

ZONING BOARD OF APPEALS MINUTES

A meeting of the De Pere Zoning Board of Appeals was held on May 25, 2010 at 4:45 p.m. in the Council Chambers of the De Pere City Hall. The regular meeting of the Zoning Board of Appeals did not meet on May 24, 2010 due to a lack of a quorum.

Members present were: Kathy Van Vonderen, John Fairchild, Robert De Groot and William Vande Hei. Also present was Chairman Thomas Keidatz and Building Inspector David Hongisto.

1) Approval of minutes of the March 22, 2010 and April 26, 2010 meetings..

Motion was made by Van Vonderen seconded by Vande Hei to approve the minutes as presented. Motion carried.

2) Request submitted by Roy & Terri Fruzen, 1014 Silver Street, De Pere, Wisconsin for a building permit to construct a 22' x 36' attached garage on the property located at 1014 Silver Street, De Pere, Wisconsin which would require a nine (9) foot rear yard setback variance and an eight (8) foot interior side yard setback variance.

Keidatz read the notice of public hearing.

Building Inspector Hongisto explained the requirements of the De Pere Municipal Code.

Petitioner Roy Fruzen told board members that he basically wanted to replace an old detached garage that was near the north property line with a new garage that would be attached to his single family residence. Following a discussion a vote was taken on the variance request by board members with unanimous approval while noting that there would not be an adverse affect on the surrounding properties and the fact that the existing garage had been located a foot from the lot line. The approval was conditioned that storm drainage off of the roof be directed back towards Mr. Fruzen's property.

3) Request submitted by Raymond J. Hoffman, 1140 Aldrin Street, De Pere, Wisconsin for a building permit to construct a gazebo on the property located at 121 N. Tenth Street, De Pere, Wisconsin which would require a fifty six (56) foot interior side yard setback variance.

Keidatz read the notice of public hearing.

Building Inspector Hongisto explained the requirements of the De Pere Zoning Code while clarifying that there is a "transitional setback between zoning districts" of fifty seven (57) feet between Mr. Hoffman's bar and the apartment adjacent to the north.

Ray Hoffman explained that he wanted to construct a gazebo to within one (1) foot of the property line. The gazebo was being requested to create a smoking area to be compliant with the new smoke free regulations.

Vande Hei said that he felt the smoking in the vicinity of the property line had the potential to affect tenants in the adjacent apartment.

Ken Pabich, Director of Planning and Economic Development for the City of De Pere told commission members that he had met on site with Mr. Hoffman and stressed that the granting of a variance would set a precedent and potentially hurt the integrity of the zoning code. He also reiterated that the no smoking ban was not a hardship on the property.

Hoffman said that he would have to go back to using the outside patio next to his building.

Van Vonderen expressed concern that young kids could drink and smoke outside of the bar.

Following a discussion a vote was taken on the variance request with De Groot, Fairchild and Vande Hei voting naye. Van Vonderen voted aye. The variance was denied because there was not a hardship brought on by the zoning code and to preserve the integrity of the zoning code.

Motion was made by Vande Hei seconded by De Groot to adjourn. Motion carried. Time 5:35 p.m.

Respectfully submitted,

David R. Hongisto
Building Inspector