



Board of Appeals

Regular Meeting

Final Minutes

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

Monday, June 24, 2019

4:45 PM

De Pere City Hall Council Chambers

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	
James Stadler	Board Member	Present	
William Vande Hei	Board Member	Present	
Andy Van Remortel	Board Member	Present	
Michelle Manke	Board Member	Present	

Also present: City Planner Peter Schlein, City Attorney Judy Schmidt-Lehman, and members of the public.

- Approval of the minutes of the April 22, 2019 Board of Appeals meeting.

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

- Staff recommendation and possible action regarding a variance request for a new building to encroach 14 feet into the Municipal Code 14-40 (8)(2)(c) required 50 foot rear yard setback, thereby allowing for the rear yard setback to be reduced to 36 feet on multi-family property and single family property (proposed to be rezoned with a conditional use for a dental office) located at 221-233 S. Erie Street (Parcels ED-1112, ED-1113, ED-1114). Submitted by Katie Nemitz, Design Unlimited, authorized representative for HNM LLC, property owner.

Bob De Groot read the notice of public hearing and City Planner Peter Schlein reviewed the variance request. Peter explained the background of the project, which includes several different reviews. The rezoning, conditional use, and site plan will all be reviewed later tonight at the Plan Commission meeting. The Common Council will also have final review of the rezoning and conditional use. The variance is necessary because the new dental office is proposed to encroach 14 feet into the required 50 foot rear yard setback.

Peter identified the five criteria to use when evaluating a variance request. They are:

- 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.
- 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 classification.
- 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.

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.

For variance requests, staff does not provide a recommendation or denial. Peter noted that the petitioner is in the audience, as well as residents. The City Attorney was also present. Bob De Groot invited the applicant to come forward to address the board. Chris Halwig, the architect for Design Unlimited, spoke. He note that a 6 foot vinyl fence is proposed along the north side of the property for better screening of the dental office. Scott Bonfigt asked how the design would change if the 50 foot setback was enforced. Chris stated that the single story building is what his client desires, which would require the setback reduction. Scott then asked what the normal setback for a residential house is and City Planner Peter Schleinz stated that for a single or two family home it is 30 feet. Bob De Groot asked if anyone wished to speak for or against the variance. Elaine Flora, on behalf of herself and her husband Dave, stated her opposition to the expansion. Scott Bonfigt asked her what her main concern was and she stated that she is opposed to the entire project and this is one step in the process of the expansion getting approved. Main points of concern included increased traffic, the size of the building, and possible decrease in property values of the surrounding neighborhood. The next person to speak was Lisa Cherney, the property owner directly to the north. She also spoke against the project. Jack Pasterski, a former resident of the house at 221 S Erie Street, also spoke against the project. Finally, Dr. Gary Noble, senior partner and owner of MAC Dental addressed the board. He noted that his business has grown over the past few years and a bigger facility is needed. He explained that he hired Design Unlimited due to their expertise with designing dental offices. The goal was to design a building that looked similar to a house so it fit in the neighborhood better. He added that the existing building has been around for 46 years without any changes being made. Scott Bonfigt asked what the business would do if the project was not approved. Dr. Noble stated that ideally, he would like to stay at this site and expand. Secondly, he would like to stay in East De Pere; however it has been difficult to find another suitable site in the area. The third option would be to relocate to Allouez or another surrounding area. After some discussion the board members decided that they should not make a decision on the variance until after the Plan Commission acts on the rezoning request. Bob De Groot moved, seconded by Bill Vande Hei, to table the vote until the next Board of Appeals meeting. The applicant was in agreement with this decision. Upon vote, motion carried unanimously.

RESULT:	TABLED [UNANIMOUS]
	Next: 7/22/2019 4:45 PM
MOVER:	Bob De Groot, Chairman
SECONDER:	William Vande Hei, Board Member
AYES:	Bonfigt, De Groot, Manke, Stadler, Vande Hei, Remortel
EXCUSED:	Paul De Leeuw

Adjournment

Bob De Groot moved, seconded by Andy Van Remortel, to adjourn the meeting at 5:57 pm. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker