



Board of Appeals

Regular Meeting

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

Agenda

Monday, November 22, 2021

4:45 PM

Council Chambers and Virtual

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 **November 22, 2021** at **4:45 PM** in the **COUNCIL CHAMBERS, 2ND FLOOR CITY HALL, 335 S. BROADWAY STREET, DE PERE.**

The public may attend the meeting either in person in the Council Chambers or electronically/telephonically. Electronic or telephonic access to the meeting is provided below:

Computer/smart phone accessing <https://www.gotomeet.me/DePere>

OR

You can also dial in using your phone.
United States (Toll Free): [1 866 899 4679](tel:18668994679)
United States: [+1 \(312\) 757-3117](tel:+13127573117)
Access Code: 154-883-285

This meeting may also be rebroadcast on Spectrum Cable Channel 4 and AT&T U-verse Channel 99 throughout the week and available on demand at <http://deperecitywi.iqm2.com/>.

Call to Order

1. Roll Call
2. Approval of the minutes of the July 7, 2021 Special Board of Appeals meeting.
3. Public comments upon matters not on the agenda.
4. Consideration and possible action on a request for a variance to reduce a proposed single-family dwelling rear yard setback to 7', instead of a 30' rear yard setback, in an R-1 District at 1620 Grace ST (Parcel ED-124-47-3).

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
Jeffrey Burkard
Daniel Janssen

Patricia Weaver
Cary Leanna



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: November 22, 2021

DEPARTMENT: Board of Appeals

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the July 7, 2021 Special Board of Appeals meeting.

ATTACHMENTS:

- BoA_Jul2021_Minutes_Draft (PDF)



Board of Appeals

Special Meeting

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

Draft Minutes

Wednesday, July 7, 2021

4:45 PM

GoToMeeting

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

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

2. Approval of the minutes of the May 24, 2021 Board of Appeals meeting.

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

3. Public comments upon matters not on the agenda.

There were no public comments.

RESULT:	DISCUSSED
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4. A. Consideration and possible action on a request for a variance to reduce a proposed single-family dwelling corner side yard setback to 13', instead of a 30' corner side yard setback, in an R-2 District at 701 Oak ST (Parcel WD-435). B. Consideration and possible action on a request for a variance to reduce a proposed single-family dwelling interior side yard setback to 6', instead of a 10' interior side yard setback, in an R-2 District at 701 Oak ST (Parcel WD-435).

Bob De Groot read the public hearing notice and Zoning Administrator Peter Schleinz reviewed both variance requests to reduce a corner side yard setback, and to reduce an interior side yard setback, for a proposed single-family dwelling at 701 Oak Street. Bill Vande Hei moved, seconded by Andy Van Remortel, to approve the variance requests for both Part A and Part B. Upon vote, motion carried unanimously.

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

5. A. Consideration and possible action on a request for a variance to allow loading berths in the front yard with screening established by Plan Commission, instead of screened in the side yard and rear yard, in an I-B-2 District at 2400 BLK American BL (All of Parcels: WD-L510, WD-L511, WD-L514, WD-L515 and Part of Parcels: WD-L482, WD-L483-1, WD-L484-1, WD-L485, WD-L486). B. Consideration and possible action on a request for a variance to allow outdoor storage (truck trailer parking only) in the front yard with screening established by Plan Commission, instead of screened in the rear 25 percent of the side yard and the rear yard, in an I-B-2 District at 2400 BLK American BL (All of Parcels: WD-L510, WD-L511, WD-L514, WD-L515 and Part of Parcels: WD-L482, WD-L483-1, WD-L484-1, WD-L485, WD-L486).

Bob De Groot read the notice of public hearing and Zoning Administrator Peter Schlein reviewed both variance requests to allow loading berths, and allow outdoor storage in the front yard with screening, at the 2400 block of American Boulevard. Bob asked if anyone wished to speak for or against the request and no one wished to speak. Discussion followed regarding the type of screening that is proposed, which Peter explained will be established at the Plan Commission meeting later this evening. Michelle Manke asked if staff received any comments from the neighboring property owners. Peter stated that he had not received any comments. Development Services Director Daniel Lindstrom noted that within the past ten years, there was a similar request for FoxStar investments, which was approved. Bill Vande Hei moved, seconded by Scott Bonfigt, to approve the variance requests for both Part A and Part B. Upon vote, motion carried unanimously.

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

Adjournment

Michelle Manke moved, seconded by Andy Van Remortel, to adjourn the meeting at 5:18 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: November 22, 2021

DEPARTMENT: Board of Appeals

FROM: Kelly Barker

SUBJECT: Public comments upon matters not on the agenda.



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: November 22, 2021

DEPARTMENT: Planning

FROM: Peter Schlein

SUBJECT: Consideration and possible action on a request for a variance to reduce a proposed single-family dwelling rear yard setback to 7', instead of a 30' rear yard setback, in an R-1 District at 1620 Grace ST (Parcel ED-124-47-3).

ATTACHMENTS:

- BoA_Nov2021_Public Hearing Notice (DOC)
- Report to BOA - residential house with rear setback reduction (DOCX)
- Application and supporting documents - 05 Nov 2021 (PDF)

Publish: November 9, 2021

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 November 22, 2021 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 14-38(6)(1)(b) submitted by Jeffrey Burkhard, 1620 Grace St, De Pere, WI. Said appeal requests a building permit to construct a third stall to an attached garage on the property located at 1620 Grace St, De Pere, Wisconsin which would require a 23 foot rear yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-38(6)(1)(b) which requires a 30 foot rear yard setback.

The public may attend this meeting either in person in the Council Chambers or electronically or telephonically by accessing either: Computer/smart phone accessing <https://www.gotomeet.me/DePere> OR dial by phone: United States (Toll Free): 1-866-899-4679 United States: +1 (312) 757-3117 Access Code: 154-883-285.

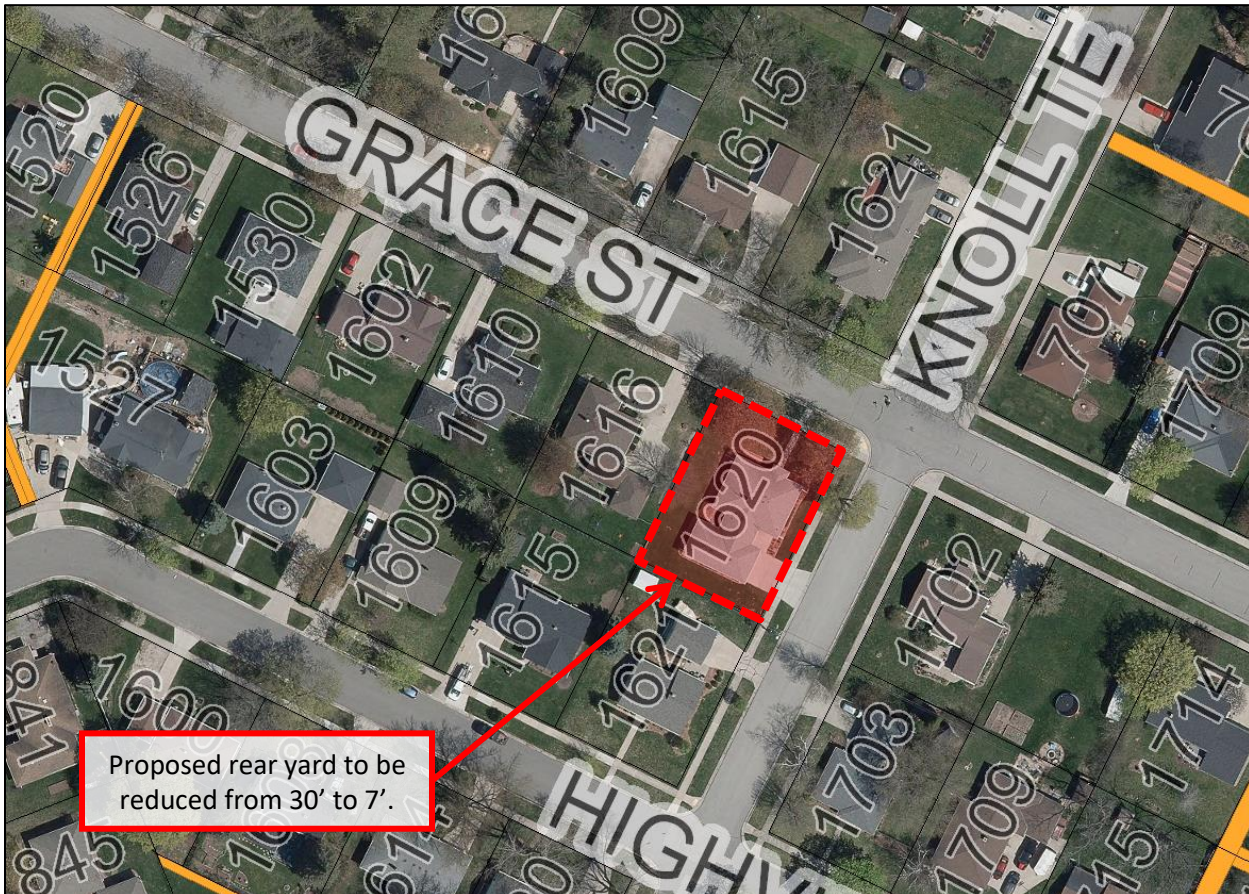
Dated this 9th day of November, 2021

BY ORDER OF THE BOARD OF APPEALS

Peter Schlein, Zoning Administrator

- Item 4: Consideration and possible action on a request for a variance to reduce a proposed single-family dwelling rear yard setback to 7', instead of a 30' rear yard setback, in an R-1 District at 1620 Grace ST (Parcel ED-124-47-3).

SITE MAP



REQUESTED ACTION:	Area Variance Request. <i>Request to deviate from Municipal Code 14-38(6)(1)(b) by reducing the the rear yard setback from 30' to 7' to construct a third stall for an attached garage.</i>
COMMON DESCRIPTION:	1620 Grace ST, located southwest from the Grace ST and Knoll TE intersection.
PARCEL NUMBERS:	ED-124-47-3.
ZONING:	Single Family Residence District (R-1).
SURROUNDING LAND USES:	Single-family residential (R-2) to the north, south, east, and west.
COMPREHENSIVE PLAN:	Neighborhood Residential (Including Multi-Family).
APPLICANT / OWNER:	Jeffrey N Burkhard, Property Owner 1620 Grace ST De Pere, WI 54115
SITE HISTORY:	The residential property was developed in the mid-late 1950's. On October 22,

2021 Inspection staff recognized that the garage and driveway was being expanded without a permit and a letter was sent immediately from the City to the property owner with a request to submit valid site plans with permit applications. On November 2, 2021 the property owner submitted site plans and permit applications, which were denied and Inspection sent the property owner a request to stop work immediately.

On November 4, 2021 the property owner petitioned for a variance to (after-the-fact) construct an additional garage stall at the south end of the building, within the rear yard setback. The new driveway in front of the garage stall is being reconfigured to be in compliance with the Municipal Code.

STAFF REVIEW:

The petitioner proposes a variance to deviate from Municipal Code 14-38(6)(1)(b) by reducing the the rear yard setback from 30' to 7' to construct a third stall for an attached garage.

Attached with this report is a scaled plan that the petitioner proposes for the project site. The property owners specific hardship relates to the structure being addressed to Grace ST, but appearing to face Knoll TE, and asking that the rear yard be treated similar to an interior side yard setback. The site still would not comply with the Municipal Code 10' interior side yard requirement. The property owner also asked that the size of nearby lots and setbacks from 1950's design be considered. The City has the ability to use block averages, but again, the site still would not comply with the Municipal Code.

The petitioner reached out to inform adjacent property owners that would be most affected by the request. A copy of signatures from the adjacent property owners is included with this report.

City staff cannot issue a building permit because the proposed development requires a minimum 30' rear yard setback, per Municipal Code 14-89(6)(1)(b).

**AREA VARIANCE REQUEST
HARDSHIP PROOF NEEDED
FROM PROPERTY OWNER:**

Under state law [Wis. Stats. §62.23(7)(e)7.a.] an "area variance" means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk or density restriction for a structure.

Also under state law [Wis. Stats. §62.23(7)(e)7.d] for an area variance, the property owner bears the burden pf proving that:

1. The dimensional, physical or locational requirement of the code is an "unnecessary hardship" by demonstrating that strict compliance with the zoning ordinance would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome;
2. the unnecessary hardship is based upon circumstances unique to the property rather than considerations personal to the property owner; and
3. the unnecessary hardship was not created by the property owner.

In reviewing an area request, the following five criteria are listed in Section 14-

27(3) De Pere Municipal Code for the Board to use in determining whether the property owner has proven unnecessary hardship:

Standards for variances. The Board of Appeals shall not vary the regulations of this ordinance, as authorized in subsection 2., above, unless it shall make findings based upon the evidence presented to it in each specific case that:


- (a) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;*
- (b) *The conditions upon which a petition for a variance are based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classifications;*
- (c) *The alleged difficulty or hardship is caused by this ordinance and has not been created by any person having an interest in the property;*
- (d) *The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and*
- (e) *The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The petitioner provided information in the attachments to provide information and responses related to Items 1, 2, and 3 as well as items (a), (b), (c), (d), and (e) above. The petitioner has also been advised to attend the Board of Appeals meeting in order to provide further detailed information and/or answer questions of the Board in order to verify if a hardship exists.

In addition to publishing a public hearing notice, staff mailed a copy of the meeting agenda to property owners that are adjacent to the subject parcel(s).

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 approves the request, 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	Fee: \$ 168.00
	APPLICATION FOR VARIANCE	Receipt #: 166755
		Date: 11-4-2021

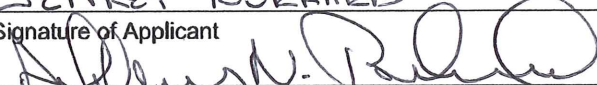
Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information			
Applicant Name (Ind., Org. or Entity) JEFFREY BURKARD	Authorized Representative	Title OWNER	
Mailing Address 1620 GRACE ST	City DE PERE	State WI	ZIP Code 54115
Email Address JB_4757@YAHOO.COM	Phone Number (incl. area code) 920-621-7768	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)	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: 1620 GRACE ST DE PERE WI 54115		Parcel Number(s):	
Legal Description:		EID-124-47-3	
SECTION 4: Variance Information			
Section of De Pere Code which creates need for Variance:	CHAPTER 14.27 (3) STANDARDS FOR VARIANCES		
Ordinance Provision:	DOES NOT MEET CURRENT SET BACKS, IS TOO CLOSE TO PROPERTY LINES		
Project Description:	I AM ADDING A 11X22 EXTENSION TO EXISTING GARAGE TO USE FOR COOL STORAGE OF SEASONAL EQUIPMENT, PATIO FURNITURE, LAWN DECOR, BICYCLES AND OTHER NON ESSENTIAL ITEMS. IT WILL ALSO STORE 1 OF 3 VEHICLES WE PUT AWAY DURING WINTER. THE OTHER WILL BE IN MAIN GARAGE		
Variance Requested:	FINDING OUT THAT THIS IS CONSIDERED THE BACKYARD AND NOT THE SIDEYARD AS I THOUGHT IT WAS IT IS TOO CLOSE TO THE PROPERTY LINE AND I NEED A VARIANCE FOR 7' FROM THE PROPERTY LINE TO FINISH CONSTRUCTION		
Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties:	SEE ATTACHED LETTER		
Describe the hardship(s) that would result if the variance is not granted:	IF NOT GRANTED ALL THE SEASONAL EQUIPMENT WOULD BE OUTSIDE EXPOSED TO THE ELEMENTS AND POSSIBLE THEFT AND VANDALISM. THE SAME TO BE SAID FOR COLLECTOR CAR. NOT TO MENTION THE EYE SORE TO THE PUBLIC AND NEIGHBORS. HAVING TO LOOK AT IT COVERED IN BLUE TARPS		
Describe how the variance would not have adverse effects on surrounding properties:	ALL MY NEIGHBORS YARDS ARE FENCED IN FOR THEIR ANIMALS. THIS EXTENSION WILL BE SIDED AND LOOK LIKE PART OF THE ORIGINAL HOUSE. THE 2 ADJACENT PROPERTIES BOTH HAVE THEIR GARAGES ON THAT PORTION OF THEIR YARD SO IT WILL NOT BE BLOCKING ANY VIEWS THAT THEY HAVE		

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) JEFFREY BURKARD	Title OWNER	Phone Number 920-621-7768
Signature of Applicant 		Date Signed 11-4-21

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

To whom it may concern:

The exceptional circumstances that I am encountering with this property is that when these lots were created back in the 50's they were small as back then it was a 1 car family and 1 stall garage. Not to mention this is a corner lot. The lot is only 80' wide on the Grace St side and 110' deep.

I look at some of the other properties on the street and some of those garages are less than 5' from the property line and have been that way from the initial construction back then.

We have a minimum of 4 to 5 cars here at all times and would like to keep 3 and if not 4 inside at all times to make the property look better than a parking lot! In your newer subdivisions 3 stall garages are the normal and lots were created to meet that need and size. So the only way I can do this is to add the 3rd stall on this lot is to only be 7' away from the property line.

My neighbor directly next to my garage has a 2-stall garage and recently added a lean to alongside of it to keep a boat and trailer under among other things. It is almost as close to the property line as I will be. The only difference is mine will be enclosed and sided to match the house and look like it belongs there.

Thank You,

Jeffrey Burkard

4.c

016

1621

GRACE ST

1620

PATRICIA J
WEAVER

JEFFREY N
BLRKARD

DANIEL R
JANSSEN

KNOLL TER

44'

42'

34'

22'

10'

EXISTING GARAGE

EXISTING DRIVE 22'

GARAGE EXTENSION 22' 11'

CONCRETE 15'

40'

25'

31'

43' x 11' CONCRETE SLAB TO SIDEWALK

34' OFF BACK

7' OFF SIDE

GARAGE EXTENSION (COLD STORAGE)

GARAGE EXTENSION (COLD STORAGE)

34' OFF BACK

7' OFF SIDE

43' x 11' CONCRETE SLAB TO SIDEWALK

SUSAN M

This is a custom map created by an online user of GIS map services provided by Brown County Municipalities, Brown County, Brown County WI

Part of Brown County WI

Map printed on 3/26/2021

1:240

1 inch = 20 feet*

1 inch = 0.00379 miles*

*original page size: 8.5"x11"

Appropriate format depends on zoom level

Parcel ownership key

- Parcel Boundary
- Condominium
- Gap or Overlap

- Parcel line
- Right of Way line
- Meander line
- Lines between deeds or lots
- Historic Parcel Line
- Vacated Right of Way

hooks indicate parcel ownership crosses a line

SC-190-2	Parcel ID Number
2880257	Document Number
0.814 AC	Area of parcel
279.8'	Line Distance
3007	Address

A complete key (legend) is available at: <https://tinyurl.com/BrownDogKey>

(920) 448-6480
maps.nis.co.brown.wi.us

Packet Pg. 15

To whom it may concern:

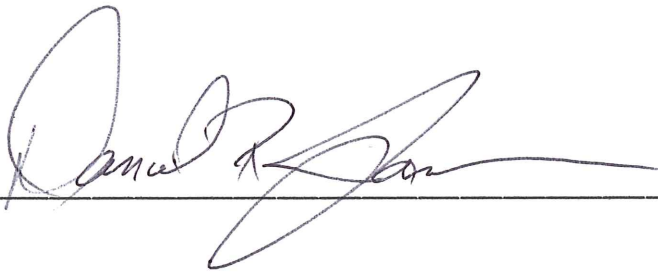
I Patricia Weaver from 1616 Grace St have no objections to Jeffrey Burkard at 1620 Grace St constructing an addition onto his garage with-in 7" of the property line.

Patricia Weaver

11/4/2021

To whom it may concern:

I Daniel Janssen from 1621 Highview St have no objections to Jeffrey Burkard at 1620 Grace St constructing an addition onto his garage with-in 7" of the property line.



11/4/2021