

**AGENDA**  
**CITY OF STURGEON BAY**  
**ZONING BOARD OF APPEALS**  
Tuesday, June 11, 2024 at 12:00 Noon  
Council Chambers, City Hall  
421 Michigan Street, Sturgeon Bay, WI

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from February 27, 2024.
4. Election of Officers.
5. Public Hearing: A variance request from Tom Haight, from Section 20.29(6) of the municipal code which limits the total floor space of accessory buildings on a parcel to 1,000 square feet for a single-family dwelling. Subject property is located at 437 N 7<sup>th</sup> Place – parcel #281-40-70040101.
  - a. Presentation
  - b. Public Hearing
  - c. Consideration/Recommendation (Note: The Plan Commission will not make a recommendation at this meeting, unless a motion is made and unanimously passed by the members present to act on the request at this meeting.)
6. Adjourn.

*NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.*

6/6/24

1:45 p.m.  
cm

Committee Members:

Dave Augustson  
Nancy Schopf  
Bill Chaudoir  
Robyn Bartel  
Robert Moellenberndt

**CITY OF STURGEON BAY  
Zoning Board of Appeals  
February 27, 2024**

The City of Sturgeon Bay Zoning Board of Appeals was called to order at 12:00 p.m. by Chairperson William Murrock in Council Chambers, City Hall, 421 Michigan Street.

**Roll call:** Members William Murrock, and Dave Augustson were present. Member William Chaudoir appeared via zoom. Members Nancy Schopf and Morgan Rusnak were excused. Staff present were Planner/Zoning Administrator Stephanie Servia and Community Development Administrative Assistant Colleen Michiels.

**Adoption of agenda:** Moved by Mr. Augustson, seconded by Mr. Murrock to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from January 9, 2024.
4. Public Hearing: Street yard variance from Section 20.27(2) of the municipal code for Christ the King Church located at 2 N 5<sup>th</sup> Avenue.
5. Consideration of: Street yard variance from Section 20.27(2) of the municipal code for Christ the King Church located at 2 N 5<sup>th</sup> Avenue.
6. Adjourn.

All ayes. Carried.

**Approval of minutes from January 9, 2024:** Moved by Mr. Augustson, seconded by Mr. Chaudoir to approve the minutes of January 9, 2024. All ayes. Motion carried.

**Public Hearing: Street yard variance from Section 20.27(2) of the municipal code for Christ the King Church located at 2 N 5<sup>th</sup> Avenue:** Chairperson Murrock opened the public hearing at 12:04 p.m. Ms. Servia explained that Christ the King Episcopal Church is petitioning for a variance from Chapter 20 of the Municipal Code so they may add a 474 square foot addition onto their building located on their property at 2 N 5<sup>th</sup> Avenue. The property is zoned R-2 which requires a 20-foot street setback, side yards of 8 feet, and rear yard setbacks of 25 feet. The church is requesting a 13.5-foot setback from N 5<sup>th</sup> street to accommodate their addition which includes a meeting room, an ADA bathroom and ADA ramp access.

Ms. Servia further explains that this parcel is more restricted in terms of building space because it is a corner lot which requires street setbacks from two streets. She goes on to explain the reasons for street setbacks were established and adds that without a variance, the church would only be able to add an additional 11.5 feet before reaching the required setback.

Skyler Witalison of Stantec located at 312 N 5<sup>th</sup> Avenue and Cole, a representative from Keller explain the project and the need for the variance. They explain that while there is currently a small ramp on the west side of the building, there is no ADA accessible restroom – which is the main purpose of this addition.

Mr. Murrock questions if they have gone back as far as they can, and the representatives confirmed that they have. Mr. Murrock also asks about the foundation of the building and if there were any underground utilities that would need to be moved. Mr. Witalison explains that only part of the church has a basement and there is stormwater management about two feet underground which will need to be moved. He adds that this has already been discussed with and approved by the city engineer.

Mr. Chaudoir asks about the ground cover. Cole from Keller explains that there is a group of church members that will handle the plantings. Everyone agrees that the current landscaping is beautiful, and the members think that it is important to maintain something similar. Mr. Augustson asks if any trees will be affected by the addition. The representatives confirm that the two front trees will remain but the silver maple in the northwest corner will likely have to be removed.

Mr. Murrock asks Ms. Servia if additional parking will be needed. To which she replies that in this case, there is no additional seating being added so no additional parking would be required.

Dale Logan, of 1849 Georgia Street, is the current junior warden at the church explains that while there is currently a small bathroom in the church, there is a step that goes up into it making it inaccessible for those with disabilities. He reiterates the need to have an ADA accessible bathroom to accommodate the public and the aging parishioners. He also assures members that the landscaping will be at least as spectacular as it currently is. When asked, he also confirms that he has no knowledge of any issues between any neighbors and the church.

No members of the public were present, and no letters were submitted. The public hearing was closed at 12:22 p.m.

Mr. Augustson states that while the proposed plan is the only way they could add enough space for an ADA bathroom, he doesn't feel that they need 474 square feet for that purpose. However, he does sympathize with the current cost of construction, and agrees it makes financial sense to get the extra space while you are addressing the bathroom.

Mr. Chaudoir agrees with Mr. Augustson in regard to the excessive square footage but expresses concern about the significant encroachment. To which Mr. Augustson points out that even though this is a corner lot, the two roads meet at much less than ninety degrees and therefore construction right up to the sidewalk, if allowed, would not impede traffic. Ms. Servia adds that while the property isn't currently zoned commercial, there are neighboring parcels zoned as commercial which would support this parcel being zoned commercial if desired. A commercial zoning would allow them to request a setback right up to the sidewalk.

Mr. Chaudoir adds that if the variance is approved, he would like to see a minimum square footage required for landscaping and that a plan be prepared for approval by the city staff. Mr. Augustson agrees.

Mr. Murrock motioned to approve the variance.

Mr. Chaudoir moved to amend the motion subject to an improved landscape plan, approved by staff, providing a minimum square footage of landscaping of that which currently exists. Seconded by Mr. Augustson. All ayes, carried. Vote on original motion as amended to read: motion to approve the variance subject to an improved landscape plan, approved by staff, providing a minimum square footage of landscaping of that which currently exists. All ayes, motion carried.

Moved by Mr. Chaudoir, seconded by Mr. Augustson to adjourn. All ayes. Motion carried. The meeting adjourned at 12:21 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Colleen Michiels".

Colleen Michiels  
Community Development Administrative Assistant

## **Staff Report: Variance Request for 437 N 7<sup>th</sup> Place**

**Background:** Tom Haight is petitioning for a variance from Chapter 20 (Zoning) of the Municipal Code so he may add a 7-foot by 24-foot (168 sq ft) addition onto one of their accessory buildings for their property at 437 N 7<sup>th</sup> Place. The property is located in the R-2 zoning district. For single-family uses, the floor area of accessory buildings shall not exceed 1,000 square feet. The existing buildings are 24 ft x 24 ft (576 sq ft) and 22 ft x 20 ft (440 sq ft) which is already slightly over the 1,000 square foot maximum. If the Board decides to approve the variance the total square footage for both accessory buildings would be 1,184 sq ft.

There was a previous variance requested for the same reason in 1986 but was ultimately denied because work had already begun for the addition and a slab had been poured. The current applicant has unfortunately made the same mistake and has already begun work for the addition before knowing he was going to need a variance.

**Considerations:** The minimum accessory building area is governed by section 20.29(6). There are several purposes behind the area requirements, including:

- Promote and preserve the residential character of the neighborhood by preventing large accessory buildings from dominating residential lots
- Ensure aesthetic compatibility with neighboring property
- Minimize the possibility of large accessory buildings from being used for commercial purposes in a residential zone.

Due to the slab foundation that extends beyond the existing structure, water is not directed away from the building. The addition would also increase the functionality of the structure by allowing easy access with an overhead door facing the alley. The siding will also be updated to match what is currently on the home and the other accessory structure on the property which will improve the aesthetics of the building and benefit the tenants/owners.

It is noted that the dwelling on the property does not include an attached garage. There does not appear to be a feasible way to add an attached garage, which would not count against the floor area limit. Therefore, all storage on the property must be within accessory buildings.

A few of the surrounding neighbors have larger accessory buildings on their property so having a larger accessory structure is not out of character with the neighborhood. Historically, more variances similar to the subject request have been granted than denied in the City.

**Surrounding Zoning/ Uses:** To the north, east, west, and south are other R-2 zoned homes. To the northeast, across 7<sup>th</sup> Place, the property is Garland Park, which is zoned Conservancy.

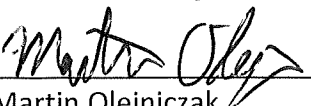
**Options:** The Board can:

- 1) Approve the accessory building addition variance as proposed.
- 2) Approve a lesser area variance.
- 3) Deny the accessory building area variance.

It is noted that the Board can also attach conditions to the granting of a variance if the condition is pertinent to the petition.

Prepared By:   
Stephanie Servia  
Planner / Zoning Administrator

6/6/2024  
Date

Reviewed By:   
Martin Olejniczak  
Community Development Director

6/6/2024  
Date

Q240514-am1

STAFF USE:  
Date Received: 5-13-24  
Fee Paid: \$ 550.00  
Received By: S. Smith

1,184.

$\rho_{11} = \rho_{22} = \rho_{33} = \rho_{44} = 1$  and  $\rho_{12} = \rho_{21} = \rho_{13} = \rho_{31} = \rho_{14} = \rho_{41} = \rho_{23} = \rho_{32} = \rho_{24} = \rho_{42} = \rho_{34} = \rho_{43} = 0$

**VARIANCE STANDARDS:**

Please address how the proposed variance meets each of the three required standards for authorizing variances.  
(Attach additional sheets, if necessary)

1. Unnecessary hardship: Attached
2. Unique physical property limitation: \_\_\_\_\_
3. Protection of public interest: \_\_\_\_\_

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? Yes or No (Circle One) IF YES, EXPLAIN: Previous Variance denied.

Attach an 8-½"x 11" detailed site plan (if site plan is larger than 8-½"x 11", also include 15 large sized copies), full legal description (preferably digital), 8-½"x 11" location map, construction plans for the proposed project, and Agreement for Reimbursement of expenses. Site plan shall include dimensions of property, pertinent structures and buildings, proposed site improvements, signature of person who drew plan, etc.

Tom Haight  
Property Owner

5/13/2024  
Date

\_\_\_\_\_  
Applicant/Agent

\_\_\_\_\_  
Date

I, Tom Haight, have attended a review meeting with at least one member of staff and understand that I am responsible for sign placement and following all stages listed on the check list in regard to the applicant.

5/13/2024  
Date of review meeting

Tom Haight  
Applicant signature

[Signature]  
Staff signature

**Attachments:**

Procedure & Check List

Agreement for Reimbursement of Expenses

**STAFF USE ONLY**

Application conditions of approval or denial:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Community Development Director

## Variance Standards:

- 1.) Unnecessary hardship: Existing garage does not conform to normal building standards with slab foundation extending 7 feet beyond structure. As a result, the level slab does not shed water away from building and is not aesthetically pleasing.
- 2.) Unique Physical property limitation: The existing slab and location of proposed building extension falls within residential setback regulations, and is proportional on lot.
- 3.) Protection of public interest: Proposed garage extension with an overhead door to alley would provide added functionality to future tenants or owners by allowing easy access to enclosed storage for vehicles, recreational or utility trailers, or other needs. The proposed structure will be sided to match the house and older garage, completed the previous two years. Increasing the longevity and usefulness of the proposed building benefits future tenants/owners, existing neighbors, and the City by contributing to the safety and character of the neighborhood, and maintaining our property values.

- N. 7th Place -

Driveway

437 N 7th Place  
Existing house

Deck

Original  
Garage

Existing  
Garage

Existing slab  
for addition

24'

Extending back  
garage additional  
7 feet over  
existing slab.  
w/ 16' x 7' overhead  
door to back alley.

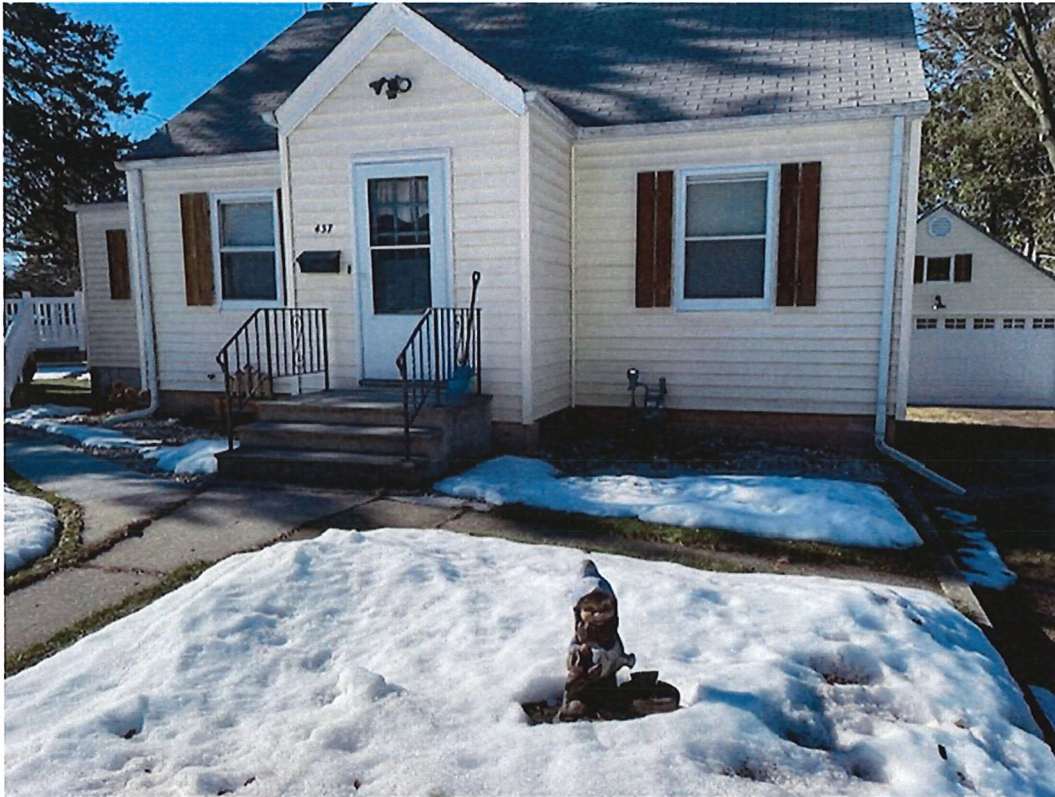
1"  $\approx$  15 feet

- alley -

W  
N  
E  
S

Tom Haight- 437 N 7<sup>th</sup> Place

Existing Buildings



Proposed Exterior Materials for Rear Shed



Current State of Project



## **NOTICE OF PUBLIC HEARING**

The City of Sturgeon Bay Zoning Board of Appeals will conduct a public hearing in the Council Chambers, 421 Michigan Street, Sturgeon Bay, Wisconsin on Tuesday, June 11th, at 12:00 p.m. or shortly thereafter, in regard to a variance request from Tom Haight, from section 20.29(6) of the Sturgeon Bay zoning code, which limits the total floor space of accessory buildings on a parcel to 1,000 square feet for a single-family dwelling. The subject property is parcel #281-40-70040101 located at 437 N 7<sup>th</sup> Place. The applicant proposes a 168 square foot addition to an existing garage. The parcel currently has a non-conforming accessory building total square footage of 1,016. With the proposed addition, the total square footage of accessory building floor space on this parcel would be 1,184. The application materials are on file with the Community Development Department, located at 421 Michigan Street, and can be viewed weekdays between 8:00 a.m. and 4:30 p.m. The public is invited to give testimony in regard to the proposed variance request, either in person at the hearing or in writing.

By order of:

City of Sturgeon Bay Zoning Board of Appeals

Subject Property  
437 N 7th Place



Parcel #281-40-70040101