

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 Chadoir 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 Chadoir 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