



Board of Appeals

335 South Broadway

De Pere, WI 54115

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

Special Meeting

Agenda

Monday, November 11, 2013

4:45 PM

De Pere City Hall Council Chambers

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a Special Meeting of the **Board of Appeals** of the City of De Pere will be held on **November 11, 2013** 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. Review of minutes of the regular meeting on October 28, 2013.
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.

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, November 11th, 2013 so that arrangements can be made.

City of De Pere, Wisconsin



Request For Board of Appeals Action

MEETING DATE: November 11, 2013

DEPARTMENT: Board of Appeals

FROM: David Hongisto

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

ATTACHMENTS:

- Board of Appeals_Minutes_10-28-13 (PDF)



Board of Appeals

335 South Broadway

De Pere, WI 54115

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

Regular Meeting

Draft Minutes

Monday, October 28, 2013

4:45 PM

De Pere City Hall Council Chambers

Call to Order

The meeting was called to order at 4:55 PM by Board Member Thomas Keidatz

Attendee Name	Present	Absent	Late	Arrived
Thomas Keidatz	☒	☐	☐	
Bob De Groot	☐	☐ Excused	☐	
John Fairchild	☐	☐ Excused	☐	
William Vande Hei	☒	☐	☐	
Jason Peebles	☒	☐	☐	
Alice Schipper	☒	☐	☐	

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

2. Review of minutes of the regular meeting on August 26, 2013 meeting.
Motion was made by Schipper and seconded by Vande Hei to approve the minutes as presented. Upon vote, motion carried unanimously.

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

3. Request submitted by Paul & Bonnie Hoeft, 711 Waubaunuqua Trail, De Pere, Wisconsin to construct a 9' x 18' addition to an attached garage on the property located at 711 Waubaunuqua Trail, De Pere, Wisconsin which would require a four (4) foot interior side yard setback variance.
Keidatz read the notice of public hearing.

Building Inspector Hongisto reviewed the variance request, and reported that the addition would be built on the north side of attached garage, on top of the existing poured slab. Vande hei inquired whether the peak would be the same height as the present garage. Owners Paul and Bonnie Hoeft reported that the peak would be lower but at the same pitch and angle. Vande hei raised the issue of water runoff from the eaves troughs, because the structure is situated at a higher elevation than the neighbor. Hongisto suggested a shallow swale as a method to funnel runoff. Board members also suggested other options to direct runoff.

The board unanimously approved the variance request with the following stipulations: water runoff must be directed away from neighbor's yard, and appropriate permits must be obtained. Keidatz noted that the variance approval meets statutory criteria and will not create a nuisance in the neighborhood.

Attachment: Board of Appeals_Minutes_10-28-13 (1571 : Review of minutes of the regular meeting on October 28, 2013.)

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Thomas Keidatz, William Vande Hei, Jason Peebles, Alice Schipper
EXCUSED:	Bob De Groot, John Fairchild

4. Request submitted by Rich & Courtney Starry, 863 E. St. Francis Road, De Pere, Wisconsin to construct a garage addition on the property located at 863 St. Francis Road, De Pere, Wisconsin which would require a five (5) foot interior side yard setback variance.
Keidatz read the notice of public hearing.

Paul DeLeeuw, the architect representing the homeowners, presented an overview of the project. He stated that the garage expansion is planned for storage, not vehicle access. Keidatz inquired about driveway width. Hongisto reminded DeLeeuw that driveways are restricted to 25' at the curb. DeLeeuw reported that the third driveway would taper to the width of the existing drive.

The board unanimously approved the variance request contingent upon issuance of appropriate permits. Keidatz noted that based upon the evidence submitted & plans provided, the project will not be a detriment to the neighborhood. The neighbors have no objection, it will not create congestion, and statutory criteria have been met.

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Thomas Keidatz, William Vande Hei, Jason Peebles, Alice Schipper
EXCUSED:	Bob De Groot, John Fairchild

Adjournment

Motion was made by Vande Hei, seconded by Peebles, to adjourn the meeting at 5:10 p.m. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen

City of De Pere, Wisconsin



Request For Board of Appeals Action

MEETING DATE: November 11, 2013

DEPARTMENT: Board of Appeals

FROM: David Hongisto

SUBJECT: 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.

ATTACHMENTS:

- 1106 Fox River Dr Variance Attachments (PDF)

Publish: October 31, 2013

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, November 11, 2013 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 variance(s) from the City of De Pere Municipal Code, Chapter 14.38 (6) (3) (b) submitted by Michael Hartmann, 923 Georgia Drive, De Pere, Wisconsin. Said appeal requests building permit(s) to construct **1)** a boathouse which would require a four (4) foot interior side yard setback variance and a three (3) foot rear yard setback 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.

Application for the building permit(s) were denied pursuant to the City of De Pere Municipal Code, Chapter 14.38 (6) (3) (b) which requires four (4) foot interior side yard building setbacks and a four (4) foot rear yard building setback for detached accessory structures.

Dated this 28th day of October, 2013.

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 RECEIPT # <u>87809</u> DATE: <u>11-7-13</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:  Date: 11-4-13

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

Agent: Name: _____
Mailing Address: _____
E-mail Address: _____
Phone: _____
Signature: _____ Date: _____

B. Property Information:

Tax Key/Parcel: ED-1462
Address/Location of Property: 1106 Fox River Dr. DePere 54115
Legal Description: Assessor's Subdivision of 1925 of Lot 3, A
Whitney's Subdivision of PC 36E Parcel L
Parcel Dimensions: See Attached Map
Parcel Area: 0.24 Acres
Zoning: R-1, Single Family Residence District

C. Variance Application:De Pere Municipal Code, Section(s): 14.38(6)(3)(b)Ordinance Provision(s): Requires a four (4) ^{foot} INTERIOR SIDE YARD
BUILDING SETBACK OF FOUR (4) FOOT REAR YARD BUILDING
SETBACKProposed Use: "Cave Storage" AND BOATHOUSEVariance(s) Requested: Four (4) FOOT INTERIOR SIDE YARD SETBACK VARIANCES
AND A THREE (3) FOOT REAR YARD SETBACK VARIANCE FOR
THE BOATHOUSE

Describe the exceptional or extraordinary 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:

See Attached LetterDescribe how the variance would **not** have adverse effects on surrounding properties:See Attached Letter.

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

Zoning Board of Appeals
335 South Broadway
De Pere, Wi 54115

Chairman Tom Keidatz & the members of the Zoning Board of Appeals,

A four (4) foot interior side yard setback variance and three (3) foot rear yard setback variance is being requested in reference to the renovation of the boathouse and creation of underground storage at 1106 Fox River Drive.

These variances will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. In fact, the proposed boathouse structure adds to the value of the neighborhood as it removes a dilapidated building from the waterfront, replacing it with a new, more attractive structure.

Other facts about the proposed structure include:

- It is located upon the footprint of the pre-existing structure.
- The overall dimensions of the new structure have been reduced relative to the previous structure.
- The square footage of the new building has been reduced.
- The proposed structure has been moved off the adjacent public right of way land, which the previous structure occupied.
- Requiring the four (4) foot side yard setback would result in the destruction of a magnificent, approximately 40 year old Maple tree that grows on the riverbank.

According to our notes from an on site meeting with Dave Honguisto, July 16th, 2012, we have stayed well within the parameters established by Dave out of consideration for the neighborhood:

- Dave said we had "no known height restrictions" but our Architect's notes reflect "Michael & Ruth do not want to exceed the current height" & that was in order to maintain the current appearance of the lot.
- Dave mentioned a 700sf footprint allowance for the boathouse. Again, we chose to make it smaller than the previous building.
- Since we were renovating the building & the existing building had crossed the public property lot line by 0.7', Dave told us to move it off the public property, which we did.

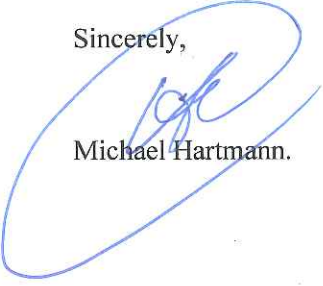
Granting this variance will not impair the adequate supply of light and air to either adjacent property. The neighbors to the south are excited about our project & this structure is on the opposite side of the lot from their property. The property to the north is "Cook Street". It is a public right of way owned by the City of De Pere. This lot is approximately 33 feet in width. As a structure of similar size had previously existed in this exact location, it is presumed no impairment in the supply of light or air will be encountered. As this structure replaces a dilapidated structure, it can only add to the property values within the neighborhood & will certainly not "substantially diminish" them.

With reference to the underground storage, additional storage was required on the property. Less expensive options included a large outbuilding in the middle of the lot. Such a building would require

no variance but would be an eyesore to everyone in the neighborhood. Our proposed solution is an underground storage area. The only visible section of this structure would be the north side of the structure that would achieve maximum height of 70" above grade along the north property line. Again, this is adjacent to a public right of way owned by the City of De Pere. Dave Honguisto thought there would be little problem with this as it would be almost entirely covered by grass.

Finally, I want to take a moment to thank the Variance committee in general & Dave Honguisto specifically. This is my third visit to the Variance Committee. My wife & I, C&C Construction & our Architects have wanted only to abide by the rules. We have been very up front & open about our plans and the City of DePere has been extremely helpful & responsive to us with regard to this project. Dave Honguisto has been intimately involved in this entire process, from walking the lot with me prior to purchasing the residence, to tolerating innumerable phone calls with our builders & multiple site visits with our architects. Dave has not only been a pleasure to work with but seems genuinely interested in our project. We have put forth considerable effort not to run afoul of the rules & regulations. We have abided by all guidance & recommendations made. I want to thank you all for the time devoted to helping us do our project properly, with necessary & appropriate consideration for all factors.

Sincerely,



Michael Hartmann.



Attachment: 1106 Fox River Dr Variance Attachments (1570 : 1106 Fox River Drive)





Attachment: 1106 Fox River Dr Variance Attachments (1570 : 1106 Fox River Drive)

3.a

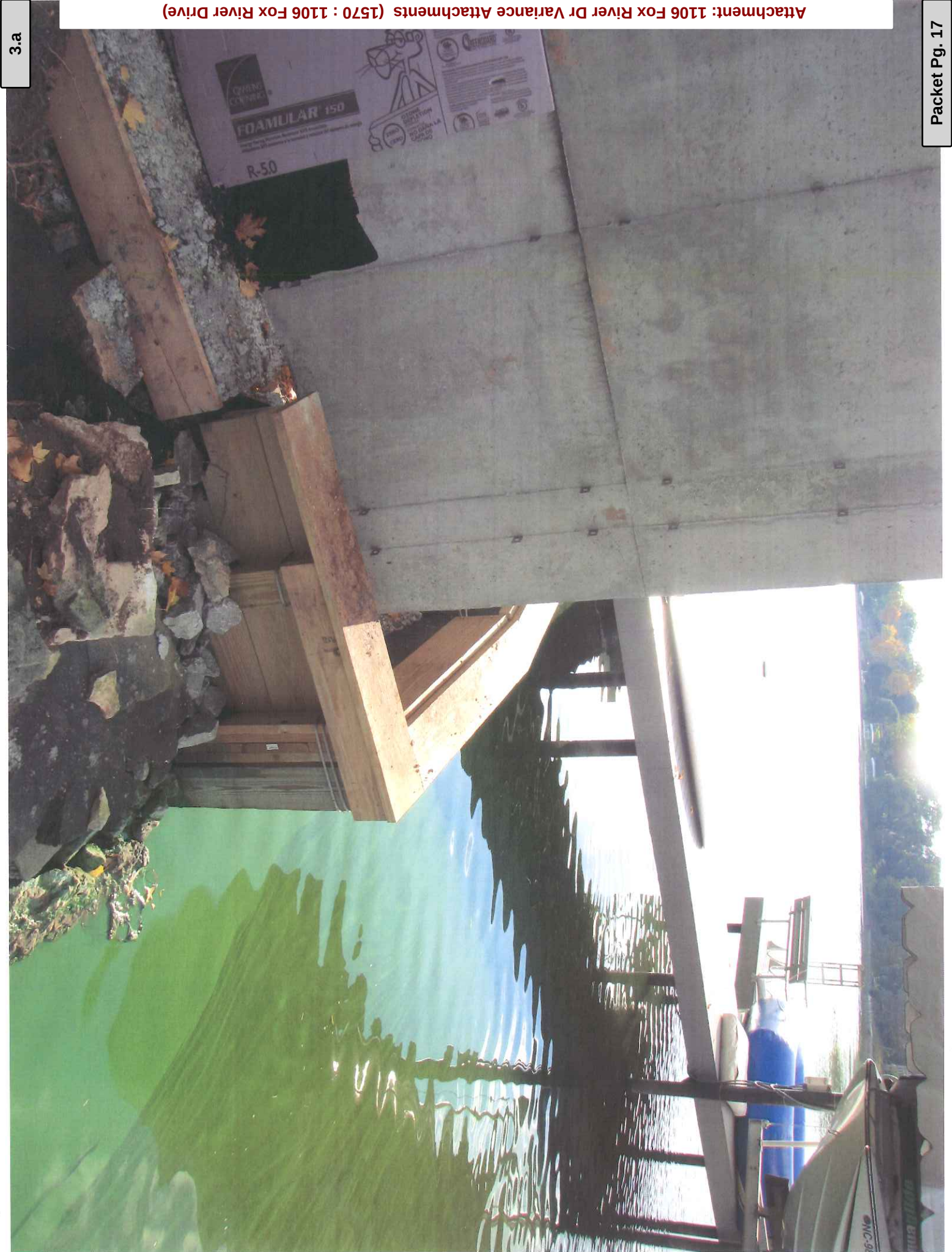


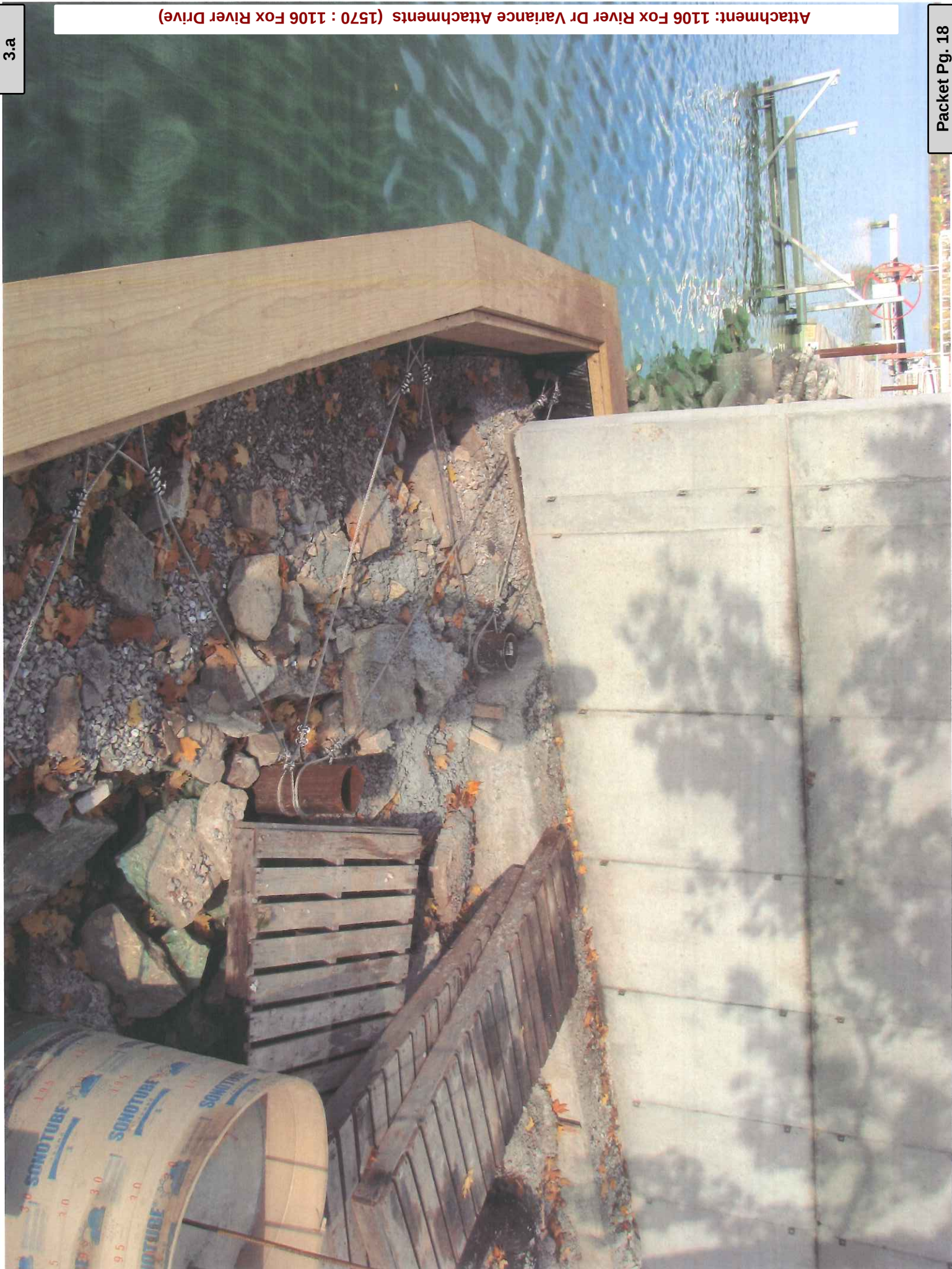


Attachment: 1106 Fox River Dr Variance Attachments (1570 : 1106 Fox River Drive)

View from
North









Attachment: 1106 Fox River Dr Variance Attachments (1570 : 1106 Fox River Drive)