



Board of Appeals

Special Meeting

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

Agenda

Monday, April 9, 2018

4:45 PM

De Pere City Hall Council Chambers

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Board of Appeals** of the City of De Pere will be held on **April 9, 2018** at **4:45 PM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115.**

Call to Order

1. Roll Call
2. Election of a new Board of Appeals Vice Chair.
3. Approval of the minutes of the February 26, 2018 Board of Appeals meeting.
4. Public hearing and variance request for an eastern 10 foot interior side yard setback to be reduced by 4.5 feet to become a 5.5 foot interior side yard setback for a deck to be rebuilt on a single family residential property, located at 660 River Avenue (Parcel WD-824). Submitted by Jeffrey C. & Valerie E. Kretz, Property Owners.

Adjournment

Any person wishing to attend this meeting, who, because of disability, requires special accommodations should contact the City Planner's office at 339-4043 by noon on the day of the meeting so that arrangements can be made.

Agenda Sent To:

Alderspersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Jeffrey & Valerie Kretz
Gary Glatfelter
Matthew Stevens
Rebecca Neugent
Robert & Kim Olewinski

City of De Pere, Wisconsin



Request For Board of Appeals Action

MEETING DATE: April 9, 2018

DEPARTMENT: Board of Appeals

FROM: Kelly Barker

SUBJECT: Election of a new Board of Appeals Vice Chair.

City of De Pere, Wisconsin



Request For Board of Appeals Action

MEETING DATE: April 9, 2018

DEPARTMENT: Board of Appeals

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the February 26, 2018 Board of Appeals meeting.

ATTACHMENTS:

- BoA_Feb2018_Minutes_Draft (PDF)



Board of Appeals

Regular Meeting

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

Draft Minutes

Monday, February 26, 2018

4:45 PM

De Pere City Hall Council Chambers

Call to Order

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

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

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

- Approval of the minutes of the November 27, 2017 Board of Appeals meeting.

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

- Request for a five foot front yard setback variance to construct a new porch awning that extends seven feet into the front yard setback of a single family residential property, located at 832 Mandalay Terrace (Parcel ED-582-129). Submitted by Jon Elbe, Authorized Representative.

Chairman Bob De Groot read the public hearing notice and City Planner Peter Schlein reviewed the variance request. The homeowners, Larry and Jennifer Gille and their builder, John Elbe were in attendance to address the board. There were no questions from the board. Bill Vande Hei commended the Gilles on their application and how thorough it was. Bob De Groot agreed. Bill Vande Hei moved, seconded by Jim Stadler, to approve the variance request. Upon vote, motion carried unanimously. Bob reminded the applicant to take out the proper building permit and that the work must be started within 6 months.

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

Adjournment

Bob De Groot noted that board member Roger Galler resigned from the board due to scheduling conflicts. Since Roger was the vice-chair, a new vice-chair will need to be elected. Bob asked if anyone wanted to volunteer. It was decided that the remaining members would think about it and come back to the next meeting to make a decision.

Attachment: BoA_Feb2018_Minutes_Draft (6835 : Approval of the minutes of the February 26, 2018 Board of Appeals meeting.)

Jim Stadler moved, seconded by Bill Vande Hei, to adjourn the meeting at 4:52 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker

City of De Pere, Wisconsin



Request For Board of Appeals Action

MEETING DATE: April 9, 2018

DEPARTMENT: Planning

FROM: Peter Schleinz

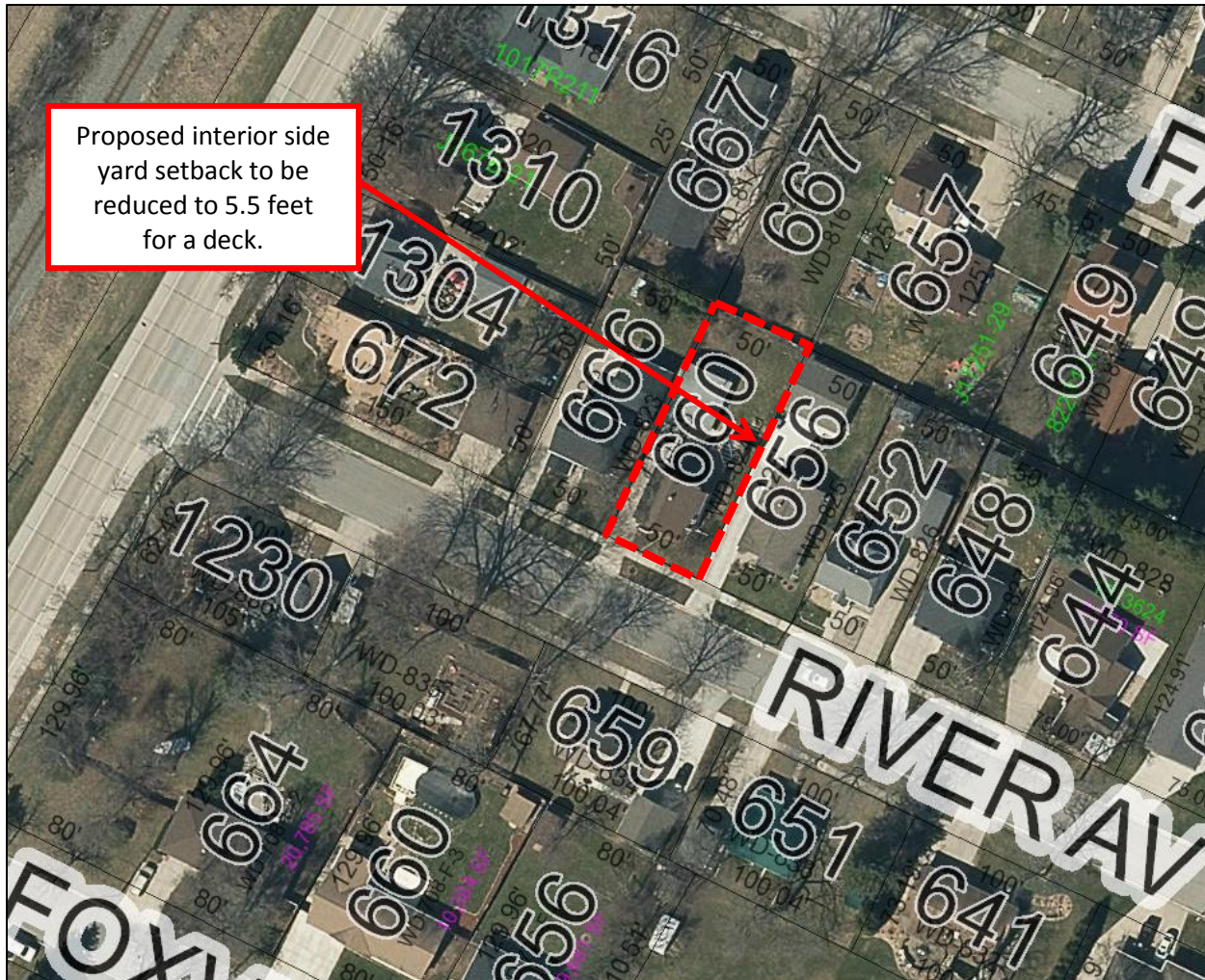
SUBJECT: Public hearing and variance request for an eastern 10 foot interior side yard setback to be reduced by 4.5 feet to become a 5.5 foot interior side yard setback for a deck to be rebuilt on a single family residential property, located at 660 River Avenue (Parcel WD-824). Submitted by Jeffrey C. & Valerie E. Kretz, Property Owners.

ATTACHMENTS:

- Report to Board of Appeals - Deck Setback Variance at 660 River AV (DOCX)
- BoA_660 River Ave_Public Hearing Notice - Revised for 09 Apr (DOCX)
- BoA_660 River Ave_Attachments (PDF)

- Item 4:** Request a variance for an eastern 10 foot interior side yard setback to be reduced by 4.5 feet to become a 5.5 foot interior side yard setback for a deck to be rebuilt on a single family residential property, located at 660 River Avenue (Parcel WD-824). Submitted by Jeffrey C. & Valerie E. Kretz, Property Owners.

SITE MAP



REQUESTED ACTION:	Variance Request. <i>Allow a deck to be rebuilt at a distance of 5.5 feet from the interior side yard setback, infringing the permitted 10 foot setback by 4.5 feet.</i>
COMMON DESCRIPTION:	660 River Avenue, located northeast from the River Avenue and Fort Howard Avenue intersection.
PARCEL NUMBERS:	WD-824
EXISTING ZONING:	R-1 (Single Family Residence District)
PROPOSED ZONING:	No change.
SURROUNDING LAND USES:	Residential to the north, south, east, and west.

COMPREHENSIVE PLAN:	Neighborhood Residential (Including Multi-Family)
APPLICANT / OWNER:	Jeffrey C. & Valerie Kretz, Property Owners 5222 W. Wabash Avenue Brown Deer, WI 53223
SITE HISTORY:	The subject subdivision, "Plat of Shore Acres," was recorded in 1922. The subject lot was zoned R-1 and had an established 10 foot interior side yard setback, per Municipal Code 14-38(6)(1)(b). The subject house was built in 1940. The deck and detached garage were built in 1994. At the time the detached garage was approved via variance; however, the variance did not provide special permissions for the deck. The deck was constructed 4.5 feet into the side yard setback. The deck was removed in May 2017 due to old age. Because the construction of a new deck is not considered a repair, any new deck construction must follow current 10 foot side yard setbacks requirements, per Municipal Code 14-38(6)(1)(b) as well as bulk regulations, per Municipal Code 14-13(5)(c)(1).
STAFF REVIEW:	The property owners desire the deck to be built on the same footprint as the former deck that was removed in 2017. The proposed new deck would be 5.5 feet away from the side yard. Municipal Code requires a 10 foot setback. • <i>City staff denied the permit because the requested 5.5 foot setback infringed 4.5 feet into the required 10 foot setback, per Municipal Code 14-38(6)(1)(b).</i> The applicant's response to the variance standards and supporting documentation is attached for review by the Board of Appeals.
REVIEW PROCESS:	For variance applications, the Board of Appeals holds a public hearing, reviews the petition, and then makes a final decision of approval or denial within 30 days of the date the petition was filed. If the Board of Appeals decision is approval, the petitioner must obtain proper permits and begin the project within six months of the approval. One variance appeal per year may be petitioned.

Publish: March 29, 2018

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Zoning Board of Appeals of the City of De Pere, Brown County, Wisconsin, on April 9, 2018 at 4:45 PM in the Common Council Chambers, Second Floor, City Hall, 335 S. Broadway Street, De Pere, Wisconsin, on the following matter:

An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-38 (6)(1)(b) and 14-13 (5)(c)(1) submitted by Jeffrey & Valerie Kretz, 660 River Avenue, De Pere, Wisconsin. Said appeal requests a building permit to construct a deck on the property located at 660 River Avenue, De Pere, Wisconsin, which would require a 4.5 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) and 14-13 (5)(c)(1), which allows a 10 foot interior side yard setback.

Dated this 29th day of March, 2018

BY ORDER OF THE BOARD OF APPEALS

Peter Schleinz, Zoning Administrator



CITY OF DE PERE

APPLICATION FOR
VARIANCECITY OF DE PERE
RECEIVED

MAR 15 2018

PLANNING DEPT.

Fee: \$ 168.00

Receipt #: 130449

Date: 3-15-18

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

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) Jeffrey + Valerie Kretz	Authorized Representative Owner	Title	
Mailing Address 660 River Avenue	City De Pere	State WI	ZIP Code 54115
Email Address vkretz@att.net	Phone Number (incl. area code) 414-510-5837	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: 660 River Avenue, De Pere, WI 54115	Parcel Number(s):
Legal Description:	WD-824

SECTION 4: Variance Information

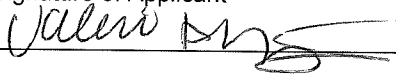
Section of De Pere Code which creates need for Variance:	14-38(6)(1)(b) & 14-13(5)(c)(1)
Municipal Code Ordinance Provision:	ident. The Minimum yard setbacks for interior side yards in the Single Family Residence District is 10 feet.
Project Description:	Deck that is 5.5 feet away from the side yard, requiring a 4.5 foot variance.
Variance Requested:	Requesting to build a portion of the deck within the designated setbacks.
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	Our house is exceptionally close to the neighbor's driveway.
Describe the hardship(s) that would result if the variance is not granted:	We need to rebuild the new decks in the same footprint as the old decks. Please see attached letter for details.
Describe how the variance would not have adverse effects on surrounding properties:	The new decks only replaces an old deck with the same specifications. There's no real change, and the neighbor affected supports this request.

Attachment: BoA_660 River Ave_Attachments (6836 : Public hearing and variance request for an eastern 10 foot interior side yard setback to be

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) Valerie Kretz	Title	Phone Number 414-510-5837
Signature of Applicant 		Date Signed 3/7/18

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



Jeffrey and Valerie Kretz

660 River Avenue
De Pere, WI 54115
Phone: 414-510-5837
E-Mail: vkretz@att.net

March 6, 2018

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

To Whom It May Concern:

We respectfully request your approval of our application for variance regarding our deck. We purchased our home in fall of 2016. After being bank-owned for approximately 18 months, the house was in a state of disrepair. One of the many items that needed to be addressed was the deck. We knew that the deck would need a significant overhaul, so we hired a contractor. After investigating, the contractor determined that the deck was not structurally sound and needed to be entirely replaced. That being the case, he contacted the De Pere building inspector. Since no permit for the existing deck could be found, the building inspector visited the house to determine if a replacement deck made to the same specifications would be to code. It would not because the deck was too close to the neighbor's property line.

Because of the time necessary to obtain a code variance and our contractor's schedule, it became clear that the deck could not be built before the freeze. As the current deck was unsightly and unsafe we decided that it would be best to have it taken down.

When the old deck was removed, it left significant evidence of its prior existence. There was a concrete pad under it for a hot tub, which sits in the area we need approval to build in. Thus, if the code variance is not approved, we will be left with a disconnected, random concrete pad. There is also a privacy fence that connected to that part of the deck. Without approval, it will continue to stand with its arbitrary end point.

Simply put, we are asking for approval to rebuild the deck exactly as it was, but better looking and structurally sound. There is thus no inconvenience to our neighbors. In fact, because our houses are so close together, structures that provide some separation are actually desirable.

Our neighbor Matt, whose driveway is near the planned deck, supports our request. Matt actually helped build the old deck many years ago with a previous owner. Please see the attached letter from Matt.

We greatly appreciate your consideration and are happy to address any questions or concerns you may have.

Sincerely,



Jeffrey Kretz and Valerie Kretz, Ph.D.

Attachment: BoA_660 River Ave_Attachments (6836 : Public hearing and variance request for an eastern 10 foot interior side yard setback to be

Hello,

My name is Matt Stevens. I live at 656 River Avenue, De Pere WI 54115.

My next door neighbors would like to build a deck on their property. The footprint of the deck is totally fine and I look forward to the addition. Jeff and Valerie Kretz will be an asset to the community.

Thank you ,

Matt Stevens

A handwritten signature in black ink, appearing to read "Matt Stevens", with a long horizontal line extending to the right.