

**AGENDA
CITY OF STURGEON BAY
ZONING BOARD OF APPEALS**

Tuesday, January 23, 2018

12:00 Noon

Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from November 28, 2017.
4. Public Hearing: Petition for variance from Section 20.27(2) of the City of Sturgeon Bay Zoning Code, for a proposed addition that would encroach into the street right-of-way, for Jim McCarthy, 831 Louisiana Street.
5. Consideration of: Petition for variance from Section 20.27(2) of the City of Sturgeon Bay Zoning Code, for a proposed addition that would encroach into the street right-of-way, for Jim McCarthy, 831 Louisiana Street.
6. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

ZBA Board Members

William Murrock, Chair

James Goodwin

Andrew Starr

Bill Chaudoir

Wayne Spritka

Dave Augustson, Alternate

Justin Kirwen, Alternate

01/17/18
10:00 a.m.
CN

ZONING BOARD OF APPEALS
Tuesday, November 28, 2017

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

Roll call: Members James Goodwin, Wayne Spritka, Andrew Starr, and William Murrock were present. Absent: Member Bill Chaudoir. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, and Community Development Secretary Cheryl Nault.

Adoption of agenda: Moved by Mr. Spritka, seconded by Mr. Starr to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from October 24, 2017.
4. Public hearing: Petition for variance from Section 27.13(4) of the City of Sturgeon Bay Sign Code, to place an off-premise sign at 615 S. Lansing Avenue.
5. Consideration of: Petition for variance from Section 27.13(4) of the City of Sturgeon Bay Sign Code, to place an off-premise sign at 615 S. Lansing Avenue.
6. Adjourn.

Carried.

Approval of minutes from October 24, 2017: Moved by Mr. Starr, seconded by Mr. Spritka to approve the minutes from October 24, 2017. All ayes. Carried.

Public hearing: Petition for variance from Section 27.13(4) of the City of Sturgeon Bay Sign Code, to place an off-premise sign at 615 S. Lansing Avenue: Chairperson Murrock opened the public hearing at 12:02 p.m.

Kelsey Hayes, representative from TLC Signs in Kimberly, WI, stated that NAPA Auto Parts was looking to add directional signage to direct traffic from Hwy 42-57 to their store off of Lansing Avenue. The proposal is for a 36" x 78" ground sign to be placed near the Midwest Wire entrance on Lansing Avenue. She added that she had received verbal permission from Midwest Wire to install a sign, but had not talked with them in regard to combining signage.

Mr. Spritka asked if research was done that had shown that customers could not find the store even with three signs that are already displayed.

Ms. Hayes responded that there were a lot of other buildings on the property and the NAPA store cannot be seen from Lansing Avenue. Multiple signage decreases traffic hazards. Their building is not on located on a corner.

Mr. Starr wondered if anyone else has asked about installing a sign in that area. It could set a precedence.

Mr. Sullivan-Robinson added that the code allows for two on-premise signs per parcel. The variance is for the allowance of an off-premise sign. Midwest Wire currently has a directional ground sign, as well as a wall sign.

Mr. Olejniczak stated that there may be some non-conforming signs in the City. Cooperative signs are now allowed. Other tenants have a hardship also.

Ms. Hayes mentioned that they didn't want a gaudy-looking sign. It would be placed at the correct setbacks and not interfere with vision. There will be no landscaping. The sign would just be placed on two posts. It will not be illuminated.

Chairperson Murrock closed the public hearing 12:17 p.m.

Consideration of: Petition for variance from Section 27.13(4) of the City of Sturgeon Bay Sign Code, to place an off-premise sign at 615 S. Lansing Avenue: Members discussed the variance request. Mr. Murrock stated that they already have three signs for their business.

Mr. Spritka did not like the idea of increasing traffic with Sawyer School located in the same area. NAPA's address is Green Bay Road, not Lansing Avenue. He couldn't see how people would have a hard time finding the store.

Mr. Starr did not see a problem with an 18 square-foot sign if the property owner did not have a problem with it.

Discussion continued. Moved by Mr. Murrock, seconded by Mr. Goodwin to deny the request for NAPA Auto Parts to place an off-premise sign on the property owned by Midwest Wire at 615 S. Lansing Avenue, due to the fact that there are already three NAPA Auto Parts signs located on their property. They did not see a hardship. Roll call vote: Mr. Murrock, Mr. Goodwin, and Mr. Spritka voted aye. Mr. Starr voted no. Motion carried.

Adjourn: Moved by Mr. Starr, seconded by Mr. Spritka to adjourn. All ayes. Carried. Meeting adjourned at 12:27 p.m.

Respectfully submitted,



Cheryl Nault
Community Development Secretary



MEMO

To: Zoning Board of Appeals
From: Christopher Sullivan-Robinson
Date: January 17, 2018
Subject: Porch and Stairway Setback Variance

Jim McCarthy is located in a neighborhood that has narrow lots which makes it difficult to do any modification to the dwelling. His property, as well as the neighboring properties is nonconforming in some way.

The subject property is in an R-1 district, which decks are a permitted use within this district. Decks are treated as a part of the dwelling, which means that the principle dwelling setbacks must also apply to the porch. The deck must be setback 25 feet from the street right-of-way property line, 10 feet from the side yard property lines, and 25 from the rear property line.

Under zoning code regulations, this is a nonconforming structure because the side setback is not met on the west property line. The code allows a nonconforming structure to make alterations and additions as long as setbacks aren't further diminished. The variance is needed for the street right-of-way setback since the requirement is 25 feet and this project will result in a setback of 20 feet.

Reviewing the surrounding properties, most have a wider deeper porch, so this would be similar in aesthetics. I will also note that in R-2 and R-3 districts we allow porches to be setback 17 feet rather than the 25 feet from street right-of-way.

**CITY OF STURGEON BAY
VARIANCE APPLICATION
ZONING BOARD OF APPEALS**

Date Received: JAN 3, 2018
Fee Paid: \$1300/50
Received By: CHRIS

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Jim MCCARTHY	
Company		
Street Address	326 S. 4th Ave	
City/State/Zip	Sturgeon Bay, WI, 54235	
Daytime Telephone No.	(920) 559-3049	
Fax No. Email	james.mccarthy21@yahoo.com	
STREET ADDRESS OF SUBJECT PROPERTY: <u>831 Louisiana St.</u> Location if not assigned a common address: _____		
TAX PARCEL NUMBER: <u>281-32-100/0301 R</u>		
CURRENT ZONING CLASSIFICATION: <u>R-1</u>		
CURRENT USE AND IMPROVEMENTS: <u>Residential (FAMILY); LOOKING TO INSTALL A PORCH/STAIRS</u>		
IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: <u>20.27(2) SETBACK REQUIREMENT</u> <u>PORCH AND STAIRS</u>		
ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES: North: <u>RESIDENTIAL</u> South: <u>RESIDENTIAL</u> East: <u>RESIDENTIAL</u> West: <u>RESIDENTIAL</u>		

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: HOUSE LOCATION ON PROPERTY RESTRICTS THE ABILITY TO BUILD A PORCH. ALSO RESTRICTED BY THE SHAPE OF THE LOT.
2. Unique physical property limitation: MOST OF THE SURROUNDING PROPERTIES HAVE DEEPER AND WIDER PORCH. THIS NEW CONSTRUCTION WILL BETTER MATCH THE NEIGHBORHOOD
3. Protection of public interest: HAS NO EFFECT ON THE NEIGHBORHOOD AND WILL COMPLIMENT THE NEIGHBORING PROPERTIES

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? NO IF YES, EXPLAIN: _____

Attach an 8-1/2" X 11" detailed site plan (if site plan is larger than 8-1/2" x 11", also include 15 large sized copies), full legal description (preferably on disk), 8-1/2 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.

James McCarthy
Property Owner (Print Name)

Jim McCarthy
Signature

1/3/2018
Date

James McCarthy
Applicant/Agent (Print Name)

Jim McCarthy
Signature

1/3/2018
Date

I, Jim McCarthy, 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.

1/3/2018
Date of review meeting

Jim McCarthy
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

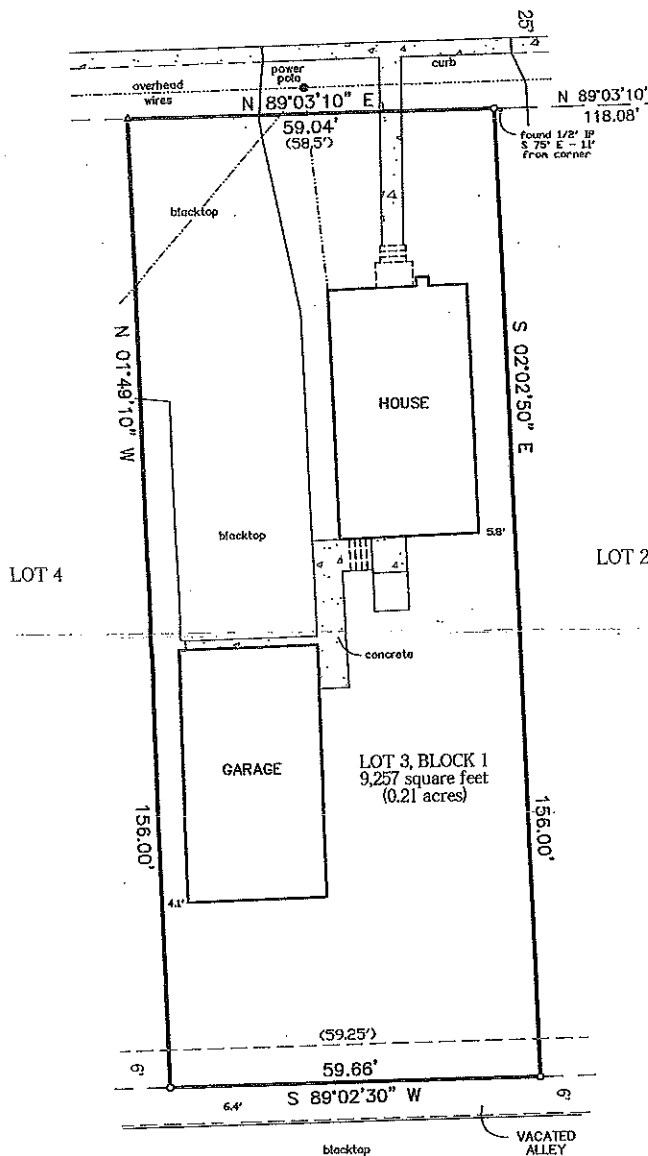
PLAT OF SURVEY

DESCRIPTION:
BEING ALL OF LOT 3, BLOCK 1, LAWRENCE'S THIRD ADDITION
TO THE CITY OF STURGEON BAY, AND THE NORTH 1/2 OF THE
VACATED ALLEY LOCATED ADJACENT THERETO AND SOUTHERLY THEREOF,
ALL IN THE SE 1/4 OF THE SW 1/4, SECTION 5, TOWNSHIP 27 NORTH,
RANGE 26 EAST, DOOR COUNTY, WISCONSIN.



SCALE
1" = 20'

---LOUISIANA---STREET---



prepared for
JAMES MCCARTHY II
326 SOUTH 4TH AVENUE
STURGEON BAY, WI 54235

prepared by
PENINSULA LAND CONSULTANTS, L.L.C.
185 E. WALNUT STREET #115
STURGEON BAY, WI 54235

- △ = SET MAG NAIL
- = SET 5/8" REBAR
- = FOUND 1" IRON PIPE
- () = DENOTES "RECORDED AS"

ALL BEARINGS ARE BASED ON PREVIOUS
BREY, JR. SURVEY, D-91428

FOR THE PURPOSES OF THIS SURVEY,
THE EXTERIOR OF ALL OF BLOCK 1 WAS ESTABLISHED

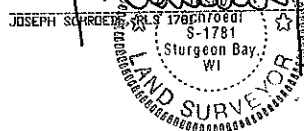
WEST LINE OF BLOCK 1 (EAST LINE OF ALLEY)
WAS ESTABLISHED AS PER PREVIOUS
FRISQUE SURVEY, D-082514

831 LOUISIANA

SURVEYOR'S CERTIFICATE

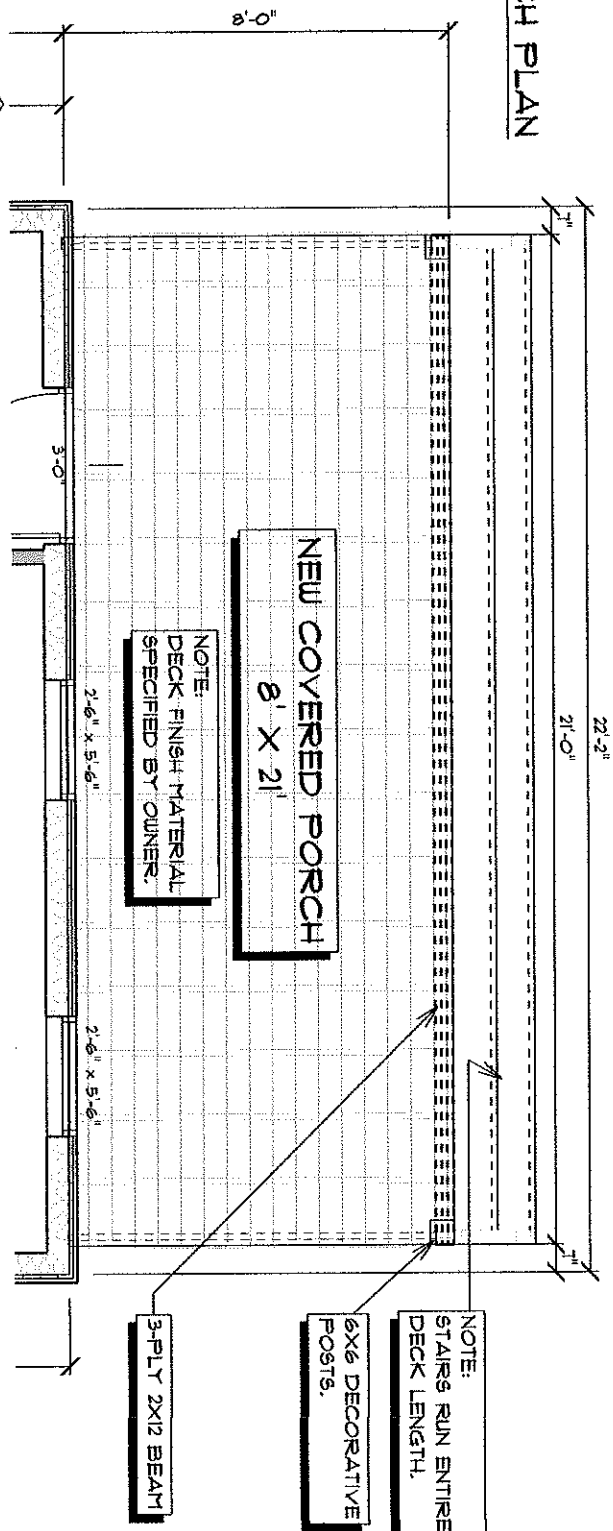
I, Joseph Schroeder, Professional Land Surveyor for Peninsula Land Consultants, LLC, hereby certify that I have surveyed the above-described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all structures thereon, pertinent fences, apparent easements and roadways and visible encroachments, if any.
This survey is correct to the best of the surveyor's knowledge and belief and was made for the exclusive use of the present owners of the property and also those who purchase, mortgage or insure the title thereto.

DATED THIS 1st DECEMBER, 2017

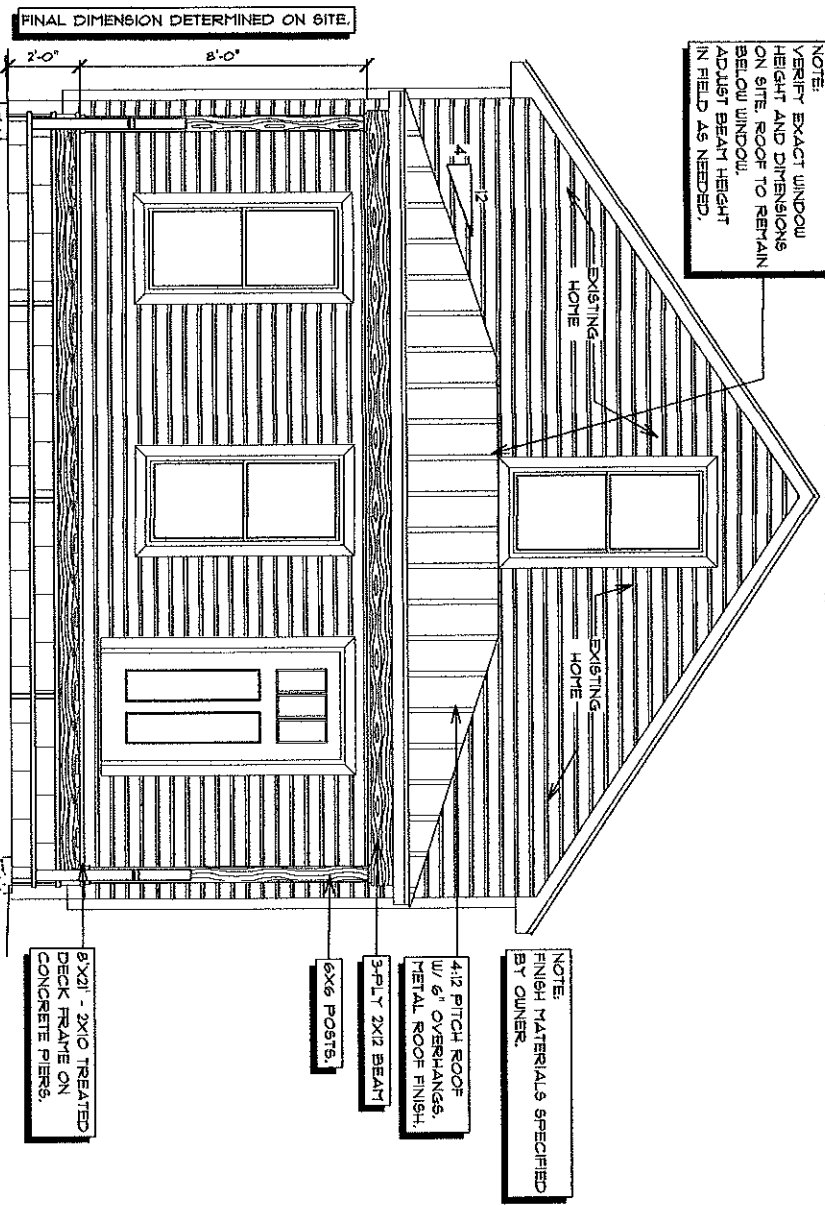


FRONT PORCH PLAN

SCALE: 1/4" = 1'-0"



NOTE:
VERIFY EXACT WINDOW
HEIGHT AND DIMENSIONS
ON SITE. ROOF TO REMAIN
BELOW WINDOW.
ADJUST BEAM HEIGHT
IN FIELD AS NEEDED.



NOTE:
SONO TUBE TO FROST
DEPTH OR CLEAN BEDROCK.
PIER DIAMETER BY OTHERS.

FRONT ELEVATION

SCALE: 3/16" = 1'-0"



LEFT ELEVATION

SCALE: 3/16" = 1'-0"

NOTICE OF PUBLIC HEARING

The City of Sturgeon Bay Zoning Board of Appeals will hold a public hearing in the Council Chambers, 421 Michigan Street, Sturgeon Bay, Wisconsin on Tuesday, January 23rd, 2018 at 12:00 noon or shortly thereafter, regarding a request from Jim McCarthy, for a variance from Section 20.27(2) of the Municipal Code (Zoning Code), which requires any addition to the main dwelling be set back based on the zoning district requirements. The request is for 8' x 22' 2" porch and stairway addition, which will encroach into the street right-of-way setback by 5 feet. The subject property is located at 831 Louisiana Street (tax parcel #281-32-10010301). The variance application is on file at the Community Development Department and can be viewed at City Hall, 421 Michigan Street, weekdays between 8:00 a.m. and 4:30 p.m. The public is invited to attend the hearing and give testimony in favor or against the proposed variance either in person at the hearing or in writing.

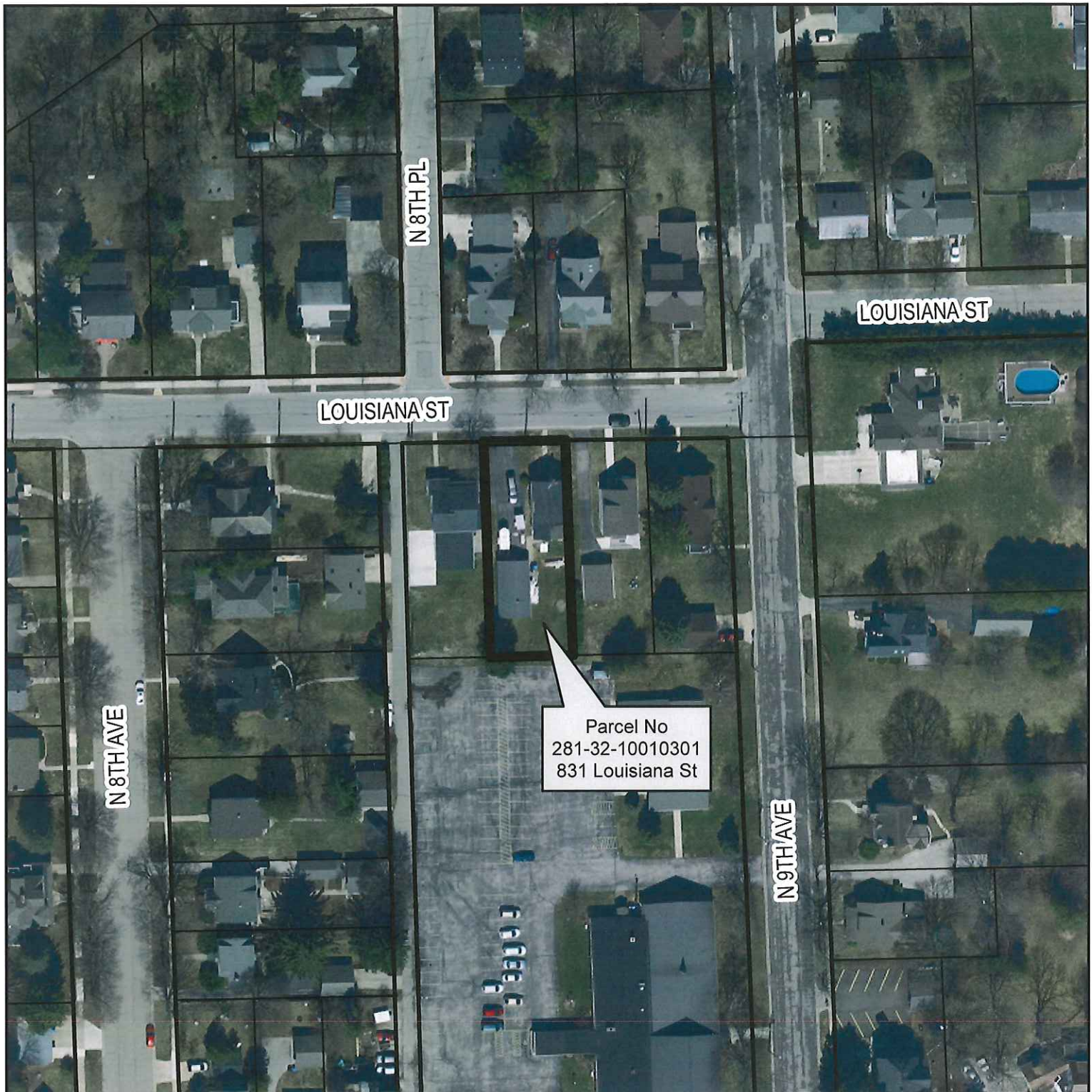
By order of:

City of Sturgeon Bay Zoning Board of Appeals

Location Map

Public Hearing - McCarthy

Variance Request



 Subject Area



Note: Public Hearing to be held on January 23, 2018

831 Louisiana St



Other Properties in the Neighborhood



1/8/18

Good morning, Cheryl--

Happy New Year!

I own a home at 837 Louisiana St. It's come to my attention that my neighbor at 831 Louisiana St. is seeking a variance to allow a front porch to encroach into the front yard setbacks.

I am writing to express my support for the variance. The majority of the homes on the immediate block have front porches. Aesthetically, I think it would add some appealing dimension and charm to the existing home. Lastly, and perhaps most importantly, I believe it's important that we encourage homeowners to continue to purchase and improve older homes. I like the history in my neighborhood and am eager to preserve it.

Thank you,
Jacinda Duffin