



Board of Appeals

Regular Meeting

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

Agenda

Monday, April 22, 2019

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 **April 22, 2019** 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 February 25, 2019 Board of Appeals meeting.
3. Variance request for an existing garage, being attached to the rear of an existing house, to encroach 8 feet into the Municipal Code 14-39(6)(1)(a) required 10 foot interior side yard setback, thereby allowing for the interior side yard setback to be reduced to 2 feet on a single family residential property located at 526 N. Superior Street (Parcel ED-494). Submitted by Tim Bader, A Guy & A Hammer LLC, authorized representative for Robert G. & Sandra K. Bloedorn, property owners.
4. Variance request for an outdoor storage area, at the side of a proposed industrial building addition, to be located at less than the Municipal Code 14-60(6)(i)(3)(B) required 25 percent of the side yard, thereby allowing for the requirement to be to be the rear 30% of the side yard on an industrial property located at 800 Heritage Drive (Parcel ED-F0100-1). Submitted by Robert Mach, Mach IV Engineering & Surveying LLC, authorized representative for Jonathan Darling, Darling Investments LLC, property owner.
5. Variance request for a proposed new accessory building, at the side of an existing house, to be outside of the Municipal Code 14-13(5)(b) required rear yard, thereby allowing for the accessory building to be in the side yard on a single family residential property located at 1481 Foxborough Court (Parcel ED-216). Submitted by Dean M & Dana D Sitar, property owners.
6. Variance request for a new addition, at the rear of an existing house, to encroach 2 feet into the Municipal Code 14-38(6)(1)(b) required 10 foot interior side yard setback, thereby allowing for the interior side yard setback to be reduced to 8 feet on a single family residential property located at 415 S. Erie Street (Parcel ED-216). Submitted by Allan J. Callahan, property owner.

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
Robert & Sandra Bloedorn
Tim Bader
Maureen Kroening
Stephen & Louise Knaus
Mary Jo Ley
Robert Mach, Mach IV Engineering
Jonahan Darling, Darling Investments LLC
Wel Real Estate II LLC
Heritage Road LLC
Paul & Barbara Stone
Valley Cabinet Inc
Dean & Dana Sitar
Delores Wiese
John & Janeen Stolz
Jill Kieslich
Sauter Development LLC
Allan Callahan
Bruce Bani
Jacob & Christen Hathaway
Charles & Laurie Kostka
Amber Mattson
Scott Jobelius Jr



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: April 22, 2019

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the February 25, 2019 Board of Appeals meeting.

ATTACHMENTS:

- BoA_Feb2019_Minutes_Draft (PDF)



Board of Appeals

Regular Meeting

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

Draft Minutes

Monday, February 25, 2019

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	
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.

2. Approval of the minutes of the October 22, 2018 Board of Appeals meeting.

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

3. Request for a 5.7 foot front yard variance to construct an attached garage with a new basement 24.3 feet from the front property line located at 1514 Fox Ridge Court (Parcel WD-723-23). Submitted by Steve Pott Construction INC, Authorized Representative.

Bob De Groot read the public hearing notice and Zoning Administrator Peter Schleinz reviewed the variance request to build an attached garage with a new basement 24.3 feet from the front property line at 1514 Fox Ridge Court. Peter explained that the property owner is proposing to excavate and add a basement under the existing garage. Part of the addition includes removing the existing garage and rebuilding the garage on the same footprint. Discussion followed and a few board members agreed that the variance should be approved since the garage will remain within the same setback once the basement addition is completed. The next door neighbor, Larry Webster spoke in favor of approving the variance. Bill Vande Hei moved, seconded by Scott Bonfigt, to approve the variance request. Upon vote, motion carried unanimously.

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

Adjournment

Andy Van Remortel moved, seconded by Bill Vande Hei, to adjourn the meeting at 4:56 pm. Upon vote, motion carried unanimously.

Attachment: BoA_Feb2019_Minutes_Draft (8138 : Approval of the minutes of the February 25, 2019 Board of Appeals meeting.)

Respectfully submitted,
Kelly Barker



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: April 22, 2019

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Variance request for an existing garage, being attached to the rear of an existing house, to encroach 8 feet into the Municipal Code 14-39(6)(1)(a) required 10 foot interior side yard setback, thereby allowing for the interior side yard setback to be reduced to 2 feet on a single family residential property located at 526 N. Superior Street (Parcel ED-494). Submitted by Tim Bader, A Guy & A Hammer LLC, authorized representative for Robert G. & Sandra K. Bloedorn, property owners.

ATTACHMENTS:

- BoA_Apr2019_Public Hearing Notice (DOCX)
- Report to Board of Appeals - attached garage with foot side yard setback - 526 S Superior ST (DOCX)
- Application Form and Supplements (PDF)

Publish: April 12, 2019

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 April 22, 2019 at 4:45 PM in the Common Council Chambers, Second Floor, City Hall, 335 S. Broadway Street, De Pere, Wisconsin, on the following matters:

1. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-39(6)(1)(a), submitted by Bob & Sandy Boedorn, 526 N Superior Street, De Pere, Wisconsin. Said appeal requests a building permit to install a breezeway structure between the house and garage on the property located at 526 N Superior Street, De Pere, Wisconsin, which would require a 2 foot interior side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Sections 14-39(6)(1)(a), which requires a minimum 10 foot interior side yard setback.

2. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-60(6)(i)(3)(B), submitted by Mach IV Engineering, 2260 Salscheider Court, Green Bay, Wisconsin. Said appeal requests a building permit to construct an outdoor storage area in the side yard on the property located at 800 Heritage Road, De Pere, Wisconsin, which requires a variance for outdoor storage to be located outside of the rear 25% of the building.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Section 14-60(6)(i)(3)(B) which requires outdoor storage in the side yard to be located at the rear 25% of the building.

3. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-13(5)(b) submitted by Dean Sitar, 1481 Foxborough Court, De Pere, Wisconsin. Said appeal requests a building permit to construct a 10'x12' accessory building in the side yard rather than the rear yard on the property located at 1481 Foxborough Court, De Pere, Wisconsin, which requires a variance to be in the side yard.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-13(5)(b), which states that accessory structures shall be permitted only in the rear yard.

Attachment: BoA_Apr2019_Public Hearing Notice (8142 : Variance request for an existing garage, being attached to the rear of an existing

4. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-38(6)(1)(b), submitted by Allan Callahan, 415 S Erie Street, De Pere, Wisconsin. Said appeal requests a building permit to construct a 294 sq ft addition on the property located at 415 S Erie Street, De Pere, Wisconsin, which would require a 4 foot interior 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 10 foot side yard setback.

Dated this 12th day of April, 2019

BY ORDER OF THE BOARD OF APPEALS

Peter Schleinz, Zoning Administrator

- Item 3:** Variance request for an existing garage, being attached to the rear of an existing house, to encroach 8 feet into the Municipal Code 14-39(6)(1)(a) required 10 foot interior side yard setback, thereby allowing for the interior side yard setback to be reduced to 2 feet on a single family residential property located at 526 N. Superior Street (Parcel ED-494). Submitted by Tim Bader, A Guy & A Hammer LLC, authorized representative for Robert G. & Sandra K. Bloedorn, property owners.

SITE MAP



REQUESTED ACTION: Variance Request.

A proposed 8 foot variance to the interior side yard setback for an existing garage that will become attached to the house if a pergola is built at the rear of an existing single family home.

COMMON DESCRIPTION: 526 N. Superior Street, located southeast from the N. Superior Street and Fulton Street intersection.

PARCEL NUMBERS: ED-216

EXISTING ZONING: R-2 (Single and Two-Family Residence District)

SURROUNDING LAND USES: Single family residential to the north, south, east, and west.

COMPREHENSIVE PLAN: Neighborhood Residential (Including Multi-Family)

APPLICANT / OWNER:	Tim Bader Authorized Representative N3816 Elm Road Krakow, WI 54137	Robert G. & Sandra K. Bloedorn Property Owners 526 N. Superior Street De Pere, WI 54115
SITE HISTORY:	The subject site is part of the residential subdivision titled, "Irwin's Second Addition to De Pere." The subject lot is zoned R-2 and has an established 10 foot interior side yard setback for single and two-family family dwellings, per Municipal Code 14-39(6)(1)(a). Due to the nature of the older neighborhood, many properties were developed with setbacks that were less than 10 feet from side lot lines. This was not due to incorrect zoning practices; rather it was due to requirements that may have changed over time.	
STAFF REVIEW:	The petitioner proposes the construction of a pergola "breezeway" that will connect between the existing house and the existing detached garage (an approximate 12 foot distance). The connection will cause the existing garage to become part of the "existing structure" and no longer be an accessory building. Because of that, a 10 foot building setback is required for the existing garage if the garage is to be connected to the house with a pergola. Because the proposed addition will be at the rear of the house, the pergola addition will be difficult to see from N. Superior Street; however, being a corner lot the pergola addition will be visible from Fulton Street. Impacted neighbors would most likely be along the rear and side yard property lines. The distance between the existing garage and the interior side yard is 2 feet. <i>City staff denied a permit request because the proposed addition at the rear of the house requires that the garage be set back at least 10 feet from the interior side yard, per Municipal Code 14-39(6)(1)(a).</i>	
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
APPLICATION FOR
VARIANCE

Fee: \$ 168.00

Receipt #: 140075

Date: 3-5-19

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) A Guy & A Hammer, LLC	Authorized Representative Tim Bader	Title Managing Member	
Mailing Address N3816 Elm Rd	City Krakow	State WI	ZIP Code 54137
Email Address Aguyandahammer@gmail.com	Phone Number (incl. area code) 920 366-5202	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) Bob & Sandy Bloedorn	Contact Person	Title	
Mailing Address 526 N Superior	City De Pere	State WI	ZIP Code 54115
Email Address Rbloed@gmail.com	Phone Number (incl. area code) 920 562-3202	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address: 526 N Superior, De Pere, WI 54115 Legal Description:	Parcel Number(s): ED-494
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SECTION 4: Variance Information

Section of De Pere Code which creates need for Variance:	Setback 14-39(6)(1)(a)
Ordinance Provision: →	Minimum ^{Interior Side} yard setback is 10 feet.
Project Description:	1/2 wall breezeway between house and garage
Variance Requested:	Setback Setback is approximately 2 feet (existing).
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	Nearby structures either: a) don't require travel on a wooden deck to get from house to garage, or b) have attached garages.
Describe the hardship(s) that would result if the variance is not granted:	Elderly homeowners seeking to remedy dangerous icing conditions that occur from water and snow freezing on the deck between house and garage. This would provide significant protection from the elements, thus safer travel between the existing structures.
Describe how the variance would not have adverse effects on surrounding properties:	The new structure would not be any closer to lot line than existing structures are. In fact, this structure will be approximately 15 ft farther away from lot line than existing structures. There are no visibility issues for neighboring properties.

Zone R-2

April 2019 BOA Mtg

City of De Pere

335 S. Broadway
De Pere, WI 54115
(920) 339-4053
dpbldg@mail.de-pere.org



ALTERATION PERMIT

Application and Record

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

PROJECT LOCATION			GENERAL CONTRACTOR	
Owner's Name: Bob & Sandy Bloedorn			Company Name: A Guy & A Hammer, LLC	
Address: 526 N Superior			Address: N3816 Elm Rd, Krakow, WI 549	
Phone #: 920 562-3202			Phone #: (920) 366-5202	
E-mail: rbloed@gmail.com			E-mail: aguyandahammer@gmail.com	
Parcel #: E0-444	Lot #:	Zoning: R-2	Dwelling Contractor Credential:	Dwelling Contractor Qualifier Credential:

PROJECT INFORMATION

Square Footage: 60 sq ft.	Cost of Construction: \$ 15,000.00
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Type of work to be done:

attached "breez way" structure between
principal dwelling and detached garage.

14-38 (c)(4) A code section for single family setback 10'

Please include a sketch where applicable. Show all setback measurements as required for the project.

SUBCONTRACTORS (if applicable)

Electrical: NA	HVAC: NA
Plumbing: NA	Other:

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:

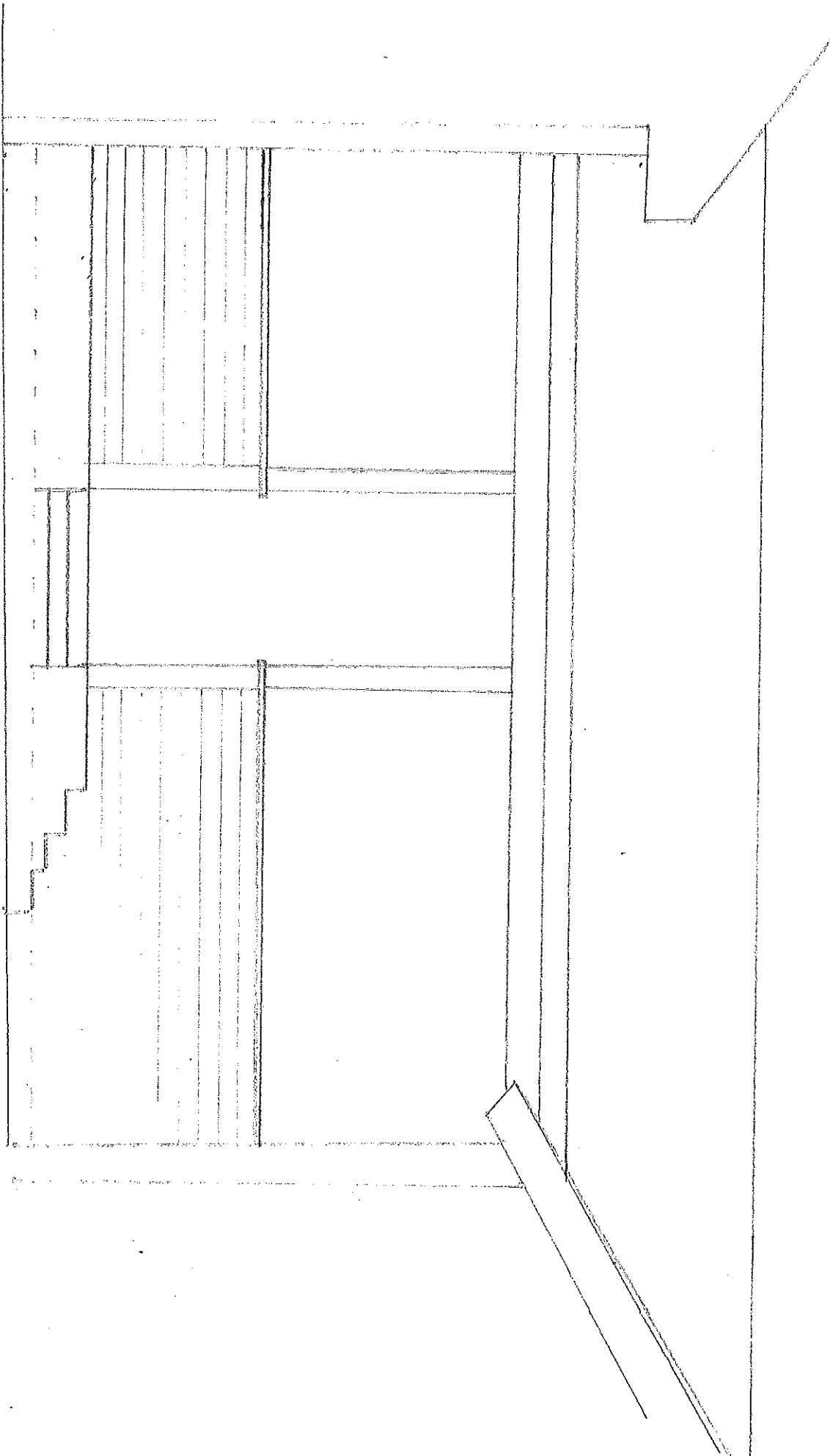
Date: 3-5-19

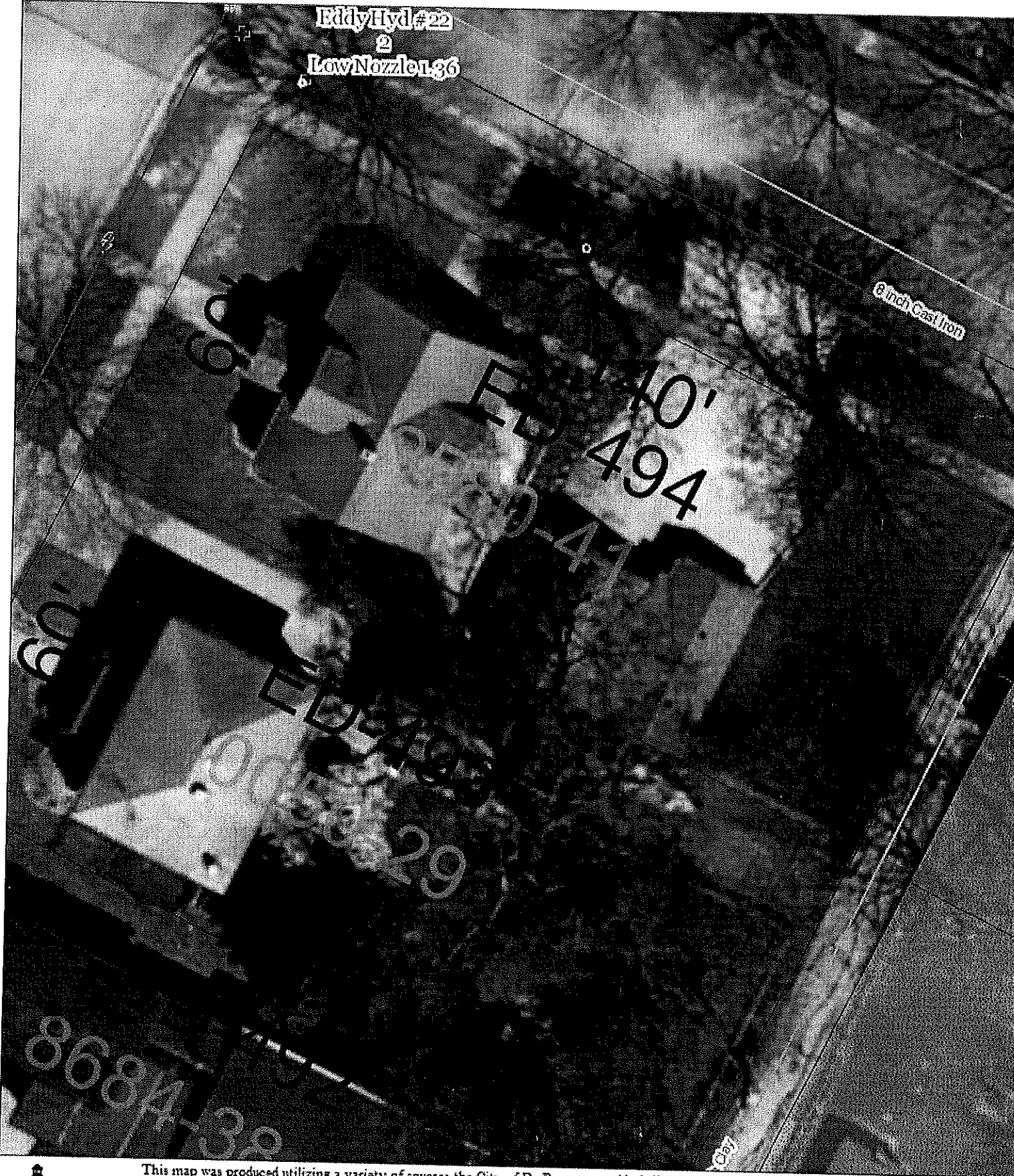
PERMIT APPROVAL

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 #: _____





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

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



02/05/2019

Packet Pg. 14

Attachment: Application Form and Supplements (8142 : Variance request for an existing garage, being attached to the rear of an existing house,



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



02/08/2019
Scale 1:240

Packet Pg. 15

Attachment: Application Form and Supplements (8142 : Variance request for an existing garage, being attached to the rear of an existing house,



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: April 22, 2019

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Variance request for an outdoor storage area, at the side of a proposed industrial building addition, to be located at less than the Municipal Code 14-60(6)(i)(3)(B) required 25 percent of the side yard, thereby allowing for the requirement to be to be the rear 30% of the side yard on an industrial property located at 800 Heritage Drive (Parcel ED-F0100-1). Submitted by Robert Mach, Mach IV Engineering & Surveying LLC, authorized representative for Jonathan Darling, Darling Investments LLC, property owner.

ATTACHMENTS:

- BoA_Apr2019_Public Hearing Notice (DOCX)
- Report to Board of Appeals - Outdoor storage at less than rear 25% of building - 800 Heritage RD (DOCX)
- Application Form and Supplements (PDF)

Publish: April 12, 2019

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 April 22, 2019 at 4:45 PM in the Common Council Chambers, Second Floor, City Hall, 335 S. Broadway Street, De Pere, Wisconsin, on the following matters:

1. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-39(6)(1)(a), submitted by Bob & Sandy Boedorn, 526 N Superior Street, De Pere, Wisconsin. Said appeal requests a building permit to install a breezeway structure between the house and garage on the property located at 526 N Superior Street, De Pere, Wisconsin, which would require a 2 foot interior side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Sections 14-39(6)(1)(a), which requires a minimum 10 foot interior side yard setback.

2. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-60(6)(i)(3)(B), submitted by Mach IV Engineering, 2260 Salscheider Court, Green Bay, Wisconsin. Said appeal requests a building permit to construct an outdoor storage area in the side yard on the property located at 800 Heritage Road, De Pere, Wisconsin, which requires a variance for outdoor storage to be located outside of the rear 25% of the building.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Section 14-60(6)(i)(3)(B) which requires outdoor storage in the side yard to be located at the rear 25% of the building.

3. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-13(5)(b) submitted by Dean Sitar, 1481 Foxborough Court, De Pere, Wisconsin. Said appeal requests a building permit to construct a 10'x12' accessory building in the side yard rather than the rear yard on the property located at 1481 Foxborough Court, De Pere, Wisconsin, which requires a variance to be in the side yard.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-13(5)(b), which states that accessory structures shall be permitted only in the rear yard.

4. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-38(6)(1)(b), submitted by Allan Callahan, 415 S Erie Street, De Pere, Wisconsin. Said appeal requests a building permit to construct a 294 sq ft addition on the property located at 415 S Erie Street, De Pere, Wisconsin, which would require a 4 foot interior 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 10 foot side yard setback.

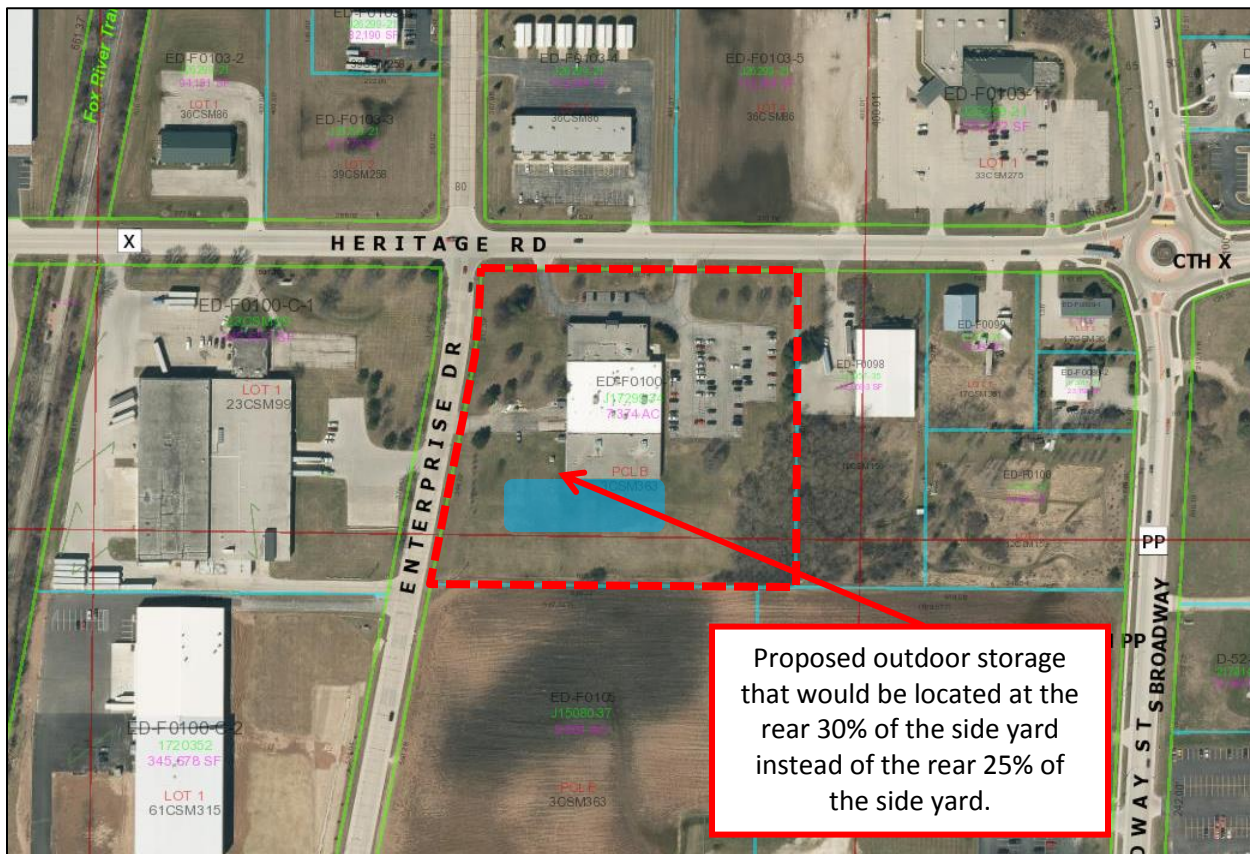
Dated this 12th day of April, 2019

BY ORDER OF THE BOARD OF APPEALS

Peter Schleinz, Zoning Administrator

- Item 4:** Variance request for an outdoor storage area, at the side of a proposed industrial building addition, to be located at less than the Municipal Code 14-60(6)(i)(3)(B) required 25 percent of the side yard, thereby allowing for the requirement to be to be the rear 30% of the side yard on an industrial property located at 800 Heritage Drive (Parcel ED-F0100-1). Submitted by Robert Mach, Mach IV Engineering & Surveying LLC, authorized representative for Jonathan Darling, Darling Investments LLC, property owner.

SITE MAP



REQUESTED ACTION: Variance Request.

A proposed variance to allow outdoor storage to be located at less than the rear 25% of the side for an industrial property with a proposed building addition.

COMMON DESCRIPTION: 800 Heritage Road, located southeast from the Heritage Road and Enterprise Drive intersection.

PARCEL NUMBERS: ED-F0100-1

EXISTING ZONING: I-1 (Industrial Park District)

SURROUNDING LAND USES: Industrial to the north, east, and west.
Vacant and industrial to the south.

COMPREHENSIVE PLAN: Industrial Park

APPLICANT / OWNER:

Robert Mach	Jonathan Darling
Authorized Representative	Property Owner
Mach IV Engineering & Surveying	Darling Investments LLC
2260 Salscheider Court	800 Heritage Road
Green Bay, WI 54313	De Pere, WI 54115

SITE HISTORY: The subject site is part of certified survey map volume 3, page 363. The existing business on the site, Romo INC, was originally developed in 1991. The subject lot is zoned I-1 and has an established requirement for outdoor storage to be located in either the rear yard or in the rear 25% of the side yard, per Municipal Code 14-60((6)(i)(3)(B).

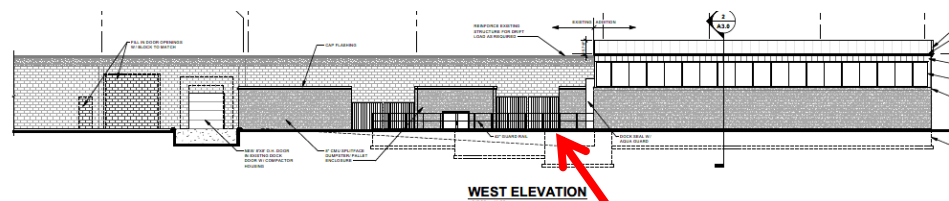
In 2019, a site plan was submitted to the City for an expansion at the south end of the property. The expansion included the addition of outdoor storage, which has split concrete masonry unit walls and wooden gates. The site plan, under review by Plan Commission on April 22, 2019, cannot be approved because the proposed outdoor storage will not be toward the rear of the building if the addition is built.

STAFF REVIEW: The "site map" shows a blue rectangle that demonstrates the addition proposed by the petitioner. The arrow points to the location of the proposed outdoor storage. The petitioner indicated that the storage area will be screened by the building addition and additional landscaping. Also the walls of the storage are made of similar materials and colors that match the proposed building addition. However, the line that identifies where the rear 25% begins cuts through the middle of the outdoor storage area and the outdoor storage area cannot be moved further back without moving the area closer to the street.

Because the outdoor storage area will be at the corner side area of the building, the storage area may be visible from the street. Impacted neighbors would most likely be along Enterprise drive.

- The distance from the rear of the property is less than 25% for the outdoor storage area, but could be considered at 30% from the rear of the property if the area was well screened.

City staff denied a permit request because the proposed outdoor storage must be at the rear 25% of the side yard, per Municipal Code 14-60(i)(3)(B).





REVIEW PROCESS:

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

	CITY OF DE PERE APPLICATION FOR VARIANCE	CITY OF DE PERE RECEIVED MAR 14 2019 PLANNING DEPT.	Fee: \$ 168.00
		Receipt #: 140401	
		Date: 3-14-19	

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) Mach IV Engineering & Surveying, LLC	Authorized Representative Robert Mach	Title Principal Engineer	
Mailing Address 2260 Salscheider Ct	City Green Bay	State WI	ZIP Code 54313
Email Address rmach@mach-iv.com	Phone Number (incl. area code) 920-569-5765	Fax Number (incl. area code) 920-569-5767	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) Darling Investments L	Contact Person Jonathan Darling	Title Owner	
Mailing Address 800 Heritage Road	City De Pere	State WI	ZIP Code 54115
Email Address	Phone Number (incl. area code) 920-712-4083	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address: Romo Durable Graphics- 800 Heritage Road, De Pere WI 54115	Parcel Number(s):
Legal Description: see attached for legal description	ED-F0100-1

SECTION 4: Variance Information

Section of De Pere Code which creates need for Variance:	14-60(6)(i)(3)(B) "Outdoor storage shall be limited to the rear 25% of the side yard and the rear yard"
Ordinance Provision:	Outdoor storage area shall be limited to the rear 25% of the side yard.
Project Description:	The project is an addition to an existing building, including moving the outdoor storage.
Variance Requested:	A variance is request to allow outdoor storage in the side yard.
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	If moved to be compliant with zoning, the storage area would create a traffic hazard.
Describe the hardship(s) that would result if the variance is not granted:	Moving the proposed loading area will create a traffic hazard in the loading area.
Describe how the variance would not have adverse effects on surrounding properties:	Please see attached

Zone

April 2019 BOA Mtg.

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) Robert Mach	Title Agent	Phone Number 920-569-5765
Signature of Applicant 		Date Signed 3/4/2019

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

Legal Description: All of Parcel B of Volume 3 Certified Survey Maps, Page 363, being part of the northeast ¼ of the northwest ¼ and the southwest ¼ of the northwest ¼ of Section 34, Township 23 North, Range 23 East.

Description of Project:

The project is an expansion of an existing manufacturing facility, which includes relocation of an existing outdoor pallet storage area. Per Municipal Code, outdoor storage in the side yard must be at the rear 25% of the building; with the proposed addition the entire outdoor storage area does not meet the rear 25% location criteria. If the proposed storage is moved to be in compliance with code, there will be potentially hazardous crossing traffic patterns in the parking lot and the location becomes more visible from Enterprise Drive. The proposed storage area will be screened with board on board fencing and has been designed so that it blends in with the building's architectural features. Evergreen landscaping will further screen the area from Enterprise Drive.



Graphic Scale

PARCEL ADDRESS:	800 HERITAGE ROAD
PARCEL NUMBER:	ED-F0100-1
PARCEL SIZE:	321,406 SF (7.38 AC)
ZONING:	1-1, INDUSTRIAL PARK
<u>EXISTING SITE</u>	
GREEN SPACE:	225,186 SF (70.1%)
IMPERVIOUS AREA	
BUILDING:	41,843 SF (13.0%)
PAVEMENT:	54,377 SF (16.9%)
TOTAL IMPERVIOUS:	96,220 SF (29.9%)
<u>PROPOSED SITE</u>	
TOTAL DISTURBED AREA:	81,427 SF (1.87 AC)
GREEN SPACE REQUIRED:	N/A
GREEN SPACE PROVIDED:	186,529 SF (58.0%)
IMPERVIOUS AREA	
BUILDING:	66,075 SF (20.6%)
PAVEMENT:	66,802 SF (21.4%)
TOTAL IMPERVIOUS:	134,877 SF (42.0%)
<u>PARKING PROVIDED</u>	
PARKING SPACES REQ'D/CALCS:	1 / 1,000 SF : 66,075 SF / 1,000 SF = 68 STALLS
PARKING SPACES PROVIDED:	98 STALLS, INCLUDES 3 HANDICAP
<u>FLOOR AREA RATIO (F.A.R.)</u>	
MAXIMUM F.A.R.	0.6 (192,844 SF)
F.A.R. PROVIDED	0.2 (66,075 SF)





City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: April 22, 2019

DEPARTMENT: Planning

FROM: Peter Schlein

SUBJECT: Variance request for a proposed new accessory building, at the side of an existing house, to be outside of the Municipal Code 14-13(5)(b) required rear yard, thereby allowing for the accessory building to be in the side yard on a single family residential property located at 1481 Foxborough Court (Parcel ED-216). Submitted by Dean M & Dana D Sitar, property owners.

ATTACHMENTS:

- BoA_Apr2019_Public Hearing Notice (DOCX)
- Report to Board of Appeals - Accessory Building at side, instead of rear yard - 1481 Foxborough CT (DOCX)
- Application Form and Supplements (PDF)

Publish: April 12, 2019

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 April 22, 2019 at 4:45 PM in the Common Council Chambers, Second Floor, City Hall, 335 S. Broadway Street, De Pere, Wisconsin, on the following matters:

1. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-39(6)(1)(a), submitted by Bob & Sandy Boedorn, 526 N Superior Street, De Pere, Wisconsin. Said appeal requests a building permit to install a breezeway structure between the house and garage on the property located at 526 N Superior Street, De Pere, Wisconsin, which would require a 2 foot interior side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Sections 14-39(6)(1)(a), which requires a minimum 10 foot interior side yard setback.

2. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-60(6)(i)(3)(B), submitted by Mach IV Engineering, 2260 Salscheider Court, Green Bay, Wisconsin. Said appeal requests a building permit to construct an outdoor storage area in the side yard on the property located at 800 Heritage Road, De Pere, Wisconsin, which requires a variance for outdoor storage to be located outside of the rear 25% of the building.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Section 14-60(6)(i)(3)(B) which requires outdoor storage in the side yard to be located at the rear 25% of the building.

3. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-13(5)(b) submitted by Dean Sitar, 1481 Foxborough Court, De Pere, Wisconsin. Said appeal requests a building permit to construct a 10'x12' accessory building in the side yard rather than the rear yard on the property located at 1481 Foxborough Court, De Pere, Wisconsin, which requires a variance to be in the side yard.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-13(5)(b), which states that accessory structures shall be permitted only in the rear yard.

4. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-38(6)(1)(b), submitted by Allan Callahan, 415 S Erie Street, De Pere, Wisconsin. Said appeal requests a building permit to construct a 294 sq ft addition on the property located at 415 S Erie Street, De Pere, Wisconsin, which would require a 4 foot interior 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 10 foot side yard setback.

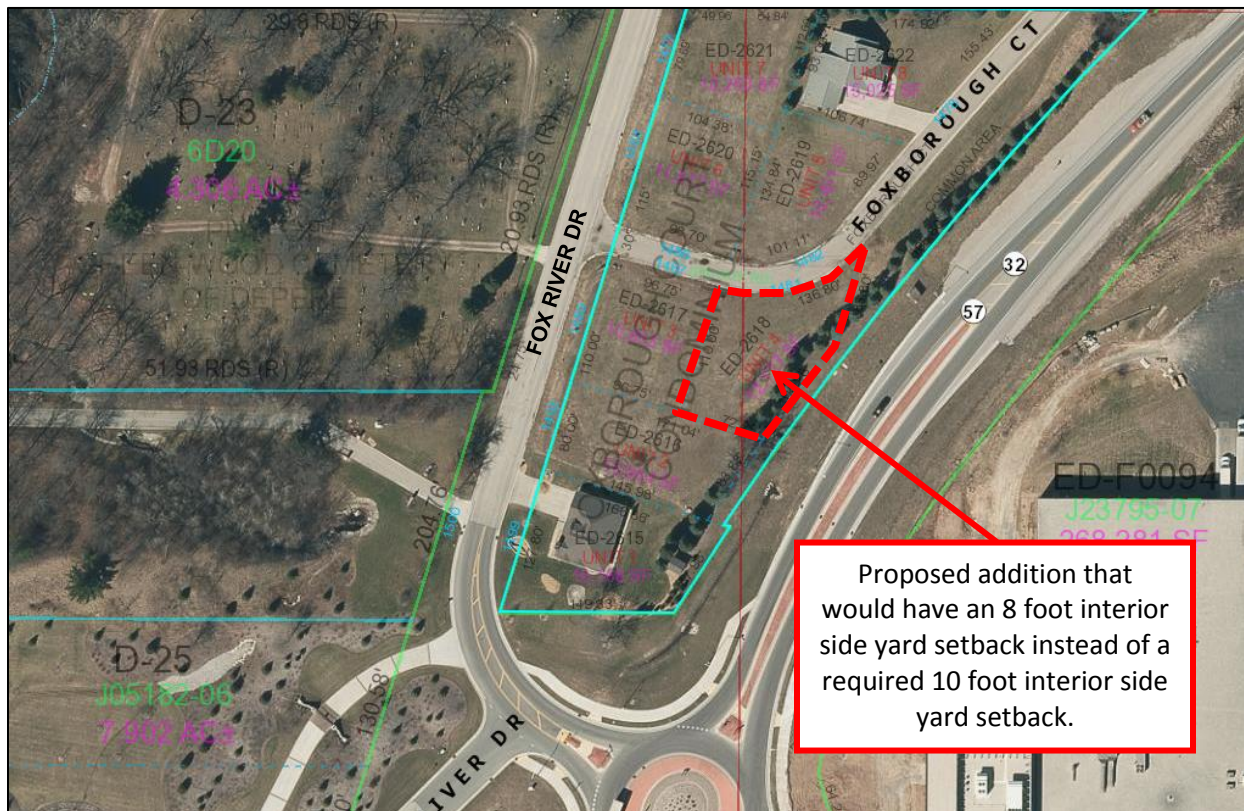
Dated this 12th day of April, 2019

BY ORDER OF THE BOARD OF APPEALS

Peter Schleinz, Zoning Administrator

- Item 5: Variance request for a proposed new accessory building, at the side of an existing house, to be outside of the Municipal Code 14-13(5)(b) required rear yard, thereby allowing for the accessory building to be in the side yard on a single family residential property located at 1481 Foxborough Court (Parcel ED-216). Submitted by Dean M & Dana D Sitar, property owners.

SITE MAP



REQUESTED ACTION: Variance Request.

A proposed variance to allow an accessory building to be at the side yard of a building rather than in the rear yard (setbacks are not impacted).

COMMON DESCRIPTION: 1481 Foxborough Court (a private drive), located east and south from the Fox River Drive and Foxborough Court intersection.

PARCEL NUMBERS: ED-216

EXISTING ZONING: R-1 (Single Family Residence District) with a Planned Development District overlay.

SURROUNDING LAND USES: Developing single family residential to the north, south and west. Industrial across the highway to the east.

COMPREHENSIVE PLAN: Neighborhood Residential (Including Multi-Family)

APPLICANT / OWNER:	Dean M. & Dana D. Sitar Property Owner 1481 Foxborough Court De Pere, WI 54115
SITE HISTORY:	The subject site is part of the residential condominium titled, "Foxborough Court Condominium." The subject lot is zoned R-1 with a Planned Development District overlay, which has an established requirement for accessory buildings in the rear yard, per Municipal Code 14-13(5)(b). The subject site is a condominium, with regulations established by a Home Owners Association (HOA) and the Planned Development District (PDD). Neither the HOA, nor the PDD, pre-designated any variations to the Municipal Code regarding placement of accessory buildings.
STAFF REVIEW:	The petitioner proposes the addition of a 10 foot by 12 foot accessory building in the side yard of a recently built house, near a tree line that follows STH 32/57. The rear yard of the lot equivalent is only 15 feet deep, potentially making placement of an accessory building difficult. Thus, the petitioner proposes a variance to allow the accessory in the side yard. The petitioner is also working with their HOA to obtain approval for the accessory building. Because the proposed addition will be at the side of the house, and near a tree line that is part of the condominium development, the accessory building will be difficult to see from public streets, but can be seen from the private drive. Impacted neighbors would most likely be along the rear property line and at the private drive. • The proposed accessory building is in a side yard, rather than the rear yard. • The proposed accessory building is not located outside of any required setbacks. <i>City staff denied a permit request because the proposed accessory building at the side yard must be located in the rear yard, per Municipal Code 14-13(5)(b).</i>
REVIEW PROCESS:	For variance applications, the Board of Appeals holds a public hearing, reviews the petition, and then makes a final decision of approval or denial within 30 days of the date the petition was filed. If the Board of Appeals decision is approval, the petitioner must obtain proper permits and begin the project within six months of the approval. One variance appeal per year may be petitioned. NOTE: Any decision by the Board of Appeals has no impact on whether or not the condominium HOA supports or rejects the request for placement of an accessory building.



DE PERE
RUNS DEEPER

CITY OF DE PERE
APPLICATION FOR VARIANCE

Fee: \$ 168.00

Receipt #: 141230

Date: 3-29-19

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) <i>Dean M Sitar</i>	Authorized Representative	Title	
Mailing Address <i>1481 Foxborough CT</i>	City <i>De Pere</i>	State <i>WI</i>	ZIP Code <i>54115</i>
Email Address	Phone Number (incl. area code) <i>920-205-9366</i>	Fax Number (incl. area code) <i>920-425-4014</i>	

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: <i>1481 Foxborough CT De Pere WI 54115</i>	Parcel Number(s):
Legal Description:	<i>ED-2618</i>

SECTION 4: Variance Information

Section of De Pere Code which creates need for Variance:	<i>14-13(5)(b) ... Accessory structures shall be permitted only in the rear yard except for corner lots.</i>
Ordinance Provision:	<i>Location of accessory building 10 X 12</i>
Project Description:	<i>10 X 12 accessory building Matching The Exterior of The home,</i>
Variance Requested:	<i>Requesting to place the accessory building on The side yard so it is not exposed to other properties and fits within my lot.</i>
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	<i>Lot shape is unique as it abuts to Hwy 37/57 and is hindered by setbacks due to this.</i>
Describe the hardship(s) that would result if the variance is not granted:	<i>Unable to place the accessory building in an area That represents a clean and well thought out home.</i>
Describe how the variance would not have adverse effects on surrounding properties:	<i>The building would abut to Hwy 37/57 and no other properties if the Variance is granted. Please see attached statement.</i>

Zone R-1 PDD

April 22 BOA

To the Zoning Board of Appeals,

I am requesting a variance on Lot#4 parcel ED 2618 in regards to side yard placement of a 10x12 accessory building.

The bylaws of the association and the city of DePere state that no accessory building shall be forward of the rear line of the home.

With the shape of the lot, the location abutting HWY 32/57 and the placement of the house, the accessory building does not logically fit in the rear of the home to obtain the spirit of such unit being behind the house. It would be more ascetically pleasing to the neighborhood and easily fits in the side yard location while supporting the spirit of this regulation. The side yard refers to HWY 32/57 and not abutting to any other properties. This request is unique to this property and may not apply to other homes in the association. There is room to locate the shed in the front side yard but that would not be ascetically pleasing nor does it meet regulations set forth from the city of DePere or the condo association. The Fox Borough Ct condo association has approved the side yard variance for this accessory building due to the nature of its location and understanding that this would be best for the community as it is not noticeable or an obstruction to any future building. The difficulty of side yard placement is due to the ordinance on this specific lot and has not been caused by any other means or persons.

The granting of this variance will not cause any harm or be detrimental to the public, any other property or the Fox Borough Court association.

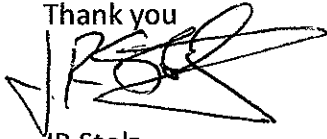
The proposed variance would not impair any light or airflow as it is located within arms of approximately 35 foot tall pine trees.

Thank you for your time and consideration.

Dean M Sitar

In regard to the variance that Dean Sitar is applying for in respect to his accessory building being located on his side yard property along HWY 32/57 I, JR Stolz being his abutting neighbor, am in full support of allowing the placement of the accessory building in this location of Dean's property as long as the accessory building does not go in the rear yard as that would be a view I am not interested in seeing as long as I am here.

Thank you

A handwritten signature in black ink, appearing to be 'JR Stolz', written over a checkmark.

JR Stolz

3/30/19

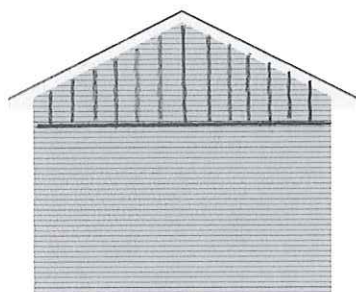


DE PERE, 1313 LAWRENCE DRIVE, DE PERE, WI, 920-336-0023

Wall Configurations

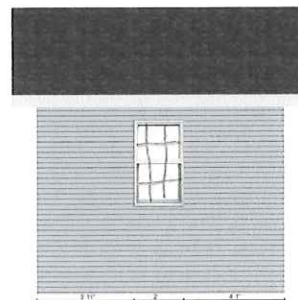
*Illustration may not depict all options selected.

Estimated Cost
\$4,000



ENDWALL B

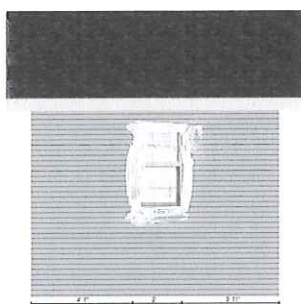
101



SIDEWALL D

121

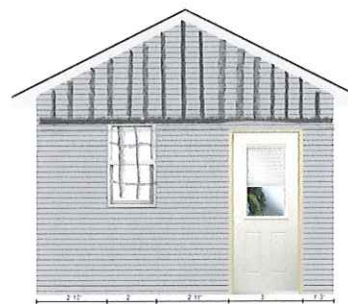
(1) - JELD-WEN® 24"W x 42"H Better Series Vinyl Single Hung Windo...



SIDEWALL C

12'

(1) - JELD-WEN® 24"W x 42"H Better Series Vinyl Single Hung Windo...



ENDWALL A

10'

(1) - JELD-WEN 24"W x 42"H Vinyl Single Hung w/Nailing Flange

(1) - Mastercraft® Steel Half-Lite Prehung Exterior Door w/ 1/2" N-Tilt Dr.



Design Name: Garage Design

Design ID: 328158298439

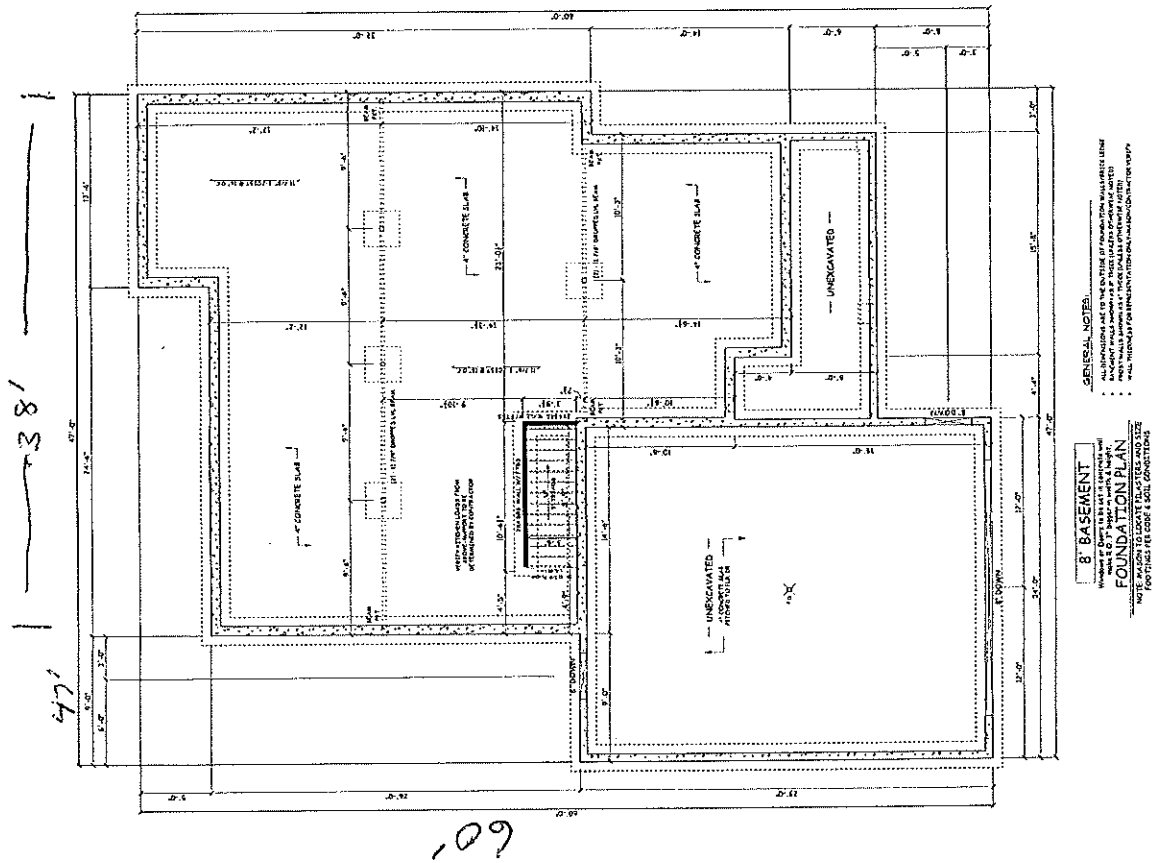
Estimate ID: 46563

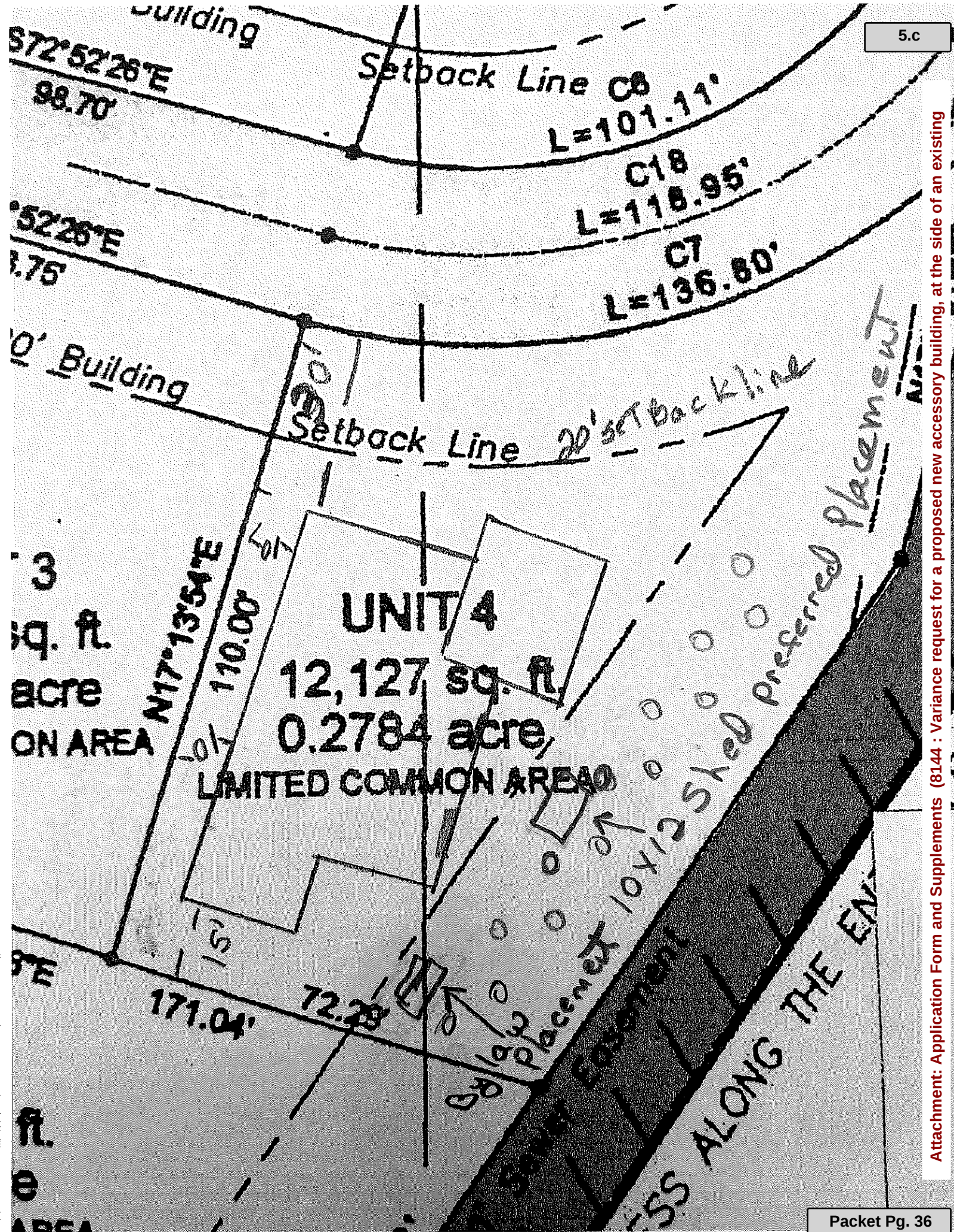
Siding To be The Same Manufacturer, Color + Design
as what is on The house along w/soffit + fascia

Sidewalls 7'4"

Roof 6/12 pitch matching the house

There will be 3 1/8" lineal around all windows The door, &
The separation from horizontal siding TO The board &
batton gables.





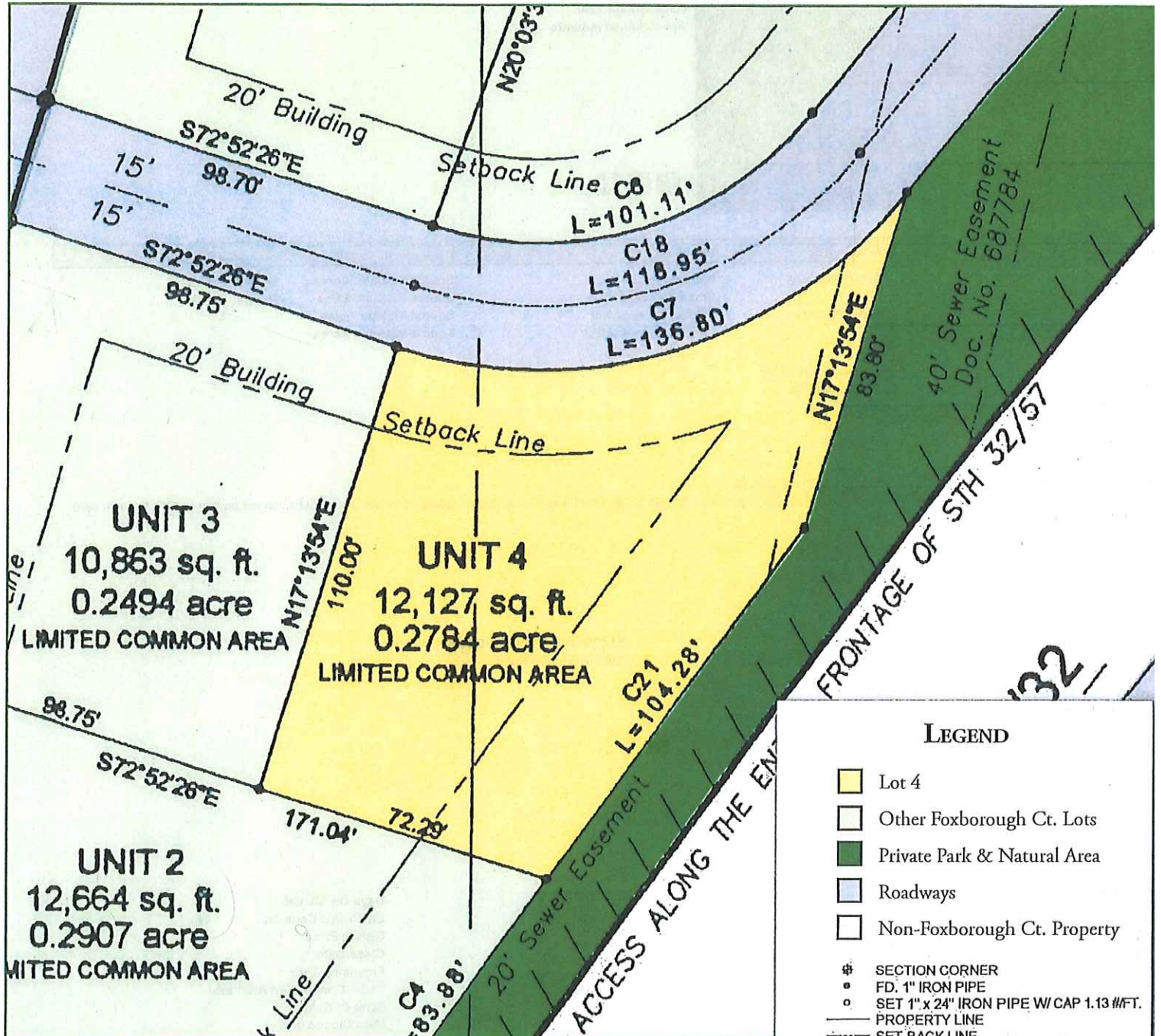


WELCOME
TO
**Foxborough
Court**
A PLANNED NEIGHBORHOOD

Lot 4 ~~4~~ **4**

Size: .2784 acres, 12,127 sq. ft.

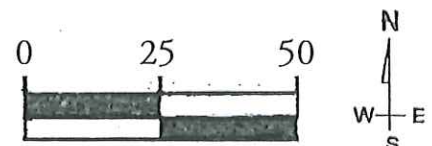
Road Front: 136.8 ft.



LEGEND

- Lot 4
- Other Foxborough Ct. Lots
- Private Park & Natural Area
- Roadways
- Non-Foxborough Ct. Property

- SECTION CORNER
- FD. 1" IRON PIPE
- SET 1" x 24" IRON PIPE W/ CAP 1.13 #/FT.
- PROPERTY LINE
- - - SET-BACK LINE
- - - ROADWAY



S A U T E R
Development

Base on standard side yard set
Back Chapter 14-38-(6)(3)(b)
5.c
→ 14-13(5)(b)

City of De Pere

335 S. Broadway
De Pere, WI 54115
(920) 339-4053
dpbldg@mail.de-pere.org



ACCESSORY BUILDING PERMIT
Application and Record

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

PROJECT LOCATION			GENERAL CONTRACTOR	
Owner's Name: <u>Dean Sitar</u>			Company Name: _____	
Address: <u>1481 Foxborough Ct</u>			Address: _____	
Phone #: <u>920-205-9366</u>			Phone #: _____	
E-mail: <u>Dean.Sitar@Hotmail.com</u>			E-mail: _____	
Parcel #: <u>ED-2618</u>	Lot #: <u>4</u>	Zoning: _____	Dwelling Contractor Credential: _____	Dwelling Contractor Qualifier Credential: _____

PROJECT INFORMATION

Square Footage: 120 Cost of Construction: \$4,000

Type of work to be done:

10x12 Storage Shed. No power or water
7'4" side walls 6x12 roof pitch - NOT on a slab -
Shed to match the house w/ siding

Please include a sketch where applicable. Show all setback measurements as required for the project.

SUBCONTRACTORS (if applicable)

Electrical: _____	Accessory buildings shall not be located in utility or drainage easements.
Plumbing: _____	HVAC: _____

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: Dean M Sitar

Date: 3-27-19

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 #: _____

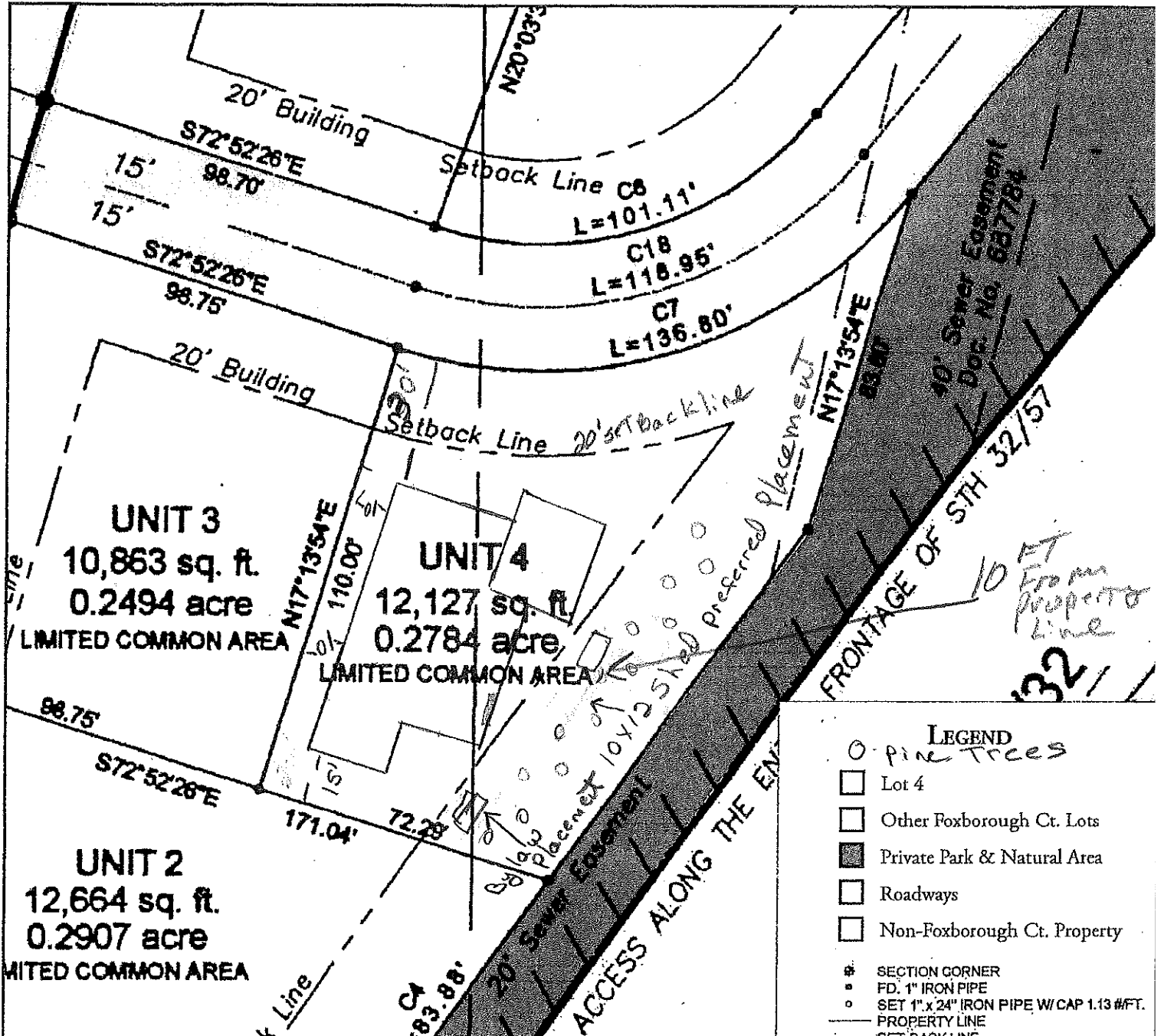


WELCOME
TO
**Foxborough
Court**
A PLANNED NEIGHBORHOOD

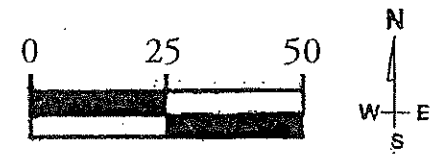
1-Setbacks are for sound
roof can overhang set back
2- no driveway may overhang set
Lot 4

Size: .2784 acres, 12,127 sq.ft.
Road Front: 136.8 ft.

5.c



- LEGEND**
- Pine Trees
 - Lot 4
 - Other Foxborough Ct. Lots
 - Private Park & Natural Area
 - Roadways
 - Non-Foxborough Ct. Property
 - SECTION CORNER
 - FD. 1" IRON PIPE
 - SET 1"x 24" IRON PIPE W/ CAP 1.13 #/FT.
 - PROPERTY LINE
 - SET-BACK LINE
 - - - ROADWAY



S A U T E R
Development

www.FoxboroughCourt.com call: 920.278.5543

www.FoxboroughCourt.com Packet Pg. 39

Attachment: Application Form and Supplements (8144 : Variance request for a proposed new accessory building, at the side of an existing



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: April 22, 2019

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Variance request for a new addition, at the rear of an existing house, to encroach 2 feet into the Municipal Code 14-38(6)(1)(b) required 10 foot interior side yard setback, thereby allowing for the interior side yard setback to be reduced to 8 feet on a single family residential property located at 415 S. Erie Street (Parcel ED-216). Submitted by Allan J. Callahan, property owner.

ATTACHMENTS:

- BoA_Apr2019_Public Hearing Notice (DOCX)
- Report to Board of Appeals - Addition with 8 foot side yard setback - 415 S Erie ST (DOCX)
- Application Form and Supplements (PDF)

Publish: April 12, 2019

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 April 22, 2019 at 4:45 PM in the Common Council Chambers, Second Floor, City Hall, 335 S. Broadway Street, De Pere, Wisconsin, on the following matters:

1. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-39(6)(1)(a), submitted by Bob & Sandy Boedorn, 526 N Superior Street, De Pere, Wisconsin. Said appeal requests a building permit to install a breezeway structure between the house and garage on the property located at 526 N Superior Street, De Pere, Wisconsin, which would require a 2 foot interior side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Sections 14-39(6)(1)(a), which requires a minimum 10 foot interior side yard setback.

2. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-60(6)(i)(3)(B), submitted by Mach IV Engineering, 2260 Salscheider Court, Green Bay, Wisconsin. Said appeal requests a building permit to construct an outdoor storage area in the side yard on the property located at 800 Heritage Road, De Pere, Wisconsin, which requires a variance for outdoor storage to be located outside of the rear 25% of the building.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Section 14-60(6)(i)(3)(B) which requires outdoor storage in the side yard to be located at the rear 25% of the building.

3. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-13(5)(b) submitted by Dean Sitar, 1481 Foxborough Court, De Pere, Wisconsin. Said appeal requests a building permit to construct a 10'x12' accessory building in the side yard rather than the rear yard on the property located at 1481 Foxborough Court, De Pere, Wisconsin, which requires a variance to be in the side yard.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-13(5)(b), which states that accessory structures shall be permitted only in the rear yard.

4. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-38(6)(1)(b), submitted by Allan Callahan, 415 S Erie Street, De Pere, Wisconsin. Said appeal requests a building permit to construct a 294 sq ft addition on the property located at 415 S Erie Street, De Pere, Wisconsin, which would require a 4 foot interior 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 10 foot side yard setback.

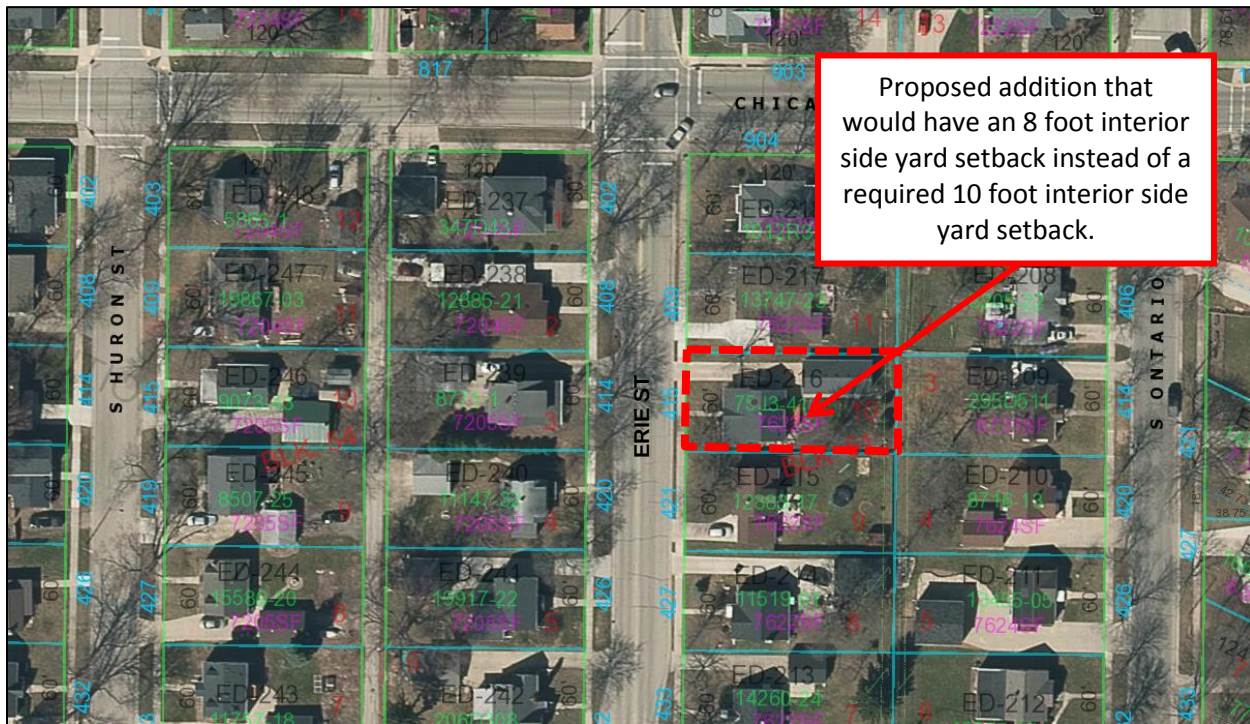
Dated this 12th day of April, 2019

BY ORDER OF THE BOARD OF APPEALS

Peter Schleinz, Zoning Administrator

- Item 6:** Variance request for a new addition, at the rear of an existing house, to encroach 2 feet into the Municipal Code 14-38(6)(1)(b) required 10 foot interior side yard setback, thereby allowing for the interior side yard setback to be reduced to 8 feet on a single family residential property located at 415 S. Erie Street (Parcel ED-216). Submitted by Allan J. Callahan, property owner.

SITE MAP



REQUESTED ACTION:	Variance Request. <i>A proposed 2 foot variance to the interior side yard setback for an addition at the rear of an existing single family home.</i>
COMMON DESCRIPTION:	415 S. Erie Street, located south and east from the Erie Street and Chicago Street intersection.
PARCEL NUMBERS:	ED-216
EXISTING ZONING:	R-1 (Single Family Residence District)
SURROUNDING LAND USES:	Single family residential to the north, south, east, and west.
COMPREHENSIVE PLAN:	Neighborhood Residential (Including Multi-Family)
APPLICANT / OWNER:	Allan J. Callahan Property Owner 415 S. Erie Street De Pere, WI 54115

SITE HISTORY:

The subject site is part of the residential subdivision titled, "Dickinson's Addition to the Plat of De Pere." The subject lot is zoned R-1 and has an established 10 foot interior side yard setback for single family dwellings with attached garages, per Municipal Code 14-38(6)(1)(b).

Due to the nature of the older neighborhood, many properties were developed with setbacks that were less than 10 feet from side lot lines. This was not due to incorrect zoning practices, rather it was due to requirements that may have changed over time.

STAFF REVIEW:

The petitioner proposes the construction of an approximate 14 foot by 26 foot new addition at the rear (east end) of a single family house on the property. In order to match the setback of the original house, and maintain the aesthetics of a smaller setback in the neighborhood, the petitioner proposes an 8 foot setback for the new addition.

Because the proposed addition will be at the rear of the house, the addition will be difficult to see from the street. Impacted neighbors would most likely be along the rear and side yard property lines.

- The distance between the proposed addition and the interior side yard is 8 feet.

City staff denied a permit request because the proposed addition at the rear of the house must be set back at least 10 feet from the interior side yard, per Municipal Code 14-38(6)(1)(b).

REVIEW PROCESS:

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

CITY OF DE PERE
RECEIVED

APR 8 2019

PLANNING DEPT.

CITY OF DE PERE
APPLICATION FOR
VARIANCE

Fee: \$ 168.00

Receipt #: 141222

Date: 4-8-19

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) ALLAN CALLAHAN	Authorized Representative	Title HOME OWNER	
Mailing Address 415 S. ERZE STREET	City DE PERE	State WI	ZIP Code 54115
Email Address	Phone Number (incl. area code) 920-336-3854	Fax Number (incl. area code) 920-655-8478 (cell)	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) ALLAN CALLAHAN	Contact Person	Title HOME OWNER	
Mailing Address 415 S. ERZE STREET	City DE PERE	State WI	ZIP Code 54115
Email Address	Phone Number (incl. area code) 920-336-3854	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address: 415 S. ERZE STREET, DE PERE, WI	Parcel Number(s):
Legal Description: DELICENSON ADDITION TO THE PLAT OF DEPERE LOT 10 & W 1/2 OF VAL. ALLEY ADJ. ELY BLKS	ED-216

SECTION 4: Variance Information

Section of De Pere Code which creates need for Variance:	14-38(6)(1)(b)
Ordinance Provision:	RESIDENTIAL BUILDING SET BACKS - side yard.
Project Description:	THE PROJECT CONSISTS OF A 294 sq ² ADDITION TO BE LOCATED ON THE BACK OF THE EXISTING RESIDENCE
Variance Requested:	REQUESTING TO REDUCE THE MINIMUM SIDE YARD SET BACK FROM 10 ft to 6 ft TO ALLOW FOR THE ADDITION.
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	THE AREA BEHIND THE HOUSE WHERE THE ADDITION CAN BE LOCATED IS CONSTRAINED BY A EXISTING GARAGE & PROPERTY LINE
Describe the hardship(s) that would result if the variance is not granted:	DUE TO MEDICAL ISSUES THE RESIDENCE OF THE PROPERTY NEED TO HAVE A BEDROOM LOCATED ON THE MAIN LEVEL.
Describe how the variance would not have adverse effects on surrounding properties:	DUE TO THE EXISTING BUILDING LOCATION TO THE PROPERTY LINE. NO NEW CONDITION WOULD BE CREATED.

April 22 2019 BOA

City of De Pere
335 S. Broadway
De Pere, Wisconsin 54115

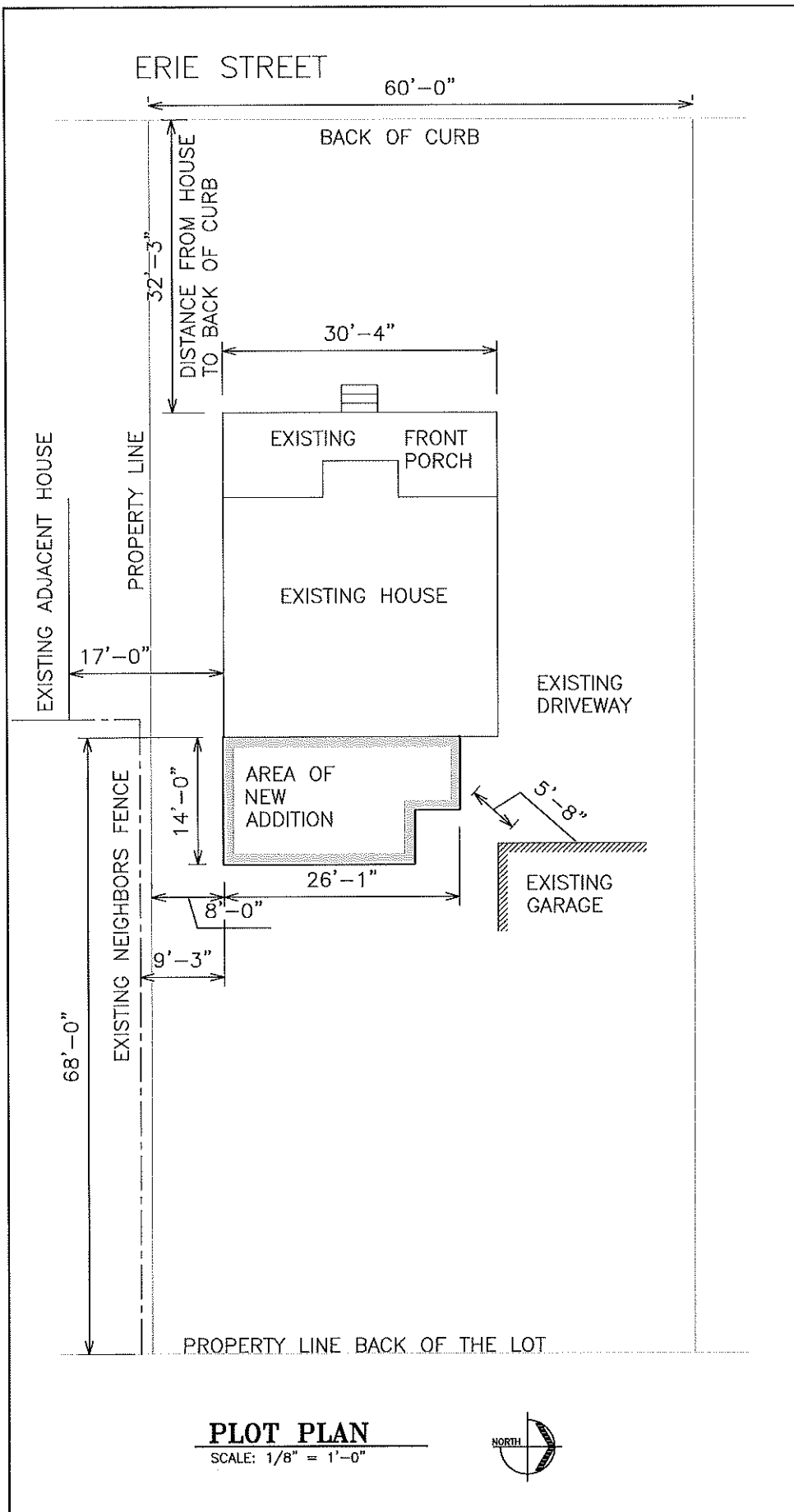
Attn: De Pere Zoning
Re: Zoning Variance

This request for a zoning variance is due to a proposed addition to the house located at 415 South Eire Street, in De Pere, Wisconsin. The lot the existing residence is located on is a narrow lot, was built some 60 years ago, and is located approximately 8ft from the property line. Due to changing city ordinance provisions the structure is now located within the minimum 10 ft set back. The proposed addition is to accommodate the changing medical needs of the existing occupants and would maintain the existing 8ft setback. The proposed addition is to provide a bedroom and laundry room on the main level of the residence. This addition will reduce the need for the existing occupants to navigate stairs to get to bedrooms and laundry facilities.

Thank You



Allan Callahan



I Christen Hathaway have been approached by Allan Callahan, and have been made aware of the proposed addition on to the back of their house. I have been made aware that the proposed addition is within the City of DePere's minimum setback. I have no objection to the proposed addition with in the city's minimum set back.

Name Christen Hathaway Date 4-8-19

Address 409 S. Erie St. DePere, WI

Attachment: Application Form and Supplements (8141 : Variance request for a new addition, at the rear of an existing house, to encroach 2 feet

I Bruce J. Bani have been approached by Allan Callahan, and have been made aware of the proposed addition on to the back of their house. I have been made aware that the proposed addition is within the City of DePere's minimum setback. I have no objection to the proposed addition with in the city's minimum set back.

Name B. J. Bani Bruce J. Bani Date 4-8-19
Address 421 S. Eric street DePere, WI 54115

DENIED

not meeting 10 setback
muni code section

14838 (6) 1. 12

6.c

City of De Pere 335 S. Broadway De Pere, WI 54115 920-339-4053		UNIFORM BUILDING PERMIT APPLICATION		Application No.	
				Parcel No.	
PERMIT REQUESTED		☐ Construction ☐ HVAC ☐ Electric ☐ Plumbing ☐ Erosion Control ☐ Other:			
Owner's Name ALLAN CALLAHAN		Mailing Address 415 SOUTH ERZE STREET		Tel. 920-336-3054	
Architect's Name		Mailing Address		Tel. E-mail	
Contractor's Name: (Contractor) ALLAN CALLAHAN		Lic/Cert# (DC#) exp date: (DCQ#)	Mailing Address 415 SOUTH ERZE STREET DE PERE, WI 54115	Tel. E-mail	
Contractor's Name: (Electrical)		Lic/Cert#	Mailing Address	Tel. E-mail	
Contractor's Name: (Plumbing)		Lic/Cert#	Mailing Address	Tel. E-mail	
Contractor's Name: (HVAC)		Lic/Cert#	Mailing Address	Tel. E-mail	
Contractor's Name: (Sewer)		Lic/Cert#	Mailing Address	Tel. E-mail	
PROJECT LOCATION		Lot area Sq. ft. ☐ One acre or more of soil will be disturbed			
Building Address 415 S. ERZE STREET		Subdivision Name DICKINSON'S ADDITION		Lot No. 10	Block No.
Zoning District(s)		Setbacks: Front ft. Rear ft. Left ft. Right ft.			
Job Description:					
1. PROJECT		3. OCCUPANCY		6. ELECTRICAL	
☐ New ☐ Repair ☐ Alteration ☐ Raze ☐ Addition ☐ Move ☐ Other:		☐ Single Family ☐ Two Family ☐ Garage ☐ Other:		Entrance Panel Amps: _____ ☐ Underground ☐ Overhead	
2. AREA INVOLVED		4. CONST. TYPE		9. HVAC EQUIPMENT	
Unfin. _____ Sq Ft Bsmt _____ Sq Ft Living _____ Sq Ft Area _____ Sq Ft Garage _____ Sq Ft Total _____ Sq Ft		☐ Wood frame ☐ Steel ☐ ICF ☐ Masonry ☐ Poured Concrete ☐ VB ☐ Wood 5. STORIES ☐ 1-Story ☐ 2-Story ☐ Other: ☐ Plus Basement		☐ Forced Air Furnace ☐ Radiant Basebd/ Panel ☐ Heat Pump ☐ Boiler ☐ Other: 10. SEWER ☐ Municipal ☐ Sanitary Permit #:	
		8. USE ☐ Seasonal ☐ Permanent ☐ Other:		11. WATER ☐ Municipal ☐ On-Site Well	
				12. ENERGY SOURCE Fuel Nat Gas LP Oil Elec Solid Solar Space Htg ☐ ☐ ☐ ☐ ☐ ☐ ☐ Water Htg ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ Dwelling unit has 3 kilowatt or more in electric space 13. HEAT LOSS BTU/HR Total Calculated Envelope and Infiltration Losses ("Maximum Allowable Heating Equipment Output" on Energy Worksheet; "Total Building Heating Load" on REScheck report)	
				14. EST. BUILDING COST w/o LAND \$	
I understand that I am: subject to all applicable codes, laws, statutes and ordinances, including those described on the reverse side of the last ply of this form; subject to any conditions of this permit; understand that the issuance of the permit creates no legal liability, express or implied, on the state or municipality; and certify that all the above information is accurate. If one acre or more of soil will be disturbed, I understand that this project is subject to ch. NR 151 regarding additional erosion control and storm water management and the owner shall sign the statement on the back of the permit if not signing below. I expressly grant the building inspector, or the inspector's authorized agent, permission to enter the premises for which this permit is sought at all reasonable hours and for any proper purpose to inspect the work which is being done. ☐ I vouch that I am or will be an owner-occupant of this dwelling for which I am applying for an erosion control or construction permit without a Dwelling Contractor Certification and have read the cautionary statement regarding contractor responsibility on the reverse side of the last ply.					
APPLICANT'S SIGNATURE _____			DATE SIGNED _____		
APPROVAL CONDITIONS This permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty. ☐ See attached for conditions of approval.					
ISSUING JURISDICTION: CITY OF DE PERE			MUNICIPALITY #: 05-216		
FEES:		PERMIT(S) ISSUED		PERMIT ISSUED BY:	
Plan Review \$ _____ Dwelling \$ _____ Wis. Permit Seal \$ _____ Other \$ _____ Total \$ _____		☐ Construction ☐ HVAC ☐ Electrical ☐ Plumbing ☐ Erosion Control		Name _____ Date _____ Tel.: _____ Cert No. _____	

1/1/19

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