



Board of Appeals

Regular Meeting

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

Agenda

Monday, May 24, 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 **May 24, 2021** at **4:45 PM**.

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

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

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

You can also dial in using your phone.

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

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

Access Code: 154-883-285

THIS MEETING WILL NOT BE HELD IN PERSON.

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

Call to Order

1. Roll Call
2. Approval of the minutes of the December 21, 2020 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 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). B. 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).
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).

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
Evelyn & Olvin Elvir
Julia Meyer
Chelsea Young
Robert Haupt
Patricia Vogels
Ryan Earley
John & Jill Quigley
Brian & Martha Blaney
David & Hope Zellner



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: May 24, 2021

DEPARTMENT: Planning

FROM: Kelly Barker

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

ATTACHMENTS:

- BoA_Dec2020_Minutes_Draft(PDF)



Board of Appeals

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

Special Meeting

Draft Minutes

Monday, December 21, 2020

4:45 PM

De Pere City Hall Council Chambers

Call to Order

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

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

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

- Approval of the minutes of the November 23, 2020 Board of Appeals meeting.

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

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

Bob De Groot read the public hearing notice and Zoning Administrator Peter Schleinz reviewed the variance request for a building addition at 1800-1862 Commerce Drive, which would require a 35 foot transitional yard variance. Peter noted that the related site plan will be reviewed by the Plan Commission later this evening. The petitioner is proposing to add additional landscaping to help screen the area. Bob De Groot requested the petitioner speak about the request. Andy Van Remortel asked if any comments were received from adjacent property owners. Karl Schmidt from Belmark noted that he spoke to one resident regarding noise levels. Bob De Groot asked if anyone wished to speak. Jeffrey Jaekels spoke. He & his siblings own two of the residential lots adjacent to the property. He is opposed to the variance request. He stated that the residential properties would be adversely affected by additional truck traffic. Bob De Groot stated that there would not be any additional truck traffic by this variance being passed. Mr. Jaekels argued that the only hardship is that they want to expand outside of their borders. Michele Manke asked if Belmark considered reducing the size of the addition. Karl Schmidt stated that they are already reducing the size of the addition with the variance. Jim Stadler moved, seconded by Bill Vande Hei, to approve the variance. Upon vote, motion carried unanimously.

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

Adjournment

Jim Stadler moved, seconded by Michelle Manke, to adjourn the meeting at 5:13 pm. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: May 24, 2021

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: Public comments upon matters not on the agenda.



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: May 24, 2021

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: A. 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). B. 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).

ATTACHMENTS:

- BoA_May2021_Public Hearing Notice(DOC)
- Report to BOA - drive in corner side and front yards (DOCX)
- Application Form with information from owner (PDF)

Publish: May 14, 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 May 24, 2021 at 4:45 PM on the following matters:

- 1a. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-38(6)(1)(b) submitted by Ryan Earley, 230 Colleen Ln, De Pere, WI. Said appeal requests a building permit to construct a building addition to the attached garage on the property located at 230 Colleen Ln, De Pere, WI which would require a 14 foot corner side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-38(6)(1)(b) which requires a 30 foot corner side yard setback.

- 1b. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-55(8)(a)(2) submitted by Ryan Earley, 230 Colleen Ln, De Pere, WI. Said appeal requests a building permit to widen a driveway on the property located at 230 Colleen Ln, De Pere, WI from 15 feet to 32 feet.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-55(8)(a)(2) which allows a maximum driveway width in residential zones of 25 feet.

- 2a. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-38(6)(1)(b) submitted by Evelyn & Olvin Elvir, 831 Virginia Dr, De Pere, WI. Said appeal requests a building permit to widen a driveway on the property located at 831 Virginia Dr, De Pere, WI which would require a 15 corner side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-38(6)(1)(b) which requires a 30 foot corner side yard setback.

- 2b. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-55(8)(a)(2) submitted by Evelyn & Olvin Elvir, 831 Virginia Dr, De Pere, WI. Said appeal requests a building permit to widen a driveway on the property located at 831 Virginia Dr, De Pere, WI from 22 feet to 27 feet.

Application for a building permit was denied pursuant to the De Pere Municipal

Code, Chapter 14-55(8)(a)(2) which allows a maximum driveway width in residential zones of 25 feet.

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

Dated this 14th day of May

BY ORDER OF THE BOARD OF APPEALS

Peter Schlein, Zoning Administrator

Item 4A: 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).

Item 4B: 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).

SITE MAP



REQUESTED ACTION: Variance Requests.

Item 4A: A resident proposed expansion of the width of a driveway by an undetermined amount that will extend approximately 15' into the corner side yard setback.

Item 4B: A resident proposed expansion of a driveway (15' wide) to 32' would exceed the allowed 25' width by an undefined amount.

COMMON DESCRIPTION: 831 Virginia DR, located northwest from the Virginia DR and Erie ST intersection.

PARCEL NUMBERS: ED-371-G-12

EXISTING ZONING: Single and Two-family residence District (R-2).

SURROUNDING LAND USES: Single-family residential (R-1) to the north, southwest, east, and west. Two-family residential (R-2) to the south. Cemetery (R-2) to the southeast.

COMPREHENSIVE PLAN: Neighborhood Residential (Including Multi-Family).

APPLICANT / OWNER: Evelyn and Olvin Elvir
831 Virginia DR
De Pere, WI 54115-1708

SITE HISTORY: After a review of air photographs dating to 1938, the house was built in the 1960's-1970's. The 2-stall garage driveway was widened eastward in the early 2000's but there is no permit on record for the expansion.

On April 7, 2021, the petitioner filed a variance request to expand the existing driveway width by another 5' so that the setback from the side yard would be would become 20'.

- The original purpose for the driveway permit was for space to park a small boat. After the permit was denied, the petitioner changed the purpose of the variance application to be for extended parking space.
- Staff requested additional information from the petitioner, including revised site dimensions as the submitted site dimensions were not adding up properly. The petitioner agreed to delay presenting to the Board of Appeals for a month, until May 2021, in order to prepare better drawings.
- To date, no revised drawings have been submitted to staff for review.

STAFF REVIEW: ***NOTE: Staff is concerned about the Board of Appeals considering action to approve this request(s) because of an incomplete variance application; Staff requested revised drawings have not been submitted with specific measurements for staff to review and include with this report.***

The petitioner proposes two variances:

1. Expand a driveway into the corner side yard setback. The setback would become approximately 15' instead of the minimum building setback of 30' and driveway setback of 25'.
 - a. *The petitioner indicated a 20' setback request, but the setbacks appear to be less in air photographs.*
2. Expand the width of the driveway that would be partially in the corner side yard setback. The entire driveway width would be approximately 27' instead of the maximum 25'.
 - a. *The petitioner did not provide an overall driveway width, nor the distance past the front façade that pavement would extend.*

Attached with this report is a sketch plan that the petitioner proposes for the project pavement in the corner side yard. In two cases in the past, when the Board of Appeals identified that a true hardship existed, landscaping was required alongside the pavement within the corner side yard in order to screen the pavement and parked vehicles. This petition does not include any proposed landscaping screening.

Staff has not been provided any documentation of the petitioner reaching out to inform adjacent property owners that would be most affected by the request.

ITEM 4A: City staff cannot issue a building permit because proposed development requires a minimum 30' corner side yard setback, per Municipal Code 14-39(6)(1)(b and more specifically a 25' setback from intersections, per Municipal Code 14-55(8)(a)(3) and 14-55(8)(a)(3).

ITEM 4B: City staff cannot issue a building permit because proposed driveway widths in residential areas shall be no more than 25' wide at the property line and no more than 25' from the intersection, per Municipal Codes 14-55(8)(a)(1) and (2) and (3).

HARDSHIP CONSIDERATION

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
 - *The property already has a two stall garage and functioned for residential use since the 1970's. There are no significant conditions, aside from the desire to expand the driveway/hard surface.*
 - *Properties at the following nearby intersections do not have nonconforming driveway pavement in the corner side yards:*
 - *Virginia DR and S Erie ST.*
 - *S Erie ST and Bruss ST to the north.*
 - *S Erie ST and Cook ST to the south.*
 - *Virginia ST and S Superior ST to the west.*
2. The conditions upon which a petition for a variance are based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classifications.
 - *This may not be a unique situation as a 30' corner side yard setback and 25' from intersection driveway setback applies to all residentially zoned property. The nearest example of driveway pavement in the side yard is not comparable at 832 Bomier ST because the driveways curbcut accesses from the side at S Erie ST.*
3. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person having an interest in the property.
 - *The setback reduction and driveway width expansion are requested by the property owner in order for the property owner to park vehicles outside without landscape screening that has been requested in the past by the Board of Appeals.*

-
4. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - *Staff is not aware of the property owner obtaining any signatures from adjacent property owners to make them aware of the proposed variance(s).*


 5. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - *The request is designed to allow more cars to park at the property than have been parked in the past, since the house was built in the 1960's-1970's.*

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.

CITY OF DE PERE RECEIVED
APR - 7 2021
PLANNING DEPT.

	CITY OF DE PERE APPLICATION FOR VARIANCE	Fee: \$ 168.00
		Receipt #: 159999
		Date: 4-07-21

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

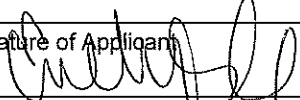
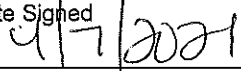
SECTION 1: Applicant / Permittee Information			
Applicant Name (Ind., Org. or Entity) Evelyn Bolvin Elvir		Authorized Representative	
Mailing Address 831 Virginia Dr		City De Pere	State WI
Email Address evelynelvir@mail.com		Phone Number (incl. area code) 920-461-4325	ZIP Code 54155
Fax Number (incl. area code)		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	
Mailing Address		City	State
Email Address		Phone Number (incl. area code)	ZIP Code
Fax Number (incl. area code)		Fax Number (incl. area code)	
SECTION 3: Project or Site Location			
Project Address: 831 Virginia Dr De Pere WI 54155		Parcel Number(s):	
Legal Description:			
SECTION 4: Variance Information			
Section of De Pere Code which creates need for Variance:			
Ordinance Provision:			
Project Description:		Extend parking space	
Variance Requested:		Requesting 5 feet into the 25' corner sideyard allowed setback for parking drive	
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:		my car space is limited and we need space for another car its 5 Adults in the house with cars.	
Describe the hardship(s) that would result if the variance is not granted:		If we dont get this space done my daughter wont be able to drive to school because we cannot park out in the street she drives to greenbay for school.	
Describe how the variance would not have adverse effects on surrounding properties:		I wont affect anything because we are only trying to put cement on 5 feet with 20x5.	

It does not touch the curve its by our garage. I want have impact on any other 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)	Title	Phone Number
Signature of Applicant 		Date Signed 

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

City of De Pere
335 S. Broadway
De Pere, WI 54115
(920) 339-4053
dpbldg@deperewi.gov



RECEIVED
CITY CLERK
DE PERE

CURB CUT/ DRIVEWAY/ PARKING LOT PERMIT Application and Record

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

PROJECT LOCATION

Owner's Name: Evelyn Bolvin Elvir Address: 831 Virginia Dr. De Pere WI SUNS

Phone #: 920-461-4325 E-mail: evelynelvir@gmail.com

DRIVEWAY CONTRACTOR

CURB CUT CONTRACTOR

Company Name: _____

Mailing Address: _____

Phone #: _____

E-mail: _____

Signature: _____

JOB SPECIFICATIONS

- Single Family Commercial
 - Two Family Industrial
 - Multi Family (# of Units) _____
- Fees: Residential \$50.00 Comm/Ind/Multi \$150.00
Curb Cut \$25.00 Total: _____

Driveway width at property line: _____
Setback to interior property line: _____
Curb width at driveway opening: _____
Curb Cut Yes No
Parking Lot New Expansion

Brief Job Description:
I would like to do a drive way extension on the east side of garage, so I can put my small boat.

NOTES

An inspection of the driveway, sidewalk and apron shall be made prior to concrete pour. Contact the Building Inspection Division.
The curb cut and apron must be performed per City's specifications, and by a City licensed contractor.

APPROVAL CONDITIONS

no hard surface in parking corner side yard. **DENIED**

APPLICANT'S STATEMENT

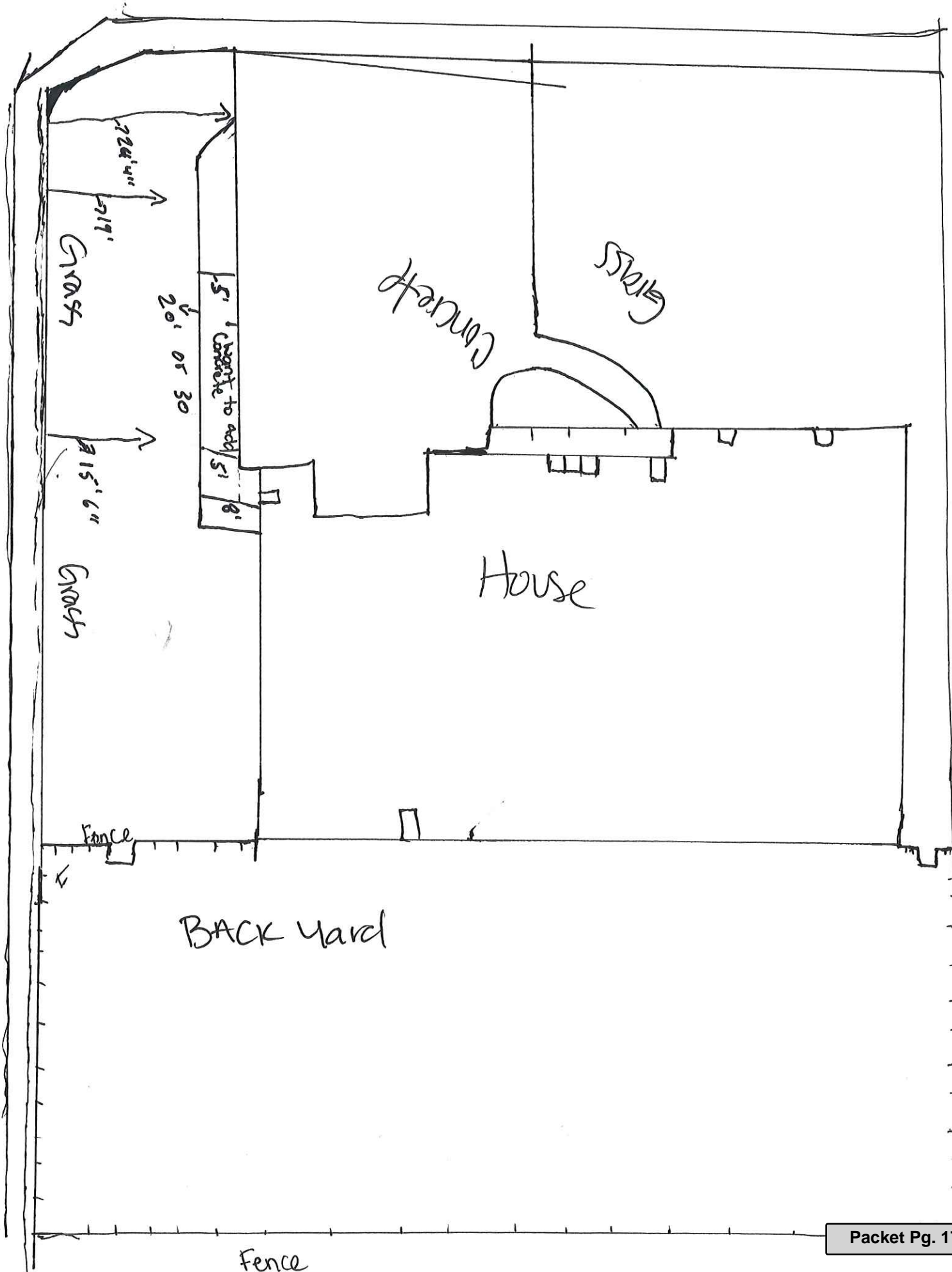
I certify that the information provided on this form is complete and accurate and hereby agree to comply with all applicable statutes of the State of Wisconsin and ordinances of the City of De Pere, Wisconsin. I further understand that the issuance of this permit creates no legal liability, express or implied, on the City of De Pere, Wisconsin.

Signature: [Signature]
Date: 3/29/2021

PERMIT APPROVAL

Upon signature of an authorized member of the Building Inspection Division, this becomes a permit to conduct the above described work in accordance with all existing laws, ordinances, and regulations.

Inspector: _____
Date: _____ Certification #: _____

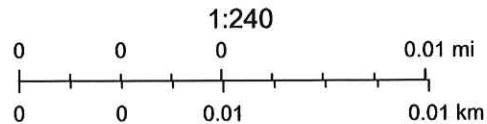


831 virginia dr



3/26/2021, 8:42:38 AM

- DePereCounty_2020.sid Blue: Band_3
- Red: Band_1
- Green: Band_2
- Parcel #



25' property line to edge of concrete



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: May 24, 2021

DEPARTMENT: Planning

FROM: Peter Schlein

SUBJECT: 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).

ATTACHMENTS:

- BoA_May2021_Public Hearing Notice(DOC)
- Report to BOA - garage and drive in corner side and front yards (DOCX)
- Application Form with Documents from Owner (PDF)

Publish: May 14, 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 May 24, 2021 at 4:45 PM on the following matters:

- 1a. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-38(6)(1)(b) submitted by Ryan Earley, 230 Colleen Ln, De Pere, WI. Said appeal requests a building permit to construct a building addition to the attached garage on the property located at 230 Colleen Ln, De Pere, WI which would require a 14 foot corner side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-38(6)(1)(b) which requires a 30 foot corner side yard setback.

- 1b. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-55(8)(a)(2) submitted by Ryan Earley, 230 Colleen Ln, De Pere, WI. Said appeal requests a building permit to widen a driveway on the property located at 230 Colleen Ln, De Pere, WI from 15 feet to 32 feet.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-55(8)(a)(2) which allows a maximum driveway width in residential zones of 25 feet.

- 2a. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-38(6)(1)(b) submitted by Evelyn & Olvin Elvir, 831 Virginia Dr, De Pere, WI. Said appeal requests a building permit to widen a driveway on the property located at 831 Virginia Dr, De Pere, WI which would require a 15 corner side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-38(6)(1)(b) which requires a 30 foot corner side yard setback.

- 2b. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-55(8)(a)(2) submitted by Evelyn & Olvin Elvir, 831 Virginia Dr, De Pere, WI. Said appeal requests a building permit to widen a driveway on the property located at 831 Virginia Dr, De Pere, WI from 22 feet to 27 feet.

Application for a building permit was denied pursuant to the De Pere Municipal

Code, Chapter 14-55(8)(a)(2) which allows a maximum driveway width in residential zones of 25 feet.

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

Dated this 14th day of May

BY ORDER OF THE BOARD OF APPEALS

Peter Schlein, Zoning Administrator

- Item 5A:** 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).
- Item 5B:** 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).

SITE MAP



REQUESTED ACTION: Variance Requests.

Item 5A: A resident proposed expansion of an attached garage (16' wide by 24' deep) would extend 14' into the corner side yard setback.

Item 5B: A resident proposed expansion of a driveway (15' wide) to 32' would exceed the allowed 25' width and extend into the corner side yard setback. Drive width needed to access garage expansion.

COMMON DESCRIPTION: 230 Colleen DR, located northeast from the Colleen DR and Lost Dauphin RD intersection

PARCEL NUMBERS: WD-758-S-13

EXISTING ZONING: Single-family residence District (R-1).

SURROUNDING LAND USES: Single-family residential (R-1) to the north, south, east, and west.
Single-family residential (R-2) to the southwest.

- COMPREHENSIVE PLAN:** Neighborhood Residential (Including Multi-Family).
- APPLICANT / OWNER:** Ryan T. Earley, ETAL
230 Colleen LN
De Pere, WI 54115-1708
- SITE HISTORY:** After a review of air photographs dating to 1938, the house was built in the 1960's-1970's.
- The petitioner claimed that a telephone call was made to the City in the fall of 2020, inquiring about side yard setbacks in order to build a garage addition and indicating they were told there is a 10' setback.
- Staff could not determine who the petitioner spoke with at the City for setback information. Staff also could not determine if the petitioner clarified they live on a corner lot where the corner side yard setback is 30' instead of 10'.
- In March 2021, the petitioner purchased building materials prior to obtaining any permit approval. When approval was sought, Inspection told the petitioner that the design would be denied because of a 30' corner side yard setback requirement.
- On March 31, 2021, the petitioner filed a draft variance request. Revisions were made to the original request and are as described in this report. The petitioner is fully aware that the financial expense made prior to applying for an inspection permit cannot be used as a valid variance hardship.
- STAFF REVIEW:** The petitioner proposes two variances:
1. Expand a garage and driveway into the corner side yard setback. The setback would become 16' instead of the minimum 30'.
 2. Expand the width of the driveway that would be partially in the corner side yard setback. The entire driveway width would be 32' instead of the maximum 25'.
- Attached with this report is a scaled plan and landscaping concepts that the petitioner proposes for the project to assist with screening any pavement in the corner side yard, and improving the side building façade within the corner side yard. In two cases in the past, when the Board of Appeals identified that a true hardship existed, landscaping was required alongside the pavement within the corner side yard in order to screen the pavement and parked vehicles. Staff does not have a comparison of past reviews for a garage expansion in a corner side yard setback.
- The petitioner reached out to inform adjacent property owners that would be most affected by the request. A copy of signatures from the adjacent property owners is included with this report.
- ITEM 5A: City staff cannot issue a building permit because proposed development requires a minimum 30' corner side yard setback, per Municipal Code 14-39(6)(1)(b).**

ITEM 5B: City staff cannot issue a building permit because proposed driveway widths in residential areas shall be no more than 25' wide at the property line and no more than 25' from the intersection, per Municipal Codes 14-55(8)(a)(1) and (2) and (3).

HARDSHIP CONSIDERATION

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
 - *The property already has a two stall garage and functioned for residential use since the 1970's. There are no significant conditions, aside from the simple inability to expand the existing house to have a third garage stall.*
 - *There is a concern that reducing the setback for one property along Lost Dauphin Road by 14' will cause an awkward aesthetic for other houses in the neighborhood that are properly setback 30'.*
2. The conditions upon which a petition for a variance are based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classifications.
 - *This may not be a unique situation as a 30' corner side yard setback applies to all residentially zoned property. However, there are two properties located across the street to the west and southwest that have side yards that are less than 30', but the construction of the properties predates the Municipal Code requirement for a 30' setback.*
3. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person having an interest in the property.
 - *The setback reduction and driveway width expansion are requested by the property owner in order for the property owner to further develop the property.*
4. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - *The property owner obtained signatures from adjacent property owners who are aware that variances are being requested. As of May 13, 2021 no objections were received by staff.*
5. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public


safety, or substantially diminish or impair property values within the neighborhood.

- *See references in #4.*

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

REVIEW PROCESS:

For variance applications, the Board of Appeals holds a public hearing, reviews the petition, and then makes a final decision of approval or denial within 30 days of the date the petition was filed. If the Board of Appeals 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.

	CITY OF DE PERE APPLICATION FOR VARIANCE	Fee: \$ 168.00 Receipt #: _____ Date: _____
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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)	Authorized Representative	Title	
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (incl. area code)	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:		Parcel Number(s):	
SECTION 4: Variance Information			
Section of De Pere Code which creates need for Variance:			
Ordinance Provision:			
Project Description:			
Variance Requested:			
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	I'm one of only 2 houses in my neighborhood that their side of garage faces the sidewalk not allowing for any additions that wouldn't exceed the 30ft limit.		
Describe the hardship(s) that would result if the variance is not granted:	My current garage was built in 1976 is not up to the standards and size of current neighborhood's garages. Would have to continue to leave vehicles in the driveway/road as there is very limited room. Also would lose \$10k as made an initial investment based of the City verbally telling me I needed to be only 10ft from Sidewalk		
Describe how the variance would not have adverse effects on surrounding properties:	Garage addition would not cast shadows on any neighbors property. Also have signatures from neighbors approving this proposed project.		

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)	Title	Phone Number
Signature of Applicant <i>Ryan Earley</i>		Date Signed

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

230 Colleen Lane – 3rd Stall Garage Addition

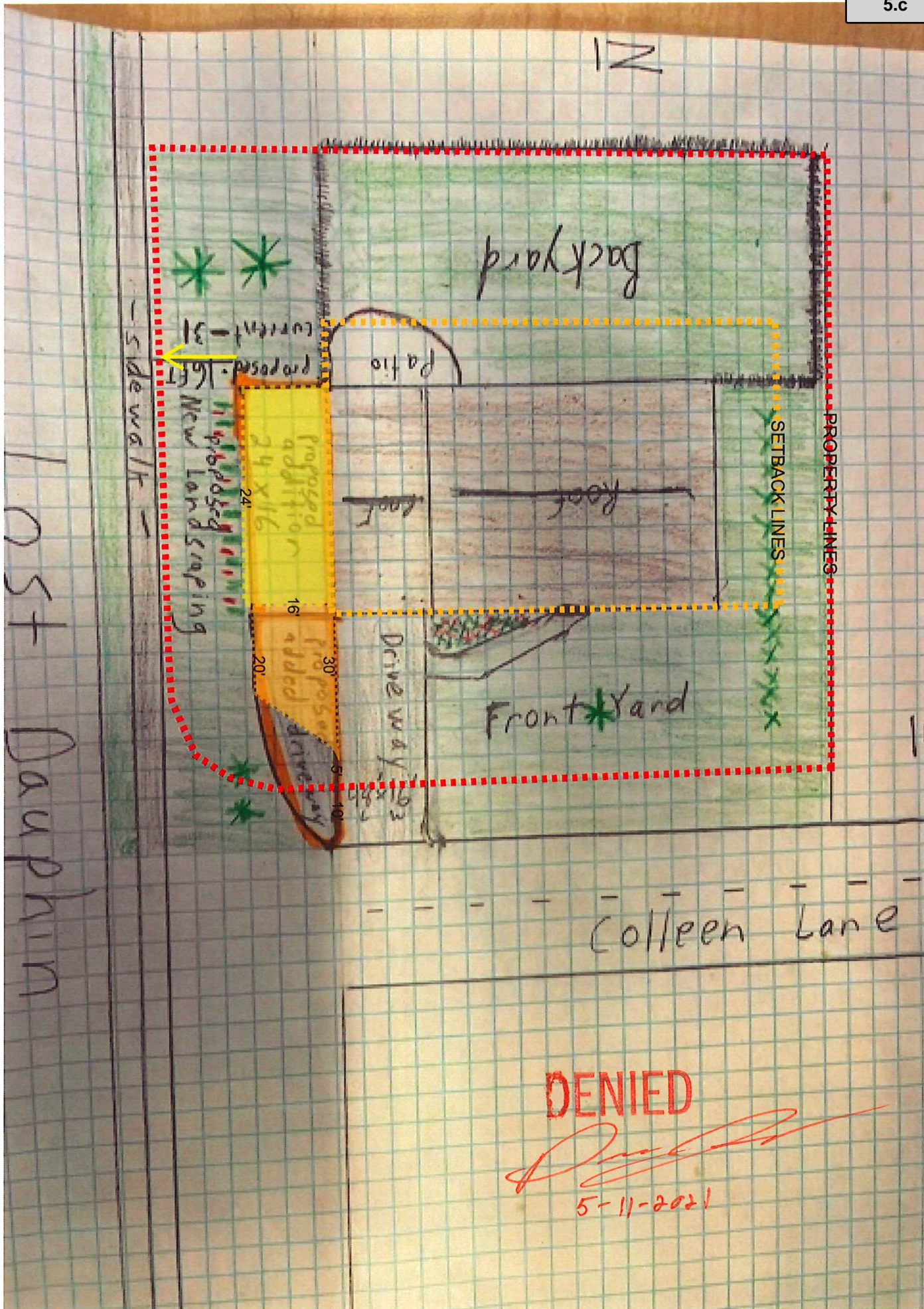
Requesting the City of De Pere's permission to allow a 3rd stall garage addition that would be less than 30ft from the sidewalk as the current zoning allows.

Currently I have a 2stall garage and looking to update this and also add a stall to match the current neighborhood. My house/garage was built in 1976 and needs a lot of updating as well as needs to make larger with an added concrete apron so less cars can be on the road. This addition would not need any cutting of the curb or a different driveway altogether.

I currently am 1 of 2 houses in my neighborhood that have our side of garage facing Lost Dauphin road, therefore making it impossible to add an addition that wouldn't be less than 30ft.

In September 2020, I placed a call to the City of De Pere looking for zoning info. I spoke with a lady who was very friendly and helpful on the phone. I gave her my address and asked what the zoning code was on a garage addition. She said I needed to be 10ft from the sidewalk, therefore I invested \$10,000 worth of wood/concrete to start this project. When I officially went to get the permit, it was denied because they then said it had to be 30ft, not 10ft as I was told the info I was given in the fall, was not correct putting me in a financial hardship of losing that money.

I have signatures from 4 neighbors, 2 of which border my property, and the other 2 are facing my property, that are ok and approve of my garage addition proposal.



DENIED

[Signature]

5-11-2021



Current garage size of 24x24. Length of House with attached garage is 42ft. The current setback is 31ft from Sidewalk. A new 16x24 3rd stall addition would leave 15ft to the sidewalk.

Current sidewalk dimensions are 16ft wide x 48ft long. The added pavement would make it 64ft wide at its widest point.



If the proposed variance is approved, we will be doing landscaping on the West side (facing Lost Dauphin) with decorative lattice and appropriate flowers grown. Similar to to the above. This along with some flowered bushes at the foot of the garage wall should make help make it look nicer as well.



In front of the garage addition and concrete apron, will be a row of Arborvitae and flowered shrubs in between for added color. Would be yellow and maroon, matching existing yellow house with the maroon shutters. Above is a very similar layout with exception of color.

Per De Pere GIS - Source:

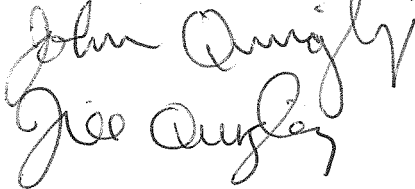
<https://depere.maps.arcgis.com/apps/webappviewer/index.html?id=203d2a7fc9ef43f3b293888fff43cd97>



Ryan Earley – Proposed Garage Addition Variance

I understand that my neighbors, Ryan & Jennifer Earley (230 Colleen Lane) have discussed their intentions of adding another stall to their current garage and will be exceeding the 30ft ordinance down to 16ft to match the house kitty-corner from them (1902 Lost Dauphin). My signature below indicates that I acknowledge and approve of their proposed garage addition. My signature below does not guarantee approval by the City of De Pere Zoning Board.

John & Jill Quigley (1849 Lost Dauphin)

Handwritten signatures of John and Jill Quigley in black ink.

Dave & Hope Zellner (235 Colleen Lane)

Handwritten signature of Dave Zellner in black ink.

Brian & Martha Blaney (224 Colleen Lane)

Handwritten signature of Brian Blaney in black ink.

Josh & Shannon Lake (1870 Lost Dauphin)

Handwritten signature of Josh Lake in black ink, with a long horizontal line extending to the right.