Board of Appeals

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

Regular Meeting

Final Minutes

Monday, February 28, 2022 | **4:45 PM** | **Council Chambers and Virtual**

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	
Michelle Manke	Board Member	Present	
James Stadler	Board Member	Present	
William Vande Hei	Board Member	Present	
Andy Van Remortel	Board Member	Present	

Also present: Development Services Director Daniel Lindstrom, City Planner Peter Schleinz, City Attorney Judy Schmidt-Lehman, Senior Building Inspector Dennis Jensen, and Building Inspector Chelsea Myers.

2. Approval of the minutes of the January 24, 2022 Board of Appeals meeting.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Andy Van Remortel, Board Member
SECONDER:	Scott Bonfigt, Board Member
AYES:	Bonfigt, De Groot, Manke, Stadler, Vande Hei, Van Remortel

3. Public comments upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Board of Appeals. §6-3(f) DPMC

There were no public comments.

RESULT:	**DISCUSSED**

4. Discussion about training for the review of variances and the role of the Zoning Board of Appeals.

City Planner Peter Schleinz stated that tonight's meeting will involve the review of two training videos and a question & answer session. He mentioned that the video may discuss shoreline zoning, which does not typically pertain to the De Pere Board of Appeals. The first video introduced the role of the zoning board and discussed the three types of zoning board decisions: variances, conditional uses/special exceptions, and administrative appeals.
The second video defined & explained variances, including area variances and use variances. The applicant has the burden of proof to show that all three variance standards are met. They are:
1. Unnecessary Hardship.
2. Due to circumstances unique to the property, and
3.No harm to public interests
After reviewing the videos, Peter invited the board members to ask any questions they had. Bill Vande Hei questioned whether staff would be able to designate whether a specific part of the City (ie, the older part of De Pere) is grandfathered into automatically allowing variances because those parcels are substandard size lots. Development Services Director Daniel Lindstrom explained that the City is attempting to address this

by recognizing the differences and making changes in the zoning code, which is in the process of being rewritten. However, in the meantime, the board needs to follow the variance standards and base their decisions on whether a hardship exists. In a lot of these examples, the homeowner voluntarily removes the non-conforming use, which then brings the home into non-conformance and creates the need for a variance. By re-writing the current zoning code, which is decades old, the mechanism is created for allowing flexibility in the older neighborhoods by allowing their own zoning districts. Michell Manke asked what the process is for changing the zoning code. City Planner Peter Schleinz replied that the board could include a recommendation to staff that a zoning change occur, which would then be presented to Plan Commission and the Common Council for formal approval. Scott Bonfigt thanked staff for providing the training. He added that is was well-needed training that will help him make better decisions in the future. Andy Van Remortel asked for clarification on the variance process. Peter explained that the process starts with the denial of a building permit, followed by submittal of the variance application by the petitioner. Before it goes to the board of appeals, staff first tries to find alternatives for the petitioner. If the petitioner still decides to apply for a variance, that is their right, even if they do not have a strong burden of hardship to prove. Michelle Manke asked if it would be appropriate for the board to make a recommendation while the zoning code is being re-written, or to wait until the changes have been instituted. Development Services Director Daniel Lindstrom suggested that the board wait until the public comment period during which time they can go over the changes with staff and review them. Peter noted that he is revamping the variance application by changing it from a single page to a three page application, and requesting more information from the petitioner.

RESULT:	**DISCUSSED**

Adjournment

Jim Stadler moved, seconded by Andy Van Remortel, to adjourn the meeting at 5:35 pm. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker