



Board of Appeals

335 South Broadway

De Pere, WI 54115

<http://www.de-pere.org>

Regular Meeting

Agenda

Monday, February 24, 2014	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 Regular Meeting of the **Board of Appeals** of the City of De Pere will be held on **February 24, 2014** 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 November 11, 2013 Board of Appeals meeting.
3. Request submitted by Donald Jr. & Julie Long, 225 Nicolet Place, De Pere, Wisconsin to construct an addition to the residence on the property located at 225 Nicolet Place, De Pere, Wisconsin which would require a ten (10) foot rear yard setback variance.
4. Request submitted by Michael Hartmann, 923 Georgia Drive, De Pere, Wisconsin to construct an underground storage cave and lounge on the property located at 1106 Fox River Drive, De Pere, Wisconsin which would require a thirty (30) foot corner side yard setback variance and a 260 square foot size variance.

Adjournment

Any person wishing to attend who, because of disability, requires special accommodations should contact the office of the Building Inspector at 339-4053 by noon on Monday, February 24, 2014 so that arrangements can be made.

AGENDA SENT TO:

Board Members
Donald Jr. & Julie Long
Thomas & Arita Robinson
Mitchell & Vicki Scray
Michael Hartmann & Ruth Warren
John Meyer
Julie Van Straten

City of De Pere, Wisconsin



Request For Board of Appeals Action

MEETING DATE: February 24, 2014

DEPARTMENT: Board of Appeals

FROM: David Hongisto

SUBJECT: Approval of the minutes of the November 11, 2013 Board of Appeals meeting.

ATTACHMENTS:

- BOA_Minutes_11-11-13_draft (PDF)



Board of Appeals

335 South Broadway

De Pere, WI 54115

<http://www.de-pere.org>

Special Meeting

Draft Minutes

Monday, November 11, 2013

4:45 PM

De Pere City Hall Council Chambers

Call to Order

The meeting was called to order at 5:05 PM by Board Member Thomas Keidatz

Attendee Name	Title	Status	Arrived
Thomas Keidatz	Board Member	Present	
Bob De Groot	Board Member	Present	
John Fairchild	Board Member	Excused	
William Vande Hei	Board Member	Present	
Jason Peebles	Board Member	Present	
Alice Schipper	Board Member	Present	

Also present: Building Inspector Dave Hongisto and members of the public.

2. Review of minutes of the regular meeting on October 28, 2013.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Alice Schipper, Board Member
SECONDER:	William Vande Hei, Board Member
AYES:	Keidatz, De Groot, Vande Hei, Peebles, Schipper
EXCUSED:	John Fairchild

3. Request submitted by Michael Hartmann & Ruth Warren, 923 Georgia Drive, De Pere, Wisconsin to construct 1) a boat house which would require a four (4) foot interior side yard setback variance and a three (3) foot rear yard setback variance and 2) a "cave storage structure" which would require a four (4) foot interior side yard setback variance on the property located at 1106 Fox River Drive, De Pere, Wisconsin.
- Chairman Keidatz explained the steps of the proceedings: he will read the variance request, and Hongisto will explain why the permit could not be granted. A neighbor has submitted information from Hanaway & Ross law firm and they will have an opportunity to be heard. The board will proceed under state statute standards for variances. Keidatz noted that at one time the statute required four affirmative votes; it now requires a simple majority. Keidatz then read the notice of public hearing. He stated that the permits were denied under code section 14.38, sub (6)(3)(b).

Building Inspector Hongisto summarized the applicant's previous appearances in front of the board for variances regarding the house. He stated it was important to note that during meetings with the architects, when he was told there would be a storage cave, he envisioned the structure being underground. As far as the boathouse, the property owner had a survey done by Mau & Associates to establish the north property line; this survey showed that the existing boathouse structure was 7/10 of a foot over the property line onto city right of way (Cook St). At that time there was talk of repairing the foundation wall of the existing boat house. Then the whole focus shifted to zeroing in on the residence. Once the excavation occurred & foundation walls were poured Hongisto received a call from the neighboring property owner to the north (John Meyer), expressing concern about the boathouse wall's proximity to the water. The way it is poured right now, the wall extends further towards the river than the existing property pin noted by Mau & Associates in their plat of survey. Hongisto visited the site and viewed the wall of the storage cave up out of the ground, and the proximity of the structure to the

sea wall; at that point he felt it necessary to bring the matter to the Board of Appeals before any work proceeded further. He contacted the homeowner and general contractor Andy Benson. Together they came up with the request for variances which was published in the De Pere Journal on 10/31/13. Hongisto also asked the homeowner what the Wisconsin Department of Natural Resources' opinion was of the project, and requested some type of approval from them before the project went too far. Mr. Hartmann forwarded information from his architect to the DNR and at that point Crystal Schiefelbein from the Green Bay office of the DNR and Heidi Kennedy, the DNR's Shoreland Policy Coordinator, became involved. Hongisto then read three emails into the record. Hongisto's interpretation of those correspondences is that the Board of Appeals will have to determine if this project meets the statutory criteria for the issuance of a variance.

Keidatz then invited the property owner to explain why he feels the variances should be granted, and how they fit into statutory requirements.

Andy Benson from C&C Custom Homes spoke on behalf of the applicant. He pointed out that there was a pre-existing established building which sets precedence; the owners are basically replacing it for personal use. They have corrected the problem of encroaching across the north property line. The storage cave area is still below grade although the north wall is going to be exposed, similar to a retaining wall. The top will be grass and part of the lawn structure. Benson stated that if the parcel was more uniformly shaped, there would not be an issue. The restrictions of the lot are preventing an above grade storage structure. He noted that the new boathouse is a little taller than the original, but the footprint is actually smaller.

Hongisto pointed out that the city of De Pere's zoning code states that the height of any detached accessory structure(s) cannot exceed the height of the principal structure, or 15 ft, whichever is most restrictive. Benson reported that the boathouse height is approximately 9 ft.

Hartmann then spoke and thanked the group for allowing him to meet. He stated that they have made a significant effort to understand the rules and to check and double check everything they've done throughout the process. The boathouse structure could be up to 700 square feet in size, but the dimensions are actually smaller than that of the original building. They purposely kept the height down in consideration of sight lines. They needed storage, but the small lot limited them; they also felt that an above ground structure would be more detrimental to the neighborhood. He noted that there is a beautiful maple on the shoreline that would have to be taken down if the boathouse was moved.

Hongisto clarified that code states a detached accessory structure shall not exceed a maximum of 700 square feet in area. The method of calculation uses the width of the lot multiplied by the rear yard setback, multiplied by 45%.

Vande Hei stated that in good faith, he would not consider voting on the variance requests until written documentation from the DNR is produced. He cited a recent riverfront project that required DNR involvement.

Benson asked for clarification that the seawall and boathouse variance are two separate issues; Hongisto confirmed. Hartmann stated that he contracted with Schmidt Brothers to put in the seawall. Benson then received notification from the DNR that the seawall was a problem, because the DNR had not permitted for it. He feels there is some question

about whether it would be grandfathered. The DNR's Schiefelbein is trying to determine what to do at this point, and Hartmann is still awaiting her response.

Keidatz then invited the neighboring property owner to the north to address the board.

Randy Gast, attorney with Hanaway Ross law firm, spoke on behalf of property owner John Meyer. He stated their intent is to express their opinion that the board should not grant the variances. He emphasized that this is not personal, that Meyer does not want a dispute with his neighbor; they simply believe that the zoning ordinances should be enforced as written. Gast provided a written statement to the board, addressing the necessary criteria for variance approval. He stated that there has to be something about this lot that creates a hardship, instead of a mere inconvenience. The board also must determine if granting the variances would be detrimental to the neighbors. The new structure detracts from Meyer's view of the river. While he could hardly see the old boathouse, this building is going to be higher once the roof is added. The boathouse and underground cave are structures of convenience and luxury. The foundational walls of the underground structure are above grade. The boathouse is essentially a three season room for entertaining, and potentially habitation. The riverfront does not generally have these types of structures right on the banks, just docks & lifts. Meyer is concerned that allowing the variances would set a precedent to allow these structures all up and down the river. They feel it is incompatible with neighboring uses and not a matter of good public policy. Although they feel the variances should be denied on the basis of the variance criteria alone, they are also questioning whether additional ordinance provisions come into play, even if the structures were moved and the setbacks were not an issue. Section 14-10 of De Pere Municipal Code permits only one principal detached building; in this situation there are two. The code also states that buildings cannot be situated less than five feet apart. Section 14-12-2 of the code states that an accessory structure cannot occupy more than 45% of the rear yard. The building inspector alluded to a formula to determine the allowable area; Gast is questioning whether the two structures take up too much of the rear yard. Gast inquired whether the structures exceed the 700 square feet threshold. Gast also questioned whether the project violates the city's shoreland wetland ordinance. There is a provision in that code that drops the limitation to 500 square feet and also limits filling and excavating. He stated that they don't think a variance is appropriate because the criteria have not been met; and the project should not go forward because of other provisions in the city code. Gast noted that he has also contacted Schiefelbein of the DNR, but she has been out of the office and has not yet responded. He concluded by expressing appreciation for the board's consideration.

Keidatz gave Hartmann an opportunity for rebuttal, which he declined.

Discussion followed about the location of the original structure and setbacks.

Vande Hei motioned, seconded by De Groot, to table the discussion until some type of confirmation is received from the DNR.

Hartmann indicated that he has an appointment on December 1st with Schiefelbein to visit the site. Keidatz asked if that meeting will affect the proposed structure. Hartmann replied that it did not according to Crystal. Gast posed the question if there is a problem with the structures themselves as opposed to the retaining wall, and state that he has not gotten definitive answer from Crystal whether the sea wall was separate from the structure. Benson stated that he had a conversation with Crystal before they started any foundation work, and showed her the site plan; she told him that there was no issue with the DNR as long as they are working behind the existing seawall.

Keidatz stated his belief that they are two separate issues, but that the board needs to act on the motion.

The board voted unanimously to table the matter until the DNR issues a written response. Keidatz stated that although these are separable issues, the board wants to look at the overall picture and how it will play into precedent for the future, as well as its effect on the neighbors. The board will do its best to schedule a special meeting at such time as the DNR's response is received by Hongisto or the board.

Keidatz thanked both parties for their cooperation, and providing information and details to the board.

Hongisto inquired whether the special meeting needs to be noticed in the media since it was tabled; Keidatz felt that written notice to the involved parties is sufficient.

Vande Hei recommended meeting within five days of the DNR's onsite meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William Vande Hei, Board Member
SECONDER:	Bob De Groot, Board Member
AYES:	Keidatz, De Groot, Vande Hei, Peebles, Schipper
EXCUSED:	John Fairchild

Adjournment

Peebles motioned, seconded by Schipper, to adjourn the meeting at 6:10 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen

City of De Pere, Wisconsin**Request For Board of Appeals Action**

MEETING DATE: February 24, 2014

DEPARTMENT: Board of Appeals

FROM: David Hongisto

SUBJECT: Request submitted by Donald Jr. & Julie Long, 225 Nicolet Place, De Pere, Wisconsin to construct an addition to the residence on the property located at 225 Nicolet Place, De Pere, Wisconsin which would require a ten (10) foot rear yard setback variance.

ATTACHMENTS:

- PA_VARIANCE_225 Nicolet Pl (PDF)

Publish: February 13, 2014

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 24, 2014 at 4:45 p.m. 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) submitted by Donald Jr. & Julie Long, 225 Nicolet Place, De Pere, Wisconsin. Said appeal requests a building permit to construct an addition to a residence on the property located at 225 Nicolet Place, De Pere, Wisconsin which would require a ten (10) foot rear yard setback variance.

Application for a building permit was denied pursuant to the City of De Pere Municipal Code, Chapter 14.38(6)(1)(b) which requires a thirty (30) rear yard building setback.

Dated this 5th day of February, 2014.

BY ORDER OF THE BOARD OF APPEALS

Thomas Keidatz, Chairman

David R. Hongisto, Building Inspector

CITY OF DE PERE APPLICATION FOR VARIANCE		FEE: \$100.00 125.00 RECEIPT # 89228 DATE: 1-21-14
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Please print or type using black ink for duplicating purposes.

A. Property Owner:
Name: Donald Jr & Julie Long
Mailing Address: 225 Nicolet Pl, De Pere 54115
E-mail Address: dlongjr@NEW.RR.com
Phone: 920 621 8213 (AT cell)
Signature: Donald J Long Jr **Date:** 01/16/2014

I hereby appoint the following as my agent for purposes of this application:

Agent:
Name: N/A
Mailing Address: _____

E-mail Address: _____

Phone: _____

Signature: _____ **Date:** _____

B. Property Information:
Tax Key/Parcel: WD-258
Address/Location of Property: 225 NICOLET PLACE, DE PERE, WISC.
Legal Description: CADY LAND CO'S 1ST ADDITION LOTS 1, 2 & 3
& E. 10 FT. OF LOT 4 BLOCK B & 1/2 ALLEY VACATED IN J20144-46
ADD.
Parcel Dimensions: 156' x 180.4'
Parcel Area: 35,139 S.F.
Zoning: R-1, SINGLE FAMILY RESIDENCE DISTRICT

C. Variance Application:De Pere Municipal Code, Section(s): 14-38 (6)(1)(b)Ordinance Provision(s): REQUIRES A 30' REAR YARD BUILDING SETBACK.Proposed Use: ADDITION TO RESIDENCE.

- * We are proposing to build an outdoor room addition to our home. The addition would be semi-enclosed with a roof and partial walls. We want to build this enclosure to extend the spring and fall seasons for outdoor living.

Variance(s) Requested: _____

- * We are requesting a rear yard setback variance of 10' for a setback of 20' in lieu of the 30' required by zoning.

Describe the exceptional or extraordinary circumstances or conditions that apply to your property and not to surrounding properties:

- * We feel this request is reasonable because of the orientation of our lot. Our rear lot line is really much more like a side yard. The side yard setback requirement would be 10' and we are proposing a setback of 20'.

Describe the hardship(s) that would result if the variance is not granted:

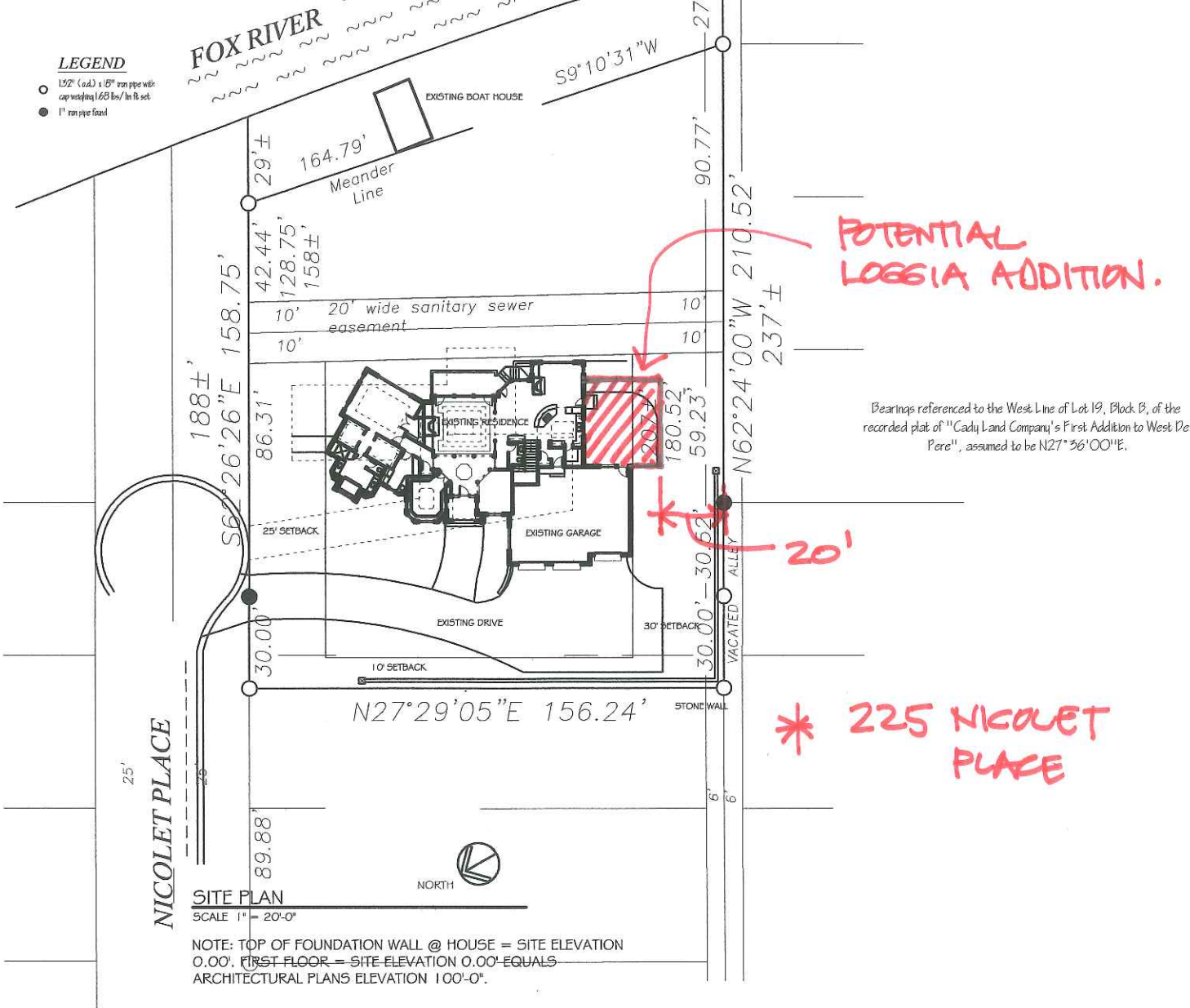
- * We are requesting this variance so that we can build an outdoor room addition. Without the variance there is not enough room to create a space of reasonable width. We want to build this enclosure to extend the spring and fall seasons for outdoor living.

Describe how the variance would not have adverse effects on surrounding properties:

- * We feel the variance of 10' to a 20' setback in lieu of 30' would not adversely affect the adjacent property owners to the south. The proposed addition extends towards the rear yard of only the adjacent southeast property. The rear yard of the adjacent southeast property is dominated by their garage and not any interior or exterior living spaces, so there would be no effect on the neighbor's property.

Additional comments may be included in the form of a letter to the Zoning Board of Appeals and attached to this application.

LONG RESIDENCE DE PERE, WISCONSIN





December 4, 2013

To the City of De Pere:

As adjacent neighbors to the Longs, at address 225 Nicolet Pl., De Pere, we are not opposed to a 10 ft. waiver of the setback on the south side of the Longs property line.

Thomas and Arita Robinson
200 Prospect Pl.
De Pere, WI 54115

Mitchell and Vicki Scray
222 Prospect Pl.
De Pere, WI 54115

Vicki Scray
Mitchell Scray

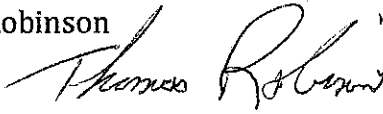
Merry Christmas!

December 4, 2013

To the City of De Pere:

As adjacent neighbors to the Longs, at address 225 Nicolet Pl., De Pere, we are not opposed to a 10 ft. waiver of the setback on the south side of the Longs property line.

Thomas and Arita Robinson
200 Prospect Pl.
De Pere, WI 54115



Mitchell and Vicki Scray
222 Prospect Pl.
De Pere, WI 54115

City of De Pere, Wisconsin



Request For Board of Appeals Action

MEETING DATE: February 24, 2014

DEPARTMENT: Board of Appeals

FROM: David Hongisto

SUBJECT: Request submitted by Michael Hartmann, 923 Georgia Drive, De Pere, Wisconsin to construct an underground storage cave and lounge on the property located at 1106 Fox River Drive, De Pere, Wisconsin which would require a thirty (30) foot corner side yard setback variance and a 260 square foot size variance.

ATTACHMENTS:

- PA_VARIANCE_1106 Fox River Dr (PDF)

Publish: February 13, 2014

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 24, 2014 at 4:50 p.m. in the Common Council Chambers, Second Floor, City Hall, 335 S. Broadway Street, De Pere, Wisconsin, on the following matter:

An appeal for variance(s) from the City of De Pere Municipal Code, Chapter 14.38 (6)(1)(G)(3) and 14-12(2) submitted by Michael Hartmann, 923 Georgia Drive, De Pere, Wisconsin. Said appeal requests a building permit to construct an underground storage cave and lounge which would require a thirty (30) foot corner side yard setback variance and a 260 square foot size variance on the property located at 1106 Fox River Drive, De Pere, Wisconsin.

Application for the building permit(s) were denied pursuant to the City of De Pere Municipal Code, Chapter 14.38(6)(1)(G)(3) and 14.38 which requires a thirty (30) corner side yard building setback and a maximum square footage of 700 square foot size for a detached accessory structure.

Dated this 5th day of February, 2014.

BY ORDER OF THE BOARD OF APPEALS

Thomas Keidatz, Chairman

David R. Hongisto, Building Inspector

CITY OF DE PERE APPLICATION FOR VARIANCE		FEE: \$100.00 ^{#120.00} RECEIPT # _____ DATE: <u>2-3-14</u>
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Please print or type using black ink for duplicating purposes.

A. Property Owner: Name: Michael Hartmann

Mailing Address: 1106 Fox River Dr

E-mail Address: mghartmann@gmail.com

Phone: 920-615-1906

Signature: [Signature] Date: 2-17-14

I hereby appoint the following as my agent for purposes of this application:

Agent: Name: OWNER

Mailing Address: _____

E-mail Address: _____

Phone: _____

Signature: _____ Date: _____

B. Property Information:

Tax Key/Parcel: ED 1462

Address/Location of Property: 1106 Fox River Drive De Pere 54115

Legal Description: Assessor's Subdivision of 1925 of Lot #3 of
Whitney's Subdivision of P.C. 36E parcel L

Parcel Dimensions: see Attached map

Parcel Area: 14801 sq ft

Zoning: R1 Single family Residence District

C. Variance Application:

De Pere Municipal Code, Section(s): 14.38(6)(1)(G)(3) and
14-12 (2)

Ordinance Provision(s): Requires a 30' interior side yard setback
variance and allows a maximum of 700 square foot
detached accessory structure

Proposed Use: Underground Storage Cave and lounge

Variance(s) Requested: 30' interior side yard setback variance and
260 square foot size variance

Describe the exceptional or extraordinary circumstances or conditions that apply to your property and not to surrounding properties:

Abutting neighbors do approve of revised plans

Describe the hardship(s) that would result if the variance is not granted:

Over all the Cave Storage height has been dropped
2' from original plan

Describe how the variance would not have adverse effects on surrounding properties:

Revised plan creates no obstruction to River View

Additional comments may be included in the form of a letter to the Zoning Board of Appeals and attached to this application.

dSPAC
studio LTD
www.dspestudio.com
info@dspestudio.com
773.423.2920
2920 North Lincoln Avenue
Chicago IL 60657

[illegible]

099 2-24-2014 • ZONING BOARD REVIEW
008 08-09-2013 • ISSUE FOR FINAL PHASE
007 07-22-2013 • ISSUE FOR VARIANCE I

DATE _____

ISSUE _____

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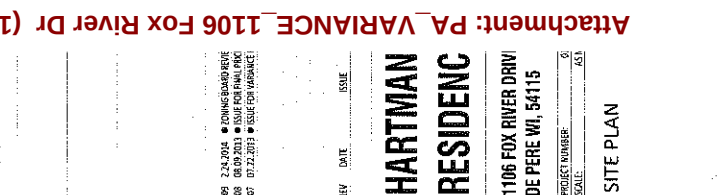
**HARTMAN
RESIDENC**

1106 FOX RIVER DRIV/
DE PERE WI 54115

PROJECT NUMBER: 61

SITE PLAN

G002



33

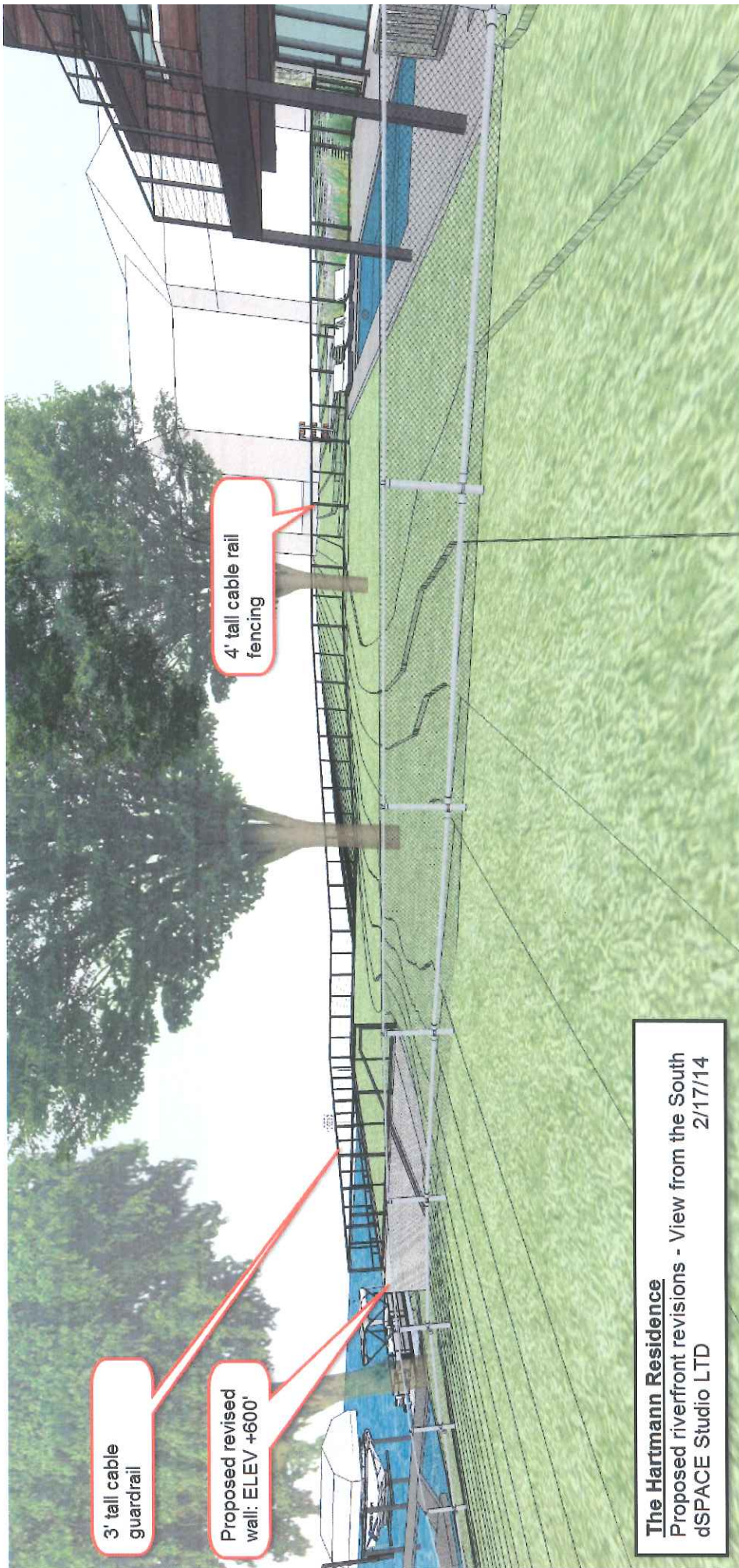




The Hartmann Residence
Proposed riverfront revisions - View from SW
2/17/14
dSPACE Studio LTD



The Hartmann Residence
Proposed riverfront revisions - View from the North
2/17/14
dSPACE Studio LTD



The Hartmann Residence
Proposed riverfront revisions - View from the South
2/17/14
dSPACE Studio LTD