



Board of Appeals

Regular Meeting

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

Agenda

Monday, January 23, 2017	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 **January 23, 2017** 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 September 26, 2016 Board of Appeals meeting.
3. Request submitted by Amerilux Holdings, LLC, 1212 Enterprise Drive, De Pere, Wisconsin to construct a warehouse on the property located at 1212 Enterprise Drive, De Pere, Wisconsin which would require a 14.4' side yard setback variance.

Adjournment

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the office of the Building Inspector at 339-4053 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
Amerilux International, LLC
Joseph Nick
Bill Novak, Novak's Cheese Enterprises LLC
Krause Family Real Estate Holdings Inc.
DC Holdings II LLC
D2 Ingredients LP

City of De Pere, Wisconsin



Request For Board of Appeals Action

MEETING DATE: January 23, 2017

DEPARTMENT: Board of Appeals

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the September 26, 2016 Board of Appeals meeting.

ATTACHMENTS:

- BoA_Sept2016_Minutes_Draft (PDF)



Board of Appeals

Regular Meeting

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

Draft Minutes

Monday, September 26, 2016

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 William Vande Hei

Attendee Name	Title	Status	Arrived
Scott Bonfigt	Board Member	Present	
Bob De Groot	Board Member	Excused	
Paul De Leeuw	Board Member	Excused	
Roger Galler	Board Member	Present	
Thomas Keidatz	Board Member	Present	
James Stadler	Board Member	Present	
William Vande Hei	Board Member	Present	

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

- Approval of the minutes of the June 27, 2016 Board of Appeals meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Stadler, Board Member
SECONDER:	Roger Galler, Board Member
AYES:	Bonfigt, Galler, Keidatz, Stadler, Vande Hei
EXCUSED:	Bob De Groot, Paul De Leeuw

- Request submitted by Corey and Natasha Kempen, 1802 Sugar Place, De Pere, Wisconsin to construct a 6' high fence on the property located at 1802 Sugar Place, De Pere, Wisconsin which would require a variance to allow a fence higher than 3' in a corner side yard setback.

Bill Vande Hei read the notice of public hearing and Dave Hongisto reviewed the variance request. Homeowner Corey Kempen explained his request to install a 6 foot fence in his backyard, which is a corner lot located at the corner of Sugar Place and Brule Road. He asked if it would be possible to place the fence at 6 inches off the sidewalk, which is directly on the property line. Bill stated that in the past, the board has stuck to the 2 foot rule to allow for snow to be placed between the sidewalk and the fence during winter. Dave Hongisto added that another reason to place the fence further back from the sidewalk is for protection against potential vandalism. Dave mentioned that another thing to consider is the curb stop, or water shut off, which is located near the property line. If something went wrong and the curb stop needed to be dug up, the fence would be in the way if it was located on the property line. Tom Keidatz asked the homeowner to explain why a 6 foot fence is necessary. Mr. Kempen explained that he would like a 6 foot fence for the safety of his children. He also stated that until recently, he had a Great Dane and that a 3 foot high fence would not be high enough. Tom asked if Corey was ok with the fence being located 2 feet from the sidewalk and he replied that he is fine with that condition. Corey added that there is an underground utility located in the southwest corner of his lot and asked the board members what would be the best way to go around this utility. He stated that the neighbor's fence is angled to miss the utility. Bill Vande Hei stated that if he put his fence around the utility and the power company needed to come in to do any work on the utility, they would have to come on his property. However, if the fence is angled so there's room to get around the utility, they won't have

Attachment: BoA_Sept2016_Minutes_Draft (5447 : Minutes)

to come on his property. Bill suggested angling the fence so the power company does not have to go on his property. Tom Keidatz polled the board members and the motion carried unanimously, with the conditions that the fence be located 2 feet from the sidewalk and the homeowner be allowed to decide whether he wants to angle around the utility or not. Tom reminded the homeowner that he must obtain the appropriate permit from the building department before installing the fence.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Keidatz, Board Member
SECONDER:	Roger Galler, Board Member
AYES:	Bonfigt, Galler, Keidatz, Stadler, Vande Hei
EXCUSED:	Bob De Groot, Paul De Leeuw

4. Request submitted by Dean Jaquet, 1432 Mission Heights Road, De Pere, Wisconsin to construct a 6' high fence on the property located at 1432 Mission Heights Road, De Pere, Wisconsin which would require a variance to allow a fence higher than 3' in a corner side yard setback.

Tom Keidatz read the notice of public hearing and Dave Hongisto reviewed the variance request. Homeowner Dean Jaquet explained that he is planning to install a therapy pool in his yard and feels that a fence of 3 feet would not be sufficient to provide for safety and privacy in his yard. Right now, he has a chain link fence and he would like to replace it with a 6 foot vinyl fence which will be located 3 feet off the sidewalk. Bill Vande Hei stated that he could even move it up to 2 feet from the sidewalk if he so wishes. Bill also stated that a 6 foot fence makes much more sense with any kind of pool. Dave Hongisto added that the minimum height requirement for a swimming pool is a 4 foot fence. Bill motioned, seconded by Roger Galler, to approve the variance request. Upon vote, motion carried unanimously. Tom reminded the homeowner that he must obtain the appropriate permit from the building department before installing the fence.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William Vande Hei, Board Member
SECONDER:	Roger Galler, Board Member
AYES:	Bonfigt, Galler, Keidatz, Stadler, Vande Hei
EXCUSED:	Bob De Groot, Paul De Leeuw

5. Request submitted by Paul Soletski, 1411 S. Webster Avenue, Green Bay to reduce the front and rear yard building setbacks on the property located at 1243 Carmen Court, De Pere, Wisconsin from 30' to 25' which would require a 5' front and 5' rear yard setback variance.

Tom Keidatz read the notice of public hearing and Dave Hongisto reviewed the variance request. There is a vacant lot on Carmen Court which abutts Westwood School that has been on the market for a few years. The property owner, Larry Van Alstine, has been trying to sell the lot but has had trouble due to the fact that the lot is not very deep, and potential buyers have had a hard time finding a house plan to fit on the lot and still meet the building setbacks. He reported that Mr. Van Alstine has an accepted offer to sell the lot to Jesse and Sarah Kennedy subject to approval of receiving a variance from the zoning board of appeals. Paul Soletski from Baylakes Builders has been working with the Kennedy's to submit a variance request to reduce the front and rear yard building setbacks for the lot on Carmen Court. Dave reported that their house plan would work with a 25 foot rear yard setback and almost 30 foot front yard setback with the exception

of a small corner of the garage that would jut out in the front yard about five feet. Paul Soletski addressed the board, stating that since the house plan is a two-story, the footprint would be no bigger than any other home on the street; therefore, it won't look out of place on the street. He also noted that the garage will only be 22 feet deep. Jim Stadler stated that, considering the limitations of the lot and the bulb of the cul de sac, this house would be even further back than the adjacent houses on the street. Jim Stadler motioned, seconded by Bill Vande Hei, to approve the variance request. Upon vote, motion carried unanimously. Tom reminded the homeowners that they must obtain the appropriate permit(s) from the building department prior to the start of construction.

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

Adjournment

Respectfully submitted,
Kelly Barker

City of De Pere, Wisconsin



Request For Board of Appeals Action

MEETING DATE: January 23, 2017

DEPARTMENT: Board of Appeals

FROM: Kelly Barker

SUBJECT: Request submitted by Amerilux Holdings, LLC, 1212 Enterprise Drive, De Pere, Wisconsin to construct a warehouse on the property located at 1212 Enterprise Drive, De Pere, Wisconsin which would require a 14.4' side yard setback variance.

ATTACHMENTS:

- BoA_1212 Enterprise_Attachments (PDF)

	CITY OF DE PERE APPLICATION FOR VARIANCE	Fee: \$ 168.00
		Receipt #: 118472
		Date: 1-12-2017

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>AMERILUX INTERNATIONAL, LLC</i>	Authorized Representative <i>JOSEPH NICK</i>	Title <i>DIRECTOR OF OPERATIONS</i>	
Mailing Address <i>12-12 ENTERPRISE DR</i>	City <i>DE PERE</i>	State <i>WI</i>	ZIP Code <i>54115</i>
Email Address <i>jnick@ameriluxinternational.com</i>	Phone Number (incl. area code) <i>(920) 336-9300</i>	Fax Number (incl. area code) <i>(920) 336-9301</i>	

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: <i>12-12 Enterprise DR / DE PERE, WI 54115</i>	Parcel Number(s): <i>ED 2069</i>
Legal Description: <i>East Side Industrial Park 1st Add. lot 5 Excluding 1661760</i>	

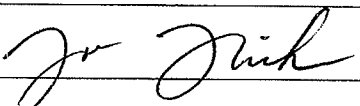
SECTION 4: Variance Information

Section of De Pere Code which creates need for Variance:	<i>Section 14-49(8)(1)(a)</i>
Ordinance Provision:	<i>Requires a 25' interior side yard building setback</i>
Project Description:	<i>Warehouse</i>
Variance Requested:	<i>14.4' interior side yard setback variance (783 square feet)</i>
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	<i>See Attached Letter</i>
Describe the hardship(s) that would result if the variance is not granted:	<i>See Attached Letter</i>
Describe how the variance would not have adverse effects on surrounding properties:	<i>See Attached Letter</i>

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) JOSEPH NICK	Title DIRECTOR OF OPERATIONS	Phone Number (920) 336-9300
Signature of Applicant 		Date Signed 1/12/2017

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

EXHIBIT



Keller

PLANNERS | ARCHITECTS | BUILDERS

FOX CITY
1216 State Road 43
P.O. Box 623
Keshena, WI 54133
PHONE: (202) 166-7795
FAX: (202) 166-0064

MADISON
2180 Nursery Drive
Madison, WI 53722
PHONE: (608) 445-2242
FAX: (608) 445-2242

MILWAUKEE
1917 West 18th Street
Suite 104
Milwaukee, WI 53222
PHONE: (202) 214-4710
FAX: (202) 214-4710

WISCONSIN
2000 Sunset Avenue
Suite 8
Wausau, WI 54481
PHONE: (715) 848-2141
FAX: (715) 848-2141

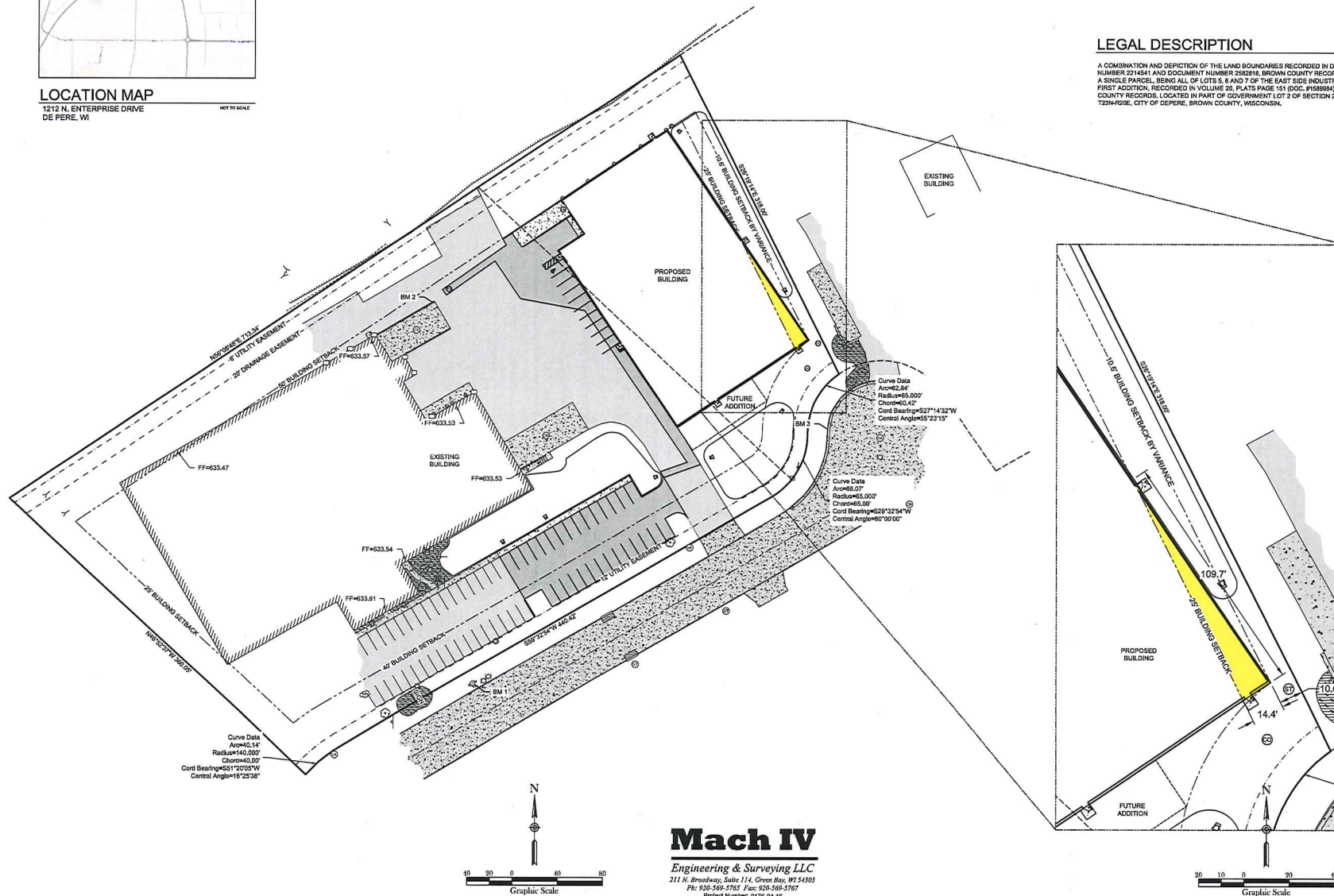
www.kellerbuilds.com

LEGAL DESCRIPTION

A COMBINATION AND DEPICTION OF THE LAND BOUNDARIES RECORDED IN DOCUMENT NUMBER 2214541 AND DOCUMENT NUMBER 252018, BROWN COUNTY RECORDS, INTO A SINGLE PARCEL, BEING ALL OF LOTS 5, 8 AND 7 OF THE EAST SIDE INDUSTRIAL PARK FIRST ADDITION, RECORDED IN VOLUME 20, PLATS PAGE 151 (DOC. #1588954), BROWN COUNTY RECORDS, LOCATED IN PART OF GOVERNMENT LOT 2 OF SECTION 27, T22N-R20E, CITY OF DEPERE, BROWN COUNTY, WISCONSIN.



LOCATION MAP
1212 N. ENTERPRISE DRIVE
DE PERE, WI



Mach IV

Engineering & Surveying LLC
211 N. Broadway, Suite 114, Green Bay, WI 54303
Ph: 920-569-5765 Fax: 920-569-5757
Project Number: 0176-04-16

PROPOSED FOR:
AMERILUX INTERNATIONAL, LLC
DE PERE
WISCONSIN

"COPYRIGHT NOTICE"
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REVISIONS

PROJECT MANAGER:	C. VANDEWETTERING
DESIGNER:	R. MACH
DRAWN BY:	RPH
EXPIRATOR:	---
SUPERVISOR:	---
CONTRACT NO:	P16345
IED NO:	---
DATE:	JANUARY 6, 2017
SHEET:	---

EXHIBIT A

January 12, 2017

Chairman Tom Keidatz
Members of the Zoning Board of Appeals
335 South Broadway
De Pere, WI 54115

Dear Chairman Keidatz & Board Members,

On behalf of AmeriLux International, I respectfully submit this application for an interior side yard setback variance. This variance is requested based on the plans submitted for a new 30,000 square foot Distribution Center to be located at 1212 Enterprise Drive.

AmeriLux is a value-adding distributor of multiwall and corrugated polycarbonate sheet products, PVC sheet and liner panels, and steel coils. AmeriLux currently employs 40 full time employees (38 working permanently out of the De Pere office) with plans to hire an additional 6 full time employees in the next 3 months. Our business grew 27% year over year in 2016 and we have outgrown our existing space. We have plans to continue this momentum and continue to deliver strong growth in the future.

The proposed building will house our largest product line, multiwall polycarbonate. Because of the size of the material, a large storage space is required. The purpose of this variance request is to allow sufficient room for safely maneuvering incoming and outgoing truck traffic while maintaining adequate storage space. This variance request is only for a small corner of the building (783 square feet), located on the southeast corner of our lot (see Site Plan attachment). The building will be sprinkled to provide safety and business continuity for AmeriLux and our neighbors.

Our effected neighbor, Bill Novak of Novak's Cheese of Wisconsin, reviewed the proposed project as submitted and has no objections to the building or the variance request. Enclosed with this application is an email correspondence documenting his approval. We are also in on-going negotiations with Mr. Novak regarding a future purchase of his property for AmeriLux's continued expansion and agree the project will enhance the overall value of both properties.

I reviewed the Standards for Variances and believe the project as currently proposed is beneficial to the prosperity of the East De Pere Industrial Park and the variance request does not cause adverse effects to the public nor does it impair any future property improvements.

Sincerely,



Joe Nick
Director of Operations
AmeriLux International

Enclosed: Application for Variance, Site Plan, Approval from Bill Novak

A WORLD OF POSSIBILITIES

Joe Nick

From: Bill Novak <bill.novak@novakscheese.com>
Sent: Thursday, January 05, 2017 2:46 PM
To: Joe Nick
Subject: RE: Building Setback with Lot Line

Hi Joe

I'm ok with the plans I saw and reviewed today with you and with the variance near the lot lines we discussed today.
Thank you

Bill Novak II
Novak's Cheese
1200 Enterprise Drive
De Pere, WI. 54115
www.novakscheese.com

W 920-338-1571
C 920-246-9151
F 920-338-1714

From: Joe Nick [mailto:jnick@ameriluxinternational.com]
Sent: Thursday, January 05, 2017 12:23 PM
To: Bill Novak <bill.novak@novakscheese.com>
Subject: Building Setback with Lot Line

Bill,

Thank you for coming in today to review our final building plans for our expansion. As we discussed when reviewing the plans, the plan includes a small portion of the building on the southeast edge of the lot (closest to the southwest side of your lot) that is planned to be constructed within the 25' building setback with your lot line. Based on the plans you saw, we plan to request a variance with the City.

If you are OK with this variance and approve these plans as we reviewed today and are outlined above, please confirm this simply by replying to this email.

We will be in touch regarding construction timeline when I have more details.

Joe

Joe Nick
Director of Operations
AmeriLux International

1212 Enterprise Drive
DePere, WI 54115
P: 888.602.4441