



Board of Appeals

Regular Meeting

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

Agenda

Monday, February 25, 2019	4:45 PM	De Pere City Hall Council Chambers
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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 **February 25, 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 October 22, 2018 Board of Appeals meeting.
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.

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
Fred & Teresa Schmidt
Steve Pott Construction, Inc.
John & Carol Lawson
Lawrence & Jacky Webster
William & Janet Ruys
Richard & Penny Karbon



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: February 25, 2019

DEPARTMENT: Board of Appeals

FROM: Kelly Barker

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

ATTACHMENTS:

- BoA_Oct2018_Minutes_Draft (PDF)



Board of Appeals

Regular Meeting

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

Draft Minutes

Monday, October 22, 2018

4:45 PM

De Pere City Hall Council Chambers

Call to Order

The meeting was called to order at 4:45 PM by Board Member Andy Van Remortel

Attendee Name	Title	Status	Arrived
Scott Bonfigt	Board Member	Present	
Bob De Groot	Chairman	Excused	
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 Schlein and members of the public.

2. Approval of the minutes of the July 23, 2018 Board of Appeals meeting.

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

3. Variance request for a 26 foot by 24 foot (624 sq. ft.) detached garage to be constructed on the southern side of a developed residential property, instead of at the required rear, to allow for practical locating of an accessory building in a neighborhood with deep set primary structures, on a single family residential property located at 941 Lawton Place (Parcel ED-1225). Submitted by Andrew Krans, authorized representative for Sofia M. Auricchio, property owner.

Zoning Administrator Peter Schlein read the notice of public hearing and reviewed the variance request to build a detached garage in the side yard rather than the rear yard at 941 Lawton Place. Peter called the public hearing open at 4:49 pm and asked three times if anyone wished to speak. No one did, and the public hearing was closed at 4:50 pm. Andy Krans, the applicant, addressed the board. Jim Stadler asked if anyone in the fire department reviewed the request and if eight feet is adequate room. Peter replied that it is adequate. He added that all adjacent property owners were notified. Bill Vande Hei moved, seconded by Jim Stadler, to approve the variance. Upon vote, motion carried unanimously. Andy Van Remortel reminded the applicant that he has six months to apply for the permit and begin work.

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

Adjournment

Jim Stadler moved seconded by Scott Bonfigt, to adjourn the meeting at 4:56 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: February 25, 2019

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: 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.

ATTACHMENTS:

- Notice of Public Hearing_1514 Fox Ridge CT (DOC)
- Report to Board of Appeals - Garage-Basement with 24.3 foot front yard setback - 1514 Fox Ridge CT (DOCX)
- Application Form with Sketch (PDF)

Publish: February 14, 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 Monday, February 25, 2019 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 14-39(6)(1)(b) submitted by Steve Pott Construction INC, on behalf of Frederick L. & Teresa L. Schmidt, 1514 Fox Ridge Court, De Pere, Wisconsin. Said appeal requests a building permit to construct an attached garage with a new basement 24.3 feet from the front property line at 1514 Fox Ridge Court, De Pere, Wisconsin which would require a 5.7 foot front yard variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-39(6)(1)(b) which requires a front yard setback of 30 feet for single family detached dwellings.

Dated this 14th day of February, 2019

BY ORDER OF THE BOARD OF APPEALS

Peter Schlein, Zoning Administrator

Attachment: Notice of Public Hearing_1514 Fox Ridge Ct (7937 : 1514 Fox Ridge Ct)

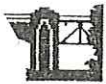
- Item 3:** Variance request for a new attached garage, with basement, to encroach 5.7 feet into the Municipal Code 14-38(6)(1)(b) required 30 foot front yard setback, thereby allowing for the front yard setback to be reduced to 24.3 feet on a single family residential property located at 1514 Fox Ridge Court (Parcel WD-723-23). Submitted by Steve Pott, Steve Pott Construction INC, authorized representative for Frederick L. & Teresa L. Schmidt, property owners.

SITE MAP



REQUESTED ACTION:	Variance Request. <i>A proposed reduction in front yard setback for a new attached garage, with basement, on a single family home.</i>
COMMON DESCRIPTION:	1514 Fox Ridge Court, located northeast from the Lost Dauphin Road (CTH D) and Fox Ridge Court intersection.
PARCEL NUMBERS:	WD-723-23
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:	Steve Pott Authorized Representative Steve Pott Construction INC 1976 W. Telemark Circle Green Bay, WI 54313	Frederick L. & Teresa L. Schmidt Property Owners 1514 Fox Ridge Court De Pere, WI 54115-1908
SITE HISTORY:	The subject site is part of the residential subdivision titled, “Lost Dauphin Estates NO. 2,” originally approved by resolution on August 16, 1977 and recorded in 1977. The subject lot is zoned R-1 and has an established 30 foot front yard building setback for single family dwellings with attached garages, per Municipal Code 14-38(6)(1)(b). In 1988, the primary house was constructed with an attached garage. In 2019, the petitioner proposed an addition behind the garage, in addition to removing the garage and rebuilding on the same footprint with a new basement below the garage. In 1988, the original garage was incorrectly setback at approximately 24.7 feet from the front property line, likely due to the curve of the cul-de-sac, and no variance was petitioned at that time. The new basement under the garage triggers the need for a variance if retaining the same 24.7 foot front yard setback is desired.	
STAFF REVIEW:	The petitioner proposes the construction of a new addition to an existing single family home. Part of the addition includes removing the existing garage and rebuilding the garage on the same footprint. A new basement area, which did not exist before, will be added below the garage. The addition of the new basement would trigger a review to ensure compliance with the current Code front yard setback of 30 feet. Because the new garage is being built on the same footprint as the existing garage, and the ground level “view” of the structure will appear to be the same as the original garage, prior to reconstruction, the petitioner is requesting that a setback of 24.3 feet be retained, which was incorrectly measured when the original house was built in 1988. The reduced setback encroaches the required 30 foot front yard setback by 5.7 feet. • The distance between the corner of the proposed structure and the front property line will be 24.3 feet <i>City staff denied a permit request because the proposed attached garage, with new basement, must be set back at least 30 feet from the front property line, 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.	



CITY OF DE PERE
RECEIVED
FEB 7 2019
PLANNING DEPT.

CITY OF DE PERE

APPLICATION FOR
VARIANCE

Fee: \$ 168.00

Receipt #: 139494

Date: 2-7-19

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>Steve Pott Construction, Inc.</i>	Authorized Representative <i>Steve Pott</i>	Title <i>President</i>	
Mailing Address <i>1976 W. Telemark Circle</i>	City <i>Green Bay</i>	State <i>WI</i>	ZIP Code <i>54313</i>
Email Address <i>mpottingb@new.rr.com</i>	Phone Number (incl. area code) <i>920-621-4630</i>	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) <i>Fred & Teresa Schmidt</i>	Contact Person <i>Fred Schmidt</i>	Title <i>Homeowner</i>	
Mailing Address <i>1514 Fox Ridge Ct.</i>	City <i>DePere</i>	State <i>WI</i>	ZIP Code <i>54115</i>
Email Address <i>FLS@lcojlaw.com</i>	Phone Number (incl. area code) <i>920-437-0476</i>	Fax Number (incl. area code) —	

SECTION 3: Project or Site Location

Project Address: <i>1514 Fox Ridge Ct., DePere, WI 54115</i>	Parcel Number(s): <i>WD-723-23</i>
Legal Description: <i>Last Dauphin Estates No 2 Lot 23</i>	

SECTION 4: Variance Information

Section of De Pere Code which creates need for Variance:	<i>14-38 (6)(1)(b)</i>
Ordinance Provision:	<i>Front yard set back is 30' for single family detached dwelling</i> set back measured from arc
Project Description:	<i>constructing an addition on back of existing home and add full basement under existing garage.</i>
Variance Requested:	<i>to be able to add a full basement under existing garage.</i>
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	<i>the existing garage will not change in size, style or shape from the road perspective (when looking at the garage from the road).</i>
Describe the hardship(s) that would result if the variance is not granted:	<i>Would not be able to add a full basement under existing garage.</i>
Describe how the variance would not have adverse effects on surrounding properties:	<i>The full basement would be under the exact footprint of the existing garage.</i>

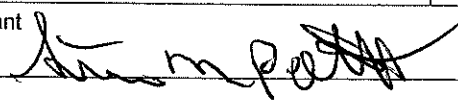
R-1

* 24.3' front setback should be 30' in order to comply.

hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this application. I certify that the information contained in this form and attachments is true and accurate. I certify that the information is 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.

3.c

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print)	Title	Phone Number
Signature of Applicant 		Date Signed 2-5-19

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

Attachment: Application Form with Sketch (7937 : 1514 Fox Ridge Ct)

Site Plan

All of Lot 23 of the recorded plat of "Lost Dauphin Estates No. 2" (Volume 16, Plats, Page 174, Document number 867846, Brown County records, said plat located in part of the Southwest 1/4 of the Southeast 1/4 and part of the Southeast 1/4 of the Southeast 1/4 of section 28, T23N-R20E, City of DePere, Brown County, Wisconsin.
-1514 Fox Ridge Court-

North



Legend

- 1.32" (o.d.) x 18" iron pipe weighing 1.68 lbs/lin ft set
- 1" iron pipe found
- ⊗ cut + set
- () recorded as bearing / distance
- ▨ concrete
- ▩ existing building

Lot 21

Lot 22
Lost Dauphin
Estates
No. 2

Lot 2
Lost Dauphin
Estates

Lot 23
13620 sq. ft.
0.31 ac.

Lot 3

Lot 24

Lot 18

NOTES

Bearings referenced to the West line of Lot 23 of Lost Dauphin Estates No. 2, assumed to be S28°24'38"W

Curve Table

Curve #	Length	Radius	Delta	Chord Distance	Chord Bearing	Tangent	Tangent
C2	20.60	55.00	21°27'36"	20.48	N4° 01' 08"E	N14° 44' 56"E	N6° 42' 41"W
C1	33.69	55.00	35°05'35"	33.16	N10° 51' 51"E	N28° 24' 38"E	N6° 40' 56"W



City of De Pere 335 S. Broadway De Pere, WI 54115 920-339-4053		DENIED UNIFORM BUILDING PERMIT APPLICATION		Application No. Parcel No.																						
PERMIT REQUESTED		☒ Construction ☐ HVAC ☐ Electrical ☐ Plumbing ☐ Erosion Control ☐ Other																								
Owner's Name <u>FRED SCHMIDT</u>		Mailing Address <u>1514 FOX RIDGE CT</u>		Tel. <u>437-0476</u>																						
Architect's Name <u>C RENIER</u>		Mailing Address <u>348 MAIN AVE</u>		Tel. E-mail																						
Contractor's Name: (Contractor) <u>STEVE POTT</u>		Lic/Cert# (DC#) exp date: (DCQ#) exp date:	Mailing Address <u>1976 WEST TELEMARKE</u>		Tel. <u>621-4630</u> E-mail																					
Contractor's Name: (Electrical) <u>RJ. BASTEN</u>		Lic/Cert#	Mailing Address		Tel. E-mail																					
Contractor's Name: (Plumbing) <u>HOCKERS</u>		Lic/Cert#	Mailing Address		Tel. E-mail																					
Contractor's Name: (HVAC) <u>BLINDAUER</u>		Lic/Cert#	Mailing Address		Tel. E-mail																					
Contractor's Name: (Sewer) <u>BIELINSKI</u>		Lic/Cert#	Mailing Address		Tel. E-mail																					
PROJECT LOCATION		Lot area <u>13620</u> Sq. ft. ☐ One acre or more of soil will be disturbed																								
Building Address <u>1514 FOX RIDGE CT</u>		Subdivision Name		Lot No.	Block No.																					
Zoning District(s)		Setbacks:	Front <u>30</u> ft.	Rear <u>30</u> ft.	Left <u>10</u> ft. Right <u>10</u> ft.																					
Job Description: <u>Removal of Garage + Footings, Replace garage full basement with on same footprint</u>																										
1. PROJECT ☐ New ☐ Repair ☐ Alteration ☐ Raze ☒ Addition ☐ Move ☐ Other		3. OCCUPANCY ☒ Single Family ☐ Two Family ☐ Garage ☐ Other		6. ELECTRICAL Entrance Panel Amps: <u>200</u> ☐ Underground ☐ Overhead																						
2. AREA INVOLVED Unfin. <u>800</u> Sq Ft Bsmt <u>800</u> Sq Ft Living Area <u>800</u> Sq Ft Garage <u>800</u> Sq Ft Total <u>2400</u> Sq Ft		4. CONST. TYPE ☐ ICI ☒ Masonry ☒ Poured Concrete ☐ VB ☐ Wood 5. STORIES ☒ 1-Story ☐ 2-Story ☐ Other ☐ P Plus Basement		9. HVAC EQUIPMENT ☒ Forced Air Furnace ☐ Radiant Basebd/ Pane ☐ Heat Pump ☒ Boiler ☐ Other 10. SEWER ☒ Municipal ☐ Sanitary Permit #:																						
		8. USE ☐ Seasonal ☒ Permanent ☐ Other		11. WATER ☒ Municipal ☐ On-Site Well																						
				12. ENERGY SOURCE <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Fuel</th> <th>Nat Gas</th> <th>LP</th> <th>Oil</th> <th>Elec</th> <th>Solid</th> <th>Solar</th> </tr> <tr> <td>Space Htg</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Water Htg</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> </table> ☐ 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 RBScheck report)		Fuel	Nat Gas	LP	Oil	Elec	Solid	Solar	Space Htg	☐	☐	☐	☐	☐	☐	Water Htg	☐	☐	☐	☐	☐	☐
Fuel	Nat Gas	LP	Oil	Elec	Solid	Solar																				
Space Htg	☐	☐	☐	☐	☐	☐																				
Water Htg	☐	☐	☐	☐	☐	☐																				
				14. EST. BUILDING COST w/o LAND \$ <u>250,000.00</u>																						
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 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.																										
APPLICANT'S SIGNATURE <u>Steve Pott</u>				DATE SIGNED <u>2-8-19</u>																						
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		WIS PERMIT SEAL # OR STATE ID#																						
Plan Review \$ _____ Dwelling \$ _____ Wis. Permit Seal \$ _____ Other \$ _____ Total \$ _____		☐ Construction ☐ HVAC ☐ Electrical ☐ Plumbing ☐ Erosion Control		PERMIT ISSUED BY: Name _____ Date _____ Tel.: _____ Cert No. _____																						

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

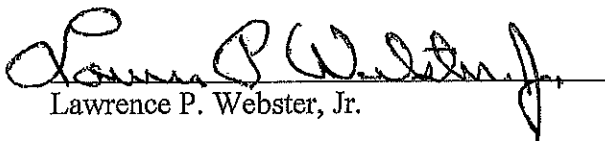
**RE: Variance Application
1514 Fox Ridge Court
WD-723-23**

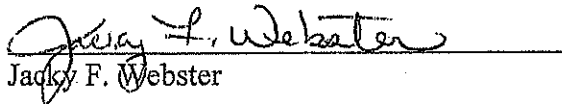
TO WHOM IT MAY CONCERN:

We write to support the variance request submitted on behalf of Fred and Teresa Schmidt, 1514 Fox Ridge Court, De Pere, Wisconsin. We own and reside at 1508 Fox Ridge Court, the lot and home directly to the north of the Schmidt parcel.

We approve the proposed project and recommend that the Board grant the requested variance.

Respectfully submitted,


Lawrence P. Webster, Jr.


Jacky F. Webster

Attachment: Application Form with Sketch (7937 : 1514 Fox Ridge Ct)