

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

Tuesday, April 9, 2019
12:00 Noon
Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from March 26, 2019.
4. Public hearing: Petition to install a pylon sign no closer than 3 feet to the street right-of-way and 3.1 feet to the building wall (1.1 foot from the building overhang) for Nicolet National Bank, 236 N 4th Avenue.
5. Consideration of: Petition to install a pylon sign no closer than 3 feet to the street right-of-way and 3.1 feet to the building wall (1.1 foot from the building overhang) for Nicolet National Bank, 236 N 4th Avenue.
6. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

ZBA Board Members
William Murrock, Chair
James Goodwin
Andrew Starr
Wayne Spritka
Bill Chaudoir
Dave Augustson, Alternate
Justin Kirwen, Alternate

4/5/19
12:30 p.m.
CN

ZONING BOARD OF APPEALS

Tuesday, March 26, 2019

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 12:02 pm by Chairperson William Murrock in the Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members James Goodwin, Wayne Spritka, William Murrock, and Andrew Starr were present. Excused: Member Bill Chaudoir. Also present were Wisconsin Public Service representatives Lucas Oshefsky, Jerry Peot, and Lynn Kroll, Planner/Zoning Administrator Chris Sullivan-Robinson and Community Development Secretary Cheryl Nault.

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from February 26, 2019.
4. Public hearing: Petition for a side yard and rear yard variance from s. 20.27(2) of the Municipal Code (Zoning Code) to allow a building to be no closer than 4' 8" from the rear property line and no closer than 2' 5" measured from the center of the pipe structure, located at 1843 Michigan Street.
5. Consideration of: Petition for a side yard and rear yard variance from s. 20.27(2) of the Municipal Code (Zoning Code) to allow a building to be no closer than 4' 8" from the rear property line and no closer than 2' 5" measured from the center of the pipe structure, located at 1843 Michigan Street.
6. Adjourn.

Carried.

Approval of minutes from Tuesday, February 26, 2019: Moved by Mr. Starr, seconded by Mr. Goodwin to approve the minutes from February 26, 2019. All ayes. Carried.

Public Hearing: Petition for a side yard and rear yard variance from s. 20.27(2) of the Municipal Code (Zoning Code) to allow a building to be no closer than 4' 8" from the rear property line and no closer than 2' 5" measured from the center of the pipe structure, located at 1843 Michigan Street: Chairperson Murrock opened the public hearing at 12:05 p.m.

Mr. Sullivan-Robinson stated that Wisconsin Public Service is extending a gas service that is currently located in the Industrial Park. It will extend up and around through Division Road, County U, and across the bay to 1843 Michigan Street. The property is owned by Lakeshore Health Services. The gas regulator station will be located on the southwest corner of the property. WPS is requesting to construct a 12-foot x 17-foot metal building to house regulators. The building would be less than 5 feet off the rear property line and the

pipe installation would be locate 2.5 feet from the east property line. In the C-4 District, the requirement is a 25-foot setback from the rear property line and a 10-foot setback from the side yard.

Mr. Oshefsky, real estate agent for Wisconsin Public Service, stated they have gotten verbal and written approval from the property owner for this project.

Mr. Peot, engineer for Wisconsin Public Service, clarified that the dimensions shown on the map were to a proposed chain link, green vinyl-coated fence that will be installed two feet from the property line to enclose the building. The piping will be both above and below ground. It needs to stay 25 feet from the building, which is a federal code.

Mr. Oshefsky explained the location of the piping installation. There will be an in and out on the west property line. The main will head east along the south right-of-way line of Michigan Street within a private easement acquired with the hospital.

Mr. Peot stated that there are reasons for bringing the pipeline over to the east side. The existing crossing has been anchored to the bottom of the shipping canal since 1964 when gas came to the area. He added that climbing ivy will also be planted to screen the fence. The fence will be padlocked.

Mr. Spritka still wasn't clear why the east corner wasn't being used by the green space. Mr. Peot responded that was the request of the hospital. Any future expansion would be in that area. Mr. Spritka was concerned of the long-term infrastructure. He thought it would make more sense to use the green space.

Mr. Peot mentioned the hospital did offer an alternative site behind the clinic to the south, but the Public Service Commission chose this site out of four that were proposed.

Lynn Kroll, WPS Field Services Supervisor, stated that there was a proposed site on 18th Avenue. They worked with all the property owners in that area and found that they were not fond of it, so they went back to the drawing board and found three more sites. There were two sites from the hospital, including the corner of 42/57 and Michigan St. The second site was located on the east end of the clinic property on 18th Avenue, and is heavily wooded. The Public Service Commission did not want WPS to select a site in that area. They went through the approval process and then the Public Service Commission chose the site.

Mr. Starr stated that the hospital is not allowing for a space anywhere else to the south as it will be used for future expansion. The apartment owners had a chance to provide feedback. The landowners to the east did not want the substation in that area toward the Chaudoir property. This was the best spot not knowing a variance would be required.

Mr. Sullivan-Robinson affirmed what Mr. Starr stated. WPS met with the City. There were potential sites on the Chaudoir property, one being closer to the highway and one closer to

18th Avenue. Both were not received well by City staff or the community. A public hearing notice was sent to abutting property owners. They still will need to get a conditional use approval from the Plan Commission and approval from the Aesthetic Design & Site Plan Review Board.

Mr. Peot stated that they will do whatever they can to make this aesthetically pleasing.

No one spoke during the hearing. There was no correspondence in favor or against the variance request.

The public hearing was declared closed at 12:29 p.m.

Consideration of: Petition for a side yard and rear yard variance from s. 20.27(2) of the Municipal Code (Zoning Code) to allow a building to be no closer than 4' 8" from the rear property line and no closer than 2' 5" measured from the center of the pipe structure, located at 1843 Michigan Street: Board members discussed the variance request. Mr. Murrock felt that this was not the ideal location and that they should look further for different locations.

Mr. Spritka stated that they should follow the codes. Maybe something could be worked out to move the building in. Having only two feet to create an aesthetic buffer does not seem realistic.

After further discussion, it was moved by Mr. Murrock, seconded by Mr. Goodwin to deny the variance request due to public safety, the setbacks are too tight, it is not an ideal location. It should be able to meet a 25-foot setback from the adjoining properties.

Roll call vote was taken on the motion. Motion carried, with Mr. Murrock, Mr. Spritka, and Mr. Goodwin voting aye and Mr. Starr voting no.

Adjourn: Moved by Mr. Starr, seconded by Mr. Spritka to adjourn. All ayes. Carried. Meeting adjourned at 12:34 p.m.

Respectfully submitted,



Cheryl Nault
Community Development Secretary

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

Date Received: 3.18.19
Fee Paid \$ 300.00
Received By: CHRIS

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (If different)
Name	Michael Lapp	
Company	Jones Sign Company, Inc	Nicolet National Bank
Street Address	1711 Scheuring Road	236 North 4th Avenue
City/State/Zip	De Pere, WI 54115	Sturgeon Bay, WI 54235
Daytime Telephone No.	920-278-5009	800-536-7446
Fax No.	920-983-9145	

STREET ADDRESS OF SUBJECT PROPERTY: 236 North 4th Avenue
Location if not assigned a common address: _____

TAX PARCEL NUMBER: 281-10-85321300

CURRENT ZONING CLASSIFICATION: C-2

CURRENT USE AND IMPROVEMENTS: Commercial

**IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM
BEING REQUESTED FOR REVIEW:** Sturgeon Bay, Wis., Municipal Code § 27.13(4)(c)(5) (2018)

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:
 North: C-2 - Commercial
 South: C-2 - Commercial
 East: C-2 - Commercial
 West: C-2 - Commercial

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: Please see attached

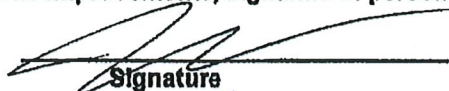
2. Unique physical property limitation: Please see attached

3. Protection of public interest: Please see attached

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.

Nicolet National Bank
Property Owner (Print Name)


Signature

2/6/19
Date


Jones Sign Company
Applicant/Agent (Print Name)


Signature Michael Lapp

2/6/19
Date

I, _____, 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.

3.18.19
Date of review meeting


Applicant 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

Sturgeon Bay, Wis., Municipal Code § 27.13(4)(c)(5) (2018)

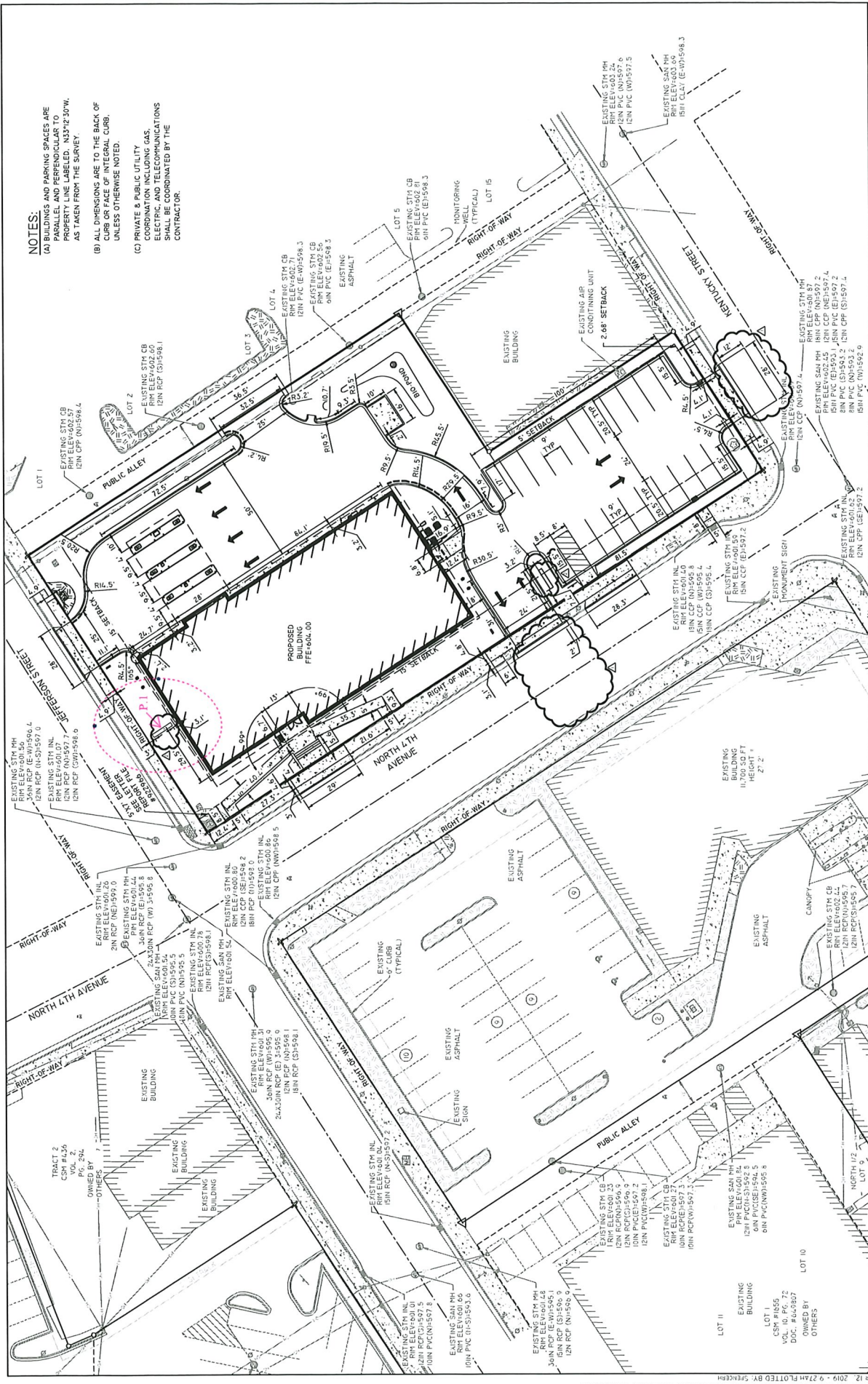
Setbacks. *Ground signs must be set back at least 15 feet from the interior side and rear lot lines and set back at least five feet from the street right-of-way line and also be located at least five feet from the nearest portion of a building. Projecting signs shall be at least 15 feet from all interior side lot lines.*

Nicolet National Bank proposes that the pylon sign to be located on Jefferson Street, designated P.1 on the enclosed drawings, be allowed a setback of either three (3) feet from right of way, three and one-tenth (3.1) feet from the building wall, and one and one-tenth (1.1) feet from the roof overhang. Nicolet National Bank is open to other placements within the same area, such as closer to the right of way and farther from the overhang, if preferred by the Zoning Board of Appeals.

Variance Standards

Please address how the proposed variance meets each of the three required standards for authorizing variances.

- 1. Unnecessary hardship:** The required setback of five (5) feet imposes an unnecessary hardship because there is no reasonable location for this sign that is at least five (5) feet from the building, at least five (5) feet from the street right-of-way, and a safe distance from the overhead utility lines. The zoning ordinance denies Nicolet National Bank ("Nicolet") reasonable use of the property by preventing the reasonable placement of the same signs Nicolet currently has on the new property across the street from the current location. This is not a self-imposed hardship as the City of Sturgeon Bay gave an expectation to match the historic downtown look which means zero lot line or close to zero lot line construction. That expectation combined with the location of the utility lines make this the most applicable and only reasonable location for the ground sign. In the absence of the zoning ordinance, this hardship would not exist. Furthermore, the orientation of Nicolet's building is entirely consistent with surrounding buildings, businesses, and their signage.
- 2. Unique physical property limitation:** The hardship is due to the unique features of the property. The adjacent building limits the potential configurations of Nicolet's building and limits the potential driveway entrance and exit points. The placement of the utility lines further limits the potential placement of signage and reasonable building orientations. The existence of the public alley on the East side of the lot further limits Nicolet's options as it would be unsuitable for a primary access point.
- 3. Protection of public interest:** The placement of the sign P.1 at the proposed location would not be contrary to public interest. It would be consistent with other signs in the area and would assist public wayfinding from Jefferson Street. Moving the sign to the East edge of the lot would not be in the public interest as being so close to the utility lines would constitute a safety hazard. In order to protect the public interest by providing sufficient wayfinding while maintaining a similar character to the surrounding area, the proposed sign must be placed within a required setback.



NOTES:

(A) BUILDINGS AND PARKING SPACES ARE PARALLEL AND PERPENDICULAR TO PROPERTY LINE LABELED. N37°12'30"W. AS TAKEN FROM THE SURVEY.

(B) ALL DIMENSIONS ARE TO THE BACK OF CURB OR FACE OF INTEGRAL CURB, UNLESS OTHERWISE NOTED.

(C) PRIVATE & PUBLIC UTILITY COORDINATION INCLUDING GAS, ELECTRIC AND TELECOMMUNICATIONS SHALL BE COORDINATED BY THE CONTRACTOR.



REI Engineering, Inc.
CIVIL & ENVIRONMENTAL
ENGINEERING, SURVEYING

WISCONSIN
REGISTERED PROFESSIONAL ENGINEER
NO. 105,000
DATE: 10/15/2019
PROJECT: 19-001

LAYOUT PLAN
NORTH 4TH AVENUE
125 JEFFERSON STREET
STURGEON BAY, WISCONSIN

DATE	BY	CHKD	DESIGNED BY	CHECKED BY
05/17/18	CSW	CSW	DESIGNED BY: CSW	CHECKED BY: JAB
05/17/18	CSW	CSW	SURVEYED BY: JAB	APPROVED BY: JAB
05/17/18	CSW	CSW	DRAWN BY: NAP	DATE: 06/04/18

REI
REI NO. 7862A
SHEET C1.2

NOTES:

(A) BUILDINGS AND PARKING SPACES ARE PARALLEL AND PERPENDICULAR TO PROPERTY LINE LABELED, 1/32"=30' W/ AS TAKEN FROM THE SURVEY

(B) ALL DIMENSIONS ARE TO THE BACK OF CURB OR FACE OF INTEGRAL CURB, UNLESS OTHERWISE NOTED

(C) PRIVATE & PUBLIC UTILITY COORDINATION INCLUDING GAS, WATER, SANITARY, ETC., SHALL BE COORDINATED BY THE CONTRACTOR.

1. ASPHALT PAVEMENT. SEE DETAIL A/C1.4

2. 4" CONCRETE SIDEWALK. SEE DETAIL B/C1.4

2B. 2" COLORED CONCRETE SIDEWALK. SEE DETAIL B/C1.4

3. 30" CURB AND GUTTER. SEE DETAIL C/C1.4

4. 30" DRIVEWAY CURB. SEE DETAIL D/C1.4

5. HANDICAP PARKING SPACES & STRIPING. SEE DETAIL E/C1.4

6. VAN ACCESSIBLE HANDICAP SIGN. SEE DETAIL F/C1.4

7. 15'X10' REFUGE AREA - 6" CONCRETE PAD WITH 6X6" WELDED WIRE MESH. REFER TO ARCHITECTURAL PLANS FOR ENCLOSURE DETAILS.

8. 2" WIDE CURB CUT.

9. PAINTED STRIPING, YELLOW (TYPICAL)

10. CONCRETE FLUME, SEE DETAIL G/C1.4

11. 6" THICK CONCRETE APPROACH WITH 6" THICK CONCRETE SIDEWALK. SEE DETAIL D/C1.4

12. 18" CURB AND GUTTER. SEE DETAIL H/C1.4

12B. 18" SELECT CURB AND GUTTER. SEE DETAIL H/C1.4

13. CONCRETE BUFFER WITH INTEGRAL CURB. SEE DETAIL H/C1.4

13B. DRIVE THRU INTEGRAL CURB SEE DETAIL I/C1.4

14. TRANSITION CURB & GUTTERS. SEE DETAIL J/C1.4

15. STANDARD CURB & GUTTER TERMINATION. SEE DETAIL K/C1.4

16. CURB TYPE CHANGE PROVIDE SMOOTH TRANSITION

17. RELOCATED MUNICIPAL LIGHT POLE WITH LANDSCAPING.

18. TYPE 2 HANDICAP RAMP. SEE DETAIL L/C1.4

19. DRIVE-THRU BANNING. SEE ARCHITECTURAL PLANS FOR DETAILS

20. STEPS, 4 RISERS OF 9" HEIGHT WITH HANDRAILS BOTH SIDES. SEE SHEET C2 FOR GRADING DETAIL. SEE DETAIL M/C1.4 FOR HANDRAIL DETAIL

21. 12" WIDE PAVEMENT W/ 4" IN 4" SLOPE

22. 10" WIDE PAVEMENT W/ 4" IN 4" SLOPE

23. 10" WIDE PAVEMENT W/ 4" IN 4" SLOPE

24. PARKING SIGN. SEE DETAIL N/C1.5

25. EXIT ONLY SIGN. SEE DETAIL D/C1.5

P.1 D/F INTERNALLY LIT PYLON SIGN WITH EMC QTY: (1) JEFFERSON ST.

SQUARE FOOTAGE: 98.33 PER SIDE

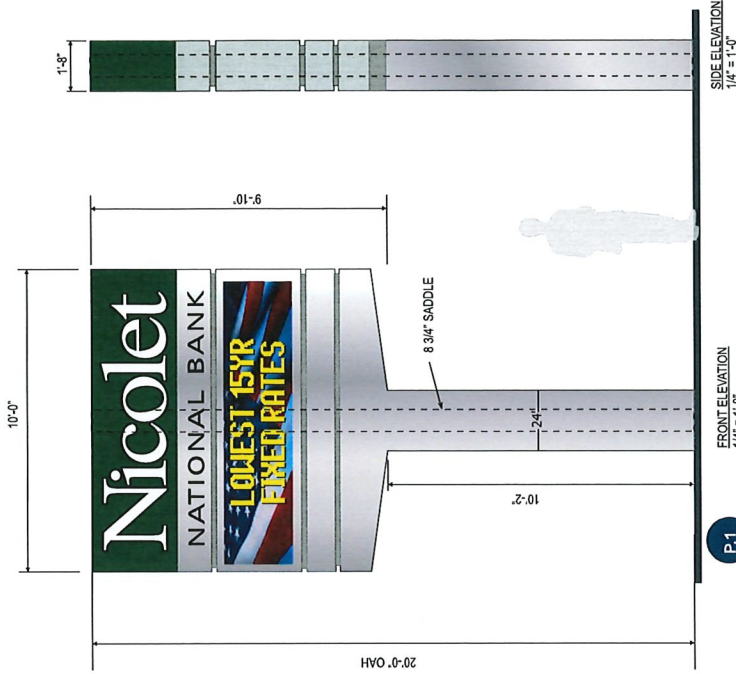
FIELD SURVEY REQUIRED



EXISTING PHOTO VIEW - NOT TO SCALE

RE-USE EXISTING SIGN

NEW DIRECT EMBED POLE AND FOUNDATION



COLORS/FINISHES

- P-1 MP TO MATCH NICOLET GREEN
- P-2 MP TO MATCH METALLIC SILVER
- V-5 OPAQUE VINYL BLACK
- V-10 BLACK DUAL COLOR FILM

SPECIFICATIONS

- FABRICATED CABINET PAINTED P-1, P-2
- LOGO, ROUTED ALUMINUM FACES BACKED W/ WHITE POLYCARBONATE / FIRST SURFACE APPLIED VINYL OUTLINE V-5
- VINYL APPLIED FIRST SURFACE TO POLYCARBONATE V-10
- REVEALS PAINTED P-2
- FULL COLOR EMC
- INTERNALLY LIT W/ WHITE LEDs
- POLE COVER PAINTED P-2
- REMOVE CURRENT ADDRESS AND ADD NEW BLACK VINYL ADDRESS

NOTE
- MAINTAIN ASPECT RATIO OF OUTLINE FOR EACH INSTANCE
- REMOVE AND SCRAP EXISTING BAYLAKE PYLON

JONES SIGN Your Vision Accomplished GREEN BAY • PHILADELPHIA SAN DIEGO • LAS VEGAS www.jonesign.com		JOB #: 237750_R7 DATE: 05.25.18 DESIGNER: Jim Pogo SALES REP: — PROJ. MGR: Mickey Wiskow	CLIENT APPROVAL LANDLORD APPROVAL OC QC APPROVED DATE DATE		Nicolet NATIONAL BANK		Sturgeon Bay 236 N 4th Ave. Sturgeon Bay, WI DESIGN PHASE: CONCEPTUAL	SHEET NUMBER 1.0
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This is an original, unpublished drawing by Jones Sign Co., Inc. It is for your personal use in conjunction with a project being planned for you by JONES SIGN. It is not to be shown to anyone outside of your organization, nor is it to be used, reproduced, copied or exhibited in any fashion. Use of this design or the salient elements of this design in any sign done by any other company, without the express written permission of JONES SIGN, is forbidden by law and carries a civil forfeiture of up to 25% of the purchase price of the sign. JONES SIGN will endeavor to closely match colors, including PMS, where specified. We cannot guarantee exact matches due to varying compatibility of surface materials and paints used. All sizes and dimensions are illustrated for clients' conception of project and are not to be understood as being exact size or exact scale.

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, April 9, 2019, at 12:00 Noon or shortly thereafter, regarding a petition from Jones Sign Company on behalf of Nicolet National Bank for a variance from section 27.13(4)(c)(5) of the Municipal Code (Sign Code), which requires buildings be set back at least five feet from the street right-of-way and five feet from the nearest portion of a building. Nicolet National Bank is requesting to install a pylon sign no closer than 3 feet to the street right-of-way and 3.1 feet to the building wall (1.1 foot from the building overhang). The subject property is located at 236 N 4th Avenue, parcel #281-10-85321300. The variance application is on file with 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
NICOLET BANK VARIANCE REQUEST



 Subject_Property



Note: Public hearing to be held on April 9, 2019



