



Board of Appeals

Regular Meeting

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

Agenda

Monday, January 27, 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 **January 27, 2020** at **4:45 PM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115.**

This meeting can be viewed LIVE at www.depere.tv. This meeting is also 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 November 25, 2019 Board of Appeals Meeting.
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).

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
John Mason
Bette Anderson
Amy Kocken
Weston Schmechel
Paul & Lori Crittenden
Julie Daul
Tracy Kusik



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: January 27, 2020

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the November 25, 2019 Board of Appeals Meeting.

ATTACHMENTS:

- BoA_Nov2019_Minutes_Draft (PDF)



Board of Appeals

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

Regular Meeting

Draft Minutes

Monday, November 25, 2019

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	Excused	
Bob De Groot	Chairman	Present	
Paul De Leeuw	Board Member	Present	
James Stadler	Board Member	Present	
William Vande Hei	Board Member	Present	
Andy Van Remortel	Board Member	Present	
Michelle Manke	Board Member	Present	

Also present: Zoning Administrator Peter Schleinz and members of the public.

2. Approval of the minutes of the July 22, 2019 Board of Appeals meeting.

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

3. Consideration and possible action regarding a requested 22 foot variance to exceed the 35 foot maximum building height in the R-2 (Single and Two-Family Residence) District for the West De Pere High School, located at 665 Grant Street (Parcels WD-115-4, WD-115-5, WD-115-6, WD-115-6-2, WD-115-7, WD-115-8, WD-115-8-1, & WD-115-9).

Bob De Groot read the notice of public hearing and Zoning Administrator Peter Schleinz reviewed the variance request for a 22 foot height variance for a building expansion for the West De Pere School District. Peter explained that the site plan for this project will be reviewed by the Plan Commission in January of 2020. Before the site plan can be reviewed, there are two variances that must be approved by the Board of Appeals. The first one is for the addition of a multipurpose building which would exceed the 35 foot maximum building height by 22 feet, for a building height of 57 feet at the highest peak. The building will be setback approximately 78 feet from Grant Street. The petitioners were present to answer questions. Dennis Krueger, the school superintendent and Clinton Selle of Bray Architects addressed the board. The primary use of the building is an indoor practice facility, which will require higher ceilings. It is the sixth or seventh such facility to be built in the state of Wisconsin. Bill Vande Hei commented that he has attended an event at a similar building in Kimberly and he was impressed with it. The school district held a neighborhood meeting on November 20, 2019. Comments related to the variance included a clarification about how far the building was from the street and other homes. The petitioner added that they plan on maintaining several large trees in front of the school property which will help to screen the building. Bill Vande Hei moved, seconded by Andy Van Remortel, to approve the height variance. Upon vote, motion carried unanimously. Bob De Groot reminded the petitioner that work needs to start within 6 months of the approval.

Attachment: BoA_Nov2019_Minutes_Draft (9103 : Approval of the minutes of the November 25, 2019 Board of Appeals Meeting.)

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

4. Consideration and possible action regarding a requested use of insulated metal panel with translucent polycarbonate panel variance from the permitted building façade materials in the R-2 (Single and Two-Family Residence) District for the West De Pere High School, located at 665 Grant Street (Parcels WD-115-4, WD-115-5, WD-115-6, WD-115-6-2, WD-115-7, WD-115-8, WD-115-8-1, & WD-115-9).

Bob De Groot read the public hearing notice and Zoning Administrator Peter Schlein reviewed the variance request. He noted that this variance is related to the same project as the first agenda item. This variance is for the use of textured insulated metal panel with translucent polycarbonate panels on the upper portion of a proposed multipurpose building at the West De Pere High School. Peter explained that the high school is permitted in the R-2 zoning district, but for the purpose of site plan review, required building materials for a school must comply with the requirements of a business district. In a business district, metal panel may only be used as an accent or finish material and polycarbonate panels are not identified. Thus, a variance for building materials is required if the site plan remains unchanged. The metal panel material is very similar in appearance to concrete, which is an approvable material. Bill Vande Hei stated that he thinks the proposed material is more durable than some other types of approvable materials. James Stadler moved, seconded by Bill Vande Hei, to approve the use of the metal panel and translucent polycarbonate panel. Upon vote, motion carried unanimously.

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

Adjournment

Bob De Groot motioned to adjourn the meeting at 5:14 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: January 27, 2020

DEPARTMENT: Planning

FROM: Peter Schlein

SUBJECT: 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).

ATTACHMENTS:

- BoA_Jan2020_Public Hearing Notice (DOCX)
- Report to Board of Appeals - building addition with 7' side yard - 1213 Lost Dauphin RD (DOCX)
- Application Form (PDF)
- Support Data (PDF)

Publish: January 17, 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 January 27, 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:

An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-38(6) 1.b., submitted by John "Jack" Mason, 1213 Lost Dauphin Road, De Pere, Wisconsin. Said appeal requests a building permit to install a building addition on the property located at 1213 Lost Dauphin Road, De Pere, Wisconsin, which would require a 3 foot interior side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Sections 14-38(6) 1.b., which requires a minimum 10 foot interior side yard setback.

Dated this 17th day of January, 2020

BY ORDER OF THE BOARD OF APPEALS

Peter Schlein, Zoning Administrator

Item 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).

SITE MAP



REQUESTED ACTION: Variance Request.

A proposed 3 foot variance to the interior side yard setback for a proposed addition at the rear of a single family residence. Request was made by the property owner due to the lot being narrow and an existing staircase at the rear of the residence being in the way of expansion.

COMMON DESCRIPTION: 1213 Lost Dauphin Road, located between Belle Avenue and Nicolet Place.

PARCEL NUMBERS: WD-199

EXISTING ZONING: R-1 (Single and Two-Family Residence District)

SURROUNDING LAND USES: Single family residential to the north and south.
Fox River to the east.
Mel Nicks Field (Saint Norbert College) to the west.

COMPREHENSIVE PLAN: Neighborhood Residential (Including Multi-Family)

APPLICANT / OWNER: John "Jack" Mason
Authorized Representative and Owner
1213 Lost Dauphin Road
De Pere, WI 54115

Attachment: Report to Board of Appeals - building addition with 7' side yard - 1213 Lost Dauphin RD (9090) : Consideration and possible action

SITE HISTORY:

The subject site is part of the residential subdivision titled, "Assessor's Plat of 1925." The subject lot is zoned R-1 and has an established 10 foot interior side yard setback for single family dwellings, per Municipal Code 14-38(6)1.b.

Due to the nature of the older neighborhood, many properties were developed with deep lots that had narrow street frontages and setbacks that were less than 10 feet from side lot lines. This was not due to incorrect zoning practices; rather it was due to requirements that may have changed over time.

STAFF REVIEW:

The petitioner proposes the construction of a building addition and wood deck at the northwest end (rear) of the existing house. The addition will infringe the interior side yard setback by three feet. Attempts were made to reduce the size of the building, and the petitioner identified that an existing covered porch prevents the proposed addition from being shifted further to the south. Impacted neighbors would most likely be along the rear and side yard property lines on the north side.

- The distance between the back of the existing building and the interior side yard is 16.5 feet.
- The distance between the proposed addition and the interior side yard will be 7 feet.

City staff cannot issue a building permit because the proposed addition at the rear of the house requires a setback of at least 10 feet from the interior side yard, per Municipal Code 14-39(6)(1)(a).


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 (*in this case the timeline was extended at the request of the property owner*). 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

DEC 9 2019

PLANNING DEPT

	CITY OF DE PERE APPLICATION FOR VARIANCE	Fee: \$ 168.00
		Receipt #: 148214
		Date: 12-09-19

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>John Mason "Jack"</i>	Authorized Representative <i>Same</i>	Title <i>owner</i>	
Mailing Address <i>1213 Lost Dauphin Rd</i>	City <i>DePere</i>	State <i>WI</i>	ZIP Code <i>54115</i>
Email Address <i>jack.mason@molnycor.com</i>	Phone Number (incl. area code) <i>920-217-3136</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>Jack Mason</i>	Contact Person <i>Same</i>	Title <i>owner</i>	
Mailing Address <i>1213 Lost Dauphin Rd.</i>	City <i>DePere</i>	State <i>WI</i>	ZIP Code <i>54115</i>
Email Address <i>"</i>	Phone Number (incl. area code) <i>"</i>	Fax Number (incl. area code)	
SECTION 3: Project or Site Location			
Project Address: <i>1213 Lost Dauphin Road</i>		Parcel Number(s): <i>WD-199</i>	
Legal Description:			
SECTION 4: Variance Information			
Section of De Pere Code which creates need for Variance:	<i>14-38(6)1.b.</i>		
Ordinance Provision: <i>R-1 Zoning</i>	<i>Interior side setback is 10'</i>		
Project Description:	<i>Addition of a "Great Room" or "Living Room"</i>		
Variance Requested:	<i>Sidyard setback of 7' on north side of property (interior side).</i>		
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	<i>This pertains to the narrow lot & positioning of the home on the lot.</i>		
Describe the hardship(s) that would result if the variance is not granted:	<i>See attached</i>		
Describe how the variance would not have adverse effects on surrounding properties:	<i>see attached</i>		

Attachment: Application Form (9090 : Consideration and possible action regarding a requested 3 foot variance to encroach the 10 foot mini)

Please try to get this on the January agenda. Thanks.

Zoned R-1.


R10

OFFICE OF THE CITY CLERK

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) <i>John F. Mason</i>	Title <i>owner</i>	Phone Number <i>920-217-3136</i>
Signature of Applicant 		Date Signed

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

PH-2

1.1 (1) 2014

1.1 (1) 2014

2014, 1.1 (1) 2014

1.1 (1) 2014

1.1 (1) 2014

1.1 (1) 2014

1.1 (1) 2014

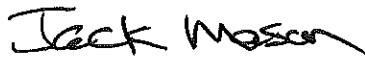
1.1 (1) 2014

Attachment: Application Form (9090 : Consideration and possible action regarding a requested 3 foot variance to encroach the 10 foot mini)

Approving a Side Yard Variance for 1213 Lost Dauphin Road will have No Adverse effect on surrounding properties.....

Approving a reduction in the side yard setback ordinance to 7 feet instead of 10 feet would not have a negative effect on surrounding properties as it would run along the bushes and neighboring driveway. In fact, it would only have a positive effect, as all neighbors are 100% in agreement with this addition to our home and welcome the improvements to be made. Also, by allowing this small exception, it will increase the value of the property, thereby increasing the tax base for the City of DePere, and improving the aesthetics of the area. Thank you for your consideration.

Sincerely,

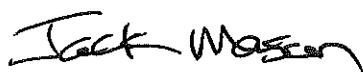


Jack Mason

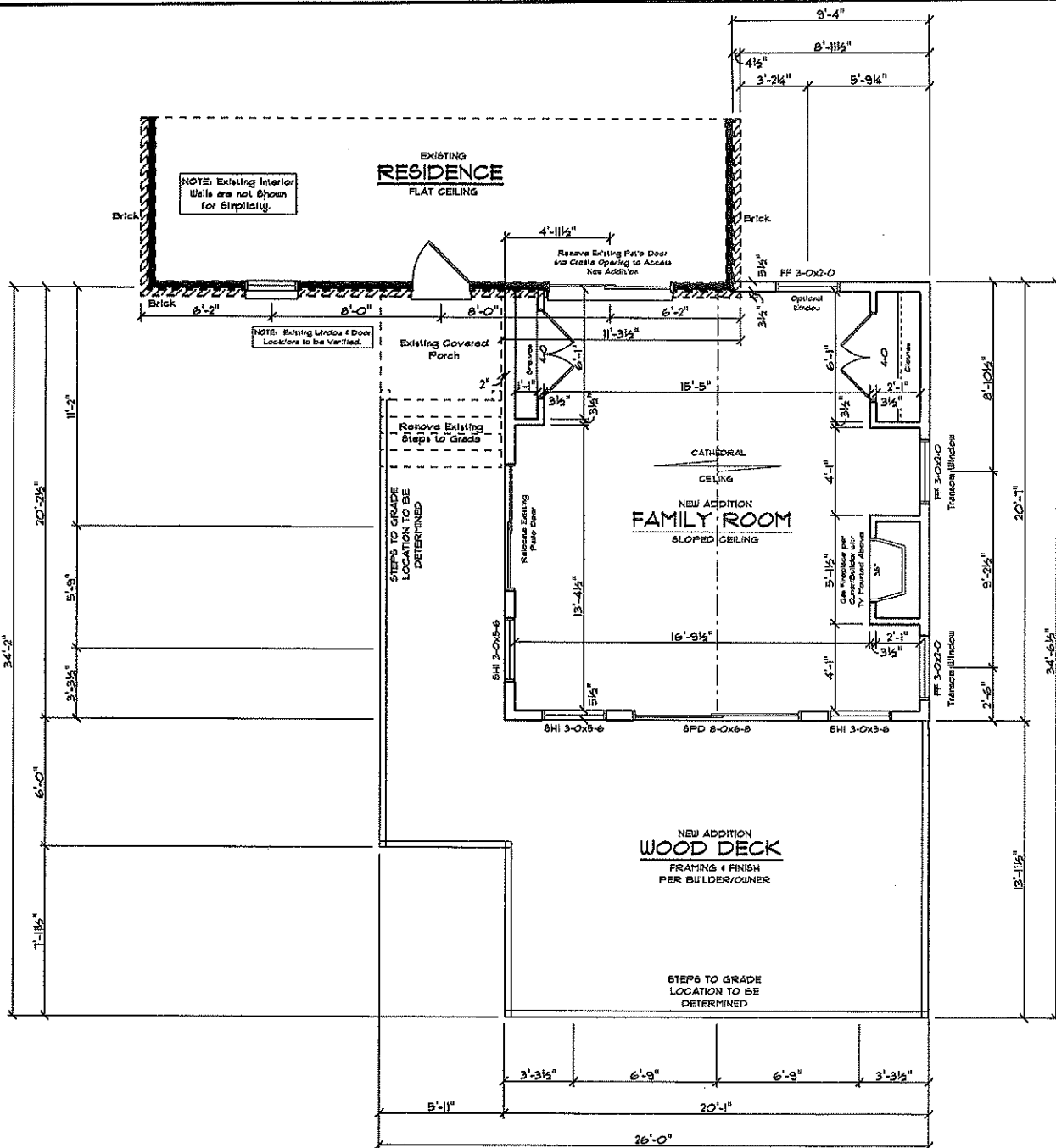
Hardship if the variance is not granted for 1213 Lost Dauphin Road:

If the small variance for this side yard setback is not granted, it would prohibit us from building the much needed addition for our family since, if we moved the addition over at all, the roof line would run into the upstairs window. So, due to the constraints of the lot and the positioning of this historic home, we would not be able to enhance it, nor positively affect the neighborhood or tax base. As mentioned, ALL neighbors are in support of this project and variance. Thank you for your consideration.

Sincerely,



Jack Mason



FLOOR PLAN

8'-1 1/8" WALL HGT.
410 SQ. FT. (NEW ADDITION)

NOTE:
IT IS THE CONTRACTOR'S
RESPONSIBILITY TO VERIFY
ALL DIMENSIONS AND NOTES
PRIOR TO BUILDING ADDITION.

**PRELIMINARY PLAN
-NOT FOR CONSTRUCTION-**

DATE	AUG. 30, 2018	SHEET	2
SCALE	1/4" = 1'-0"	OF	
DRAWN	Lee A. Wiscak		
CHECKED			
DRAWING NO.			

REVISIONS

Although every effort has been made in preparing these plans and checking them for accuracy, the contractor must check all details.

CUSTOM DESIGNED FOR:
1213 LOST DAUPHIN ROAD
- ADDITION -

J&J
RITM INC

Design Services
PROJECT: 021081-000
3400 A. RIDGE RD.
DOW PERM. 11. 1415

Builders

Attachment: Support Data (9090) : Consideration and possible action regarding a requested 3 foot variance to encroach the 10 foot mini

Jack
MASON

Map printed on
9/12/2019

1:240

1 inch = 20 feet*

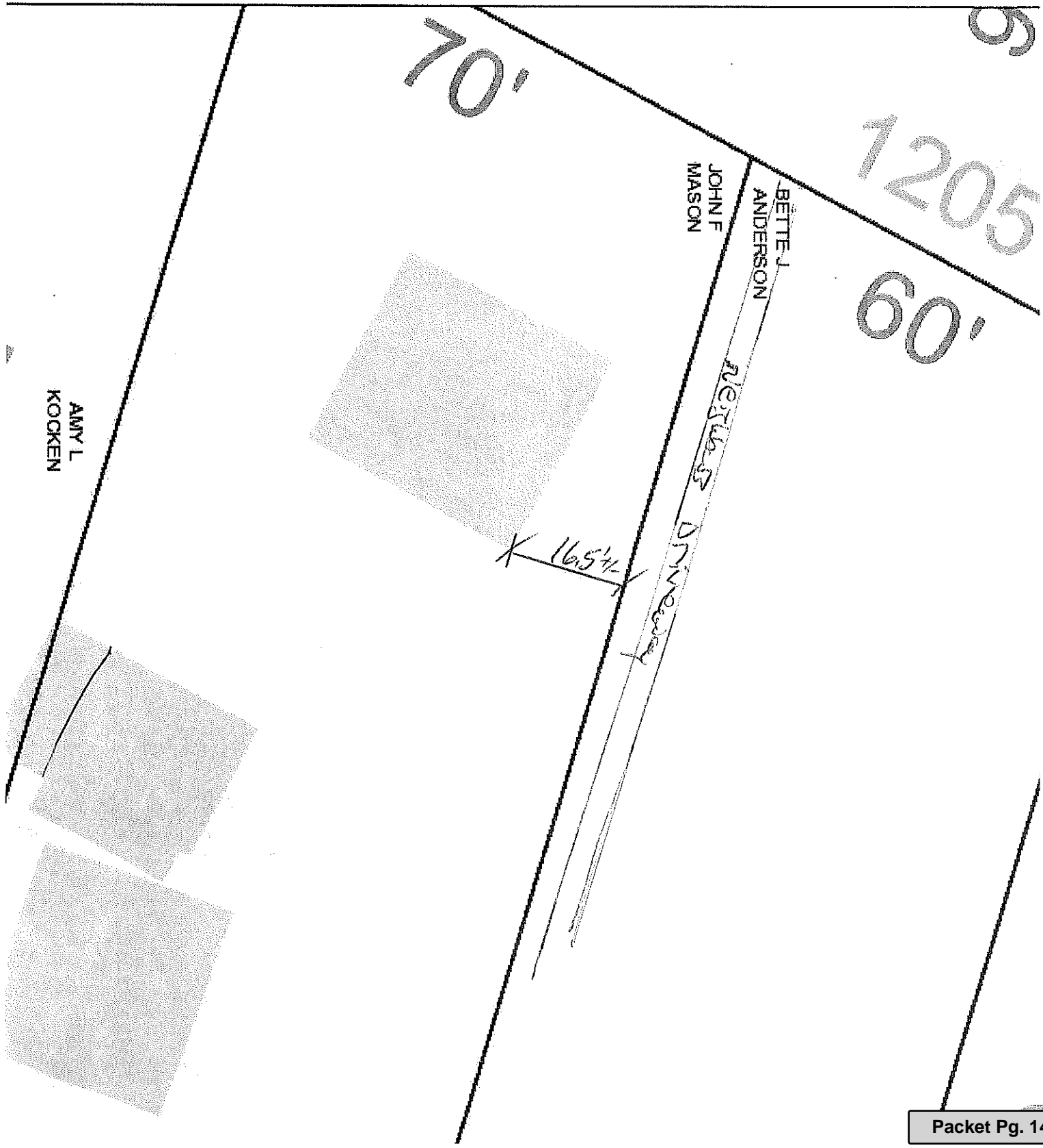
1 inch = 0.00379 miles*

*Original page size is 8.5" x 11"

Appropriate format depends on zoom level

Legend (map key) is available at:
<https://tinyurl.com/BrownDogKey>

Brown County Information



10-5-19

Letter of Attestation

To whom it concerns:

I/we are aware of the petition for a building variance for 1213 Lost Dauphin Road asking for a five foot side yard set-back on the North side of the property to build a living room and do not object to this variance.

MARY JANE
Name DOLLY VANSISTINE

Signature Mary Jane Van Sistine

Address 1201 Lost Dauphin Rd, Keokuk, WI 54115

Attachment: Support Data (9090 : Consideration and possible action regarding a requested 3 foot variance to encroach the 10 foot mini)

10-5-19

Letter of Attestation

To whom it concerns:

I/we are aware of the petition for a building variance for 1213 Lost Dauphin Road asking for a five foot side yard set-back on the North side of the property to build a living room and do not object to this variance.

Name Amy L Kocken

Signature Amy L Kocken

Address 244 Nicolet Rd De Pere, WI 54115

Attachment: Support Data (9090 : Consideration and possible action regarding a requested 3 foot variance to encroach the 10 foot mini)

10-5-19

Letter of Attestation

To whom it concerns:

I/we are aware of the petition for a building variance for 1213 Lost Dauphin Road asking for a five foot side yard set-back on the North side of the property to build a living room and do not object to this variance.

Name Tracy Kusik

Signature 

Address 222 Nicolet Place De Pere WI 54115

Attachment: Support Data (9090 : Consideration and possible action regarding a requested 3 foot variance to encroach the 10 foot mini)

10-5-19

Letter of Attestation

To whom it concerns:

I/we are aware of the petition for a building variance for 1213 Lost Dauphin Road asking for a five foot side yard set-back on the North side of the property to build a living room and do not object to this variance.

Name Bette J. Anderson

Signature BETTE ANDERSON

Address 1205 LOST DAUPHIN

Attachment: Support Data (9090 : Consideration and possible action regarding a requested 3 foot variance to encroach the 10 foot mini)

10-5-19

Letter of Attestation

To whom it concerns:

I/we are aware of the petition for a building variance for 1213 Lost Dauphin Road asking for a five foot side yard set-back on the North side of the property to build a living room and do not object to this variance.

Name Hori + Paul Cruttenden

Signature Hori + Paul Cruttenden

Address 228 Nicolet Place, Du Pere, WI 54815

Attachment: Support Data (9090 : Consideration and possible action regarding a requested 3 foot variance to encroach the 10 foot mini)

10-5-19

Letter of Attestation

To whom it concerns:

I/we are aware of the petition for a building variance for 1213 Lost Dauphin Road asking for a five foot side yard set-back on the North side of the property to build a living room and do not object to this variance.

Name JULIE DAUL

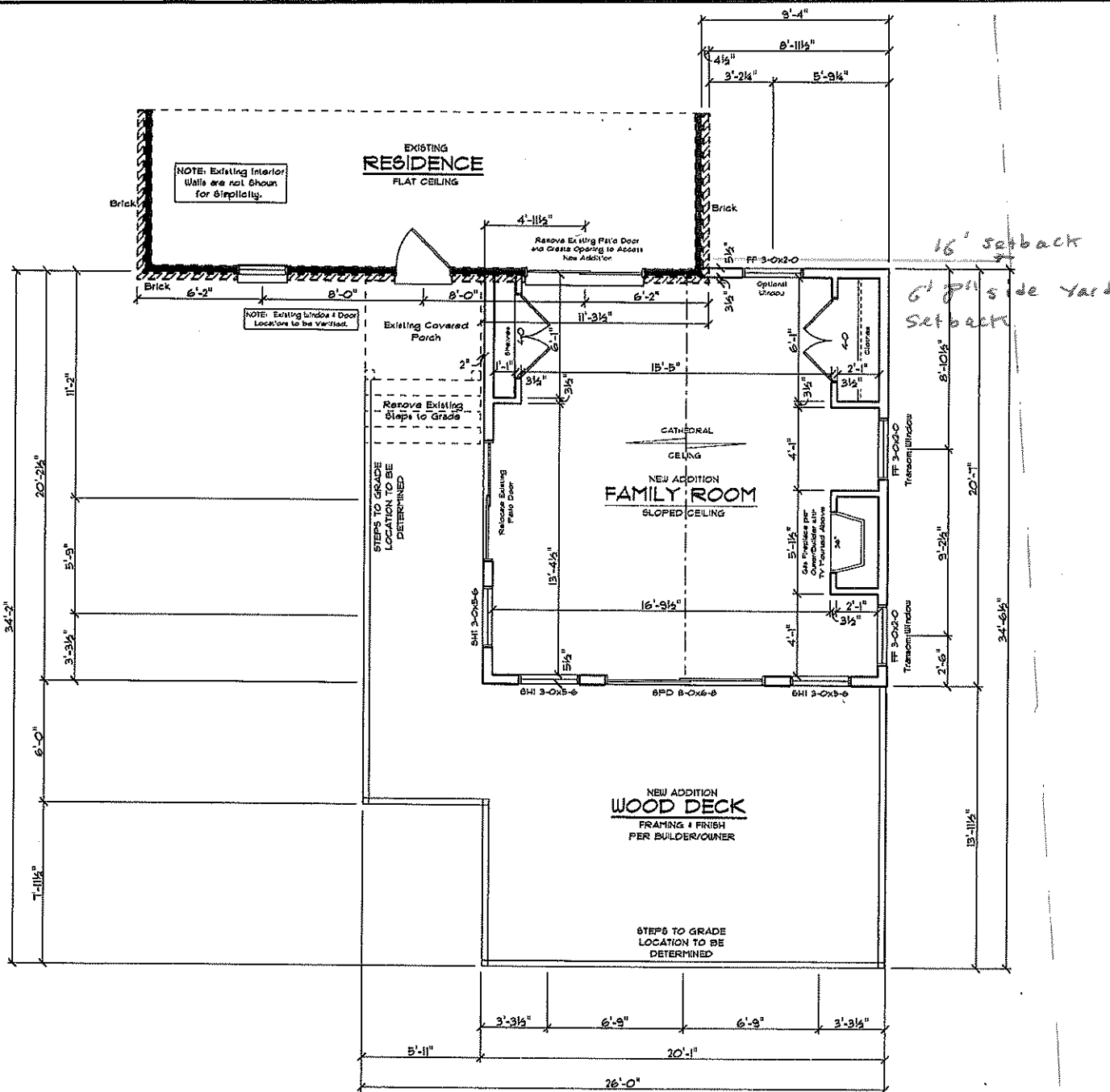
Signature Julie Daul

Address 224 NICOLET PLACE

Attachment: Support Data (9090 : Consideration and possible action regarding a requested 3 foot variance to encroach the 10 foot mini)

DENIED

Does not meet 10-foot interior
sidyard setback



FLOOR PLAN

8'-1 1/8" WALL HGT.
410 SQ. FT. (NEW ADDITION)

NOTE:
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RESPONSIBILITY TO VERIFY
ALL DIMENSIONS AND NOTES
PRIOR TO BUILDING ADDITION.

**PRELIMINARY PLAN
-NOT FOR CONSTRUCTION-**

DATE	AUG 30, 2018	SHEET	2
SCALE	1/4" = 1'-0"	OF	
DESIGNED BY	FRANK LEE A. WISWALD		
CHECKED BY			
DATE			

CUSTOM DESIGNED FOR:
1213 LOST DAUPHIN ROAD
- ADDITION -



Design Services
MAD & BLDG. CO.
247 PINE ST. #108
PAK 202-333-9200



Attachment: Support Data (9090) : Consideration and possible action regarding a requested 3 foot variance to encroach the 10 foot mini)

Jack
MASON

Map printed on
9/12/2019

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Brown County Wisconsin

