



Board of Appeals

Regular Meeting

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

Agenda

Monday, October 26, 2020

4:45 PM

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 **October 26, 2020** at **4:45 PM**.

Due to the current public health emergency, the meeting will be held electronically and the public may attend this meeting electronically or telephonically by accessing either:

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 WILL NOT BE HELD IN PERSON.

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://deperewi.com/>.

Call to Order

1. Roll Call
2. Approval of the minutes of the June 22, 2020 Board of Appeals meeting.
3. Consideration and possible action on a request for a variance to expand a building with a 20' interior side yard setback, instead of a 25' interior side yard setback, for an I-3 (General Industrial District) zoned property at 1881 Commerce DR (Parcel ED-344-102-1).
4. Consideration and possible action on a request for a variance to allow a second two-way drive on one residential lot of record, instead of one two-way drive, for an R-1 (Single Family Residence District) zoned property at 1002 Meadow View LN (Parcel WD-883-T-49).

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
Chris Heyrman, Heyrman Construction
Robert Clark
Steven Mellberg
Brian & Jo Ann Holloway
Janice & Ervin Coenen
Allied Tube & Conduit Corporation
Mask LLC
Bowman Commercial Holdings LLC
RC LLC
Bellevue Bake Shoppe LLC
Boyd LLC
Haas Properties LLC
R & L Shade Partners LLC



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: October 26, 2020

DEPARTMENT: Board of Appeals

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the June 22, 2020 Board of Appeals meeting.

ATTACHMENTS:

- BoA_Jun2020_Minutes_Draft (PDF)



Board of Appeals

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

Regular Meeting

Draft Minutes

Monday, June 22, 2020

4:45 PM

I. Call to Order

The meeting was called to order at 4:45 PM by Board Member Andy Van Remortel

| Attendee Name | Title | Status | Arrived |
|-------------------|--------------|---------|---------|
| Scott Bonfigt | Board Member | Present | |
| Bob De Groot | Chairman | Excused | |
| Paul De Leeuw | Board Member | Present | |
| Michelle Manke | Board Member | Present | |
| James Stadler | Board Member | Present | |
| 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 26, 2020 Board of Appeals meeting.

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

3. Consideration and possible action regarding a requested variance to build an attached garage that is set back 19 feet from the corner side yard line, instead of being set back 30 feet from the corner side yard line, for an R-1 (Single Family Residence District) zoned property at 814 Jordan RD (Parcel ED-124-18).

Andy Van Remortel read the notice of public hearing and Zoning Administrator Peter Schleinz reviewed the variance request to build an attached garage 19 feet from the corner side yard setback at 814 Jordan Road. Jim Stadler asked if there was any concern with the vision on the curved road of Mt.Olivet because of the existing fence on the property. Bill Vande Hei added that the fence should not be higher than 4 ft, which would block the view on the curve. Adam Salentine, the general contractor stated that the fence would not be higher than 4 ft to the right of the garage. Peter Schleinz clarified that the City already has rules and regulation regarding fences on corner lots, so that stipulation does not need to be added to the variance. Bill Vande Hei moved, seconded by Scott Bonfigt, to approve the variance request. Upon vote, motion carried unanimously. Bob De Groot arrived late to the meeting at 4:58 pm.

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

Adjournment

Bob De Groot moved, seconded by Michelle Manke, to adjourn the meeting at 4:59 pm. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: October 26, 2020

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: Consideration and possible action on a request for a variance to expand a building with a 20' interior side yard setback, instead of a 25' interior side yard setback, for an I-3 (General Industrial District) zoned property at 1881 Commerce DR (Parcel ED-344-102-1).

ATTACHMENTS:

- BoA_Oct2020_Public Hearing Notice (DOC)
- Report to BOA - reduced side yard setback - 1881 Commerce DR (DOCX)
- Application Form - Variance (PDF)

Publish: October 16, 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 October 26, 2020 at 4:45 PM on the following matters:

1. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-49(8)(3)(a) submitted by Chris Heyrman, 1881 Commerce Drive, De Pere, Wisconsin. Said appeal requests a building permit to construct a warehouse addition on the property located at 1881 Commerce Drive, De Pere, Wisconsin, which would require a 5 foot interior side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-49(8)(3)(a) which requires a 25 foot interior side yard setback.

2. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-55(8)(a)(4)(a)(i) submitted by Robert Clark, 1002 Meadow View Lane, De Pere, Wisconsin. Said appeal requests a permit to install a second two-way driveway to be located 6' from the interior side yard lot line on a R-1 zoned property where one driveway already exists on the property located at 1002 Meadow View Lane, De Pere, Wisconsin.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-55(8)(a)(4)(a)(i) which allows for only one driveway per parcel.

Due to the public health emergency, the meeting will be held electronically and the public may attend this meeting 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 16th day of October, 2020

BY ORDER OF THE BOARD OF APPEALS

Peter Schlein, Zoning Administrator

- Item 3: Consideration and possible action on a request for a variance to expand a building with a 20' interior side yard setback, instead of a 25' interior side yard setback, for an I-3 (General Industrial District) zoned property at 1881 Commerce DR (Parcel ED-344-102-1).

SITE MAP



REQUESTED ACTION: Variance Request.

A 15,005 SF building addition is proposed to be added to the north end of the existing 102,924 SF Kay Distributing building. As proposed, the addition will encroach 5' into the interior side yard setback on the north end of the property.


COMMON DESCRIPTION: 1881 Commerce DR, located south and east from the Commerce DR and Heritage RD intersection.

PARCEL NUMBERS: ED-344-102-1

EXISTING ZONING: I-3 (General Industrial District)

SURROUNDING LAND USES: Industrial (I-3) to the north, south and west.
Industrial (I-1) and Fox River State Recreational Trail (R-1) to the east.

| | | |
|----------------------------|---|---|
| COMPREHENSIVE PLAN: | Industrial Park | |
| APPLICANT / OWNER: | Chris J. Heyerman, Architect Authorized Representative Heyerman Construction CO INC PO BOX 2804 Green Bay, WI 54324-8046 | Kolocheski Thomas A & Lisa M Liv Trust of 2003 Property Owner 1826 Hawthorne Heights De Pere, WI 54115 |
| SITE HISTORY: | <p>After a review of air photographs dating to 1938, the property has been used for agricultural purposes until the original site plan was approved in 1994. There were building modifications and expansions in 1996, 2004, and 2017.</p> <p>On September 21, 2020 an authorized representative for the property owner proposed a 15,005 SF building expansion at the north end of the existing building.</p> | |
| STAFF REVIEW: | <p>The petitioner proposes an expansion for indoor storage, which requires no additional driveways or parking stalls. The expansion encroaches 5' into the interior side yard setback on the north end of the property.</p> <ul style="list-style-type: none"> • Primary structures must be set back 25' from the interior side yard property line. • The proposed new construction will be set back 20' from the corner side yard property line. <p><i>City staff cannot issue a building permit because the proposed construction on an I-3 zoned parcel requires an interior side yard setback of 25' for permitted use structures, per Municipal Codes 14-49(3)(a).</i></p> | |
| REVIEW PROCESS: | <p>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 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.</p> <p><i>Note: In order to pair the variance review along with a related site plan review by Plan Commission, the authorized representative agreed to the variance review occurring on October 26, 2020.</i></p> | |

| | | |
|---|---|--|
|  | CITY OF DE PERE APPLICATION FOR VARIANCE | Fee: \$ 168.00 Receipt #: 155559 Date: 9-21-20 |
| | CITY OF DE PERE RECEIVED SEP 21 2020 PLANNING DEPT. | |
| | | |


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) HEYRIAN CONST, Co. INC | Authorized Representative CHRIS L. HEYRIAN | Title ARCHITECT | |
| Mailing Address P.O. Box 28046 | City GREEN BAY | State WI | ZIP Code 54324-8046 |
| Email Address CHRIS@HEYRIANCONST.COM | Phone Number (incl. area code) 920-347-0824 | Fax Number (incl. area code) 920-327-6324 | |
| SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant) | | | |
| Name (Ind. Org. or Entity) KAY BEER DISTRIBUTING, INC | Contact Person CHIP KOLOCESKI | Title PRESIDENT | |
| Mailing Address 1881 COMMERCE DRIVE | City DE PERE | State WI | ZIP Code 54115 |
| Email Address CHIPK@KAYDIST.COM | Phone Number (incl. area code) 920-336-2269 | Fax Number (incl. area code) 920-336-9139 | |
| SECTION 3: Project or Site Location | | | |
| Project Address: 1881 COMMERCE DRIVE | | Parcel Number(s): | |
| Legal Description: | | | |
| SECTION 4: Variance Information | | | |
| Section of De Pere Code which creates need for Variance: | | | |
| Ordinance Provision: | 1-1 INDUSTRIAL PARK DISTRICT, MINIMUM YARD SETBACKS INTERIOR SIDE FEET 25'-0" | | |
| Project Description: | 15046 SQ. FT WAREHOUSE ADDITION | | |
| Variance Requested: | GO TO 20'-0" INTERIOR SIDE SETBACK AT NORTH SIDE OF LOT | | |
| Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties: | RUNNING OUT OF LAND | | |
| Describe the hardship(s) that would result if the variance is not granted: | WOULD NEED OFF SITE STORAGE | | |
| Describe how the variance would not have adverse effects on surrounding properties: | ADDITION IS SET BACK FROM FRONT STREET 270' ± 5'-0" LESS SET BACK WILL BE HARD TO DIFFERENCE. | | |

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) CHRIS J. HEYRMAN | Title ARCHITECT | Phone Number 920-347-0827 |
| Signature of Applicant  | | Date Signed 9-21-20 |

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



City of De Pere, Wisconsin

Request For Board of Appeals Action

MEETING DATE: October 26, 2020

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: Consideration and possible action on a request for a variance to allow a second two-way drive on one residential lot of record, instead of one two-way drive, for an R-1 (Single Family Residence District) zoned property at 1002 Meadow View LN (Parcel WD-883-T-49).

ATTACHMENTS:

- BoA_Oct2020_Public Hearing Notice (DOC)
- Report to BOA - second twoway drive - 1002 Meadow View LN (DOCX)
- Application Form and Documents (PDF)

Publish: October 16, 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 October 26, 2020 at 4:45 PM on the following matters:

1. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-49(8)(3)(a) submitted by Chris Heyrman, 1881 Commerce Drive, De Pere, Wisconsin. Said appeal requests a building permit to construct a warehouse addition on the property located at 1881 Commerce Drive, De Pere, Wisconsin, which would require a 5 foot interior side yard setback variance.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-49(8)(3)(a) which requires a 25 foot interior side yard setback.

2. An appeal for a variance from the City of De Pere Municipal Code, Chapter 14-55(8)(a)(4)(a)(i) submitted by Robert Clark, 1002 Meadow View Lane, De Pere, Wisconsin. Said appeal requests a permit to install a second two-way driveway to be located 6' from the interior side yard lot line on a R-1 zoned property where one driveway already exists on the property located at 1002 Meadow View Lane, De Pere, Wisconsin.

Application for a building permit was denied pursuant to the De Pere Municipal Code, Chapter 14-55(8)(a)(4)(a)(i) which allows for only one driveway per parcel.

Due to the public health emergency, the meeting will be held electronically and the public may attend this meeting 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.

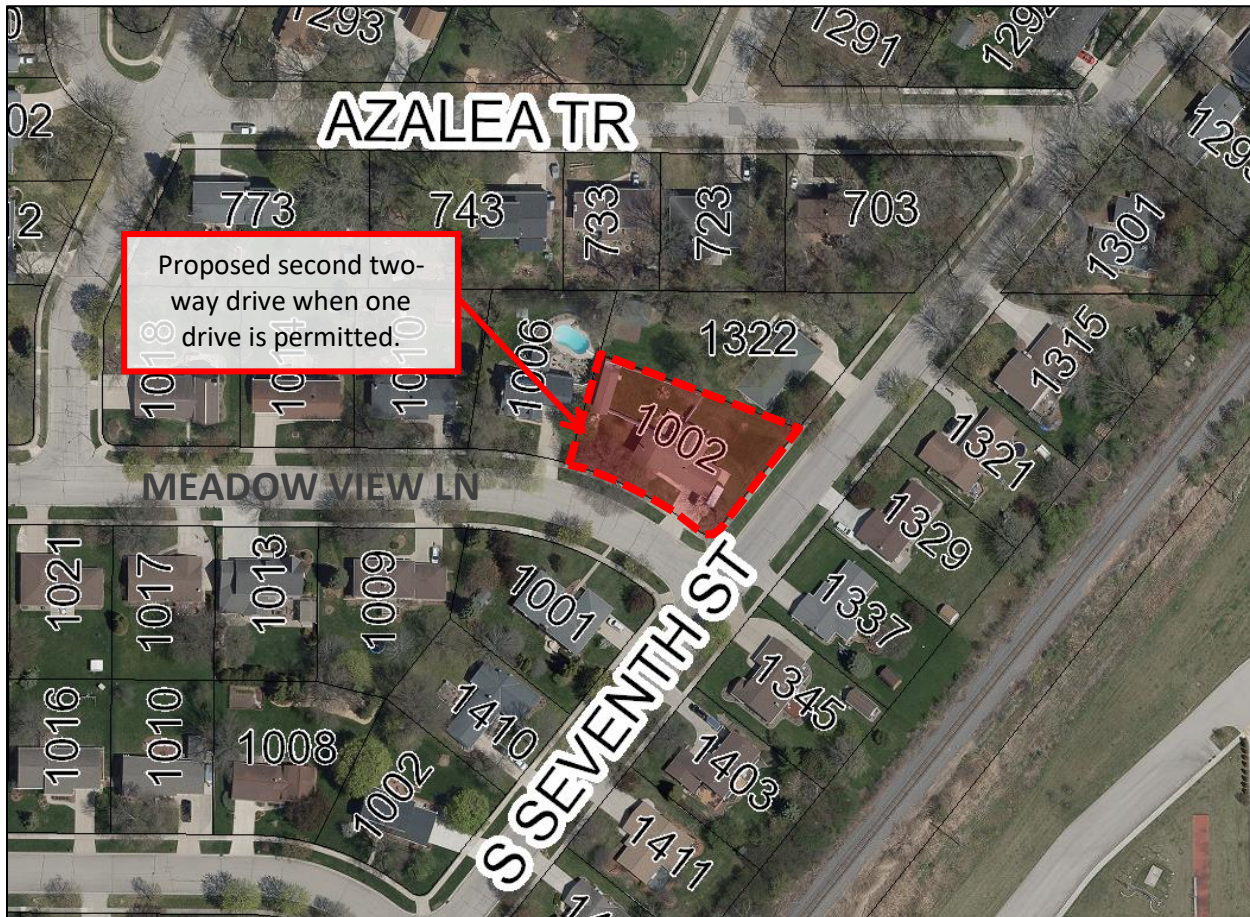
Dated this 16th day of October, 2020

BY ORDER OF THE BOARD OF APPEALS

Peter Schlein, Zoning Administrator

- Item 4: Consideration and possible action on a request for a variance to allow a second two-way drive on one residential lot of record, instead of one two-way drive, for an R-1 (Single Family Residence District) zoned property at 1002 Meadow View LN (Parcel WD-883-T-49).

SITE MAP




- REQUESTED ACTION:** Variance Request.
- A 12' wide by 68.4' long two-way drive is proposed at the west end of the residentially developed lot. As proposed, the addition will be the second two-way drive on the lot of record.*
- COMMON DESCRIPTION:** 1002 Meadow View LN, located northwest from the Meadow View LN and S Seventh ST intersection.
- PARCEL NUMBERS:** WD-883-T-49
- EXISTING ZONING:** I-3 (General Industrial District)
- SURROUNDING LAND USES:** Single family residential (R-1) to the north, south, east and west.
- COMPREHENSIVE PLAN:** Neighborhood Residential (Including Multi-Family)

| | |
|---------------------------|--|
| APPLICANT / OWNER: | Jacqueline & Robert Clark Applicant/Property Owner 1002 Meadow View LN De Pere, WI 54115-1816 |
| SITE HISTORY: | <p>After a review of air photographs dating to 1938, the property has been used for agricultural purposes until the 1970's when the area developed after the "Trailwood Village" plat was recorded in 1977. The subject lot was developed with one two-way drive in the 1980's. The drive width was expanded in the early 2000's.</p> <p>On October 1, 2020 the property owners proposed a second two-way drive on the property. Staff informed the property owners that a review by Board of Public Works was also needed for a second apron to connect a second drive to the street as a Board of Appeals variance would only connect a drive to the property line near the sidewalk. The property owner petitioned the Board of Public Works and on October 12, 2020 the Board of Public Works denied the request.</p> |
| STAFF REVIEW: | <p>The petitioner proposes a second two-way drive for a detached accessory building in the northwest corner of the property expressing a need for parking for five vehicle drivers. A second two-way drive exceeds the permitted number of two-way drives for each lot of record in an R-1 District.</p> <ul style="list-style-type: none"> • In the case of a single family residence in the R-1 District, curb cuts are permitted for one two-way or two one-way drives for each lot of record. • The proposed second two-way drive will be 12' wide, 68.4' long, and setback 6' from the interior side yard (west) property line. <p><i>City staff cannot issue a permit because only one two-way drive is permitted on a lot of record for a single family residence in the R-1 District, per Municipal Code 14-55(8)(a)(4)(a)(i).</i></p> |
| REVIEW PROCESS: | <p>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 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.</p> <p><i>Note: Because Board of Public Works did not approve the request on October 12, 2020 any approval by Board of Appeals will allow a drive on the property to connect to the property line near the sidewalk; the drive will not connect to the street.</i></p> |

CITY OF DE PERE RECEIVED

OCT 2020
PLANNING DEPT.

| | | |
|---|---|--------------------------|
|  | CITY OF DE PERE APPLICATION FOR VARIANCE | Fee: \$ 168.00 |
| | | Receipt #: 155751 |
| | | Date: 10-01-20 |

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>Robert Clark</i> | Authorized Representative | Title | |
| Mailing Address <i>1002 Meadowview Lane</i> | City <i>De Pere</i> | State <i>Wi</i> | ZIP Code <i>54115</i> |
| Email Address <i>5ofclark@gmail.com</i> | Phone Number (incl. area code) <i>920-737-6803</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) | Contact Person | Title | |
| Mailing Address | City | State | ZIP Code |
| Email Address <i>Same</i> | Phone Number (incl. area code) | Fax Number (incl. area code) | |
| SECTION 3: Project or Site Location | | | |
| Project Address: <i>1002 Meadowview Lane De Pere</i> | | Parcel Number(s): | |
| Legal Description: <i>17,199 Sqft lot Trailwood Village / 216 City of DePere</i> | | <i>WD-883-T-49</i> | |
| SECTION 4: Variance Information | | | |
| Section of De Pere Code which creates need for Variance: | | | |
| Ordinance Provision: | | | |
| Project Description: | <i>Installing driveway from garage to street with curb cut.</i> | | |
| Variance Requested: | <i>Driveway (Single) on detached garage</i> | | |
| Describe the exceptional circumstances or conditions that apply to your property and not to surrounding properties: | <i>Garage is existing. Corner Lot (Big) Need driveway from garage to street. Lot is over 17,000 Sqft</i> | | |
| Describe the hardship(s) that would result if the variance is not granted: | <i>Parking is limited since we have 5 drives in our house. We feel it would be helpful and since we cant park on the street</i> | | |
| Describe how the variance would not have adverse effects on surrounding properties: | <i>Our neighbors are ok and have provided letters saying its okay. It would also bring value to the neighborhood.</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) <i>Robert Clark</i> | Title <i>Homeowner</i> | Phone Number <i>920-757-6803</i> |
| Signature of Applicant <i>[Handwritten Signature]</i> | | Date Signed <i>9/21/20</i> |

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

To Whom it May Concern ~

Erin Hunter and Steve Mellberg,

1006 Meadow View Ln, give the

Clark residence our permission

to build a driveway off their shed.

Feel free to contact us with any

questions. 415-858-9445 or
ehunter@wclpsd.com

Thank you,

Erin Hunter and Steve Mellberg

June 19, 2020

City of De Pere
335 S. Broadway
De Pere, WI 54115

To Whom it May Concern:

I have been asked by my neighbor, Mr. Robert Clark, to let you know if I have any concern about him putting a driveway in to his storage building at 1002 Meadow View Lane.

My wife, Jo Ann, and I have no objection to the installation of a driveway to this building.

If you have any questions on this matter, please feel free to call me at 920/430-0276.

Sincerely,



Brian Holloway

1001 MEADOW VIEW LANE
DE PERE, WI 54115-1815

To Whom it may concern,

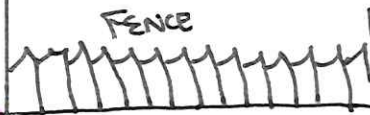
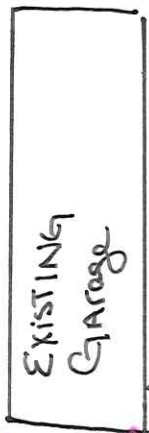
We are requesting a variance for a driveway to be installed on our additional detached garage. Our house is on a corner lot which sets on two separate streets. And our lot is over 17,000 square feet. We feel this situation that we are requesting falls under a hardship. We have four drivers in our house now and this coming December will have five drivers which means five vehicles. We also own a boat and trailer. We are unable to park these cars in our driveway. And in order to keep the neighbored looking cluttered we don't like to park on the street. We feel this will only make the neighborhood more appealing. We have spoken to our neighbors who are in the line of sight if this project and they have included letters stating their approval. We also have noticed the home located on the corner of countryside and suburban. He is on a corner lot(1517 Suburban Drive) also has additional driveways. We hope you will grant us the variance to complete this 1 stall driveway. This project will be completed by myself. I am a licensed general contractor.

Robert and Jacqueline Clark
1002 Meadowview Lane De Pere

12' FEET WIDE
x 68.5' LONG

CORNER LOT
17,199 Lot size

12' FEET WIDE
x 36' 5" LONG



12' WIDE
x 68.5' LONG



6 Foot Separation

Neighbors Home

Steve Mellberg

SIDEWALK

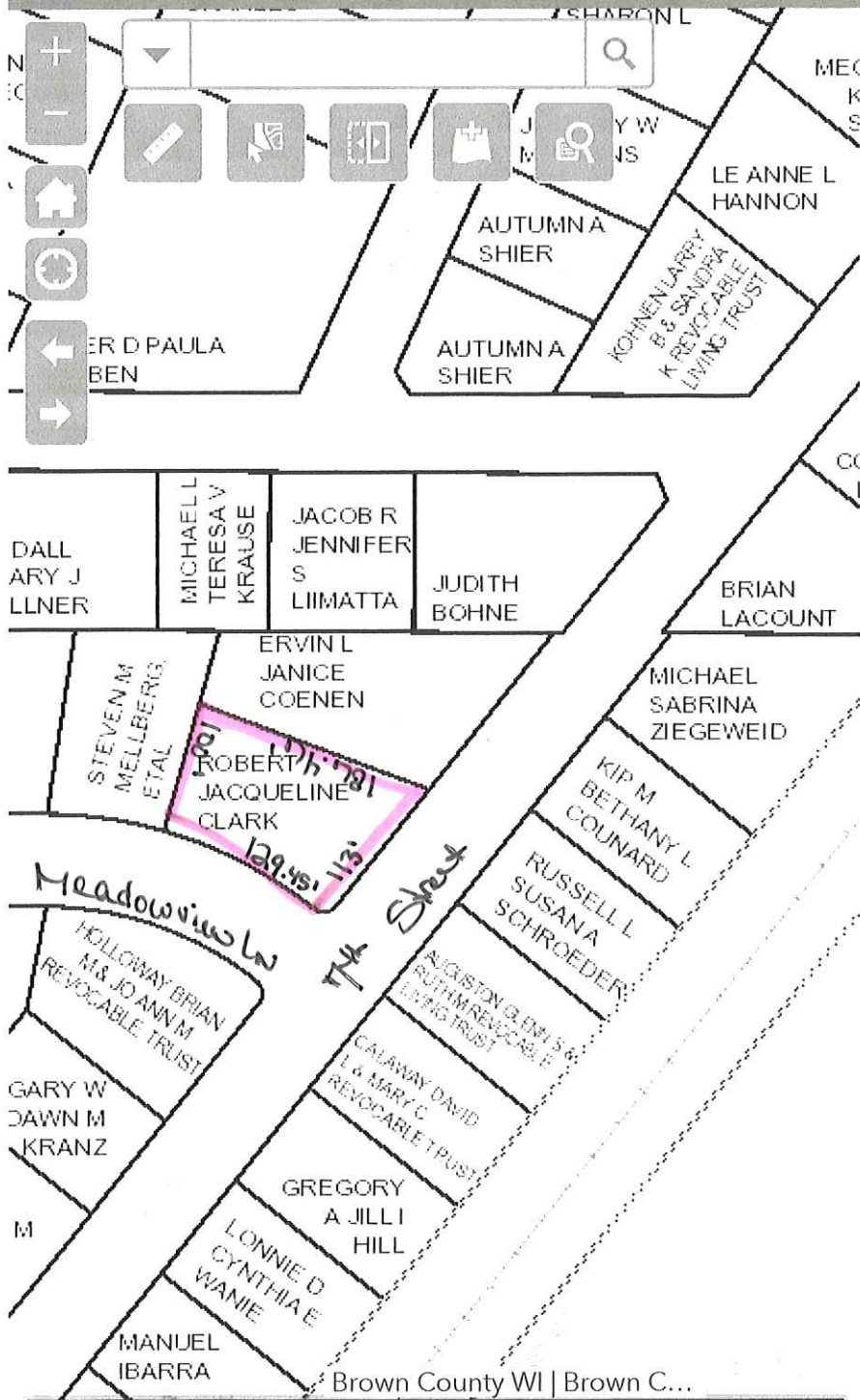
Street

MEADOWVIEW LANE

S. 7th Street



BrownDog



NAD_1983_HARN_WISCRS_Brown_County_Feet (103404) Default

