

## ZONING BOARD OF APPEALS MINUTES

A meeting of the De Pere Zoning Board of Appeals was held on May 23, 2011 at 4:45 p.m. in the Council Chambers of the De Pere City Hall.

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

- 1) *Approval of minutes of the January 24, 2011 and April 25, 2011 Zoning Board of Appeals meetings.*

Motion was made by Van Vonderen seconded by Vande Hei to approve the minutes of the January 24, 2011 and April 25, 2011 meetings. Motion carried.

- 2) *Request submitted by Alvin and Jane Hanna, 2765 Newcastle Ct., Green Bay, Wisconsin for a building permit to construct a 32' x 30' detached garage on the property located at 637 N. Winnebago, De Pere, Wisconsin which would require a 260 square foot size variance.*

Keidatz read the notice of public hearing and the neighbor's letter supporting the variance.

Building Inspector Hongisto explained that the Zoning Code allows a maximum square footage of 700 square feet for a detached accessory building.

Fairchild noted that the board has in the past restricted size variances to 200 square feet and explained that in some cases the garages are getting larger than the house.

Keidatz noted that he would like to see the garage reduced in depth by 2'.

After noting that the neighbors did not object to the variance request a vote was taken on the amended 2' less variance request with unanimous approval while noting that there would not be an adverse effect on the surrounding properties relating to values or safety. Motion carried.

- 3) *Request submitted by Alec Getschow, 1321 Lost Dauphin Road, De Pere, Wisconsin for a permit to construct a fence on the property located at 13421 Lost Dauphin Road, De Pere, Wisconsin which would require a variance to allow a 6' high fence in a corner side yard setback.*

Building Inspector Hongisto explained that the fence regulations in the Municipal Code. He also suggested that the neighbor to the east has a driveway and that a vision triangle should be created in the fence to provide safety for children on the sidewalk. After discussion the board felt that there should be a 10' vision triangle.

Vern Lemke, 1313 Lost Dauphin Road indicated that he did not like Mr. Getschow being able to put his fence on the lot line and wanted a letter from the City waiving him of any liability in the future if Mr. Getschow were to get hurt on Lemke's property. Keidatz explained that the City does not get involved in civil issues.

The variance request was approved unanimously after noting that the fence would not create a hazard to pedestrians on the sidewalk with the 10' vision triangle.

- 4) *Request submitted by Jack Le Duc, 133 N. Superior Street, De Pere, Wisconsin for a building permit to construct an addition to a residence located at 133 N. Superior Street, De Pere, Wisconsin which would require a 17'4" rear yard setback variance.*

Paul De Leeu arrived at 5:15 p.m.

Keidatz read the notice of public hearing.

Hongisto explained that the required rear yard setback was 30'.

Petitioner Le Duc noted that he wants to connect the two family residence to the detached garage and that his addition would match the historic character of his residence.

The variance request was approved unanimously while noting that there would not be an adverse effect on the surrounding properties.

- 5) *Request submitted by John Michaels, 746 Killarny Trail, De Pere, Wisconsin for a permit to construct a 14' x 19' deck on the property located at 746 Killarny Trail, De Pere, Wisconsin which would require a 12' rear yard setback variance.*

Keidatz read the notice of public hearing.

Hongisto explained that the property was zoned P.D. D., Planned Development District with smaller lot widths and depths. He also noted that the City Planner and City Attorney felt that there was not a hardship.

Petitioner Michaels said that he couldn't access to his rear yard because his patio door is elevated due to exposed windows in the basement.

Keith Garot, 320 Main Avenue, De Pere, Wisconsin (builder of the residence) said that the Building Inspection Department should not have approved the plans with exposed windows. Building Inspector Hongisto stated that it is was Garot's responsibility to know the regulations when constructing a house.

After discussion the board approved a lessened variance request unanimously which was reduced to a 20' rear yard setback to the deck while noting that it would not be detrimental to the neighborhood.

- 6) *Request submitted by Kyle Resch, 740 Killarny Trail, De Pere, Wisconsin for a permit to construct a 14' x 12' deck on the property located at 740 Killarny Trail, De Pere, Wisconsin which would require a 9' rear yard setback variance.*

Keidatz read the notice of public hearing.

Hongisto explained that the regulations were the same as the previous variance request.

*Petitioner Resch amended his request so he could be 20' from the rear lot line to be consistent with his neighbor.*

*The board unanimously approved the amended variance request while noting that it would not be detrimental to the neighborhood. The board also went on record stating that they would not allow any future rear yard setback variances on Killarny Trail closer than 20'.*

- 7) Request submitted by Mike and Darlene Smits, 727 S. Michigan Street, De Pere, Wisconsin for a permit to construct a deck on the property located at 727 S. Michigan Street, De Pere, Wisconsin which would require an eight (8) foot interior side yard setback variance.*

Keidatz read the notice of public hearing.

Hongisto explained the zoning code requirements.

Petitioner Mike Smits explained his variance request. Fairchild, Van Vonderen and Keidatz all felt that the deck would be too close to the lot line and suggested a 4' interior side yard setback.

Petitioner Smits amended his variance request to be 4' from the lot line.

The amended variance was unanimously approved while noting that the abutting neighbor had no objections to the proposed deck location.

Motion was made by Fairchild seconded by Van Vonderento adjourn. Motion carried. Time 6:15 p.m.

Respectfully submitted,

David R. Hongisto  
Building Inspector