



Board of Appeals

Regular Meeting

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

Agenda

Monday, June 25, 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 **June 25, 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 May 29, 2018 Board of Appeals Meeting.
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.

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
Kao & Sue Xiong
Mark & Nancy Stacie
Lee & Mary Ann Schley
Jacob & Elizabeth Mineau
James Miller
Scott & Molly Tomashek

City of De Pere, Wisconsin



Request For Board of Appeals Action

MEETING DATE: June 25, 2018

DEPARTMENT: Board of Appeals

FROM: Kelly Barker

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

ATTACHMENTS:

- BoA_May2018_Minutes_Draft (PDF)



Board of Appeals

Regular Meeting

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

Draft Minutes

Tuesday, May 29, 2018

4:45 PM

De Pere City Hall Council Chambers

Call to Order

The meeting was called to order at 4:45 PM by Board Member Andy Van Remortel

Attendee Name	Title	Status	Arrived
Scott Bonfigt	Board Member	Present	
Bob De Groot	Chairman	Excused	
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 April 9, 2018 Board of Appeals meeting.

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

3. Annual Election of Chair & Vice Chair.

Bill Vande Hei nominated Bob De Groot for Chair, seconded by Andy Van Remortel. Upon vote, motion carried unanimously. Bill Vande Hei moved, seconded by Jim Stadler, to nominate Andy Van Remortel as Vice Chair. Upon vote, motion carried unanimously.

4. Request a variance for a 30 foot height requirement for an amateur radio antenna to be increased by 4 feet to allow for a 34 foot antenna to be erected on a single family residential property, located at 1936 Snowy Owl Court (Parcel WD-1390). Submitted by Eugene A. Radtke, property owner.

Andy Van Remortel read the notice of public hearing and City Planner Peter Schlein reviewed the variance request. Staff identified that 30 feet is the allowable maximum height for amateur radio antennas as an accessory use in the R-1 Zoning District. He reported that since the proposed antenna is 34 feet, a variance would be required. Jim Stadler noted that the antenna is not very visible since it is so skinny. The board invited the applicant, Eugene Radtke, to address the board. He explained that the antenna is a commercially made antenna which is one inch in diameter and weighs a total of 15 pounds. He added that the antenna was installed at his previous address for years without any issues. Bill Vande Hei asked how far back from the property line the antenna would be placed. He suggested that the antenna be placed at least 30 feet from the property line so that in the event it fell, it would not hit any buildings other than the homeowner's house. Mr. Radtke agreed that he would make sure to place the antenna where it would not damage any of the neighbor's houses. Jim Stadler moved, seconded by Scott Bonfigt, to approve the variance request with the condition that it remains at least 30 feet from the property line. Upon vote, motion carried unanimously.

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

5. Request a variance for the 3 foot fence height within the corner side yard setback to be increased by 3 feet to allow for a 6 foot high fence that does not have 90 % through visibility on a single family residential property, located at 708 N. Melcorn Circle (Parcel ED-2666). Submitted by Kenneth D. Heller III, property owner.

Andy Van Remortel read the notice of public hearing and City Planner Peter Schleinzi reviewed the variance request. Bill Vande Hei asked how far away the petitioner plans on staying from the sidewalk. The board invited the applicant, Kenneth Heller, to answer any questions. He replied that he plans on placing the fence ten feet from the sidewalk. Bill Van De Hei moved, seconded by Jim Stadler, to approve the variance request. Upon vote, motion carried unanimously.

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

6. Request a variance for a 6 foot interior side yard setback for accessory uses to be reduced by 4 feet to allow for a reconstructed garage to have a 2 foot side yard setback on a single family residential property, located at 715 S. Michigan Street (Parcel ED-1433). Submitted by Ronald P. Hoffmann, et al., property owners.

Andy Van Remortel read the notice of public hearing and Peter Schleinzi reviewed the variance request. Peter reported that the existing garage was built two feet from the side yard and the homeowner would like to build the new garage with a two foot side yard setback as well. However, current zoning code is a 6 foot setback. The small size of the property does not allow a bigger garage that would meet the setback requirements. Bill Vande Hei noted that this area of the City has very small lot sizes which make it difficult to adhere to the required setbacks. Scott Bonfigt moved, seconded by Jim Stadler, to approve the variance request. Upon vote, motion carried unanimously.

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

7. Request a variance for the 30 foot front yard setback to be reduced by 10 feet to be a 20 foot front yard setback, and for the 30 rear yard setback to be reduced by 20 feet to become a 10 foot rear yard setback on two single family properties that are proposed to be combined into one lot, located at 412 Bomier Street (Parcels ED-95 & ED-104). Submitted by Pat Drury, authorized representative for Luke Russell and Megan O'leary, property owners.

Andy Van Remortel read the notice of public hearing and City Planner Peter Schleinzi reviewed the variance request. He reported that the intent is to combine the two parcels

due to the limited buildability of the lots. Peter explained that the subject lots have 30 foot front and rear yard setbacks, but due to the quirky configuration of the two lots, it is difficult to conform to those requirements. Because of this, staff suggested that if the Board of Appeals approves the variance, they should request the petitioner to combine the parcels. The property owners, along with their builder, Pat Drury, were present to answer any questions. Pat confirmed that the plan of the property owners is to combine the two lots. Jim Stadler asked for explanation of the plot map. Pat explained that only the back corner of the proposed new house would extend into the rear setback. He also pointed out that the adjacent house to the west was built with an approximate 20 foot front yard setback so the new house would better align with that house if it were built at the same 20 foot setback. Bill Vande Hei moved, seconded by Jim Stadler, to approve the variance request. Upon vote, motion carried unanimously.

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

Adjournment

Jim Stadler moved, seconded by Scott Bonfigt, to adjourn the meeting at 5:16 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker

City of De Pere, Wisconsin

**Request For Board of Appeals Action**

MEETING DATE: June 25, 2018

DEPARTMENT: Planning

FROM: Peter Schleinz

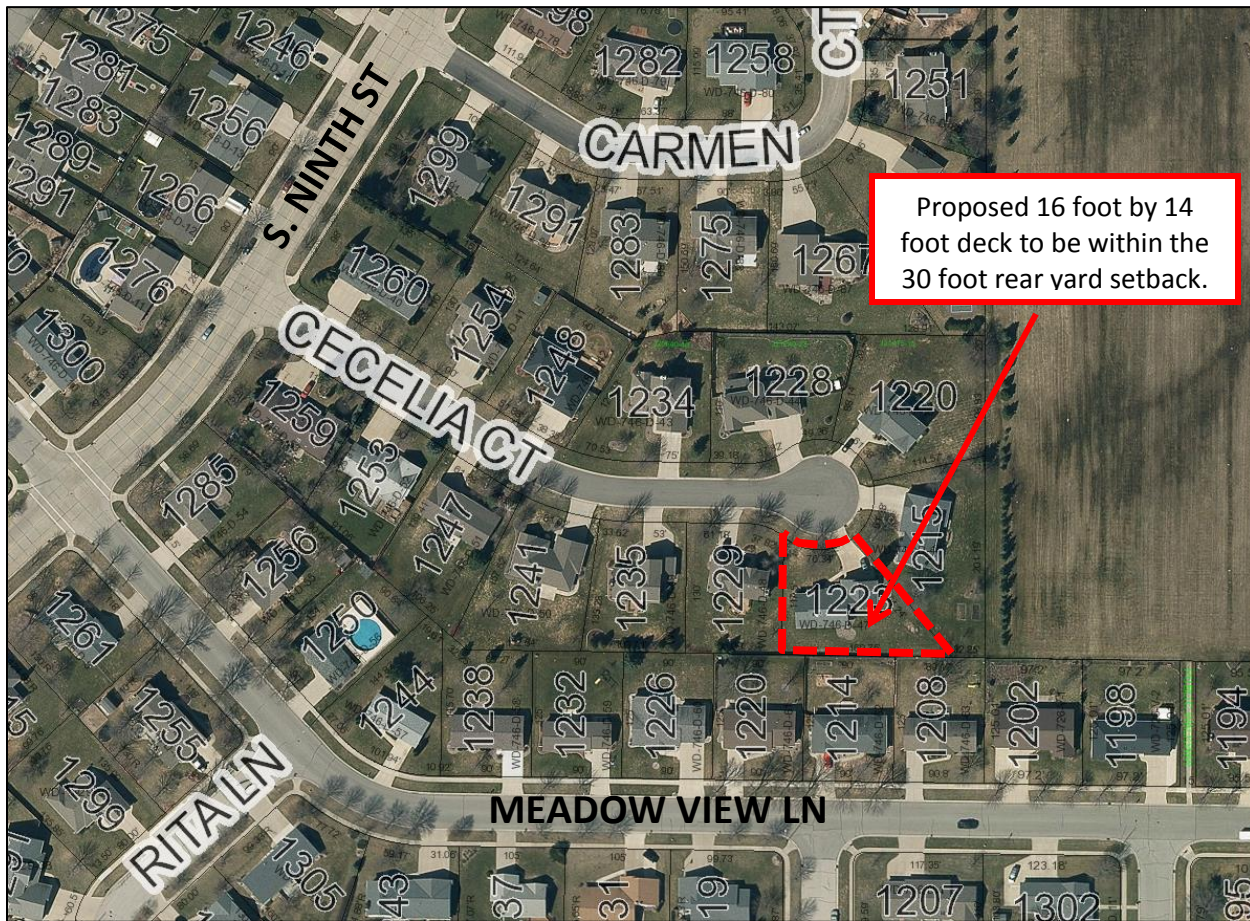
SUBJECT: Request a variance for the 30 foot rear yard setback to be reduced by 14 feet to allow for a 16 foot by 14 foot patio at the rear of a single family residential property, located at 1223 Cecelia Court (Parcel WD-746-D-47). Submitted by Taylor Markiewicz, Cover All LLC, authorized representative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

ATTACHMENTS:

- Report to Board of Appeals - patio within 30 foot rear setback at 1223 Cecelia CT (DOCX)
- Application Form (PDF)
- Description from Owner (PDF)
- Support Signatures from Neighbors (PDF)
- Permit Application - DENIED (PDF)

- Item 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 deck 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.

SITE MAP



REQUESTED ACTION:	Variance Request. <i>Allow a 14 foot by 16 foot deck, that is 20 inches tall, to extend 14 feet into the 30 foot rear yard setback.</i>
COMMON DESCRIPTION:	1223 Cecelia Court, located east from the Cecelia Court and S. 9 th Street intersection.
PARCEL NUMBERS:	WD-746-D-47
EXISTING ZONING:	R-1 (Single Family Residence District)
PROPOSED ZONING:	No change.
SURROUNDING LAND USES:	Residential to the north, south, east, and west. Westwood School is eastward.
COMPREHENSIVE PLAN:	Neighborhood Residential (Including Multi-Family)

APPLICANT / OWNER:

Taylor Markiewicz
Authorized representative
Cover All LLC
1566 W. Mason Street
Green Bay, WI 54303

Kao & Sue Xiong
Property owners
1223 Cecelia Court
De Pere, WI 54115-3810

SITE HISTORY:

The subject site is part of the residential subdivision titled, "Parc De Francile." The subject lot was zoned R-1 and had an established 30 rear yard setback, per Municipal Code 14-38(6)(1)(a). The subject house was built in the mid 1990's. Decks that are attached to, or within 5 feet of, the primary structure must be located outside of the rear yard setback, per Municipal Codes 14-12(5), and 14-13 (5)(c)(1).

STAFF REVIEW:

The property owners want to build a 16 foot by 14 foot deck that stands 20 inches from the ground at the rear yard of the property. The existing house (without a deck) lies in between the front 30 foot setback and the rear 30 foot setback with minimal lot width for added features like decks to exist outside of the front and rear yard setbacks.

- When any deck is built that is attached to a house (or within five feet of a house) the deck must be outside of the front, side, and rear yard setbacks.
- The proposed deck extends 14 feet into the rear yard setback, covering nearly half of the setback.

The property owners stated that sloping topography creates ingress/egress concerns for the property. The land at the rear of the lot slopes downward, away from the house, toward a 6 foot wide easement at the rear lot line. The proposed deck would be 7 feet away from the easement.

The property owners wrote a letter to the BOA, summarizing how they felt the criteria for a variance have been met. A copy of the letter is included in the agenda packet with graphics.

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

- *City staff denied the permit because the requested 16 foot by 14 foot deck extends 14 feet into the 30 foot rear yard setback, which is not allowed per Municipal Codes 14-38(6)(1)(a), 14-12(5), and 14-13 (5)(c)(1).*

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.

CITY OF DE PERE
RECEIVED
JUN 11 2018

	CITY OF DE PERE PLANNING DEPT. APPLICATION FOR VARIANCE	Fee: \$ 168.00
		Receipt #: 133321
		Date: 6-11-18

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) Cover All LLC		Authorized Representative Taylor Markiewicz	
Mailing Address 1566 West mason st.		City Green Bay	
Email Address markiewicz.taylor@yahoo.com		Phone Number (incl. area code) 920 5194782	
		Fax Number (incl. area code)	
Title owner		State WI	
		ZIP Code 54303	
SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)			
Name (Ind. Org. or Entity) Kao and Sue Xiong		Contact Person Sue Xiong	
Mailing Address 1223 Cecelia Ct		City De Pere	
Email Address svexiong25@gmail.com		Phone Number (incl. area code) 920-737-7917	
		Fax Number (incl. area code)	
Title owner		State WI	
		ZIP Code 54115	
SECTION 3: Project or Site Location			
Project Address: 1223 Cecelia Ct.		Parcel Number(s): WD-746-D-47	
Legal Description: 13.461 S.F. Parc De Francille Subd. Lot 47			
SECTION 4: Variance Information			
Section of De Pere Code which creates need for Variance:	14-38(2)(1)(b) = 30 foot rear lot line setback. 14-13(5)(C)(1) & 14-12(5) = accessory bldg must be 5' away from rear lot line		
Ordinance Provision:	you cannot build Deck any closer than 30' from lot line		
Project Description:	Building a 14'x15' Deck towards rear of property matching level of Patio Door		
Variance Requested:	Allowing a Deck to be built closer than 30' from lot line		
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	The exceptional circumstances are the lot line is only 27' from back of house and thats where patio door is and building off garage would not allow to h		
Describe the hardship(s) that would result if the variance is not granted:	the hardship if this is not granted is sue and kao have 3 kids ages 5,3,1 and due for another end of July and makes it hard for kids to go down steps and don't want them to on a		
Describe how the variance would not have adverse effects on surrounding properties:	The Deck would not effect surrounding properties because the property to the back has fence and both of the other		

Attachment: Application Form (7091 : Request a variance for the 30 foot rear yard setback to be reduced by 14 feet to allow for a 16 foot)

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) Sue Xiong	Title Owner	Phone Number 920 737 7917
Signature of Applicant Sue Xiong		Date Signed 6-11-2018

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

Attachment: Application Form (7091 : Request a variance for the 30 foot rear yard setback to be reduced by 14 feet to allow for a 16 foot)

June 11th, 2018

Zoning Board of Appeals
335 S. Broadway Street
De Pere, WI 54115

Property Address: 1223 Cecelia CT, De Pere, WI 54115

To Whom It May Concern:

My family and I appreciate your consideration in reviewing our property. We are requesting for a variance from the city of De Pere to build a deck closer than 30' feet from the lot line. Currently, there is a brick patio that is no longer suitable since it is breaking apart and from the patio door there is a 16" inch step down to ground level. It is our desire to build something that will add value to our home aesthetically and be of great use for years to come. The construction plan is to build a 14' ft x 16' ft wood deck off the back of our home where our patio door is situated.

Because of the unique odd shaped lot and how our home is built further back into the lot, we don't see any other solution other than building a deck close to the lot line. Since our lot has a slight slope in the backyard, there is minimal flooding each spring in the lot line. As well as the slight slope, we notice that there is a bit of a concern when little children or the elderly step down from our patio door to ground level. Therefore, to avoid any serious injuries, we would prefer a patio door level walkout instead of a step down. We also notice that cement patio gets noticeably hotter during the summer months because our backyard faces South; therefore, we hope a wood deck would be a more fitting solution.

We hope you'll agree with our plans to build a deck addition to our house. Since moving to this house almost 10 years ago as newlyweds and recent college grads, we didn't expect much or have much knowledge of what a house vs. a home was. And in just the recent 5 years, we have grown a family of our own to include 3 little ones and another due at the end of July. We have come to know our neighbors well and there hasn't been a year since moving here where they have not congratulated us on a new addition to our family or a major milestone we have accomplished. We love the tight-knit feel of this community and have enjoyed living here all these years and look forward to staying here for a long time. My family and I thank you again for your consideration.

Sincerely,

Kao and Sue Xiong

Attachment: Description from Owner (7091 : Request a variance for the 30 foot rear yard setback to be reduced by 14 feet to allow for a 16 foot)

June 8th, 2018

Kao and Sue Xiong
1223 Cecelia CT
De Pere, WI 54115

To Whom It May Concern:

My family and I appreciate your consideration in reviewing our property.

Below you will find a signed and completed list of our neighbors stating they are ok with us building a deck in our backyard.

NAME

ADDRESS

Lee Schley
LEE SCHLEY
1223 Cecelia CT
Molly Jemashuk
James Yull

1215 CECELIA

1229 CECILIA CT

1208 Meadow View Ln

1214 Meadow View Ln

1220 MEADOW VIEW LANE

Denied - 30' Rear Set Back

3.e

City of De Pere

335 S. Broadway
De Pere, WI 54115

(920) 339-4053 Phone
(920) 330-9491 Fax

**DECK PERMIT
Application and Record**



Permit #: _____
Fee: _____
Receipt #: _____
Date: _____

PROJECT LOCATION

Owner's Name: Sue Xiong
Address: 1223 Cecelia
Phone #: 920 737 7917
E-mail: _____
Parcel #: _____
Total Cost of Project: \$6000
Lot: _____
Zoning: _____

GENERAL CONTRACTOR

Company Name: Cover All LLC
Address: 1566 W Mason St
Phone #: 920 619 4782
E-mail: markiewicz2@yahoo.com
Dwelling Contractor Credential: Cover All 1389995
Expiration Date: 11/29/18
Dwelling Contractor Qualifier Credential: Taylor Markiewicz 112086
Expiration Date: 9/30/19

PROJECT INFORMATION

Deck Dimensions: 16' x 14' size of deck Approx 20" height above ground * Please include a site plan and deck plan including all setback measurements as required for the project.
Material Used: ☒ Treated wood ☐ Redwood ☐ Cedar Other: _____
Stair Dimensions: 20" Height 20" Depth (front to back) 14' Width (side to side) 2 Number of steps
If the deck will have railings, please indicate railing height: 38" (minimum 36")

Will the deck be located under electrical lines? ☐ Yes ☒ No If yes, number of feet above deck: _____

The National Electrical Code requires minimum clearances for electric meters and overhead service wires.
Please check with our electrical inspector for more detailed information.

CAUTIONARY STATEMENT TO OWNERS OBTAINING BUILDING PERMITS

101.65(lr) of the Wisconsin Statutes requires municipalities that enforce the Uniform Dwelling Code to provide an owner who applies for a building permit with a statement advising the owner that if the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under s. 101.654(2)(a), the following consequences might occur:

(a) **The owner may be held liable** for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under the building permit or that is caused by any negligence of the contractor that occurs in connection with the work performed under the building permit.

(b) **The owner may not be able to collect from the contractor damages** for any loss sustained by the owner because of a violation by the contractor of the one- and two- family dwelling code or an ordinance enacted under sub. (1)(a), because of any bodily injury to or death of others or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

APPLICANT'S STATEMENT

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.

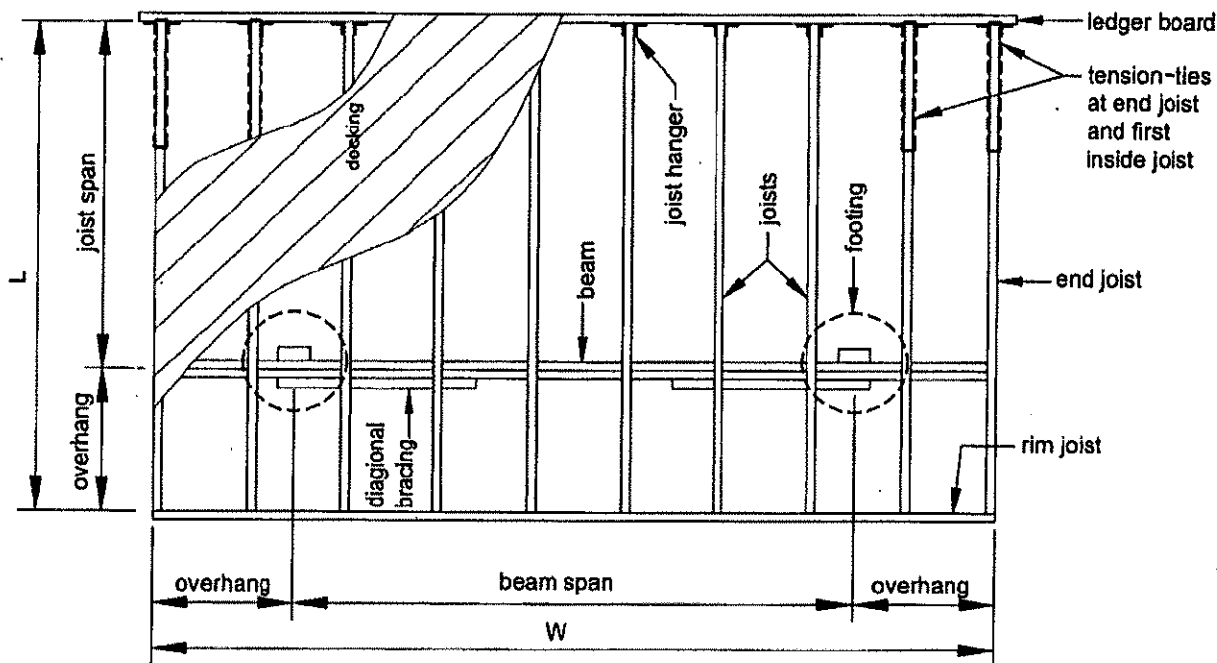
Signature: [Signature]
Date: 6/7/18

PERMIT APPROVAL

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.

Inspector: _____
Date: _____ Certification #: _____

Figure 35
TYPICAL DECK FRAMING PLAN



Decking: ☐ 2x4 ☒ 2x6 ☐ five-quarter board ☐ wood-plastic composite (per ASTM D 7032)
☐ Other decking, evaluation report number: _____

Joists: size: ☐ 2x6 ☒ 2x8 ☐ 2x10 ☐ 2x12 spacing: ☐ 12 in. ☒ 16 in. ☐ 24 in.
joist span dimension: _____ ft. - _____ in.
overhang: ☐ Yes ☒ No overhang dimension: _____ ft. - _____ in.
rim joist: ☐ 2x6 ☐ 2x8 ☒ 2x10 ☐ 2x12

Beam(s): number of plies: ☒ 2 ☐ 3 size: ☐ 2x6 ☐ 2x8 ☒ 2x10 ☐ 2x12
overhang: ☐ Yes ☒ No overhang dimension: _____ ft. - _____ in.
spacing: ☐ 4' ☐ 5' ☐ 6' ☐ 7' ☒ 8' ☐ 9' ☐ 10' ☐ _____

Posts: size: ☒ 4x4 ☐ 4x6 ☐ 6x6 height: _____ ft. - _____ in.

Footings: size: ☒ 8" in. ☐ square ☒ round thickness: 48" in.

Ledger: ledger board size: ☐ 2x8 ☒ 2x10 ☐ 2x12 ☐ Not applicable (free-standing deck)
fastener: ☐ Through bolt ☒ Lag screw ☒ Wood screw
☐ Expansion anchor ☐ Adhesive anchor

Lateral support: ☒ Tension-tie ☐ Diagonal bracing, size: ☐ 2x
(not permitted for free-standing deck)

Deck size: L= 14 ft. - _____ in. W= 16 ft. - _____ in.

House

Patio Door

2x8"
16" O.C.

Post 8"
Sonotubes
48" Deep
4x4 post

2x10"

Rail: 38"

2x10"

Decking
2x6 Green Treat

Face mount
hangers

2x10"

2 steps Down to ground

Deck Less than 2'

What type
of connection/
fasteners are you
using on 4x4s

4x4 post
48" deep

2x10"

48" Deep
12"

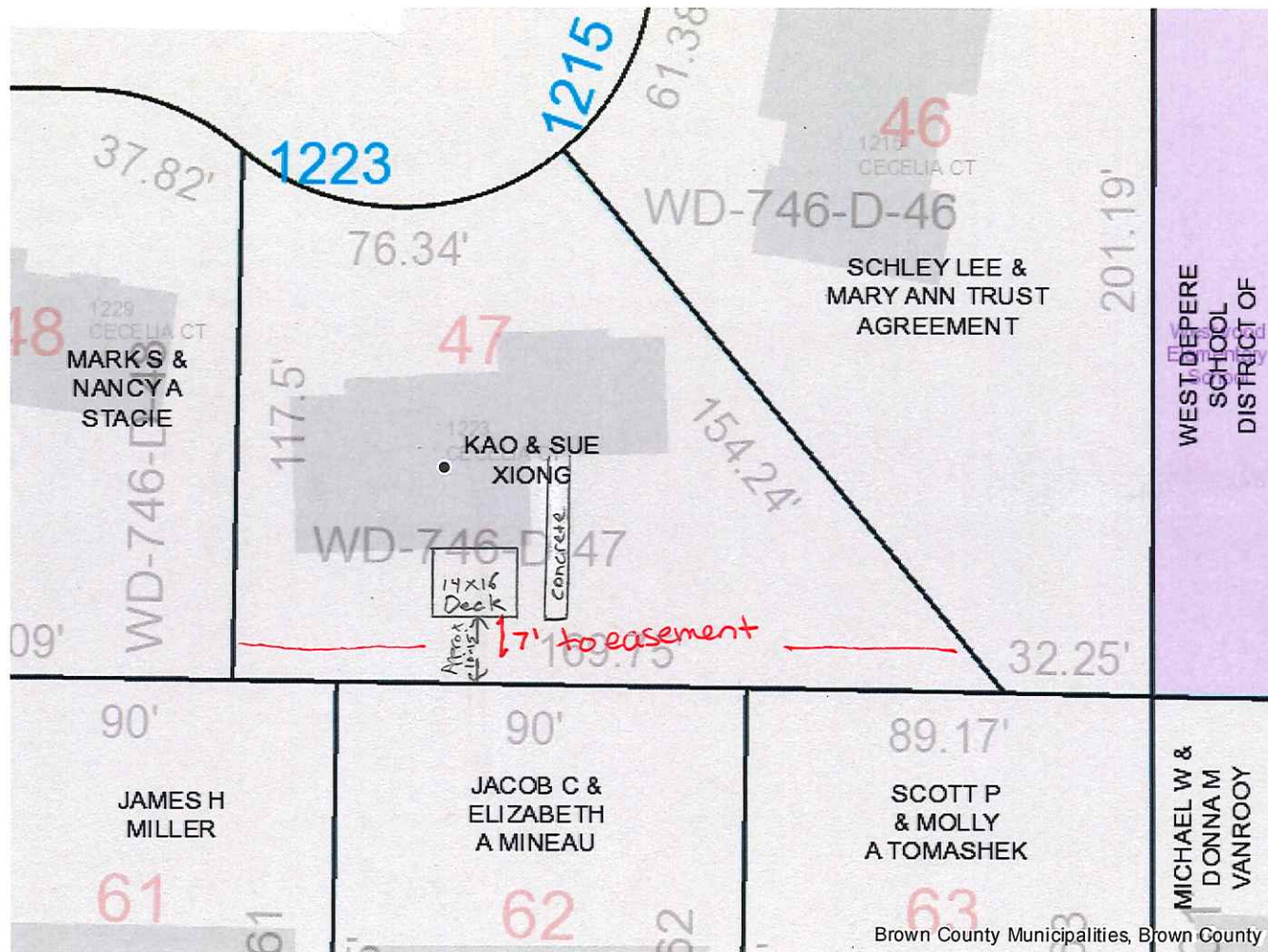
15"

15"

16'

12"

DENIED



COVER ALL LLC

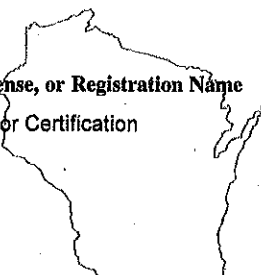
3.e

Certification, License, or Registration Name

Expires

Dwelling Contractor Certification

11/29/18



Wisconsin Department of Safety and Professional Services

Signature:

A handwritten signature in black ink, appearing to be "T. Markiewicz".

ID: 1120860

AYLOR LEE MARKIEWICZ

Certification, License, or Registration Name

Expires

Dwelling Contractor Qualifier Certification

09/30/19



Wisconsin Department of Safety and Professional Services

Signature:

A handwritten signature in black ink, appearing to be "T. Markiewicz".

Attachment: Permit Application - DENIED (7091 : Request a variance for the 30 foot rear yard setback to be reduced by 14 feet to allow for a 16