AGENDA CITY OF STURGEON BAY ZONING BOARD OF APPEALS

Tuesday, May 28, 2019 12:00 Noon Council Chambers, City Hall 421 Michigan Street

- 1. Roll call.
- 2. Adoption of agenda.
- 3. Approval of minutes from May 14, 2019.
- 4. Public hearing: Petition from Wisconsin Public Service for a variance from s.

20.27(2) of the Municipal Code (Zoning Code) to allow a building to be no closer than 10 feet from the rear property line for

property located at 1843 Michigan Street.

5. Consideration of: Petition from Wisconsin Public Service for a variance from s.

20.27(2) of the Municipal Code (Zoning Code) to allow a building to be no closer than 10 feet from the rear property line for

property located at 1843 Michigan Street.

6. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

ZBA Board Members
William Murrock, Chair
James Goodwin
Dave Augustson
Wayne Spritka
Bill Chaudoir
Nancy Schopf, 1st Alternate
Morgan Rusnak, Alternate

5/23/19 1:30 p.m. CN

ZONING BOARD OF APPEALS Tuesday, May 14, 2019

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

Roll call: Members Bill Chaudoir, James Goodwin, Wayne Spritka, William Murrock, and Dave Augustson were present. Also present were 1st Alternate Nancy Schopf, 2nd Alternate Morgan Rusnak, Planner/Zoning Administrator Chris Sullivan-Robinson, and Community Development Secretary Cheryl Nault.

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

- 1. Roll call.
- 2. Adoption of agenda.
- 3. Approval of minutes from April 30, 2019.
- 4. Election of officers.
- 5. Public Hearing: Petition for a variance from s.20.29(6) of the Municipal Code (Zoning Code) to exceed the total floor area allowable for accessory buildings, for Jacqulyn White, 221 S. Duluth Avenue.
- 6. Consideration of: Petition for a variance from s.20.29(6) of the Municipal Code (Zoning Code) to exceed the total floor area allowable for accessory buildings, for Jacqulyn White, 221 S. Duluth Avenue.
- 7. Adjourn.

Carried.

Approval of minutes from Tuesday, April 30, 2019: Moved by Mr. Augustson, seconded by Mr. Spritka to approve the minutes from April 30, 2019. All ayes. Carried.

Election of officers: All existing officers will remain the same. Mr. Murrock as chair, Mr. Chaudoir as vice-chair, and Mr. Goodwin as secretary.

Morgan Rusnak introduced herself as Alternate #2 and Nancy Schopf introduced herself as Alternate #1. They both gave a brief background about themselves.

Public Hearing: Petition for a variance from s.20.29(6) of the Municipal Code (Zoning Code) to exceed the total floor area allowable for accessory buildings, for Jacqulyn White, 221 S. Duluth Avenue: Chairperson Murrock opened the public hearing at 12:19 p.m.

Mr. Sullivan-Robinson stated that Ms. White owns the property at 221 S Duluth Avenue. She and her husband are proposing to build a 25' x 30' accessory building. Two accessory buildings are allowed on a lot that cannot exceed more than 1,000 total square feet or 3%

of the lot area. This proposed building would exceed the maximum allowed by approximately 700 square feet. They had previously received a 576 square-foot variance for a 24' x 24' accessory building that had never been built.

Jacqulyn White, 221 S Duluth Avenue, stated that she came before the ZBA about 2 ½ years ago and received a variance. She obtained a building permit in August, 2017 and couldn't find anyone to build their garage. As she also stated in 2017, her husband is 100% disabled, with many health issues. The doors on the existing building are 7 feet high, which is not high enough to house their truck. The proposed building is 13 feet high and ten feet on the sides. The door would be 8 feet high. She wasn't sure if the company they purchased the building from would give them their deposit back if they went to a smaller size building. Their proposed building is a galvanized steel building and will match the house colorwise.

Mr. Chaudoir suggested that Ms. White contact the building company to see if they can exchange the 25' x 30' building for a 24' x 24' building that was already approved.

Debbie Geitner, 206 S. Duluth Avenue, stated that their existing barn building is beautiful and should never be taken down. From her house, it would be a better view with the proposed garage, since it would block the other storage buildings located behind the White's property.

One letter of correspondence was received from Jeff Kuhns, 212 S Duluth Avenue, in favor of the variance.

The public hearing was declared closed at 12:41.

Consideration of: Petition for a variance from s.20.29(6) of the Municipal Code (Zoning Code) to exceed the total floor area allowable for accessory buildings, for Jacqulyn White, 221 S. Duluth Avenue: After discussion, it was moved by Mr. Goodwin, seconded by Mr. Chaudoir to table until the next ZBA meeting, subject to it being feasible to exchange the proposed building size with the already approved variance. All ayes. Carried.

Adjourn: Moved by Mr. Chaudoir, seconded by Mr. Augustson to adjourn. Carried. Meeting adjourned at 12:47 p.m.

Respectfully submitted,

Cheryl Nault

Community Development Secretary

namet





City of Sturgeon Bay Zoning Board of Appeals 421 Michigan St Sturgeon Bay, WI 54235

Dear Zoning Board of Appeals:

Wisconsin Public Service is asking for reconsideration of a variance at 1843 Michigan St. We were able to increase the setback to 10 feet for our building. This setback is now the same setback that is required in this area for the property directly to the south and west.

The site footprint will be fenced and screened 2 feet from the property line both per the request of the hospital and as part of our Conditional Use Permit. Both adjoining properties are owned by the same corporation and have entered into temporary easement agreements with WPS to construct our pipeline and regulator station, and the property owner doesn't have any issues with the building being 10 feet from the property line. We have included an email from the property owner.

While trying to locate the regulator station building 25 feet from the rear property line to meet the zoning requirements appears feasible strictly from a layout perspective, it is much less favorable for the following reasons:

- Abruptly angled piping is not the preferred design from an operational perspective and future locating of the pipeline.
- Construction will be more difficult and take longer.
- There will be significantly more interruption and disruption to the hospital operations during construction whereas our original layout was our best attempt to limit impacts to the hospital. Please reference the attached email from the hospital.
- Additional property/easements will need to be obtained from the hospital for this pipe route and would limit future use of hospital property.

Also included is a presentation with additional project background, an overview of the process WPS went through to work with the city and the neighbors, and the Public Service Commission of Wisconsin's Certificate of Authority to Construct order findings.

Sincerely,

Lucas F. Oshefsky Real Estate Agent

Attachments

- New layout
- Emails of support from the neighbors

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Presentation



Sturgeon Bay Natural Gas Project

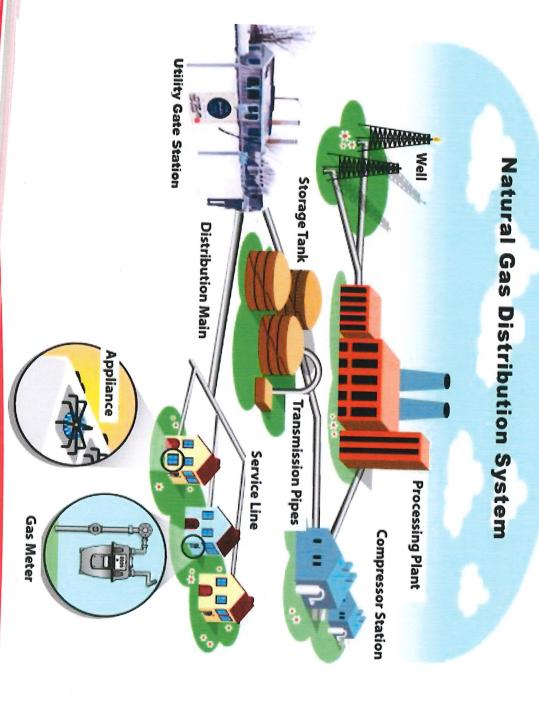
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Project Overview

- Improves the reliability of natural gas service in Sturgeon Bay
- Current natural gas system serves approximately 3,360 customers with a single river crossing
- Existing crossing installed in 1964
- installed around it Anchored to the bottom of the channel with sheet piles
- Largest single source system in WPS territory
- Existing bay crossing is reaching max capacity
- New bay crossing will increase capacity for future
- Adds a back up feed to the existing system.



Natural Gas Distribution Overview





What is a District Regulator Station

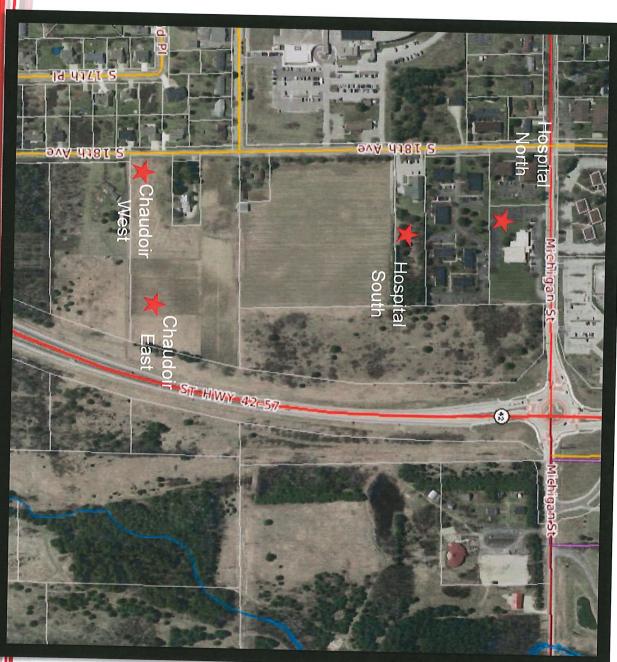
- serve your home or business. A secondary regulating facility located downstream of distribution system that reduces pressure to 60 psig to the Neenah Ave gate station on our natural gas
- Equipment includes:
- Regulators Filters
- Valves



WPS Process

- of Wisconsin on 4/9/2018 Filed an application with Public Service Commission
- West Applied with 1 site for a regulator station - Chaudior
- Held public meeting with neighbors June 6
- Took feed back from neighbors to add alternative locations
- Got feedback from City on alternate site
- Worked with Hospital to find a mutually agreeable location
- proposal Included 4 possible regulator station locations to our

Proposed sites in application to PSCW





Martin Olejniczak, AICP Community Development Director 421 Michigan Street Sturgeon Bay, WI 54235



E-mall: molejniczak@sturgeonbaywi.org Website: www.sturgeonbaywi.org

October 31, 2018

P.O. Box 7854 Public Service Commission of Wisconsin Adam Ingwell

Madison, WI 53707-7854

Facilities in Sturgeon Bay, WI RE: Application of Wisconsin Public Service Corporation for Natural Gas Distribution Main and Associated

Dear Mr. Ingwell,

Your letter dated October 16, 2018 regarding the above referenced utility project in Sturgeon Bay has been reviewed by the Sturgeon Bay City Administrator, City Engineer and me. The following are our comments.

The overall project to extend a new main, new buy crossing and new regulator facility is supported. The project will improve service in the City of Sturgeon Bay and provide needed redundancy in the event of failure of the existing aged bay crossing. The route submitted by WPSC is supported.

input from nearby property owners and the recommendation made by city staff are major factors that influence use approval process involves a public hearing and approval by a majority of the Commission members. The require Plan Commission approval of a conditional use under the Sturgeon Bay Zoning Code. The conditional Regarding the proposed regulator station there are four options presented. Please note that all four locations will

The Chaudoir West site has been reviewed by staff. We have previously expressed our concerns with this option to WPSC. The site is within a residential neighborhood, is very visible, and has received numerous negative conditional use at this site. comments from nearby property owners. We believe it would be very difficult for WPSC to gain approval of the

Chaudoir West option. frontage. Therefore, all three have a much greater chance of gaining conditional use approval compared to the options are situated to the rear of the subject parcels and, hence, do not tie up valuable arterial/collector street Hospital South options are located on property planned for nonresidential use. The Chaudoir East option is within a future mixed residential area, but is well located away from existing residences. All three alternative The other three options are more suitable sites for the regulator station in our opinion. The Hospital North and

within/along the boundaries of the site for such screening. fence, decorative wall, or vegetation. Hence, our support for this option is subject there being sufficient room close to apartment units, there will very likely be a city-imposed requirement for screening by way of solid Staff has a slight preference for the Hospital North option due its small footprint. However, due to its location

Sincerely

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Community Development Director Martin Olejniczak, AICP

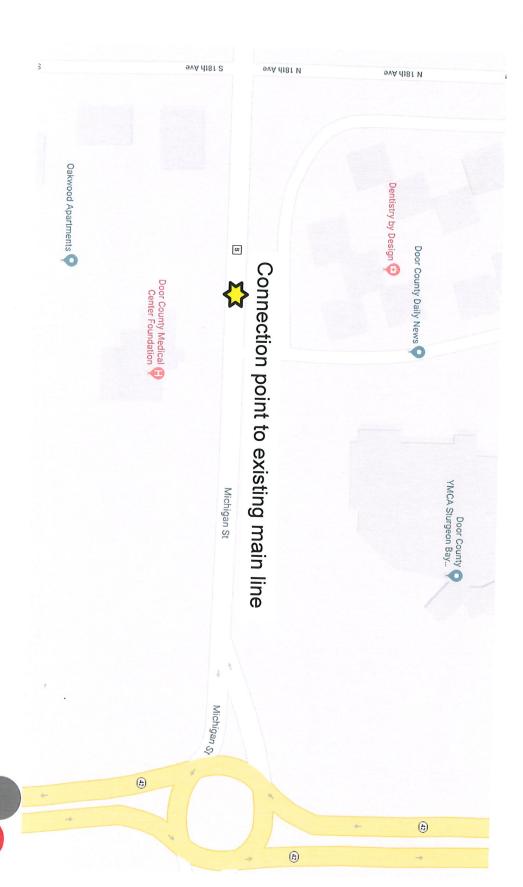
MO/cn

Public Service Commission of Wisconsin

- Certificate of Authority to Construct
- PSC Re#354332
- the following tinding: approved the project in December 2018 and made After careful deliberation of the project (including the current site of the regulator station), the Commission
- "The Commission finds that the proposed route with human and natural environment." West location, and imposes minimal impacts to the the public interest. This route avoids the Chaudoir the Hospital North regulator station alternative is in



point Site chosen due to location of connection

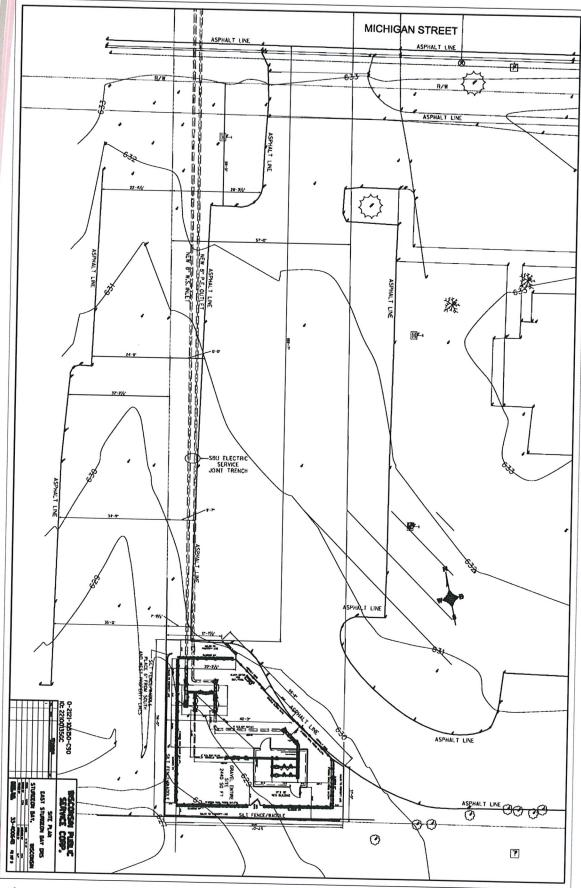


Site Selected by Public Service Commission of Wisconsin

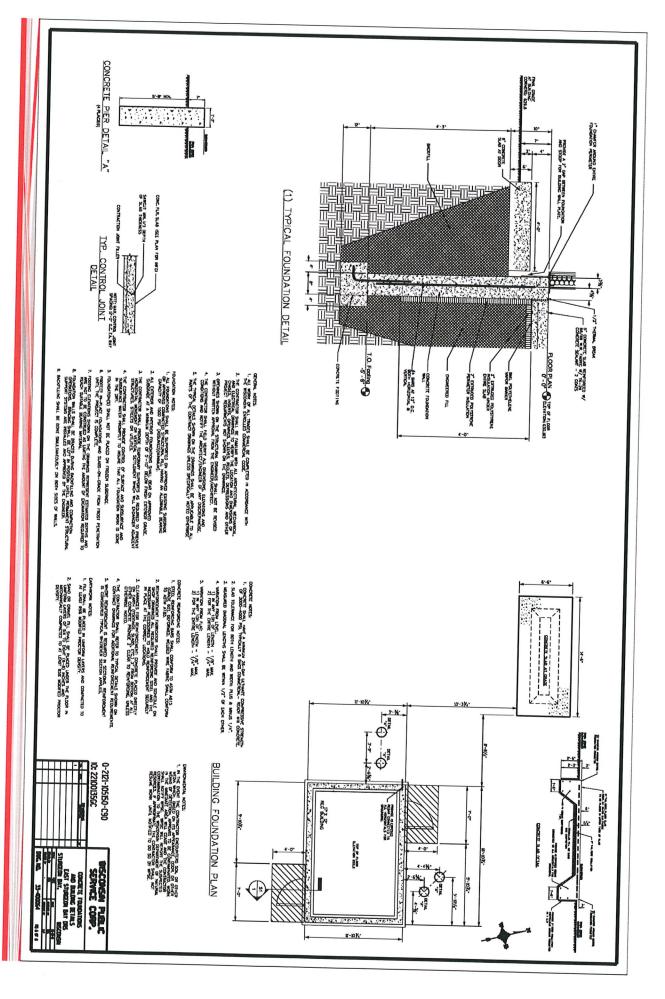




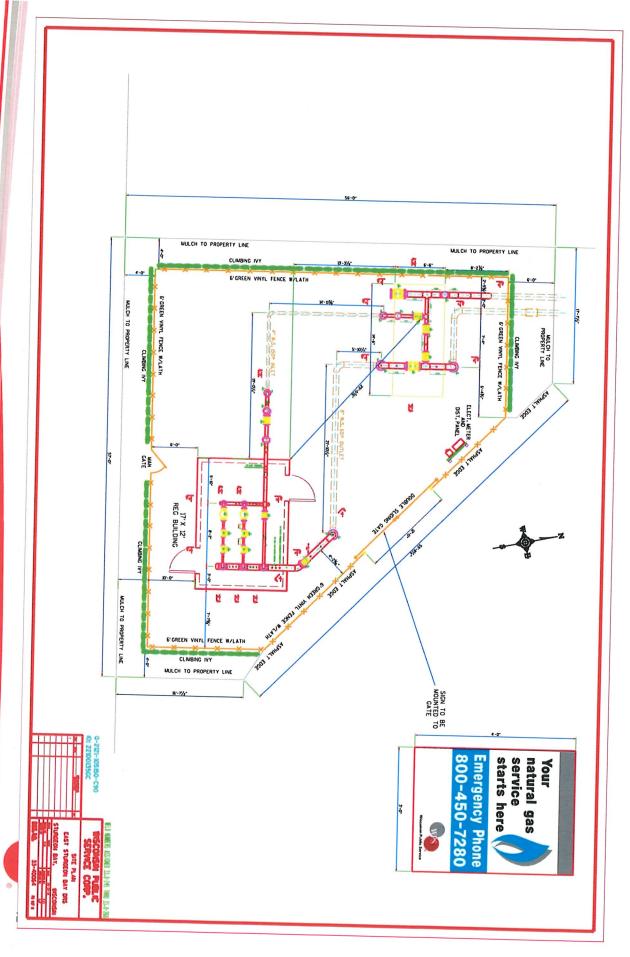
Site Plan



Site Plan



Site Plan



Worked with hospital to match the existing buildings



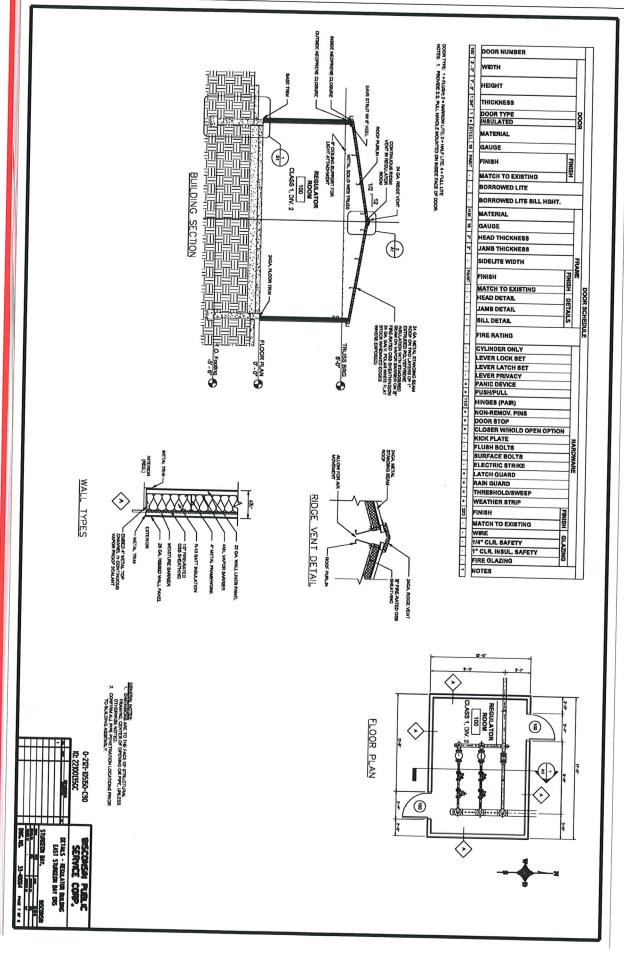
Proposed design and fence







Building plan



The PSCW order made the following findings:

- "The general public interest and public convenience and necessity require completion of the proposed project."
- "The Commission finds that the proposed route with the public interest." Hospital North regulator station alternative is in the
- "It has been determined that no significant likely to occur as a result of this project" environmental impacts on the human environment are



Additional Info:

- The location chosen doesn't prohibit the hospital from expanding to the east of their property.
- developing or enhancing their property. and parking lot. This site doesn't prohibit neighbors from The location chosen is in the corner of their property
- WPS will not impact the existing drainage to the site or surroundings. The current drainage will remain
- WPS will use the existing driveway to enter the area.
- WPS typically visits district regulator stations once per month. WPS doesn't anticipate traffic congestion.



Timeline

- April 2018 Application was submitted to PSCW
- April 2018 January 2019 PSCW review
- December 3, 2018 PSCW issued order
- Early 2019 City of Sturgeon Bay review
- Conditional use permitting process
- Spring/Summer 2019 anticipated project construction
- Pipeline and District Regulator Station







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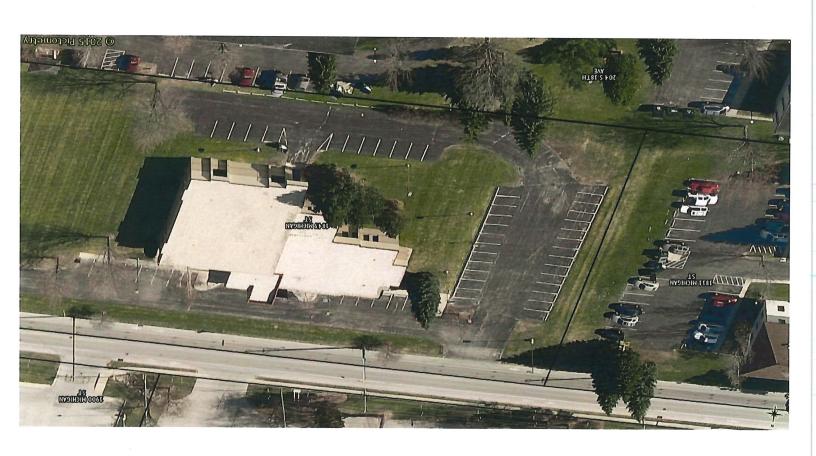




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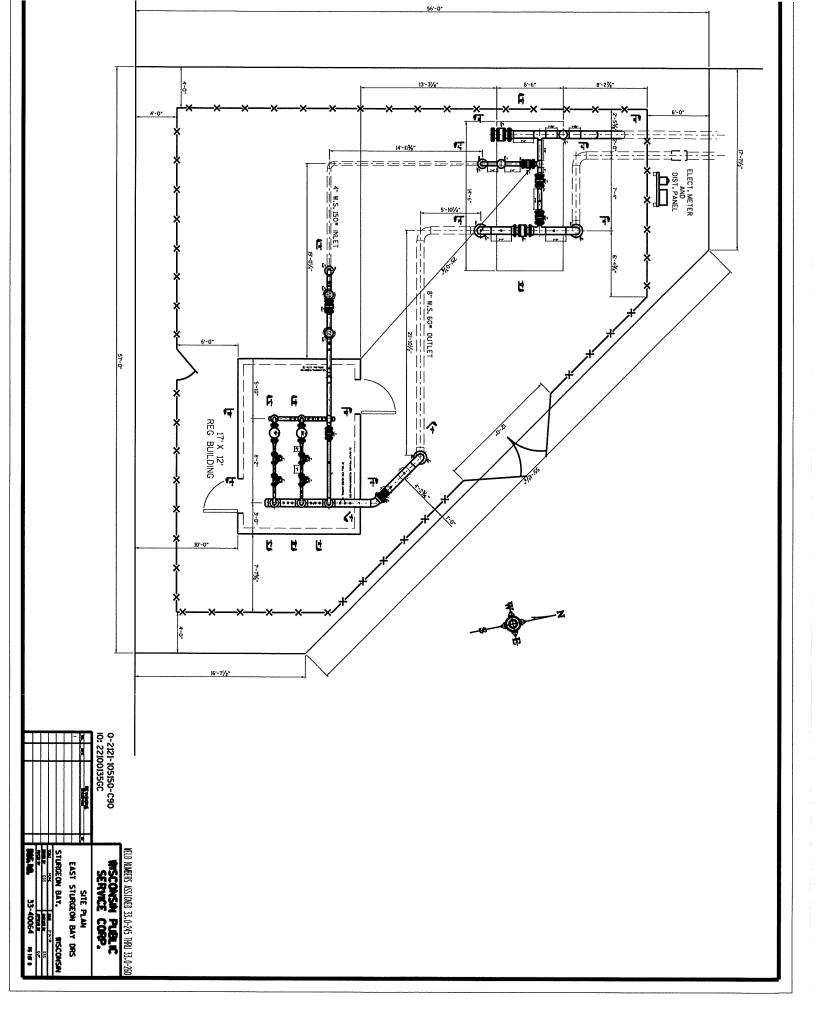
Google Maps 1858 Michigan St



Image capture: Oct 2018 © 2019 Google

Sturgeon Bay, Wisconsin Google

Street View - Oct 2018



Nault, Cheryl

From:

Stephens, Brian C < Brian. Stephens@dcmedical.org >

Sent: To: Monday, April 22, 2019 7:52 AM Bittorf, Darrin E; Oshefsky, Lucas F

Subject:

RE: WPSC - Sturgeon Bay Gas Project - Construction

Lucas,

Thanks for your patience. Darrin and I had a chance to go over these options and if the city approves this location for the station, we would prefer Site Layout Option 1. This is the option that would be least disruptive to our operations.

Thank you, Brian

Brian Stephens

Chief Executive Officer

Door County Medical Center

323 South 18th Avenue Sturgeon Bay, WI 54235 (920) 746-3737 http://dcmedical.org

Keeping Patients First In Everything We Do

From: Bittorf, Darrin E

Sent: Friday, April 12, 2019 1:19 PM

To: Stephens, Brian C

Subject: FW: WPSC - Sturgeon Bay Gas Project - Construction

Brian,

Any thoughts?

From: Oshefsky, Lucas F [mailto:lucas.oshefsky@wecenergygroup.com]

Sent: Friday, April 12, 2019 1:11 PM **To:** Bittorf, Darrin E; Laluzerne, Andy

Cc: Peot, Gerald J

Subject: RE: WPSC - Sturgeon Bay Gas Project - Construction

Gentlemen,

We would like to propose two alternative routes for pipe entering and existing our proposed station due to the difficulties we've had obtaining a setback variance from the City. I've attached mapping with our original route and the two alternative options for your review. If at all possible, Jerry and I would like to setup an online or in-person meeting to discuss the alternative options and any questions you may have.

Please provide potential meeting dates/times that could work next week. Monday/Tuesday or Friday would work the best for me.

Thanks again for all your cooperation. Have a great weekend.

Lucas F. Oshefsky, PLS, LREA

Real Estate Agent
WEC Energy Group

WEC Business Services | 700 North Adams Street | Green Bay, WI 54307-9001 **2** (920) 433-6991 | **2** (920) 431-4815 | ⊠: <u>lucas.oshefsky@wecenergygroup.com</u>

Serving We Energies, Wisconsin Public Service, Michigan Gas Utilities, Minnesota Energy Resources, Peoples Gas and North Shore Gas

From: Bittorf, Darrin E [mailto:Darrin.Bittorf@dcmedical.org]

Sent: Friday, April 05, 2019 10:18 AM **To:** Oshefsky, Lucas F; Laluzerne, Andy

Subject: RE: WPSC - Sturgeon Bay Gas Project - Construction

Thank you. Darrin

From: Oshefsky, Lucas F [mailto:lucas.oshefsky@wecenergygroup.com]

Sent: Friday, April 05, 2019 10:15 AM **To:** Bittorf, Darrin E; Laluzerne, Andy

Subject: RE: WPSC - Sturgeon Bay Gas Project - Construction

Hi Darrin/Andy,

We have received our conditional use permit (CUP) for the station but still have to get approval from the Aesthetic Design and Site Plan Review Board and request that the Zoning Board of Appeals reconsider our variance request for a reduced rear yard setback. I'll continue to keep you updated with this permit process. Also, our clearing/grubbing will likely not occur until late April. I'll let you know when we have a date pinned down.

Thanks and have a great weekend.

Lucas F. Oshefsky, PLS, LREA

Real Estate Agent
WEC Energy Group

WEC Business Services | 700 North Adams Street | Green Bay, WI 54307-9001

②: (920) 433-6991 | ⊴: (920) 431-4815 | ⊠: lucas.oshefsky@wecenergygroup.com

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From: Oshefsky, Lucas F

Sent: Monday, March 25, 2019 10:18 AM

To: Bittorf, Darrin E (<u>Darrin.Bittorf@dcmedical.org</u>)

Subject: WPSC - Sturgeon Bay Gas Project - Construction

Hi Darrin,

As mentioned in my recent voicemail, I've been working with Andy LaLuzerne to acquire the necessary easements to install our proposed gas pipeline and regulator station within Hospital property. We will be staking the easement areas this week with hopes to begin clearing/grubbing along our proposed project route the week of April 1st. I've circled the

Hospital property that would be impacted by this work on the attached map. Please let me know if you have any concerns or questions with this scheduled work?

Thanks,

Lucas F. Oshefsky, PLS, LREA

Real Estate Agent
WEC Energy Group

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 ☎: (920) 433-6991
 ๔: (920) 431-4815
 ☒: lucas.oshefsky@wecenergygroup.com

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WARNING: This email was sent from an external address. Exercise caution when opening links or attachments. WARNING: This email was sent from an external address. Exercise caution when opening links or attachments.

Nault, Cheryl

From:

mlcarnahan <mlcarnahan@aol.com>

Sent:

Monday, April 22, 2019 3:13 PM

To:

Jeff Rice

Cc:

KeithM@carnahancorp.com; mollycarnahan@yahoo.com

Subject:

Re: WPSC - Sturgeon Bay - Mapleridge Apartments

Jeff,

Mapleridge Apartments, a Wisconsin Limited Partnership d/b/a Oakwood Apartments is the owner of the apartment project located on the east side of S. 18th Avenue immediately south of Michigan Avenue in Sturgeon Bay, Wisconsin.

Our apartment project abuts a hospital property located on Michigan Avenue. More specifically our property shares lot lines with the west and south property lines of the hospital property.

WPSC proposes to erect a 17' X 12' service building on the hospital property near the southwest corner of that property.

We have reviewed plan pages for the proposed building including an aerial photograph upon which the proposed structure has been superimposed. Based upon our review we are aware the south wall of the proposed structure would be located 10' north of the south property line of the hospital property. That property line is also a north property line of a part of our apartment project property.

We understand the applicable zoning requirement would require the proposed WPSC service building to be set back 25' from the hospital property south property line. As a result we further understand WPSC wishes to obtain a variance to permit the building to be located as described above.

As the owner of the abutting property we have no objection to the construction of the WPSC building as described above or to the granting of the apparently required variance from the set-back requirement of the zoning code.

Michael L. Carnahan, General Partner Mapleridge Apartments, a Wisconsin Limited Partnership

----Original Message----

From: Jeff Rice < jrice@mi-tech.us>

To: mlcarnahan@aol.com <mlcarnahan@aol.com>

Sent: Fri, Apr 19, 2019 2:33 pm

Subject: FW: WPSC - Sturgeon Bay - Mapleridge Apartments

Hi Mike here are a couple maps and read below for the details on what WPS is looking for. Call me on my cell phone if you have any questions! Thank you and have a nice Easter weekend!

Jeff Rice | Right of Way Agent

Mi-Tech Services Inc.

office: 715.359.9400 x5240 | cell: 715.218.2002

<u>jrice@mi-tech.us</u> | <u>www.mi-tech.us</u> PO Box 107 | 5707 Schofield Ave.

Weston, WI 54476



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From: Oshefsky, Lucas F

Sent: Monday, April 08, 2019 1:59 PM

To: <u>irice@mi-tech.us</u>

Cc: DBOETTCH@mi-tech.us

Subject: WPSC - Sturgeon Bay - Mapleridge Apartments

Hi Jeff,

I've attached our proposed station design within Hospital property. Our proposed building is 10ft north of the Hospital's rear lot line. Current rear yard setback is 25ft which is why we are pursuing a setback variance from the Zoning Board. To help plead our case and if the Owner of Mapleridge Apartments was willing, we would like them to send a letter that they have no concerns with our proposed building location being 10ft off their side lot line. FYI... Side setback for both properties is only 10ft.

Thanks,

Lucas F. Oshefsky, PLS, LREA

Real Estate Agent
WEC Energy Group

WEC Business Services | 700 North Adams Street | Green Bay, WI 54307-9001 ☎: (920) 433-6991 | ᠍: (920) 431-4815 | ☒: |ucas.oshefsky@wecenergygroup.com

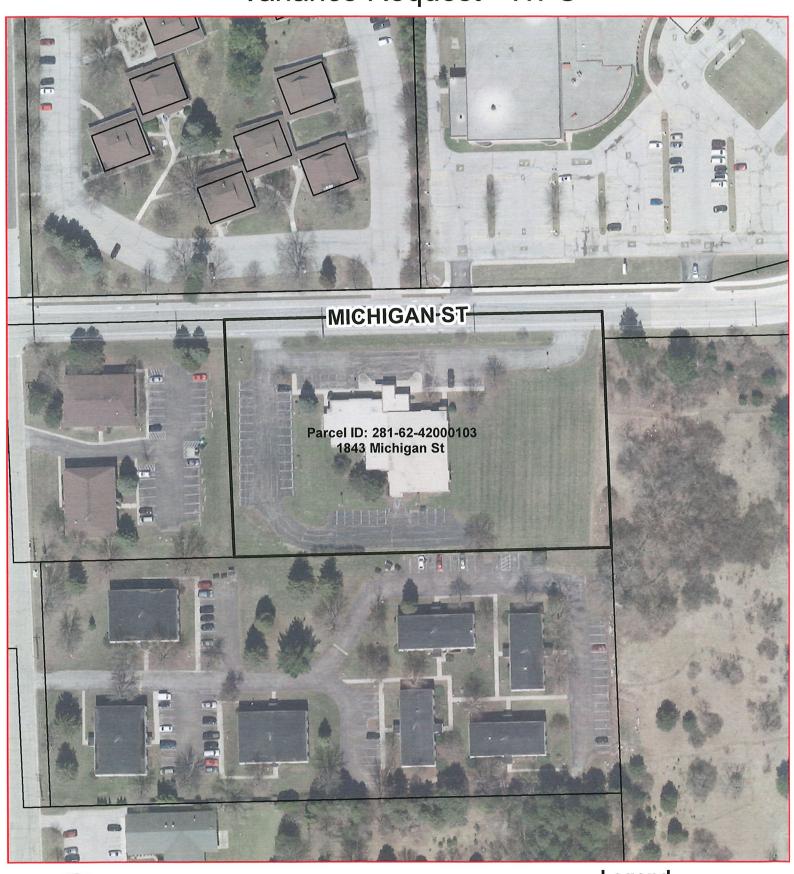
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NOTICE OF PUBLIC HEARING

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, May 28, 2019, at 12:00 noon or shortly thereafter, regarding a request from Wisconsin Public Service Corporation, for a variance from section 20.27(2) of the Municipal Code (Zoning Code), which requires buildings be setback a minimum of 25 feet from the rear property line. The applicant is requesting to construct a 12' x 17' building 10 feet from the rear property line. The subject property is located at 1843 Michigan Street, tax parcel #281-62-42000103. 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: Zoning Board of Appeals

Location Map Variance Request - WPS





0 65 130 260 Feet

Note: Public hearing to be held on May 28, 2019.

Legend

Subject_Property

Parcels