



Board of Appeals

Regular Meeting

Revised Agenda

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

Monday, March 23, 2020

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 **March 23, 2020** 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:

Computer/smart phone accessing <https://www.gotomeet.me/DePere>

OR

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 www.depere.tv.

Call to Order

1. Roll Call
2. Approval of the minutes of the January 27, 2020 Board of Appeals meeting.
3. Consideration and possible action regarding a requested 9 foot variance to encroach the 30 foot minimum rear yard setback for proposed R-2 (Single and Two-Family Residence District) zoning for a new sunroom located at 901-903 S Superior ST (Parcel ED-371-G-13).
4. Consideration and possible action regarding a requested 17.1 foot variance to encroach the 30 foot minimum front yard setback, and a 25 foot variance to encroach the 30 foot minimum rear yard setback for proposed R-3 (Multiple Family Residence District) zoning for a new building located at 261 N Lawrence DR (Parcel WD-VA450-1).

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
Steve Coel
Mary Verhaagh
Gary & Michelle Geis
Garritt Bader, GB Real Estate Investments LLC
McDonald's Corporation
VHC Inc.
Schinkten Properties LLC
GB 1100 Main LLC
Rita M Doherty



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: March 23, 2020

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the January 27, 2020 Board of Appeals meeting.

ATTACHMENTS:

- BoA_Jan2020_Minutes_Draft (PDF)



Board of Appeals

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

Regular Meeting

Draft Minutes

Monday, January 27, 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 Schlein, Development Services Director Daniel Lindstrom and members of the public. The new Development Services Director, Daniel Lindstrom introduced himself to the board, providing a brief professional background of himself.

2. Approval of the minutes of the November 25, 2019 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

3. Consideration and possible action regarding a requested 3 foot variance to encroach the 10 foot minimum interior side yard setback for R-1 (Single Family Residence District) zoning for a building addition located at 1213 Lost Dauphin Road (Parcel WD-199).

Bob De Groot read the public hearing notice and Zoning Administrator Peter Schlein reviewed the variance request for a proposed building addition at 1213 Lost Dauphin Road. Peter explained that the property is very narrow and because of the angle of the house, the proposed deck will encroach into the side yard setback by 3 feet. Homeowner Jack Mason addressed the board. He explained the building plans for the addition. The neighbors are all in full support of the addition and provided statements of support. No one had any questions for the applicant. Michelle Manke moved, seconded by Scott Bonfigt, to approve the variance. Upon vote, motion carried unanimously. Bob De Groot reminded Mr. Mason that he has 6 months to apply for a building permit.

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

Adjournment

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

Attachment: BoA_Jan2020_Minutes_Draft (9388 : Approval of the minutes of the January 27, 2020 Board of Appeals meeting.)

Respectfully submitted,
Kelly Barker

Attachment: BoA_Jan2020_Minutes_Draft (9388 : Approval of the minutes of the January 27, 2020 Board of Appeals meeting.)



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: March 23, 2020

DEPARTMENT: Planning

FROM: Peter Schlein

SUBJECT: Consideration and possible action regarding a requested 9 foot variance to encroach the 30 foot minimum rear yard setback for proposed R-2 (Single and Two-Family Residence District) zoning for a new sunroom located at 901-903 S Superior ST (Parcel ED-371-G-13).

ATTACHMENTS:

- BoA_Mar2020_Public Hearing Notice (DOC)
- Report to Board of Appeals - changing 30 foot rear building setback 21 feet - 1902-903 S Superior ST (DOCX)
- Application Form and Support Information (PDF)

Publish: March 13, 2020

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 Monday, March 23, 2020 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 Steve Coel, 734 Riverview Drive, Green Bay, WI 54303. Said appeal requests a building permit to rebuild an existing 12' x 12' sunroom on the property located at 901-903 S Superior Street, De Pere, Wisconsin which would require a 9 foot rear yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-39 (6)(1)(a) which requires a 30 foot rear yard setback.

2. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-40 (8)(1)(e)(1) submitted by GB Real Estate Investments LLC, 300 N Van Buren Street, Green Bay, WI 54301. Said appeal requests a building permit to construct a 10 unit apartment building on the property located at 1040 Main Avenue, De Pere, Wisconsin which would require a 17.1 foot front yard setback variance and a 25 foot rear yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-40 (8)(1)(e)(1) which requires a 30 foot front and rear yard setback.

Dated this 13th day of March, 2020

BY ORDER OF THE BOARD OF APPEALS

Peter Schlein, Zoning Administrator

Item 3: Consideration and possible action regarding a requested 9 foot variance to encroach the 30 foot minimum rear yard setback for proposed R-2 (Single and Two-Family Residence District) zoning for a new sunroom located at 901-903 S Superior ST (Parcel ED-371-G-13).

SITE MAP




- REQUESTED ACTION:** Variance Request.
The reduction of the rear yard setback from 30 feet to 21 feet.
- COMMON DESCRIPTION:** 901-903 S. Superior Street, located southeast from the S. Superior Street and Virginia Drive intersection.
- PARCEL NUMBERS:** ED-371-G-13
- EXISTING ZONING:** R-2 (Single and Two-Family Residence District)
- SURROUNDING LAND USES:** Single family residential (R-2) and two-family residential (R-2) to the north, east and west.
Optimist Park (R-2) to the south.
- COMPREHENSIVE PLAN:** Neighborhood Residential (Including Multifamily)

Attachment: Report to Board of Appeals - changing 30 foot rear building setback 21 feet - 1902-903 S Superior ST (9389 : Consideration and

APPLICANT / OWNER:	<p>Steve Coel Authorized Representative 734 Riverview Drive Green Bay, WI 54303</p>	<p>Mary A. Verhaagh Property Owner 903 S. Superior Street De Pere, WI 54115-2535</p>
SITE HISTORY:	<p>The subject site is part of the residential subdivision titled, "Green Glade Subdivision." The site was used for agricultural purposes until the 1970's when the residential neighborhood developed. In the 1980's a sunroom was added to the rear (east) side of the building.</p> <p>On March 10, 2020, the property owner proposed the voluntary removal and replacement of the 12 foot by 12 foot nonconforming sunroom, which falls within the rear setback on the east side of the property.</p>	
STAFF REVIEW:	<p>The petitioner proposes the demolition and new construction of a 12 foot by 12 foot sunroom on the east side of the house. As proposed the rear yard setback would be reduced from 30 feet to 21 feet.</p> <ul style="list-style-type: none"> • The distance between the east (rear) property line and the proposed new construction is 21 feet. <p><i>City staff cannot issue a building permit because the proposed construction on an R-2 zoned parcel requires a 30 foot rear yard setback, per Municipal Code 14-39(6)(1)(a).</i></p>	
REVIEW PROCESS:	<p>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.</p>	
BOARD OF APPEALS CONSIDERATION	<p>If the Board of Appeals approves the variance, the Board should consider including the following condition(s):</p> <p><i>None.</i></p>	

MAR 10 2020

	CITY OF DE PERE APPLICATION FOR VARIANCE	PLANNING DEPT. Fee: \$ 168.00
		Receipt #: 150929
		Date: 3-10-20

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	
MARY VERHAAGH	STEVE COEL	BUILDER	
Mailing Address	City	State	ZIP Code
734 RIVERVIEW DR.	GREEN BAY	WI	54303
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	
STEVECOEL83@GMAIL	920-366-9234		
SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)			
Name (Ind. Org. or Entity)	Contact Person	Title	
MARY VERHAAGH		owner	
Mailing Address	City	State	ZIP Code
901-903 S. SUPERIOR	DEPERE	WISC.	54115
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	
	920-336-1348		
SECTION 3: Project or Site Location			
Project Address:	Legal Description:		Parcel Number(s):
901-903 S. SUPERIOR STR.			ED-371-G-13
SECTION 4: Variance Information			
Section of De Pere Code which creates need for Variance:	REAR SETBACK YARD (14-39(6)(1)(a))		
Ordinance Provision:	Rear yard setback in the R-2 District is 30 Feet for two-family dwellings.		
Project Description:	DEMO + REBUILD EXISTING SUN ROOM 12'x12'		
Variance Requested:	Rebuilding a 12'x12' sunroom within 21 feet of the rear yard, a variance of 9 feet.		
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	Small Lot For Big RANCH Duplex		
Describe the hardship(s) that would result if the variance is not granted:	OWNER REALLY USES SUN ROOM ALOT + ITS FALLING INTO DISREPAIR		
Describe how the variance would not have adverse effects on surrounding properties:	IT'S THERE ALREADY. JUST WANT TO REBUILD TO CODE + UPGRADE APPEARANCE?		

Attachment: Application Form and Support Information (9389 : Consideration and possible action regarding a requested 9 foot variance to

DENIED

3.c

Wisconsin Division of Safety and Buildings Wisconsin Uniform Building Permit Application Application No. _____ Parcel No. _____

Wisconsin Stats. 101.63, 101.73 Instructions on back of second ply. The information you provide may be used by other government agency programs [(Privacy Law, s. 15.04 (1)(m))]

PERMIT REQUESTED Constr. HVAC Electric Plumbing Erosion Control Other:

Owner's Name: MARY VERHAAGH Mailing Address: 90 _____ Tel. _____

Contractor Name & Type: COEL CONSTR. CO. Lic/Cert#: 060700064 Mailing Address: 68; WF. 54303 Tel. & Fax: 920-366-9234

Dwelling Contractor (Constr.): COEL CONSTR. CO. Dwelling Contr. Qualifier: STEVE COEL

HVAC: _____

Electrical: NICKEL ELECTRIC 1111923 1479 GRUBER RD. 920-499-1354

Plumbing: _____

PROJECT LOCATION Lot area Sq.ft. One acre or more of soil will be disturbed Town Village City of DEPORE _____ 1/4, _____ 1/4, of Section _____, T _____ N, R _____ E/W

Building Address: 901-903 S. SUPERIOR STR. County: BROWN Subdivision Name: _____ Lot No. _____ Block No. _____

Zoning District(s): _____ Zoning Permit No. _____ Setbacks: Front _____ ft. Rear _____ ft. Left _____ ft. Right _____ ft.

1. PROJECT			3. OCCUPANCY			6. ELECTRIC			9. HVAC EQUIP.			12. ENERGY SOURCE														
<input checked="" type="checkbox"/> New	<input type="checkbox"/> Alteration	<input type="checkbox"/> Addition	<input type="checkbox"/> Repair	<input checked="" type="checkbox"/> Raze	<input type="checkbox"/> Move	<input type="checkbox"/> Single Family	<input checked="" type="checkbox"/> Two Family	<input type="checkbox"/> Garage	<input type="checkbox"/> Other:	Entrance Panel Amps: _____	<input type="checkbox"/> Underground	<input type="checkbox"/> Overhead	<input type="checkbox"/> Furnace	<input type="checkbox"/> Radiant Basebd	<input type="checkbox"/> Heat Pump	<input checked="" type="checkbox"/> Boiler	<input type="checkbox"/> Central AC	<input type="checkbox"/> Fireplace	<input type="checkbox"/> Other:	Fuel	Nat Gas	LP	Oil	Elec	Solid	Solar Geo
2. AREA INVOLVED (sq ft)			4. CONST. TYPE			7. WALLS			10. SEWER			13. HEAT LOSS														
Unfin. Bsmt	Living Area	Garage	Deck/Porch	Totals	<input type="checkbox"/> Site-Built	<input type="checkbox"/> Mfd. per WI UDC	<input type="checkbox"/> Mfd. per US HUD	<input checked="" type="checkbox"/> 1-Story	<input type="checkbox"/> 2-Story	<input type="checkbox"/> Other:	<input type="checkbox"/> Plus Basement	<input type="checkbox"/> Wood Frame	<input type="checkbox"/> Steel	<input type="checkbox"/> ICF	<input type="checkbox"/> Timber/Pole	<input type="checkbox"/> Other:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Sanitary Permit#	_____ BTU/HR Total Calculated Envelope and Infiltration Losses (available from "Total Building Heating Load" on Rescheck report)							
5. STORIES			8. USE			11. WATER			14. EST. BUILDING COST w/o LAND																	
									\$ 30,000																	

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; am subject to any conditions of this permit; understand that the issuance of this 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 stormwater 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 of this form.

APPLICANT (Print): STEVE COEL Sign: Steve Coel DATE 3/4/20

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 Town of Village of City of County of State → State-Contracted Inspection Agency#: _____ Municipality Number of Dwelling Location: _____

FEES:		PERMIT(S) ISSUED		WIS PERMIT SEAL #		PERMIT ISSUED BY:	
Plan Review	\$ _____	<input type="checkbox"/> Construction	_____	_____		Name	_____
Inspection	\$ _____	<input type="checkbox"/> HVAC	_____	_____		Date	_____ Tel. _____
Wis. Permit Seal	\$ _____	<input type="checkbox"/> Electrical	_____	_____		Cert No.	_____
Other	\$ _____	<input type="checkbox"/> Plumbing	_____	_____			
Total	\$ _____	<input type="checkbox"/> Erosion Control	_____	_____			
GEC FEE	\$ _____						

SBD-5823(R11/11) Distribute: Ply 1 - Issuing Jurisdiction; Ply 2- Issuer forwards to state w/in 30 days; Ply 3- Inspector; Ply 4- Applicant

Attachment: Application Form and Support Information (9389 : Consideration and possible action regarding a requested 9 foot variance to

"SITE PLAN"

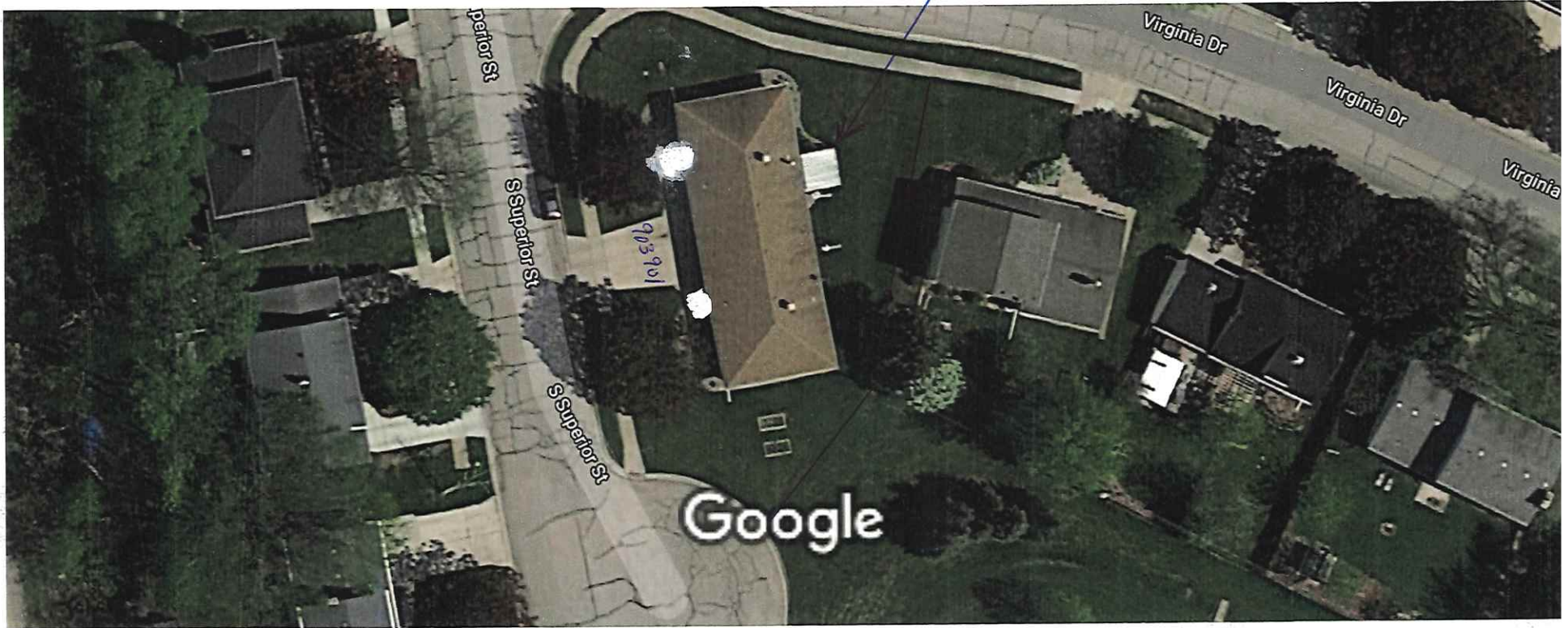
901-903 S. SUPERIOR STR.

3.c

(NO FROST WALLS OR ANY EXISTING)

Google Maps

DEMO RE BUILD EXISTING SUNROOM 12'X12'
DEMO + REBUILD 2 FRONT STOOPS → 4'X4'



DENIED

DPMC 14.39 R-2 min Rear Yard
Set-back 30ft.

Map data ©2020 , Map data ©2020 20 ft

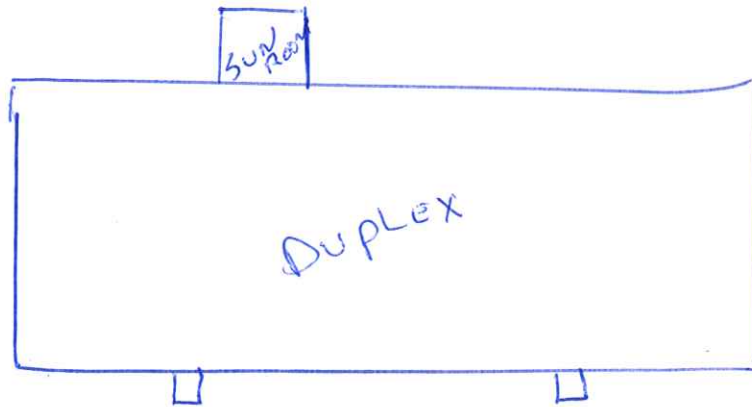
Attachment: Application Form and Support Information (9389 : Consideration and possible action



Building Inspection Department
City of De Pere
335 S. Broadway, De Pere, WI 54115
Phone: (920) 339-4053 FAX: (920) 330-9491

PLOT PLAN

Rear Yard Setback = 22 Feet



Side Yard Setback
15 Feet

Side Yard Setback
25 Feet

Building Setback = 31 Feet

Sidewalk

SUPERIOR

Fill in dimensions on this plat and locate any accessory buildings.

VIRGINIA DD

Address: 901-903 S. SUPERIOR ST.

Builder: COEL CONSTR. CO.

Lot #: _____ Subdivision: _____

Parcel: _____

Attachment: Application Form and Support Information (9389 : Consideration and possible action regarding a requested 9 foot variance to



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: March 23, 2020

DEPARTMENT: Planning

FROM: Peter Schlein

SUBJECT: Consideration and possible action regarding a requested 17.1 foot variance to encroach the 30 foot minimum front yard setback, and a 25 foot variance to encroach the 30 foot minimum rear yard setback for proposed R-3 (Multiple Family Residence District) zoning for a new building located at 261 N Lawrence DR (Parcel WD-VA450-1).

ATTACHMENTS:

- BoA_Mar2020_Public Hearing Notice (DOC)
- Report to Board of Appeals - changing 30 foot front & rear building setbacks to 12.9 feet & 5 feet - 261 N Lawrence DR (DOCX)
- Application Form and Summary (PDF)
- Denied Setbacks (PDF)

Publish: March 13, 2020

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 Monday, March 23, 2020 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 Steve Coel, 734 Riverview Drive, Green Bay, WI 54303. Said appeal requests a building permit to rebuild an existing 12' x 12' sunroom on the property located at 901-903 S Superior Street, De Pere, Wisconsin which would require a 9 foot rear yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-39 (6)(1)(a) which requires a 30 foot rear yard setback.

2. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-40 (8)(1)(e)(1) submitted by GB Real Estate Investments LLC, 300 N Van Buren Street, Green Bay, WI 54301. Said appeal requests a building permit to construct a 10 unit apartment building on the property located at 1040 Main Avenue, De Pere, Wisconsin which would require a 17.1 foot front yard setback variance and a 25 foot rear yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-40 (8)(1)(e)(1) which requires a 30 foot front and rear yard setback.

Dated this 13th day of March, 2020

BY ORDER OF THE BOARD OF APPEALS

Peter Schlein, Zoning Administrator

Item 4: Consideration and possible action regarding a requested 17.1 foot variance to encroach the 30 foot minimum front yard setback, and a 25 foot variance to encroach the 30 foot minimum rear yard setback for proposed R-3 (Multiple Family Residence District) zoning for a new building located at 261 N Lawrence DR (Parcel WD-VA450-1).

SITE MAP



REQUESTED ACTION: Variance Request.

*This is a 2 part request to allow for the development of a 10 unit apartment, between N. Lawrence DR and I41, on a lot that may be difficult to develop:
Part 1 – The reduction of the front yard setback from 30 feet to 12.9 feet.
Part 2 – The reduction of the rear yard setback from 30 feet to 5 feet.*

COMMON DESCRIPTION: 261 N Lawrence DR, located north and west from the Main AV and N Lawrence DR cul-de-sac (on the north side of ALDI grocery store).

PARCEL NUMBERS: WD-VA450-1

Attachment: Report to Board of Appeals - changing 30 foot front & rear building setbacks to 12.9 feet & 5 feet - 261 N Lawrence DR (9306 :

EXISTING ZONING:	<p>B-2 (General Business District)</p> <p><i>The parcel is proposed to be rezoned from B-2 to R-3 (Multiple Family Residence District) by Plan Commission on March 23, 2020.</i></p>
SURROUNDING LAND USES:	<p>City owned storm pond (B-2) and natural spaces (R-1) to the north. Retail (B-2) to the south. Multifamily (R-3 PDD) to the east. I-41 freeway and village of Ashwaubenon to the west.</p>
COMPREHENSIVE PLAN:	Not identified (formerly part of Ashwaubenon)
APPLICANT / OWNER:	<p>Garritt R. Bader Authorized Representative and Owner GB Real Estate Investments LLC 300 N Van Buren ST Green Bay, WI 54301</p>
SITE HISTORY:	<p>The subject site is part of the residential subdivision titled, "Lawton Farms." The site was used for agricultural purposes since the 1938 air photos, but natural spaces on the property became larger as the freeway to the west and the residential/commercial development to the east increased.</p> <p>On July 19, 2016 the property was rezoned from R-1 to B-2 in anticipation of future commercial development.</p> <p>In 2018, a certified survey map was recorded that created the subject parcel. On January 8, 2018 a site plan was approved for the development of ALDI, located to the south. Commercial development on the subject lot did not occur.</p> <p>On March 3, 2020, the property owner proposed rezoning the property back to a residential category (R-3) in order to develop a 10 unit apartment, claiming difficulties in developing the site as a commercial property. The variance request is based on setbacks for the proposed new zoning category.</p>
STAFF REVIEW:	<p>The petitioner proposes the construction of a new ten unit apartment that extends into the front and rear setbacks of the property building. As proposed (assuming the property is successfully rezoned from B-2 to R-3) the front yard setback would be reduced from 30 feet to 12.9 feet, and the rear setback would be reduced from 30 feet to 5 feet. This is the setback from the edge of 5 foot concrete exit areas at the east and west ends of the building. The actual walls of the building would be 17.9 feet and 10 feet away.</p> <ul style="list-style-type: none"> • The distance between the east (front) property line and the proposed building is 17.9 feet, and 12.9 feet from the concrete exit area. • The distance between the west (rear) property line and the proposed building is 10 feet, and 5 feet from the concrete exit area. <p><i>City staff cannot issue a building permit because the proposed construction on an R-3 zoned parcel requires a 30 foot front yard setback from N Lawrence DR and a 30 foot rear yard setback from I-43, per Municipal Code 14-40(8)(1)(e)(1).</i></p>

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.

**BOARD OF APPEALS
CONSIDERATION**

If the Board of Appeals approves the variance, the Board should consider including the following condition(s):

1. The property must be successfully rezoned to R-3 in order for the variance to become valid.
2. The petitioner should review required setbacks from I-41 with WisDOT to ensure that WisDOT setbacks do not supersede the proposed variance setbacks.

CITY OF DE PERE
RECEIVED

MAR - 3 2020

PLANNING DEPT.



CITY OF DE PERE
APPLICATION FOR VARIANCE

Fee: \$ 168.00

Receipt #: 150561

Date: 3-03-20

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) GB REAL ESTATE INVESTMENTS, LLC	Authorized Representative GARRITT R. BADER	Title PRINCIPAL	
Mailing Address 300 N. VAN BUREN St.	City GREEN BAY	State WI	ZIP Code 54301
Email Address gb@gb-re.com	Phone Number (incl. area code) 813-500-0296	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: (No address yet assigned)	Parcel Number(s): WD-VA450-1
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SECTION 4: Variance Information

Section of De Pere Code which creates need for Variance:	14-40(8)(1)(e)(1)
Ordinance Provision:	Multiple family dwelling units with two or more bedrooms require a 30' front setback and a 30' rear setback
Project Description:	Development of a 10-unit multifamily building north of Aldi on N. Lawrence Drive * Reducing front 30' setback to 12.9' + rear 30' setback to 5'
Variance Requested:	I am requesting relief from the front and rear setbacks as required in the zoning district.
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	When Aldi was developed, land was donated to the City of De Pere for a regional retention
Describe the hardship(s) that would result if the variance is not granted:	The site is not highly developable without relief from the setbacks required, and may not
Describe how the variance would not have adverse effects on surrounding properties:	The site is fairly isolated and has few neighbors to adversely impact; I-41 is to the west

Attachment: Application Form and Summary (9306 : Consideration and possible action regarding a requested 17.1 foot variance to encroach

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>See signature/date on attached letter. JS</i>		Date Signed

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

GB Real Estate Investments, LLC
 Licensed Wisconsin Brokerage
 Garritt R. Bader
 300 N. Van Buren Street, Green Bay, WI 54301
 Phone: (813) 500-0296 • E-Mail: gb@gb-re.com
 www.gb-re.com

February 29, 2020

Mr. Peter Schleinz
 City of De Pere
 333 S. Broadway
 De Pere, WI 54114

**RE: Variance Request
 Parcel WD-VA450-1**

Mr. Schleinz,

Please allow this letter to serve as a supplement to the official Application For Variance submitted for the above-referenced parcel.

This request is being made to allow the proposed building to be constructed on this site to be positioned within the required front and rear setbacks as defied by the R-3 zoning district.

In short, I'd like the building to be sited more "urban" rather than "suburban," by being built closer to Lawrence Drive—as well as I-41 on the rear (west) side.

As you may recall, this site, Parcel WD-VA450-1, was created after part of it was deeded to the city for a retention pond in 2017-2018. In working to develop the remnant vacant parcel, many pursuits have proved difficult due to the reservations for setbacks, retention pond easements, and the remnant size of the parcel itself. Due to these unique characteristics, if relief from some of the site's limitations aren't able to be granted, I'm not sure the site will ever be developed to its full potential.

Given that nearby and adjacent properties are either for natural and/or public use, or of similar multifamily residential use, there would appear to be very little few adverse effects on other properties.

Thank you for your consideration!

Sincerely,



Garritt R. Bader
 Principal
 GB Real Estate Investments, LLC

Attachment: Application Form and Summary (9306 : Consideration and possible action regarding a requested 17.1 foot variance to encroach

