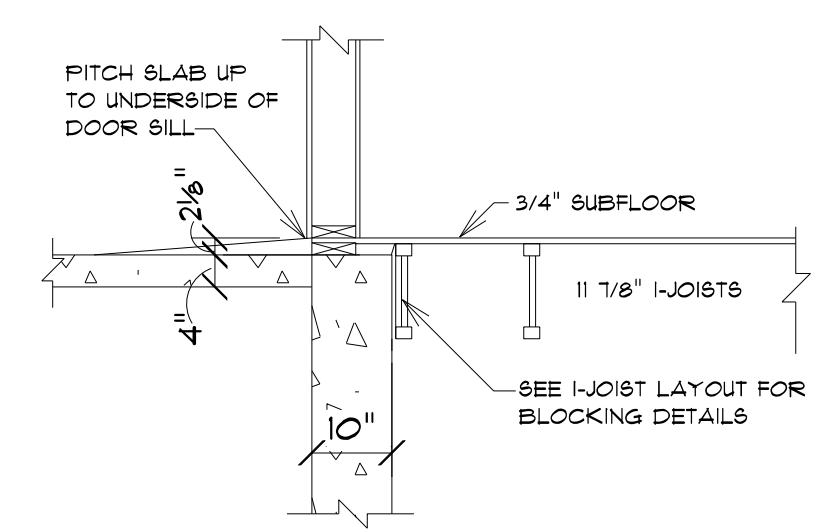
**Wisconsin**  
BUILDING SUPPLY

SQUARE FOOTAGE:	
FIRST FLOOR:	1591
FUT. FINISHED B&MNT:	566
GARAGE:	396
COVERED PORCH:	136



**FOUNDATION PLAN**  
 SCALE: 1/4" = 1'-0"  
 8'-0" FOUNDATION WALL HGT.

-NOT FOR CONSTRUCTION-



**"NO STEP" ENTRY DETAIL**  
 SCALE: 1/2" = 1'-0"  
 CONTRACTOR TO VERIFY DETAIL PRIOR TO CONSTRUCTION

CUSTOMER DESIGNED FOR:	
HABITAT FOR HUMANITY Greater Green Bay	
JOB NAME:	101 OAK STREET
DATE:	4-10-2021
DRAWN BY:	MARY JO KITTELL
FLAN #:	2-1177-R
REVISIONS:	
	5-22-2021
	5-25-2021

**IMPORTANT NOTE:**

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- IT IS UNDERSTOOD THAT THE WISCONSIN SAFETY AND PROFESSIONAL SERVICES CODE AND LAYOUT DRAWINGS FOR FLOOR AND ROOF TRUSSES SHALL TAKE FINAL PRECEDENCE OVER THESE ARCHITECTURAL PLANS.

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 P.O. BOX 10001  
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 PHONE (920)436-5080  
 FAX (920)434-9570

COMPONENTS:  
 TERRACE  
 GREEN BAY, WI 54303  
 PHONE (920)436-5084  
 FAX (920)436-5078

**Wisconsin**  
 BUILDING SUPPLY



City of De Pere, Wisconsin

**Request For Board of Appeals Action**

**MEETING DATE:** July 7, 2021

**DEPARTMENT:** Planning

**FROM:** Peter Schlein

**SUBJECT:** A. Consideration and possible action on a request for a variance to allow loading berths in the front yard with screening established by Plan Commission, instead of screened in the side yard and rear yard, in an I-B-2 District at 2400 BLK American BL (All of Parcels: WD-L510, WD-L511, WD-L514, WD-L515 and Part of Parcels: WD-L482, WD-L483-1, WD-L484-1, WD-L485, WD-L486). B. Consideration and possible action on a request for a variance to allow outdoor storage (truck trailer parking only) in the front yard with screening established by Plan Commission, instead of screened in the rear 25 percent of the side yard and the rear yard, in an I-B-2 District at 2400 BLK American BL (All of Parcels: WD-L510, WD-L511, WD-L514, WD-L515 and Part of Parcels: WD-L482, WD-L483-1, WD-L484-1, WD-L485, WD-L486).

**ATTACHMENTS:**

- BoA\_JuL2021\_Special\_Public Hearing Notice (DOC)
- Report to BOA - Industrial berth outdoor storage in front yard-DL (DOCX)
- Application form and Petitioner Documents (PDF)

Publish: June 23, 2021

## 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 7, 2021 at 4:45 PM on the following matters:

- 1a. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-39(6)(1)(a) submitted by Greater Green Bay Habitat for Humanity, 1967 Allouez Ave, Green Bay, WI. Said appeal requests a building permit to construct a single family dwelling 13 feet from the corner side yard setback on the property located at 701 Oak St, De Pere, WI.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-39(6)(1)(a) which requires a 30 foot corner side yard setback in an R-2 District.

- 1b. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-39(6)(1)(a) submitted by Greater Green Bay Habitat for Humanity, 1967 Allouez Ave, Green Bay, WI. Said appeal requests a building permit to construct a single family dwelling 6 feet from the interior side yard on the property located at 701 Oak St, De Pere, WI.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-39(6)(1)(a), which requires a 10 foot interior side yard setback in an R-2 District.

- 2a. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-60(13)(b)(2) submitted by Scannell Development Company III, 8801 River Crossing Blv, Indianapolis, IN. Said appeal requests a variance to allow loading berths in the front yard, with screening established by Plan Commission review of a site plan, at the 2400 BLK of American Blv, De Pere, WI.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-60(13)(b)(2), which only allows loading berths in the side and rear yards in an I-B-2 District.

- 2b. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-60(6)(i)(3) submitted by Scannell Development Company III, 8801 River Crossing Blv, Indianapolis, IN. Said appeal requests a variance to allow outdoor storage

(truck trailers only) in the front yard, with screening established by Plan Commission review of a site plan, at the 2400 BLK of American Blv, De Pere, WI.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-60(6)(i)(3), which only allows outdoor storage in the rear 25% of the side and rear yards in an I-B-2 District.

This meeting will not be held in person. 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.

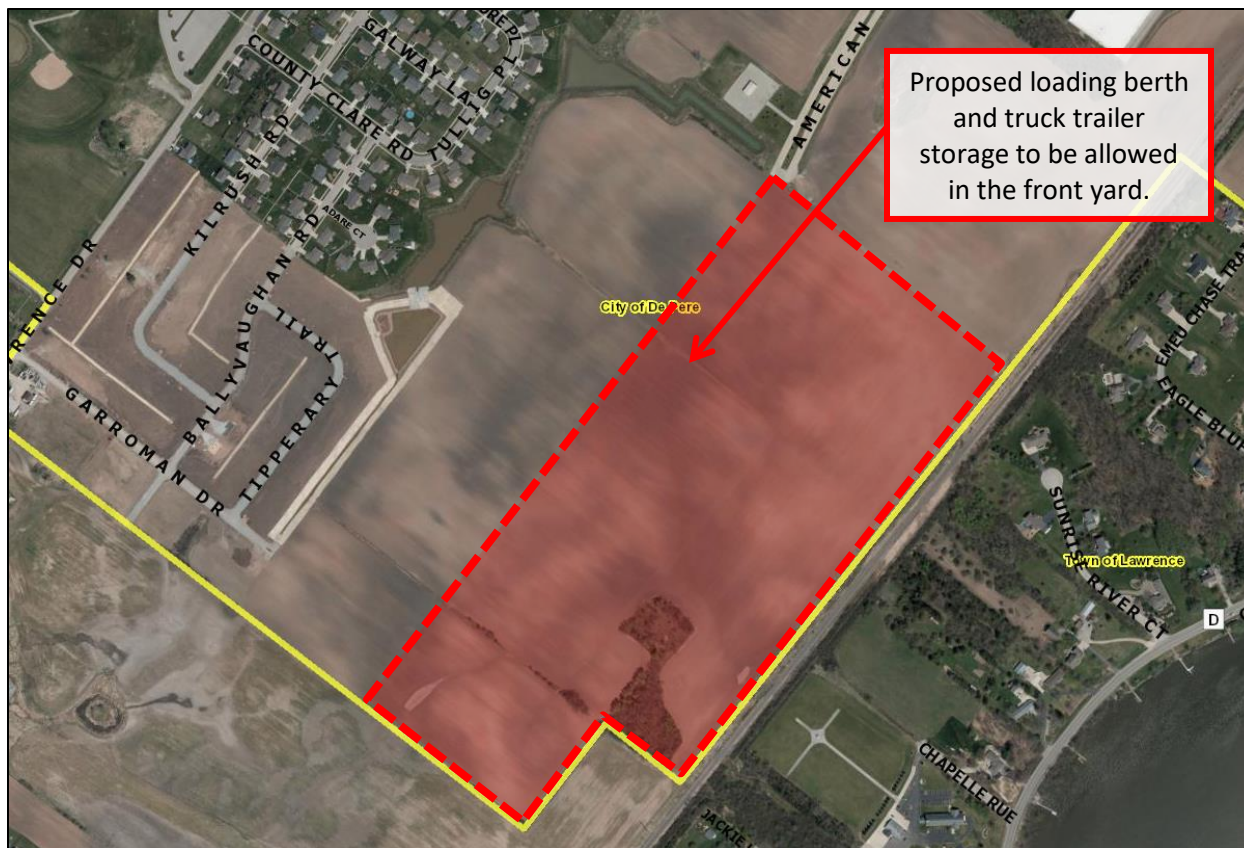
Dated this 23<sup>rd</sup> day of June, 2021

BY ORDER OF THE BOARD OF APPEALS

Peter Schlein, Zoning Administrator

- Item 5A:** Consideration and possible action on a request for a variance to allow loading berths in the front yard with screening established by Plan Commission, instead of screened in the side yard and rear yard, in an I-B-2 District at 2400 BLK American BL (All of Parcels: WD-L510, WD-L511, WD-L514, WD-L515 and Part of Parcels: WD-L482, WD-L483-1, WD-L484-1, WD-L485, WD-L486).
- Item 5B:** Consideration and possible action on a request for a variance to allow outdoor storage (truck trailer parking only) in the front yard with screening established by Plan Commission, instead of screened in the rear 25 percent of the side yard and the rear yard, in an I-B-2 District at 2400 BLK American BL (All of Parcels: WD-L510, WD-L511, WD-L514, WD-L515 and Part of Parcels: WD-L482, WD-L483-1, WD-L484-1, WD-L485, WD-L486).

### SITE MAP



**REQUESTED ACTION:** Variance Requests.

**Item 5A:** A property owner proposed development of a 1.1 million SF warehouse with loading berths on the street facing front side of the building.

**Item 5B:** A property owner proposed development of a 1.1 million SF warehouse with truck trailer parking (outdoor storage) on the street facing front side of the building.

<b>COMMON DESCRIPTION:</b>	2400 BLK American BL, located at the southernmost end of the existing American BL right-of-way.
<b>PARCEL NUMBERS:</b>	All of Parcels: WD-L510, WD-L511, WD-L514, WD-L515 and Part of Parcels: WD-L482, WD-L483-1, WD-L484-1, WD-L485, WD-L486
<b>ZONING:</b>	Industrial-Business-2 District (I-B-2)
<b>SURROUNDING LAND USES:</b>	Developing and vacant Business Park (I-B-2) to the north and west. Agricultural (Town of Lawrence) to the south. Railroad and residential (Town of Lawrence) to the east.
<b>COMPREHENSIVE PLAN:</b>	Business Park
<b>APPLICANT / OWNER:</b>	Zachary Zweifler, Development Manager Scannell Development CO III INC 8801 River Crossing BL, Suite 300 Indianapolis, IN 46240
<b>SITE HISTORY:</b>	<p>On December 15, 2020 the agricultural area was rezoned from R-1 to I-B-2 in order to comply with the Comprehensive Plan to accommodate future business park development.</p> <p>Also in 2020, the petitioner stated they worked to prepare conceptual site plans for a large warehouse facility with the concept that the front of the building would face American BL at the current terminus (northward). However, after several discussions with the City regarding the extension of American BL the petitioner's plans were updated to include a project with the majority of the warehouse assumed side yard now facing an unmapped, but preliminarily planned, extension of American BL. The City stated that, to better accommodate access through the business park and to the Town of Lawrence, the City would require that American BL continue through the subject area. The applicant stated the proposed extension would cause the side of the large warehouse to have front yard 'frontage' on a public right-of-way and that, due to the size of the lot and building, the warehouse cannot be reconfigured/rotated.</p>
<b>STAFF REVIEW:</b>	<p>The petitioner requests two variances:</p> <ol style="list-style-type: none"> <li>1. Develop a new 1.1 million SF warehouse on a rectangular lot that has loading berths in the front yard, facing the street. Allowing loading berths in the front yard, with screening established during the Plan Commission review of the site plan, would be required.</li> <li>2. Develop a new 1.1 million SF warehouse on a rectangular lot that has truck trailer parking in the front yard, facing the street. Allowing outdoor storage in the form of truck trailer parking, with screening established during the Plan Commission review of the site plan, would be required.</li> </ol> <p>Attached with this report is a scaled plan that the petitioner proposes for the project. The petitioner stated the specific hardship relates to the required addition of a future street by the City, and the inability to rotate a 1.1 million SF building on the rectangular lot (causing side yards to become front yards).</p>

The Board of Appeals does not have a history of reviewing variances for buildings of this size; Likewise, the Municipal Code does not address special circumstances for larger scale buildings.

The petitioner was still in the process of informing adjacent property owners at the time this report was written.

***Item 5A: City staff cannot issue a building permit because the proposed development requires loading berths to be screened from view at the side and rear of buildings, per Municipal Code 14-60(13)(b)(2).***

***Item 5B: City staff cannot issue a building permit because the proposed development requires truck trailer parking to be screened from view at the rear 25% side and rear of buildings, Municipal Code 14-60(6)(i)(3).***

**AREA VARIANCE REQUEST  
HARDSHIP PROOF NEEDED  
FROM PROPERTY OWNER:**

Under state law [Wis. Stats. §62.23(7)(e)7.a.] an “area variance” means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk or density restriction for a structure.

Also under state law [Wis. Stats. §62.23(7)(e)7.d] for an area variance, the property owner bears the burden of proving that:

1. The dimensional, physical or locational requirement of the code is an “unnecessary hardship” by demonstrating that strict compliance with the zoning ordinance would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome;
2. The unnecessary hardship is based upon circumstances unique to the property rather than considerations personal to the property owner; and
3. The unnecessary hardship was not created by the property owner.

In reviewing an area request, the following five criteria are listed in Section 14-27(3) De Pere Municipal Code for the Board to use in determining whether the property owner has proven unnecessary hardship:

Standards for variances. The Board of Appeals shall not vary the regulations of this ordinance, as authorized in subsection 2., above, unless it shall make findings based upon the evidence presented to it in each specific case that:

- (a) *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;*
- (b) *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;*


- (c) The alleged difficulty or hardship is caused by this ordinance and has not been created by any person having an interest in the property;*
- (d) 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; and*
- (e) 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.*

The petitioner provided information in the attachments to provide responses related to Items 1, 2, and 3 as well as items (a), (b), (c), (d), and (e) above. The petitioner has also been advised to attend the Board of Appeals meeting in order to provide further detailed information and/or answer questions of the Board in order to verify if a hardship exists.

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 approves the request, the petitioner must obtain proper permits and begin the project within six months of the approval. One variance appeal per year may be petitioned.

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

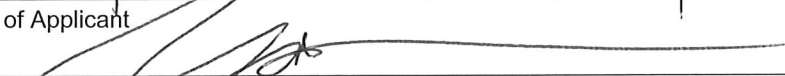
Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

<b>SECTION 1: Applicant / Permittee Information</b>			
Applicant Name (Ind., Org. or Entity) Scannell Development Company III, Inc.	Authorized Representative Zachary Zweifler	Title Development Manager	
Mailing Address 8801 River Crossing Blvd, Suite 300	City Indianapolis	State Indiana	ZIP Code 46240
Email Address zacharyz@scannellproperties.com	Phone Number (incl. area code) 763-331-8857	Fax Number (incl. area code)	
<b>SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)</b>			
Name (Ind. Org. or Entity) Garrity Family Real Estate, LLC and R&M Garrity Farm, LLC.	Contact Person Joseph R. Garrity	Title	
Mailing Address 3173 Trenton Lane	City Green Bay	State WI	ZIP Code 54313
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	
<b>SECTION 3: Project or Site Location</b>			
Project Address: Legal Description: Lot 1 of proposed CSM (See Attached)		Parcel Number(s):  CSM In Progress	
<b>SECTION 4: Variance Information</b>			
Section of De Pere Code which creates need for Variance:	14-60(13)(b)(2), 14-60(6)(i)(3)		
Ordinance Provision:	Loading berths shall not occupy the front yard. Outdoor Storage shall also be subject to items A-K.		
Project Description:	The proposed development consists of a 1,108,080 square foot warehouse building and the associated 19.72 acres of paved parking and drive lanes, which includes 388 trailer parking stalls and 118 passenger vehicle parking stalls. The proposed building will have loading docks on both the east and west sides of the building.		
Variance Requested:	We are requesting a variance to allow loading berths on the street facing (west) side of the building. We are also requesting a variance to the requirements for outdoor storage areas.		
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	See Attached		
Describe the hardship(s) that would result if the variance is not granted:	See Attached		
Describe how the variance would not have adverse effects on surrounding properties:	See Attached		

**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) Lachry Zetter	Title Development manager	Phone Number 763-331-8857
Signature of Applicant 		Date Signed 6/4/21

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

OPMC 14-60 (3) (b) - Loading berths shall not occupy the front yard.  
OPMC 14-60 (6)(i) 3. J. K. outdoor storage of motor vehicles in operable condition shall be properly screened.

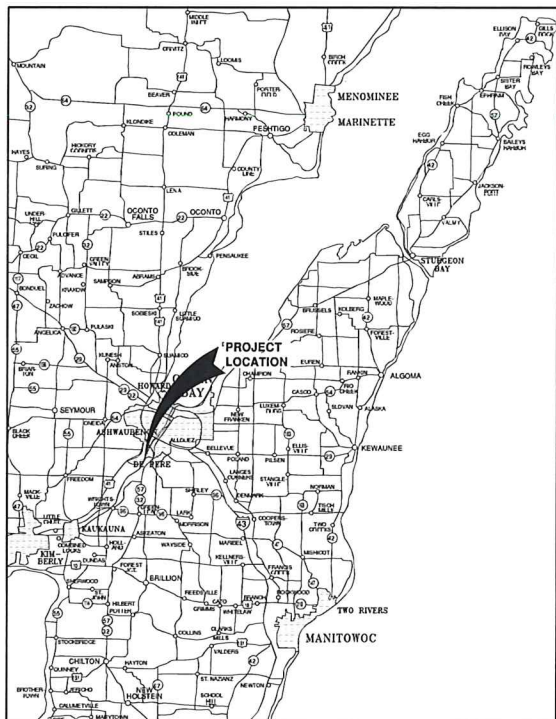
RECEIVED JUN 4 2021

# WEST DE PERE BUSINESS PARK SCANNELL DEVELOPMENT COMPANY III, INC CITY OF DE PERE, BROWN COUNTY, WISCONSIN

**DENIED**  
*6-4-2021*

DENIED

ATTENTION!  
DOWNLOADED PLANS ARE NOT SCALEABLE, NEITHER THE OWNER OR THE ENGINEER SHALL BE HELD RESPONSIBLE FOR THE SCALE OR PRINT QUALITY OF DOWNLOADED PLANS. ONLY PRINTED PLANS FROM BLUE PRINT SERVICE CO., INC. SHALL BE CONSIDERED TO BE SCALEABLE PLANS.



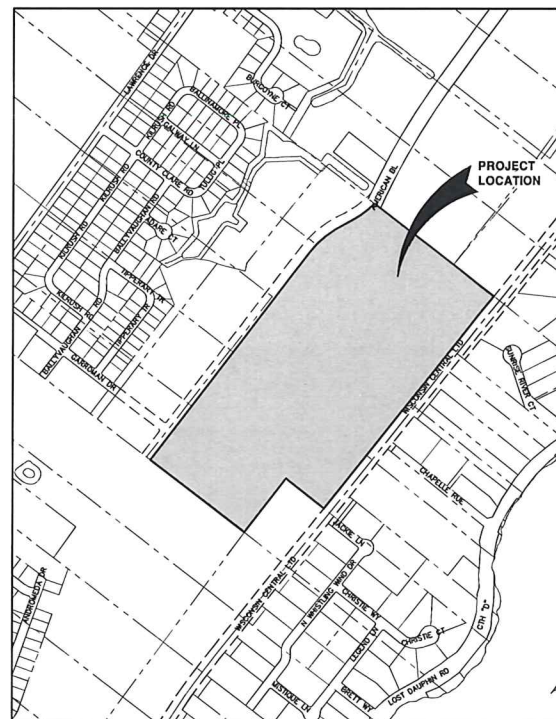
VICINITY MAP

NOTE: EXISTING UTILITIES SHOWN ON PLANS ARE APPROXIMATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING PLANS, LOCATION AND DEPTH OF ALL UTILITIES, WHETHER SHOWN OR NOT, FROM THE OWNERS OF THE RESPECTIVE UTILITIES. ALL UTILITY OWNERS SHALL BE NOTIFIED FOR LOCATION BY THE CONTRACTOR 72 HOURS PRIOR TO EXCAVATION.

NOTE: ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO CONSTRUCTION AND SHALL CONFORM TO THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES CONSTRUCTION SITE EROSION CONTROL AND TERRAZAL STANDARDS.

### INDEX TO DRAWINGS

SHT. NO.	DESCRIPTION
C100	LOCATION MAPS AND INDEX TO DRAWINGS
C101	EXISTING SITE CONDITIONS
C102	OVERALL SITE PLAN
C103	SOUTH DETAILED SITE PLAN
C104	NORTH DETAILED SITE PLAN
C105	OVERALL UTILITY PLAN
C106	SOUTH DETAILED UTILITY PLAN
C107	NORTH DETAILED UTILITY PLAN
C108	OVERALL GRADING AND EROSION CONTROL PLAN
C109	SOUTH DETAILED GRADING PLAN
C110	NORTH DETAILED GRADING PLAN
C111	OFF-SITE GRADING PLAN
C112	WET DETENTION POND PLAN
C113	MISCELLANEOUS DETAILS
C114	MISCELLANEOUS DETAILS
C115	MISCELLANEOUS DETAILS
C116	EROSION CONTROL - INLET PROTECTION TYPES A, B, C AND D
C117	EROSION CONTROL - INLET PROTECTION TYPE D-HR AND TYPE D-M
C118	EROSION CONTROL - DITCH CHECK DETAILS
C119	EROSION CONTROL - SHEET FLOW DETAILS
C120	EROSION CONTROL - TRACKOUT CONTROL PRACTICES
C121	LANDSCAPING PLAN
C122	OFF-SITE LANDSCAPING PLAN
C123	OVERALL LIGHTING PLAN
C124	LIGHTING CUT SHEETS
C125	LIGHTING CUT SHEETS



LOCATION MAP

NO.	DATE	APPROV.	REVISION	NO.	DATE	APPROV.	REVISION	NO.	DATE	APPROV.	REVISION	NO.	DATE	APPROV.	REVISION	NO.	DATE	APPROV.	REVISION	NO.	DATE	APPROV.	REVISION	
1		SSG/ST	ADD SHEET																					
2		SSG/ST	REV	RD RT																				

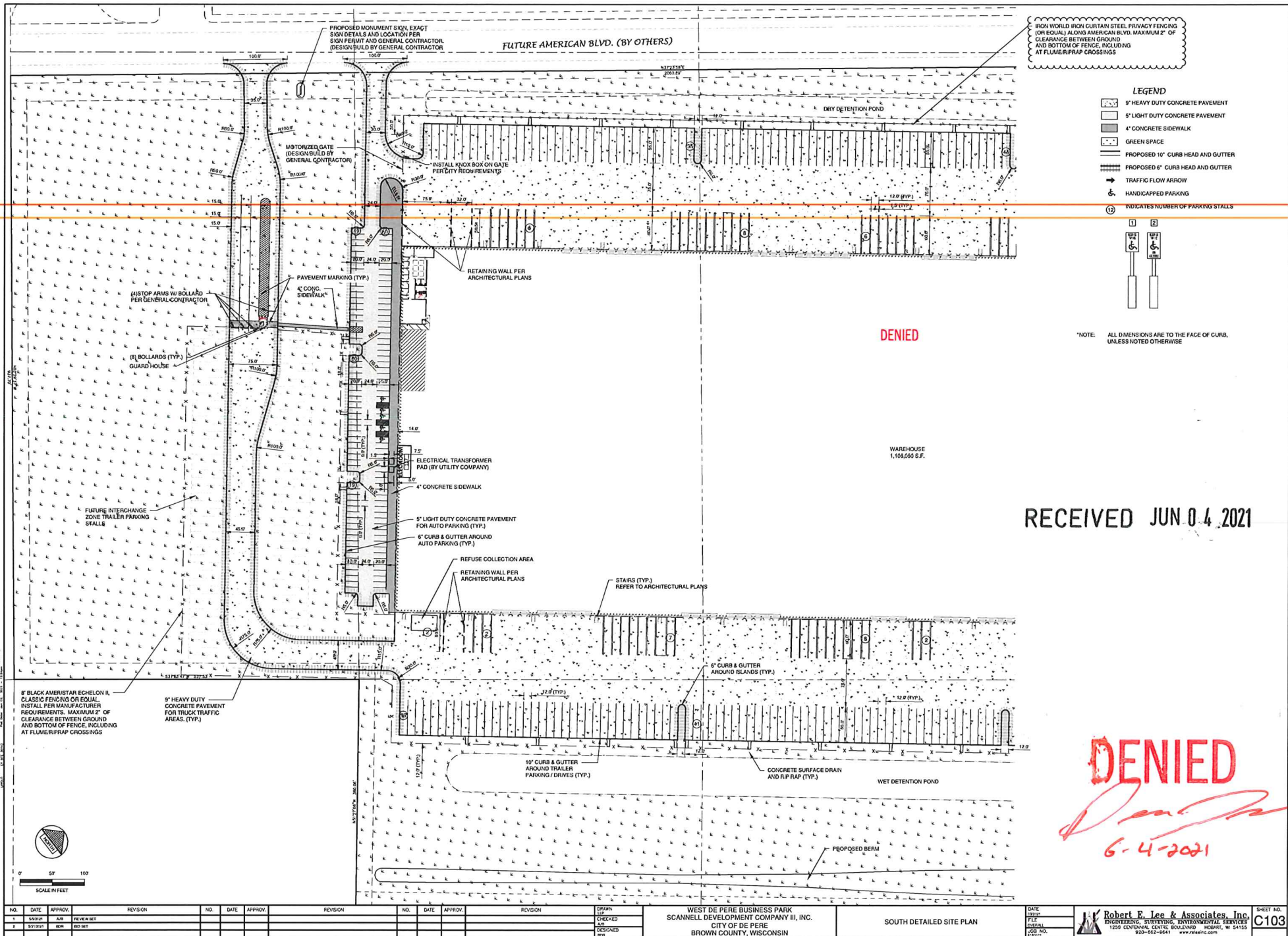
WEST DE PERE BUSINESS PARK  
SCANNELL DEVELOPMENT COMPANY III, INC.  
CITY OF DE PERE  
BROWN COUNTY, WISCONSIN

LOCATION MAPS AND INDEX TO DRAWINGS

DATE  
1/23/21  
FILE  
1-17-21  
JOB NO.  
1400000000

Robert E. Lee & Associates, Inc.  
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES  
1220 CENTENNIAL CENTER BLDG., WISCONSIN, WI 53115  
920-642-9241 www.rela.com

SHEET NO.  
**C100**



RECEIVED JUN 04 2021

**DENIED**  
*Denise*  
 6-4-2021

NO.	DATE	APPROV.	REVISION	NO.	DATE	APPROV.	REVISION	NO.	DATE	APPROV.	REVISION
1	5/21/21	ASB	PERMIT SET								
2	5/21/21	BM	NO SET								

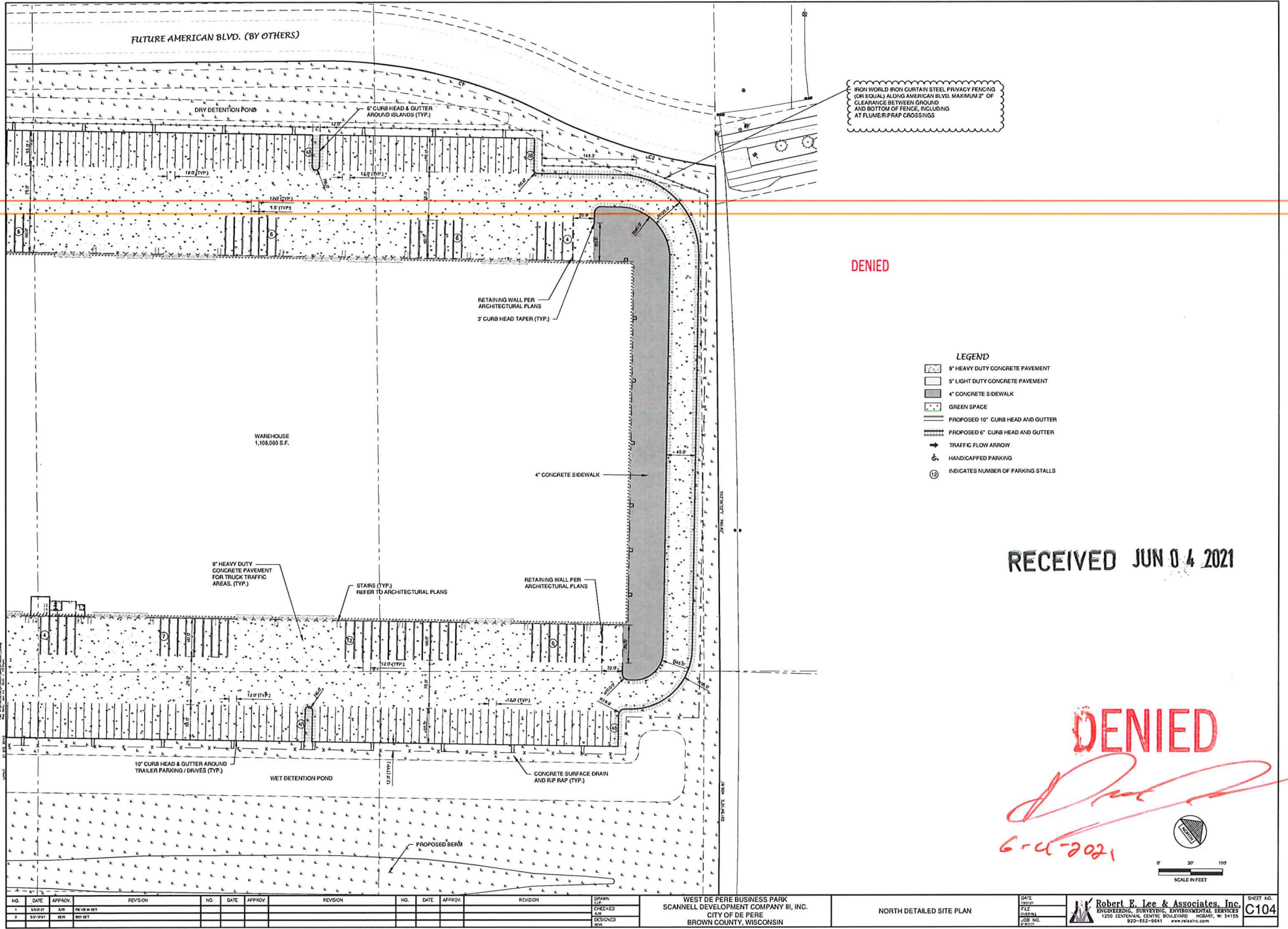
WEST DE PERE BUSINESS PARK  
 SCANNELL DEVELOPMENT COMPANY III, INC.  
 CITY OF DE PERE  
 BROWN COUNTY, WISCONSIN

SOUTH DETAILED SITE PLAN

DATE	5/21/21
FILED	FILED
CITY NO.	154155
COR. NO.	154155

**Robert E. Lee & Associates, Inc.**  
 ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES  
 1250 CENTRAL CENTER BOULEVARD HOBAK, WI 54155  
 920-822-9541 www.relee.com

SHEET NO.  
**C103**



DENIED

- LEGEND**
- 9" HEAVY DUTY CONCRETE PAVEMENT
  - 5" LIGHT DUTY CONCRETE PAVEMENT
  - 4" CONCRETE SIDEWALK
  - GREEN SPACE
  - PROPOSED 10" CURB HEAD AND GUTTER
  - PROPOSED 6" CURB HEAD AND GUTTER
  - TRAFFIC FLOW ARROW
  - HANDICAPPED PARKING
  - INDICATES NUMBER OF PARKING STALLS

RECEIVED JUN 04 2021

**DENIED**

*[Handwritten signature]*

6-11-2021

SCALE IN FEET

NO. DATE APPROV. REVISION				NO. DATE APPROV. REVISION				NO. DATE APPROV. REVISION				DESIGN	WEST DE PERE BUSINESS PARK SCANNELL DEVELOPMENT COMPANY III, INC. CITY OF DE PERE BROWN COUNTY, WISCONSIN	NORTH DETAILED SITE PLAN	DATE DESIGNED CHECKED DESIGNED BY	 Robert D. Lee & Associates, Inc. ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES 1250 CENTENNIAL CENTER BOULEVARD HOBBART, WI 54155 920-822-8641 www.rdlinc.com	SHEET NO. <b>C104</b>			
1	5/27/21	ASR	REVISED																	
2	5/27/21	BRN	NO NET																	

June 4, 2021

**Ownership Letter of Intent**

Applicant/Developer: Scannell Properties, LLC  
8801 River Crossing Blvd., Suite 300  
Indianapolis, IN 46240

Property Owners: Garrity Family Real Estate, LLC  
3173 Trenton Lane  
Green Bay, WI 54313

R&M Garrity Farm, LLC  
3173 Trenton Lane  
Green Bay, WI 54313

Property: Parcels WD L-482-2, WD L-483-1, WD L-484-1, WD L-485, WD L-486, WD L-510, WD L-511, WD L-514, WD L-515, and WD-2021 City of De Pere, WI

Acreage: 105.4 acres

Existing Zoning: Industrial Business 2 (I-B-2)

Requested Variances: 14-60 (13)(b)(2): loading berths shall not occupy the front yard  
14-60(6)(i)(3) A-K: Where permitted, outdoor storage shall also be subject to the requirements listed

Scannell Properties has agreed to develop the above referenced property north of the Town of Lawrence and west of CN Railroad subject to zoning. I support and authorize Scannell Development Company III, Inc. to act as applicant in pursuit of the above referenced variance requests, site plat, and lot consolidation of this property.

**Garrity Family Real Estate, LLC AND R&M Garrity Farm, LLC**

By: joseph.garrity@atkinsglobal.com  
Digitally signed by joseph.garrity@atkinsglobal.com  
DN: CN=joseph.garrity@atkinsglobal.com  
Reason: I am the author of this document  
Location: your signing location here  
Date: 2021.06.06 08:19:50-04'00'  
Foxit PhantomPDF Version: 10.1.4

Printed: Joseph R. Garrity



#### Offices

Indianapolis  
Washington DC  
San Francisco  
Denver  
Minneapolis

294 Grove Lane East  
Suite 140  
Wayzata, MN 55391

June 4, 2021

VIA EMAIL

City of De Pere  
Peter Schleinz  
Senior Planner  
335 South Broadway  
De Pere, Wisconsin 54115

Dear Mr. Schleinz:

Scannell has agreed to acquire approximately 105.4 acres along the west side of CN Railroad and north side of the city's border with Town of Lawrence, subject to zoning approval, and financing. Scannell plans to use the site for at least three flex space facilities, West De Pere Business Park. The planned construction for the first phase will consist of one building with appropriate truck docks, trailer storage, and employee parking, as well as two driveways connecting into a proposed extension of American Boulevard. Scannell seeks a variance from Section 14-60 (13)(b)(2) regarding the location of loading berths in the front yard and Section 14-60(6)(i)(3) A-K regarding the screening of outdoor storage. Below are some additional details on the proposed West De Pere Business Park.

<u>Applicant/Developer:</u>	Scannell Development III, Inc. 8801 River Crossing Blvd., Suite 300 Indianapolis, IN 46240
<u>Project Name:</u>	West De Pere Business Park
<u>Property:</u>	Parcels WD L-482-2, WD L-483-1, WD L-484-1, WD L-485, WD L-486, WD L-510, WD L-511, WD L-514, WD L-515, and WD-2021 City of De Pere, WI
<u>Proposed Use:</u>	Distribution Center
<u>Existing Zoning:</u>	Industrial Business 2 (I-B-2)
<u>Acreage of Project:</u>	76.72 acres



<u>Building Size:</u>	1,108,080 square feet
<u>Auto Parking Spaces:</u>	118 spaces
<u>Loading Berths:</u>	114 berths (100 additional future berths)
<u>Trailer Parking Spaces:</u>	388 spaces (80 additional future spaces)
<u>Green Space:</u>	31.56 acres (41.1%)

Should you need additional information or have any questions, please contact me at 763-331-8857 or zacharyz@scannellproperties.com. I look forward to receiving your feedback and learning how our team may be of service.

Sincerely,

Zachary Zweifler  
Development Manager  
Scannell Development III, Inc.



## Justification of Variance

### Key Factors:

- a) The property Scannell has agreed to acquire is an approximately 105.4 acre rectangular parcel with an irregular western boundary due to City owned stormwater facilities. At the request of the city and to provide connection to the Town of Lawrence for the public welfare, the rectangular parcel is proposed to be bisected by an extension to American Boulevard which is resulting in the creation of three irregular Lots; the largest of which is approximately 76 acres. Redeveloping the property as a building site will be a major undertaking, the economic feasibility which would be justified only by significant projects that makes maximum use of the available land.
- b) The facility will be a state-of-the-art cross dock distribution center. The use takes advantage of available technologies, which reduces the number of vehicles entering/leaving the facility, makes optimal use of the loading berths, and facilitates the flow of trucks and other delivery vehicles.
- c) The creation of multiple irregular shaped lots on the property results in additional frontage to buildings along the extended American Boulevard than would occur in a development scenario of the property which would utilize private internal circulation with access from the current termination of American Boulevard. Additionally, the proposed orientation and elevation of American Boulevard constrain the available grading and stormwater patterns feasible resulting in the creation of an irregular number of stormwater basins minimizing the portion of the property available for other uses.
- d) The proposed project will bring a high quality use that will take advantage of a changing market, result in new employment, and enhance property values. None of the requested variances will detract from these positive impacts. Trailer Storage and front loading berths will be largely shielded from public view through attractive landscaping that will be attractive and positioned away from neighboring property improvements.
- e) The proposed variances are addressing portions of the project along proposed public right of way and otherwise internal to the approximately 105.4 acre project. The proposed project has located the building the maximum distance from adjacent properties and has provided attractive landscaping in a way that will not affect neighboring property values. The front loading of trailers and use of trailer storage will allow for the most efficient and safe operations while also minimizing the number of vehicles accessing the site from public streets.

### Specific Responses:

- i. Variance for Front of Building Loading: Because of the proposed extension of American Boulevard, the western loading areas of the proposed building will be set back from American Boulevard. (Prior to the introduction of an extended American Boulevard all loading would have accrued along side yards and the project's office would have been located along the front yard.) Front-facing loading berths may be visually unattractive in many cases, but in the present case, the proposed landscape screening and impervious decorative fencing will shield the view from American Boulevard. This use is driven by



- specific property conditions, both as to the configuration of the site and the need for a fully functional building to overcome the cost of developing such a significant property. This building design has been used in similar distribution centers in many locations.
- ii. Variance for Screening of Outdoor Storage: The term "outdoor storage" is not defined in the zoning code, so the intent of the code is not entirely clear. In the present case, it is contemplated that trailers will be in regular use -- unloaded, loaded, and on their way; parking will be temporary. If it is the intent of the zoning code to restrict trailer parking of this nature, then this will create an unnecessary hardship because, at this particular location, there is a significant setback from neighboring properties and other visual barriers shielding the use from view. These factors will offset any perceived harm from having trailers parked on the site. Additionally, given the scope of the investment that will be required in order to make Applicant's use viable at this site, a flexible approach is warranted.

IRON WORLD IRON CURTAIN STEEL PRIVACY FENCING (OR EQUAL) ALONG AMERICAN BLVD. MAXIMUM 2" OF CLEARANCE BETWEEN GROUND AND BOTTOM OF FENCE, INCLUDING AT FLUME/RIPRAP CROSSINGS

FUTURE AMERICAN BLVD. (BY OTHERS)

AMERICAN BLVD.

DRY DETENTION POND

183 TRAILER SPACES

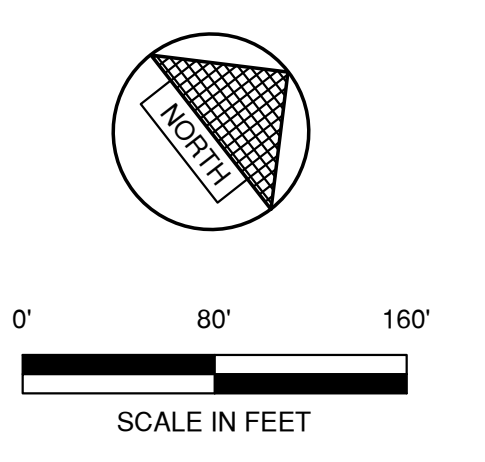
WAREHOUSE  
1,108,080 S.F.

205 TRAILER SPACES

WET DETENTION POND

PROPOSED BERM

WISCONSIN CENTRAL LTD.



8' BLACK AMERISTAR ECHOLON II, CLASSIC FENCING OR EQUAL. INSTALL PER MANUFACTURER REQUIREMENTS. MAXIMUM 2" OF CLEARANCE BETWEEN GROUND AND BOTTOM OF FENCE, INCLUDING AT FLUME/RIPRAP CROSSINGS

- LEGEND**
- 9" HEAVY DUTY CONCRETE PAVEMENT
  - 5" LIGHT DUTY CONCRETE PAVEMENT
  - 4" CONCRETE SIDEWALK
  - GREEN SPACE
  - PROPOSED 10" CURB HEAD AND GUTTER
  - PROPOSED 6" CURB HEAD AND GUTTER
  - TRAFFIC FLOW ARROW
  - HANDICAPPED PARKING
  - INDICATES NUMBER OF PARKING STALLS

**PARKING DATA**  
 TOTAL PASSENGER STALLS PROVIDED = 118  
 HANDICAP ACCESSIBLE STALLS PROVIDED = 5  
 REQ'D PASSENGER STALLS = 1 STALL PER 2 EMPLOYEES  
 = 1/2 STALLS X 100 EMPLOYEES = 50 STALLS

TRUCK TRAILER SPACES = 388 STALLS  
 FUTURE INTERCHANGE ZONE TRAILER SPACES = 80

\*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.
  - ALL FENCING AND GATES SHOWN ON THE PLAN ARE DESIGN/BUILD BY GENERAL CONTRACTOR. GENERAL CONTRACTOR TO PROVIDE GATES ALONG THE PERIMETER FENCING FOR MAINTENANCE VEHICLE ACCESS. CONTRACT TO COORDINATE NUMBER AND LOCATION WITH THE OWNER.
  - ALL SITE UTILITIES MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY.

**SITE DATA**  
 TOTAL AREA = 76.72 ACRES, 3,341,856 S.F.  
 BUILDING AREA = 25.44 ACRES, 1,108,080 S.F. (33.2%)  
 SIDEWALK/PARKING LOT AREA = 19.72 ACRES, 859,001 S.F. (25.7%)  
 GREEN SPACE = 31.56 ACRES, 1,374,775 S.F. (41.1%)

**ZONING**  
 I-B-2 - INDUSTRIAL BUSINESS 2

**PARCEL NO.**  
 CSM IN PROGRESS TO RECONFIGURE  
 (WD-L482-2, WD-L483-1, WD-L484-1, WD-L485, WD-L486, WD-L510, WD-L511, WD-L514, WD-L515)

**ZONING REQUIREMENTS**

ZONING REQUIREMENTS	REQUIRED	PROPOSED
FRONT SETBACK	40'	269.3'
SIDE SETBACK	25'	129.1'
REAR SETBACK	25'	477.5'
MIN. LOT SIZE	43,560 S.F.	3,341,856 S.F.
MIN. FRONTAGE	150'	2,708'

NO.	DATE	APPROV.	REVISION	NO.	DATE	APPROV.	REVISION	NO.	DATE	APPROV.	REVISION
1	5/5/2021	AJB	REVIEW SET								
2	5/21/2021	BDP	BID SET								

DRAWN  
 LJP  
 CHECKED  
 AJP  
 DESIGNED  
 BDR

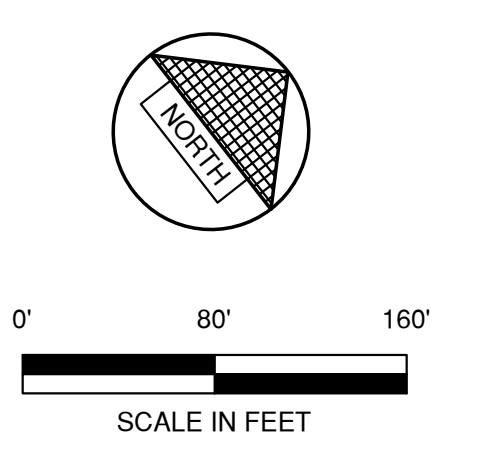
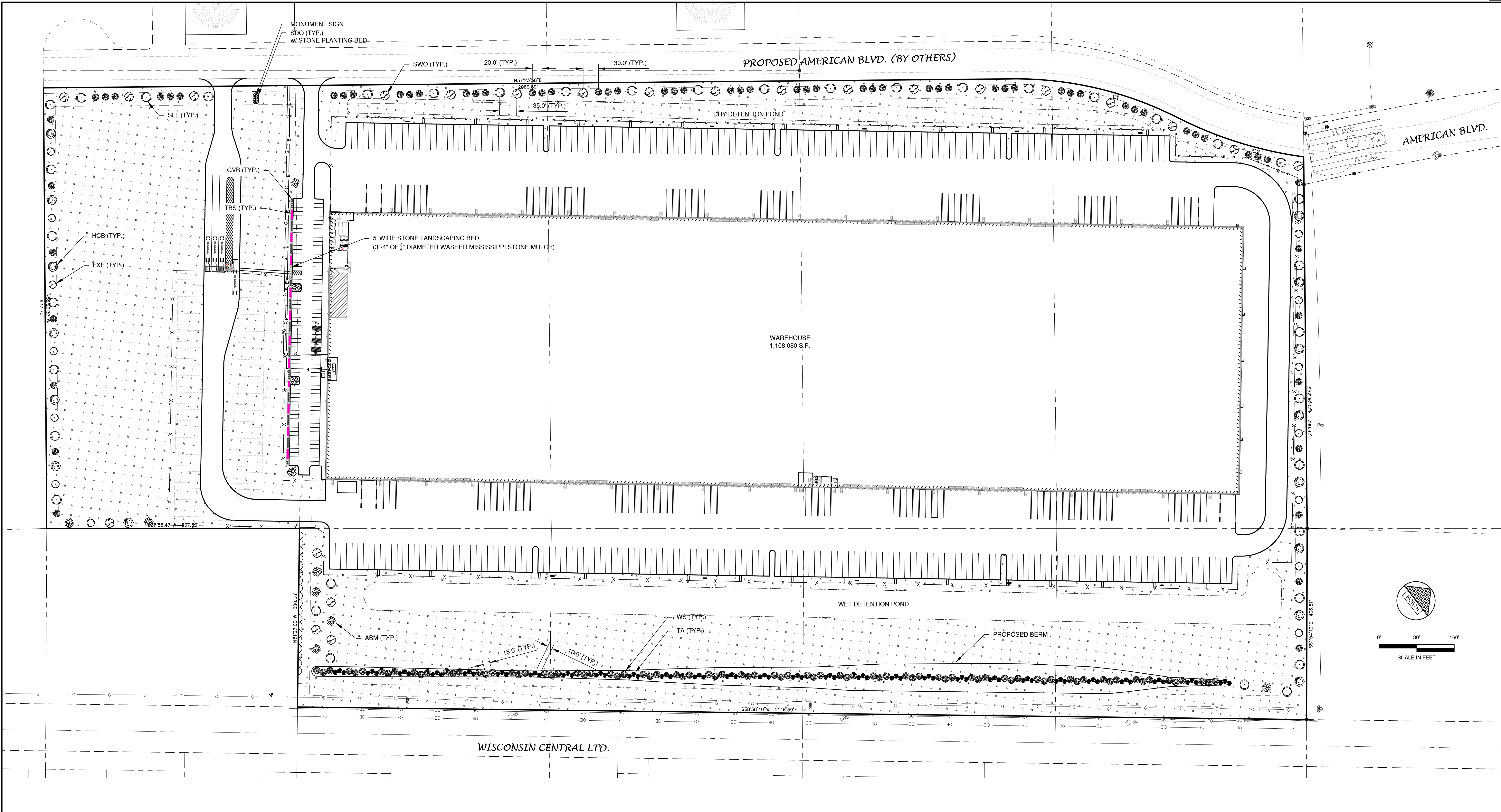
WEST DE PERE BUSINESS PARK  
 SCANNELL DEVELOPMENT COMPANY III, INC.  
 CITY OF DE PERE  
 BROWN COUNTY, WISCONSIN

OVERALL SITE PLAN

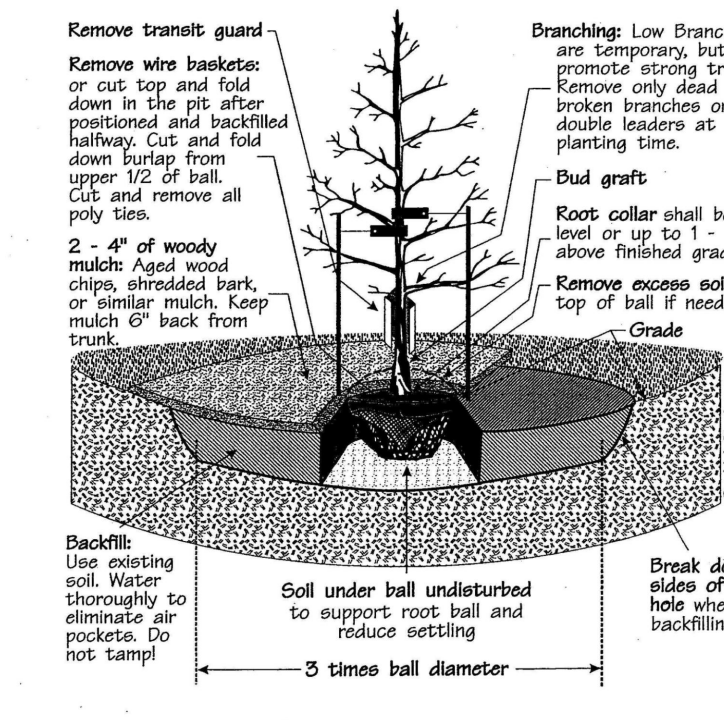
DATE  
 03/2021  
 FILE  
 OVERALL  
 JOB NO.  
 6190001

**Robert E. Lee & Associates, Inc.**  
 ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES  
 1250 CENTENNIAL CENTRE BOULEVARD HOBART, WI 54155  
 920-662-9641 www.releeinc.com

SHEET NO.  
**C102**

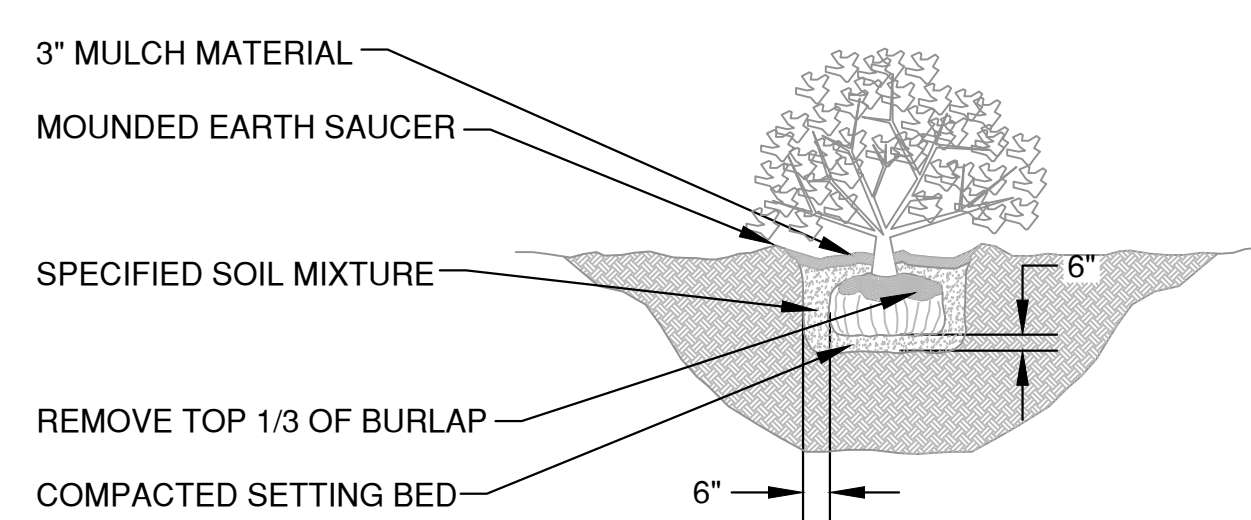


**Proper Tree Planting Diagram**



Stake only if you have to. Use 2"-5" wide webbing straps and secure to stakes heavy gauge wire. The wire should be able to slide straight out from the stake hold the webbing strap up, preventing it from sliding down the tree. Do not use safety - cross path straight from moose. Remove all stakes after one year. Use of tree wrap is not recommended, as it causes a number of problems for 1 Wisconsin Dept. Of Natural Resources

NOTE: PRUNE 20% OF BRANCHES OF DECIDUOUS SHRUBS ONLY. RETAINING NORMAL PLANT SHAPE. SHRUB SHALL BEAR SAME RELATION TO FINISH GRADE AS IN NURSERY.



**TYPICAL SHRUB PLANTING DETAIL**

**PLANTING SCHEDULE**

COUNT	MARK	BOTANICAL NAME	COMMON NAME	SIZE
14	FXE	Ulmus 'Frontier'	Frontier Elm	1.5' Cal.
15	HCB	Celtis Occidentalis	Common Hackleberry	1.5' Cal.
23	SWO	Quercus Bicolor	Swamp White Oak	2.5' Cal.
38	SLL	Gleditsia Tnacanthos 'Skyline'	Skyline Locust	2.5' Cal.
150	WS	Picea Glauca	White Spruce	2.5' Cal.
84	TA	Thuja Occidentalis 'Techy'	Techy Arborvitae	2.5' Cal.
11	ABM	Acer x Freemanii 'Jeffersred'	Autumn Blaze Maple	2.5' Cal.
8	SDO	Hemerocallis Stella D'Oro	Stella D'Oro Daylily	2'
55	GVB	Buxus 'Green Velvet' (COPF)	Green Velvet Boxwood	15-18" #3 pot
53	TBS	Spiraea betulifolia 'Tor'	Tor Birchleaf Spirea	15-18" #3 pot

TOTAL = 335 TREES  
= 8 SHRUBS  
\*CITY LANDSCAPE ORDINANCE REQUIRES 1 TREE PER 10,000 SQUARE FEET OF LOT AREA. 30% OF SUCH TREES SHALL BE DECIDUOUS HARDWOOD (3,341,856 S.F./10,000 S.F. = 335 TREES (101 DECIDUOUS/335 TREES = 30.1%))

- GENERAL NOTES**
- CONTACT DIGGER'S HOTLINE 5 WORKING DAYS PRIOR TO THE START OF DEMOLITION CONSTRUCTION
  - ALL PLANTINGS SHALL MEET THE CITY OF DE PERE'S STANDARDS
  - ALL AREAS SHOWN AS GREEN SPACE TO BE TOPSOILED TO A DEPTH OF 6 INCHES. RAKE FREE OF STONES AND CLUMPS. ALL AREAS NOT SHOWN WITH LANDSCAPE BEDS TO BE SEEDED AND MULCHED FOR LAWN. MULCH SHALL BE HELD IN PLACE BY CRIMPING OR BY USE OF TACKIFIER.
  - ALL TREES TO BE STAKED WITH A MINIMUM OF 3 STAKES.
  - COORDINATE LANDSCAPE WORK WITH ALL TRADES (EXAMPLE: GAS, ELECTRIC, CABLE AND TELEPHONE)