

AGENDA
CITY OF STURGEON BAY
ZONING BOARD OF APPEALS

Tuesday, January 30, 2018

12:00 Noon

Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from January 23, 2018.
4. 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.
5. 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

01/25/18
10:30 a.m.
CN

ZONING BOARD OF APPEALS
Tuesday, January 23, 2018

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 12:05 p.m. by Acting Chairperson James Goodwin in Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members James Goodwin, William Murrock, Andrew Starr, and Alternate Dave Augustson were present. Excused: Members Wayne Spritka, Bill Chaudoir, and Bill Murrock. 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. Starr, seconded by Mr. Augustson to adopt the following agenda:

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.

Carried.

Approval of minutes from November 28, 2017: Moved by Mr. Starr, seconded by Mr. Augustson to approve the minutes from November 28, 2017. All ayes. Carried.

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 : Acting Chairperson Goodwin opened the public hearing at 12:10 p.m.

James Joseph McCarthy, property owner at 831 Louisiana Street, stated that he would like to use the addition of the porch as an outdoor seating area. It would enhance the home and the neighborhood. It will be done structurally and aesthetically pleasing for the neighborhood. There are other porches in the neighborhood that are larger than what is proposed. He would be investing time and money in his own home for its aesthetic view and to have a seating place for the spring, summer, and fall times. The porch will not be screened in.

Mr. McCarthy explained that the hardship he is experiencing is that he has to go five feet into the setback. He can barely sit on the existing porch with only four feet. He is looking for more room for movability. He added that he had also spoken to his neighbors about the project and they had no problem with it.

Chris Kellems, 120 Alabama Street, stated that she was in favor of the variance request. The home is in the historic district. It puts a value on walkability in the neighborhood. Mr. McCarthy now has a small entry porch. This will be a fine, valuable addition.

Ms. Nault read a letter from Jacinda Duffin, 837 Louisiana Street, in favor of the variance request.

No one spoke in opposition. There were no letters of correspondence in opposition.

Mr. Sullivan-Robinson stated that there are several houses in the neighborhood that do not meet setbacks. The existing porch is set back 24 feet from the street right-of-way. With the addition, the setback would be 20 feet. The requirement is 25 feet in the R-1 district. In the R-2, R-3 and C-5 districts, the setback is 17 feet from the street right-of-way. The adjacent properties are non-conforming mainly due to the lot width.

Acting Chairperson Goodwin 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: Due to only three members in attendance, consideration of the petition will be rescheduled at a later date. Four members are required to grant a variance.

Adjourn: Moved by Mr. Starr, seconded by Mr. Augustson 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: \$ 300/50
Received By: CHRIS

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (If different)
Name	<u>Jim MCCARTHY</u>	
Company		
Street Address	<u>326 S. 4th Ave</u>	
City/State/Zip	<u>Sturgeon Bay, WI, 54235</u>	
Daytime Telephone No.	<u>(920) 559-3049</u>	
Fax No. Email	<u>james.mccarthy21@yahoo.com</u>	
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

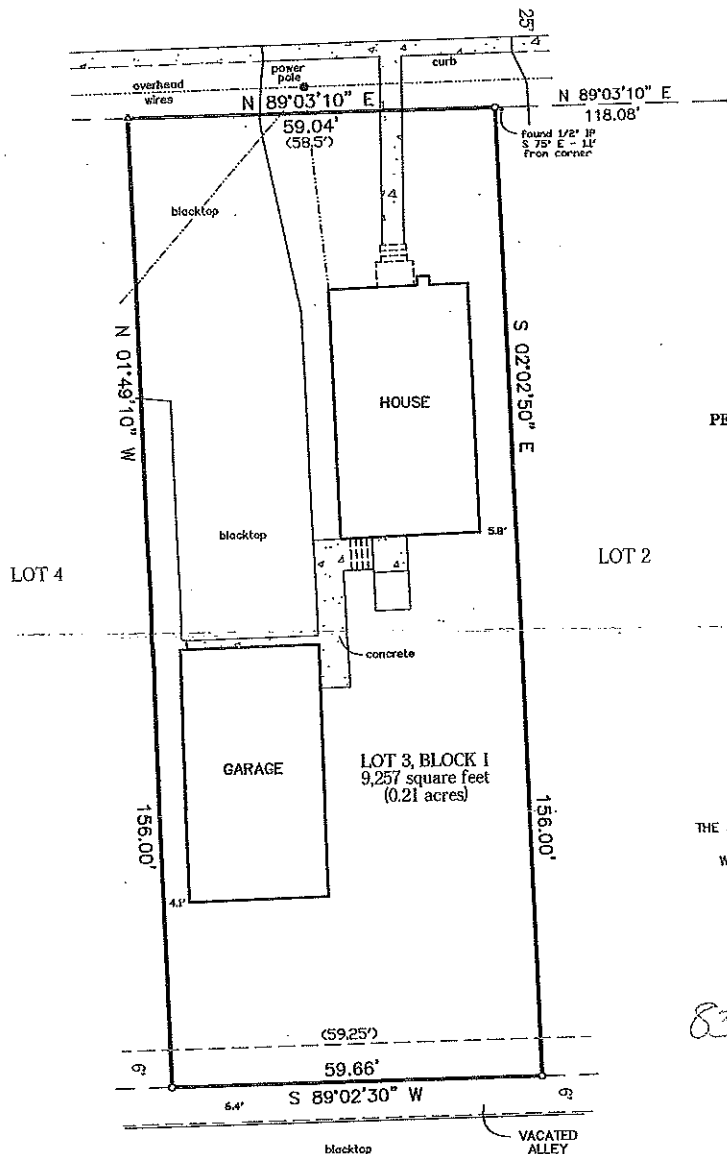
DESCRIPTION:

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

Δ = SET MAG NAIL
 ○ = SET 5/8" REBAR
 ● = FOUND 1" IRON PIPE
 () = DENOTES "RECORDED AS"

ALL BEARINGS ARE BASED ON PREVIOUS
GREY, 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

83 / LOUISIANA

SURVEYOR'S CERTIFICATE;

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.

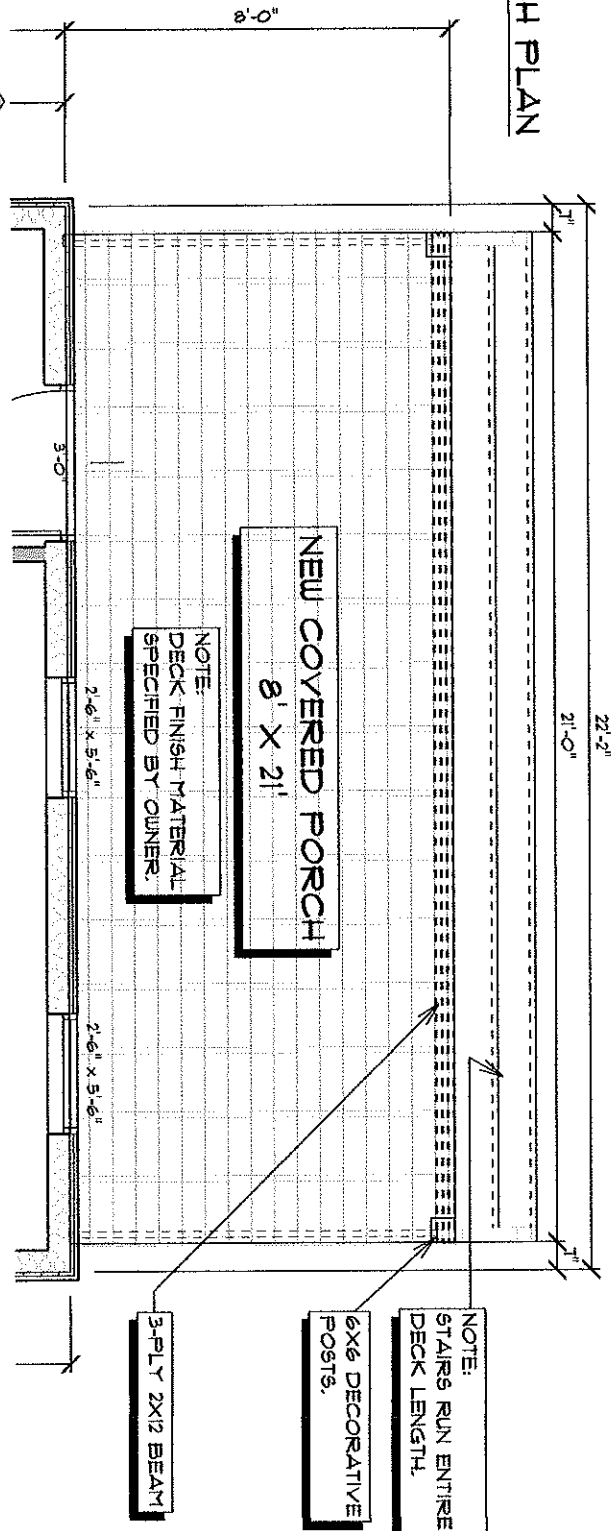
DATED THIS 1st DAY OF NOVEMBER 2017

JOSEPH SCHROEDER, PLS 1781 Crofted
S-1781
Sturgeon Bay
WI

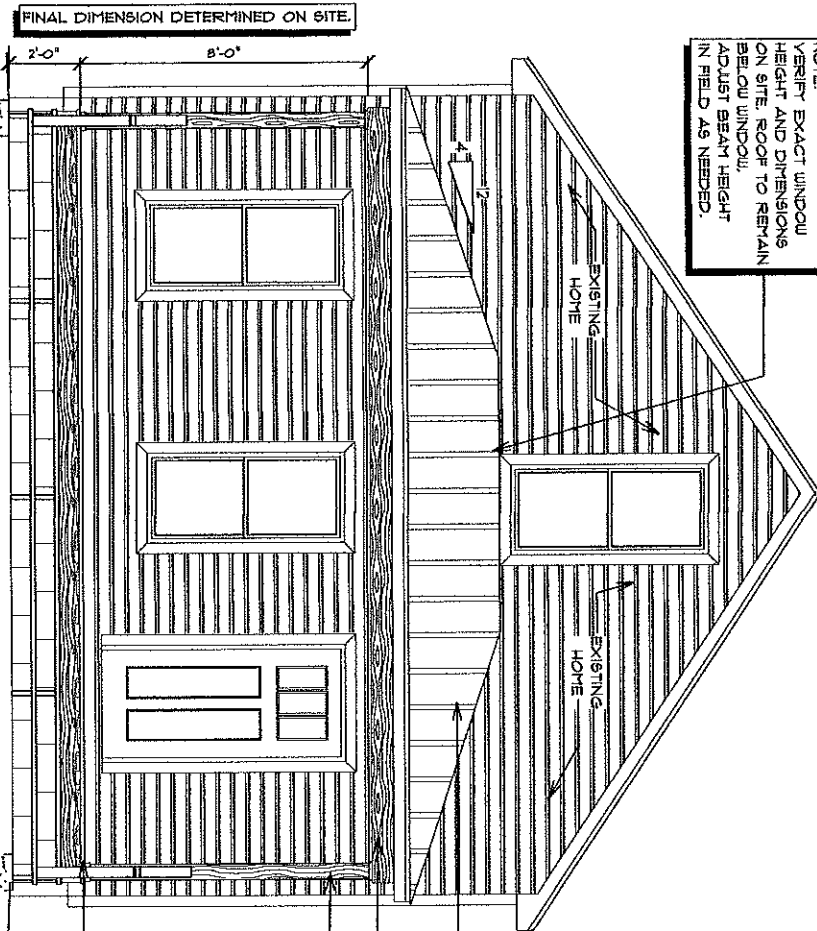
JOB NO. 17-066
NOVEMBER, 2017

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:
FINISH MATERIALS SPECIFIED
BY OWNER.

4:12 PITCH ROOF
W/ 6' OVERHANGS,
METAL ROOF FINISH.

3-PLY 2X12 BEAM

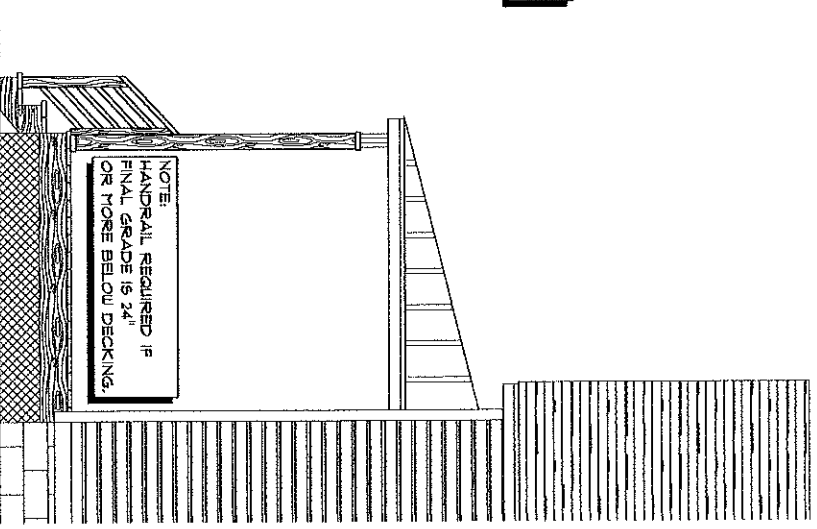
6X6 POSTS.

8X21 - 2X10 TREATED
DECK FRAMING ON
CONCRETE PIERS.

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

FRONT ELEVATION

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



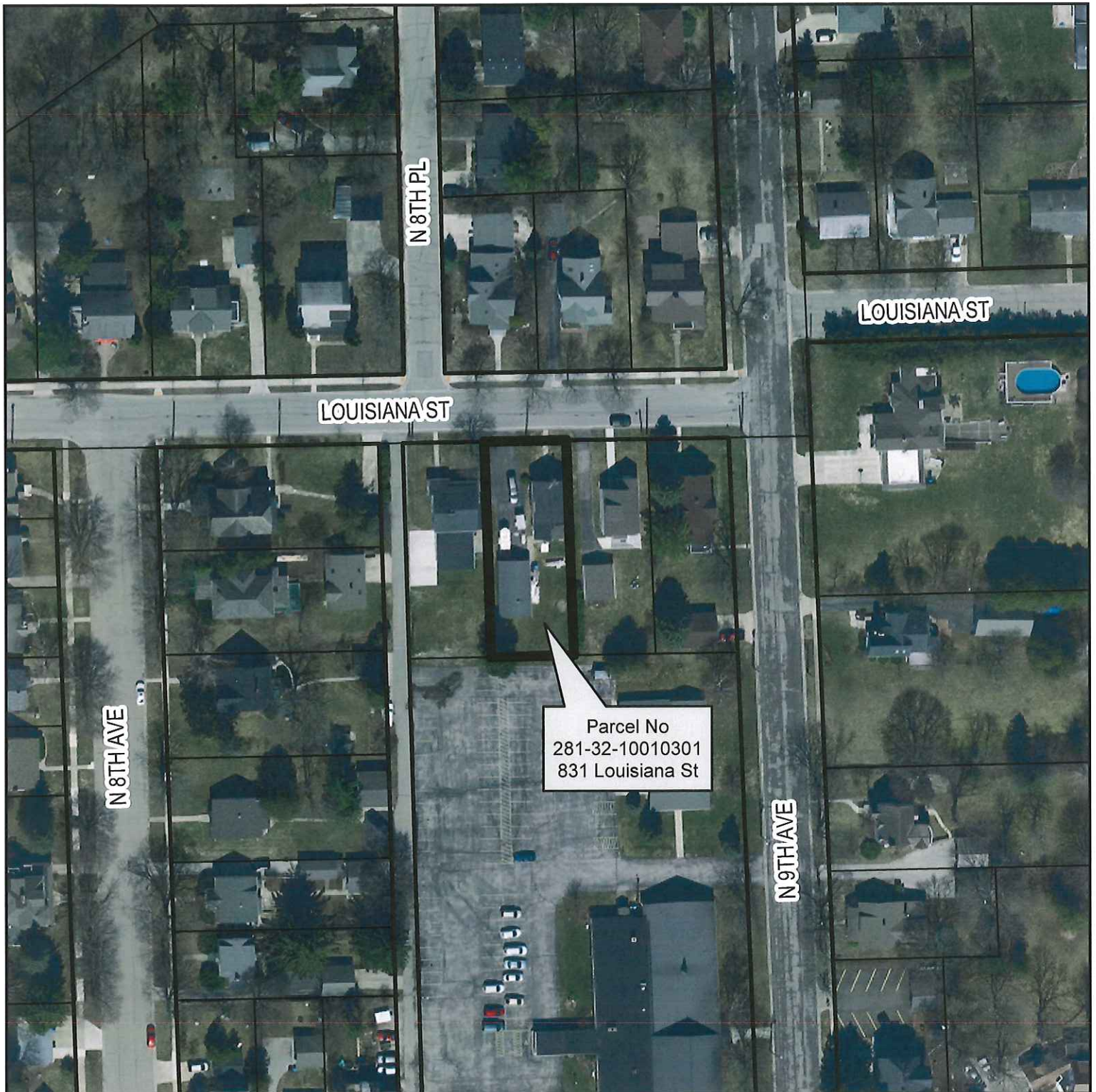
LEFT ELEVATION

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

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

