

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

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from May 28, 2019.
4. Public hearing: Petition from David and Holly Weber for a variance from s. 20.27(2) of the Municipal Code (Zoning Code) to construct a deck that would encroach into the street yard setback and rear yard setback, for property located at 660 E Circle Ridge Place.
5. Consideration of: Petition from David and Holly Weber for a variance from s. 20.27(2) of the Municipal Code (Zoning Code) to construct a deck that would encroach into the street yard setback and rear yard setback, for property located at 660 E Circle Ridge Place.
6. Public hearing: Petition from Jim McCarthy for variance from s. 20.27(2) of the Municipal Code (Zoning Code), to construct a porch addition that would encroach into the street yard setback, for property located at 831 Louisiana Street.
7. Consideration of: Petition from Jim McCarthy for variance from s. 20.27(2) of the Municipal Code (Zoning Code), to construct a porch addition that would encroach into the street yard setback, for property located at 831 Louisiana Street.
8. 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

7/3/19
2:00 p.m.
CN

ZONING BOARD OF APPEALS
Tuesday, May 28, 2019

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 12:01 p.m. by Chairperson William Murrock in the Council Chambers, City Hall, 421 Michigan Street.

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

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.

Carried.

Approval of minutes from Tuesday, May 14, 2019: Moved by Mr. Goodwin, seconded by Mr. Spritka to approve the minutes from May 14, 2019. All ayes. Carried.

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: Chairperson Murrock opened the public hearing at 12:05 p.m.

Mr. Sullivan-Robinson stated that WPS is installing a Gas Regulator Station on the SW corner of the property located at 1843 Michigan Street. They are requesting a 15-foot variance from the rear yard setback. The Plan Commission has recently approved their conditional use request.

WPS representatives Lynn Kroll and Jerry Peot went over the changes from the last meeting they attended. Ms. Kroll stated that the existing drainage will not be affected. They showed foundation detail. The building structure will now be 10 feet from the rear property line. The fence surrounding the structure will be located 4 feet from the property line. The green fence will be vinyl coated with green climbing ivy.

Mr. Peot stated that traffic control will be built on the inside of the fence to allow more screening. They worked with the hospital to match the building as requested by the Plan Commission. The walls will be a sandstone color, with a very low pitch red roof and red door. The building will be insulated and sound proof, but not heated. This location will not prevent the hospital from expanding on the east side. WPS will be visiting the site once a month and will be using the existing driveway.

Lucas Oshefsky, also representing WPS, had spoken with the neighbors and said they had no problems with the Gas Regulator Station. He stated that this site was the number one option for the hospital.

Dan Williams, Representative for District 3, stated that he had no feedback from citizens.

There was no written correspondence either in favor or in opposition of the variance.

The public hearing was declared closed at 12:20 p.m.

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: The Board discussed the variance request.

Mr. Olejniczak reminded the Board that the variance is for the location of the building, which is 10 feet from the property line.

Moved by Mr. Chaudoir, seconded by Mr. Goodwin to approve the variance request, with reasons being that this is a significant improvement to our natural gas public infrastructure; the current plan has been approved by the Wisconsin Public Service Corporation, the Plan Commission, and City staff as this being the best site, location, and layout for the project; and that no neighbors have opposed the project. All ayes. Carried.

Adjourn: Moved by Mr. Chaudoir, seconded by Mr. Augustson to adjourn. Carried. Meeting adjourned at 12:21 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Cheryl Nault".

Cheryl Nault
Community Development Secretary

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

4.

Date Received:	<u>3/26/19</u>
Fee Paid	\$ <u>200 + 50.00 sign dep</u>
Received By:	<u>CN</u>

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	David L. Weber & Holly S. Weber	
Company		
Street Address	660 E. Circle Ridge Place	
City/State/Zip	Sturgeon Bay, WI 54235	
Daytime Telephone No.	920-493-8531	
Fax No.		
STREET ADDRESS OF SUBJECT PROPERTY: <u>660 E. Circle Ridge Place</u> Location if not assigned a common address: _____		
TAX PARCEL NUMBER: <u>281-40-95003300</u>		
CURRENT ZONING CLASSIFICATION: <u>R-1</u>		
CURRENT USE AND IMPROVEMENTS: <u>Single-family home</u>		
IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: <u>20.27 - required yard setbacks for street</u> <u>side yard and rear yard</u>		
ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES: North: <u>R-1 vacant land</u> South: <u>R-1 vacant land</u> East: <u>R-1 single-family home</u> West: <u>R-1 vacant land</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: See Addendum A attached hereto and made a part hereof.

2. Unique physical property limitation: See Addendum A attached hereto and made a part hereof.

3. Protection of public interest: See Addendum A attached hereto and made a part hereof.

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? YES IF YES, EXPLAIN: YR 2001; SETBACK FROM R.O.W. FOR NEW CONSTRUCTION OF A DECK/PAVING; GRANTED; REVIEW ATTACHED MINUTES

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.

David L. Weber/Holly S. Weber

Property Owner (Print Name)

Signature

Date

David L. Weber/Holly S. Weber

Applicant/Agent (Print Name)

Signature

Date

I, Rep: Jim Smith 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.

March, 2019

Date of review meeting

Via Phone/Email

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

ADDENDUM A TO VARIANCE APPLICATION
APPLICANT: DAVID L. WEBER AND HOLLY S. WEBER
PROPERTY: 660 E. CIRCLE RIDGE PLACE

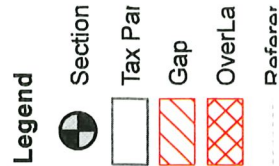
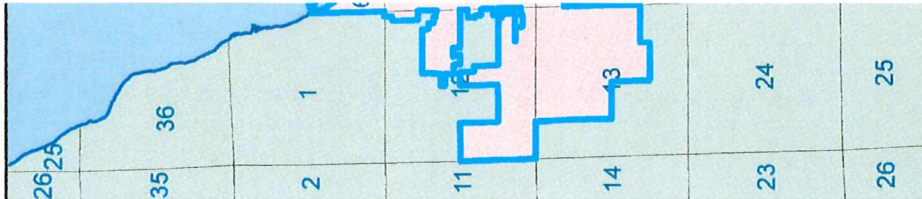
1. **Unnecessary Hardship.** Unnecessary hardship exists when strict compliance with the letter of a zoning ordinance would unreasonably prevent the owner from using the property for a permitted purpose, or, would render conformity with such restrictions unnecessarily burdensome. To determine whether this standard is met, the Board should consider the purpose of the ordinance sections in question, its effect on the prosperity, and the short-term and long-term effects of granting the variances.
 - a) **Street Setback Variance.** Strict compliance with the street setback from South Tomahawk Street would be unnecessarily burdensome because the historic purpose of road and street setbacks is, among other things, to protect against damage to a dwelling and its occupants which may be caused by vehicles travelling at a high rate of speed or being driven carelessly. Another purpose of a street or road setback historically is to permit light and air to exist around dwellings. In this case, South Tomahawk Avenue is not a major thoroughfare, it has a relatively low speed limit, light traffic, and runs into Vine Court, which is a dead-end street. Therefore, requiring the owner to meet the strict letter of the setback requirement under the City of Sturgeon Bay Zoning Ordinance would be unnecessarily burdensome. In addition, the westerly curb of South Tomahawk Avenue is 23 feet east from the east lot line of the applicant's lot, which means that the home is approximately 45 feet from the west curb of South Tomahawk Avenue, and if the variance is granted, the deck would be 33 feet from the west curb of South Tomahawk Avenue. This situation exists because the easterly line of the applicant's lot does not coincide with the westerly right-of-way line of South Tomahawk Avenue.
 - b) **Rear Yard Variance.** Strict compliance with the Ordinance as to the rear yard variance would also be unnecessarily burdensome. The house is located 29 feet from the rear lot line. The lot to the north is currently vacant. Historically, the purpose of rear yard setbacks is to allow light and air in and around dwellings, and to permit occupants of a dwelling to have recreational space adjacent to their dwelling. If the rear yard variance is granted, the recreational space will still exist (but in a different form) and the existence of light and air will not be impacted.
 - c) **Variances Not to Diminish nor be Contrary to the Purposes of the City of Sturgeon Bay Ordinance.** Granting the variances applied for herein will not diminish nor be contrary to the purposes of the City of Sturgeon Bay Zoning Ordinance which are to promote the health, safety, morals, comfort, prosperity, and general welfare of the City, and to secure adequate light, pure air, and safety from fire and other dangers, to conserve the taxable value of land and buildings throughout the City, and to preserve and enhance aesthetic value and to ensure aesthetic capability with neighboring property and preserve the appropriate character of each area within the sound principles of zoning throughout the City.

The request herein applied for is reasonable and minimal, and will certainly not change the character of the neighborhood nor the adjacent property.

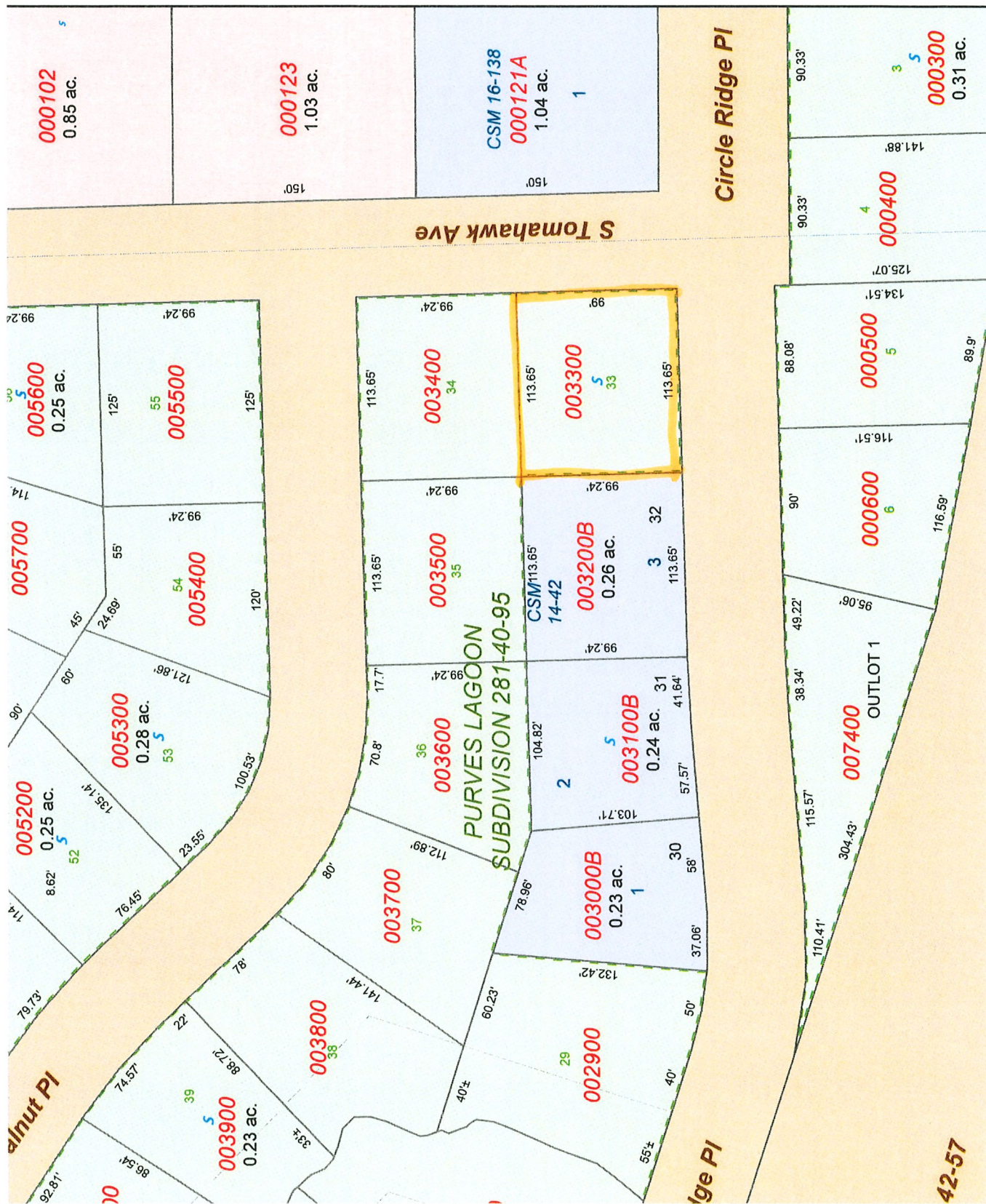
2. **Unique Physical Property Limitation.** The applicant's lot is approximately one-quarter ($\frac{1}{4}$) acre in area. It essentially abuts to city streets, namely, South Tomahawk Avenue to the east and East Circle Ridge Place to the south. The east line of the lot does not coincide with the westerly line of South Tomahawk Avenue, as paved. There exists a 23'-wide strip of land which lies between the westerly curb of South Tomahawk Avenue and the east lot line. If the 23'-wide strip of land had been included in the applicant's lot when the subdivision was platted, the east line of the lot would be 23' further east and a side lot line variance would not be needed.
3. **Protection of the Public Interest.** There will be no harm to the public interest if the variances sought are granted. The proposed deck expansion is reasonable in size, dimensions, and location, and the project will therefore have no impact on the public health, safety, or welfare, as the property is currently used for single-family residential purposes.

JOB NO. 23341
4-5-18





281_17272600



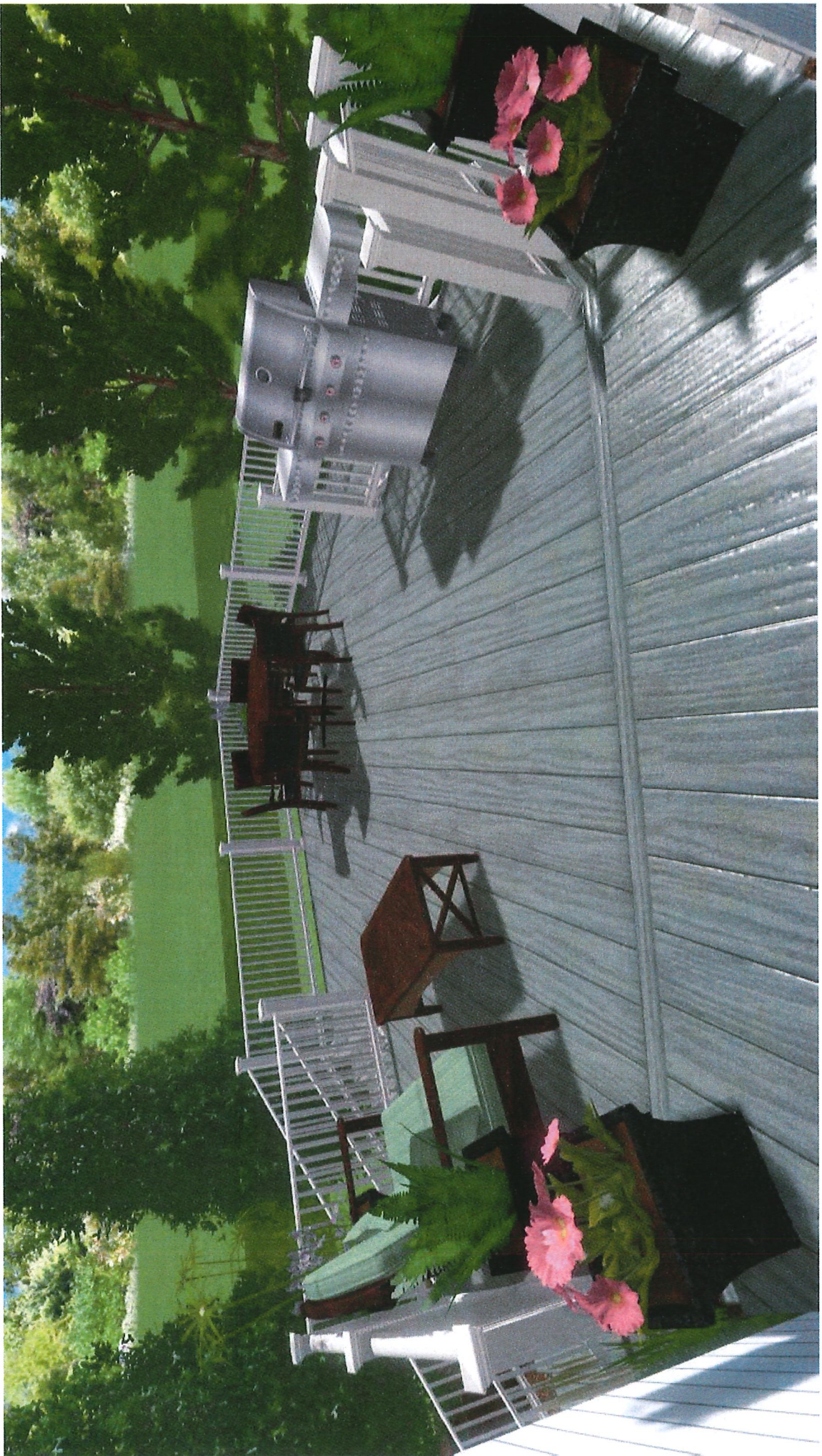




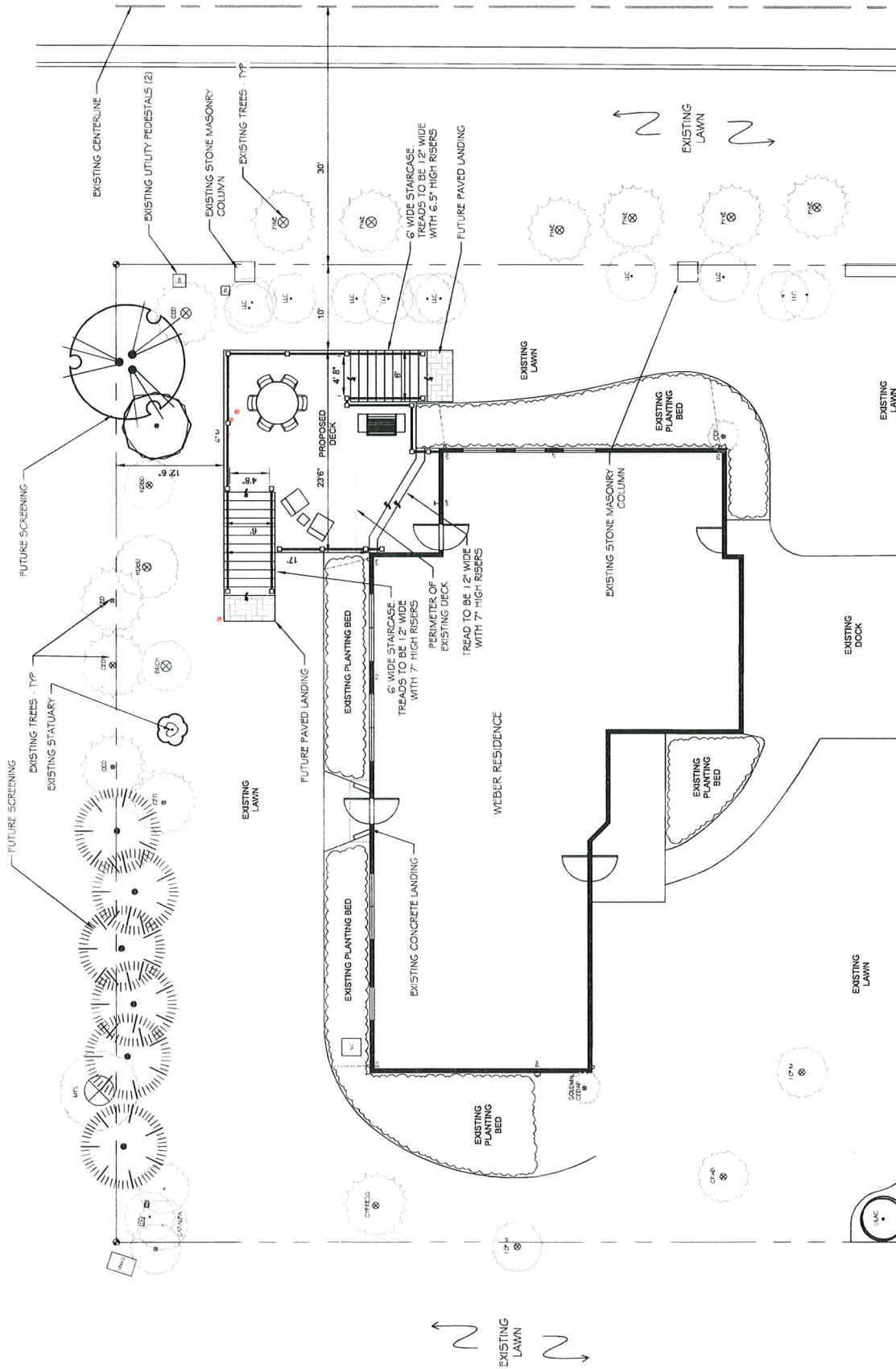






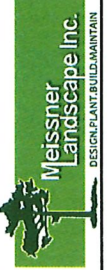


EXISTING VACANT LOT



DATE	SCALE	DESIGN BY	REVISIONS
02/08/19	1/8"=1'	NRM	02/11/19
SHEET #	DRAWING	DRAWN BY	02/22/19
LI	LANDSCAPE	NRM	

Phone: 800.745.1871
Fax: 800.745.1878
www.meissnerlandscape.com



660 E CIRCLE RIDGE PL
STURGEON BAY

A DECK DESIGN FOR
DAVID & HOLLY WEBER

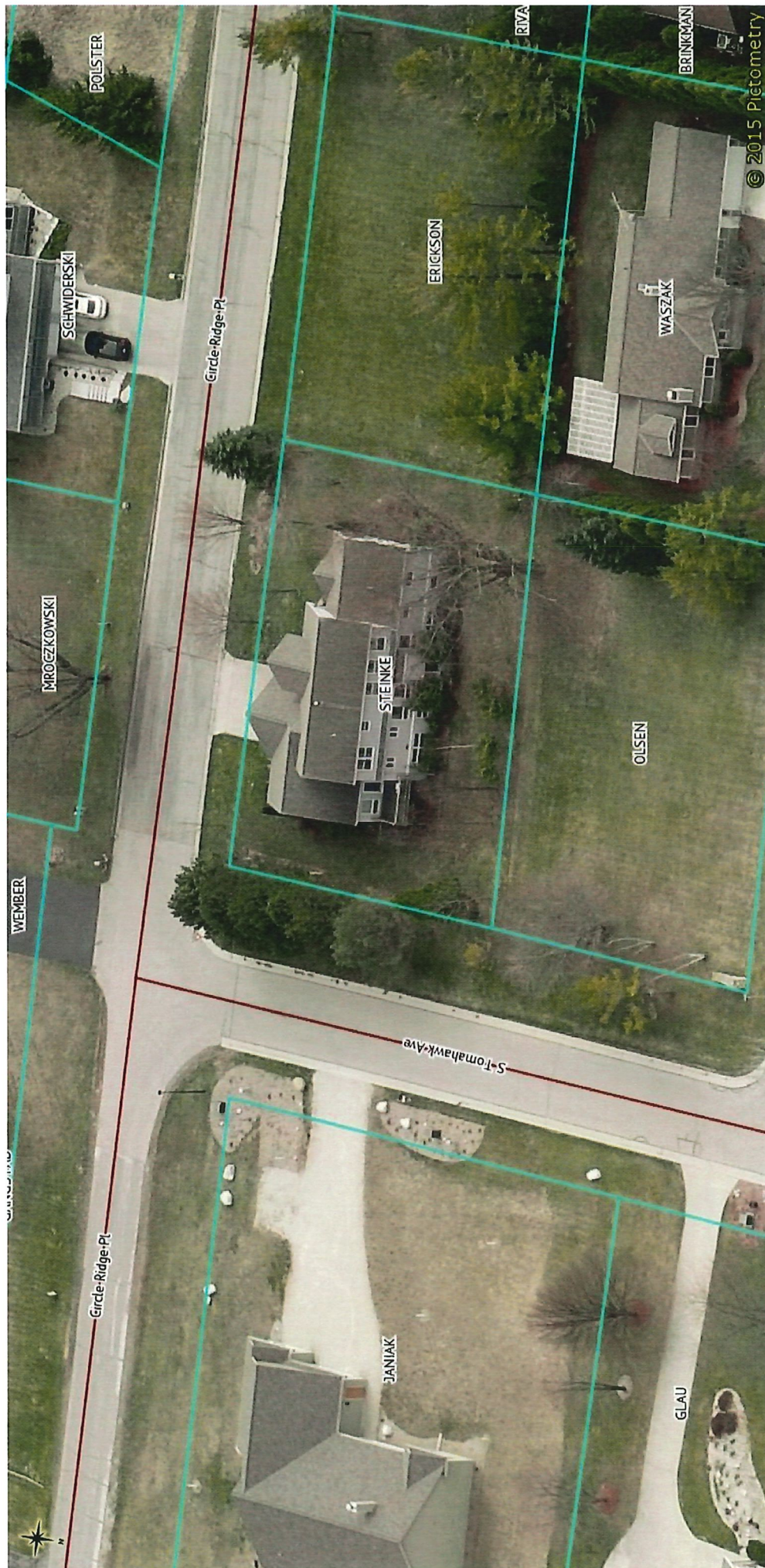




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04/25/2015







NOTICE OF PUBLIC HEARING

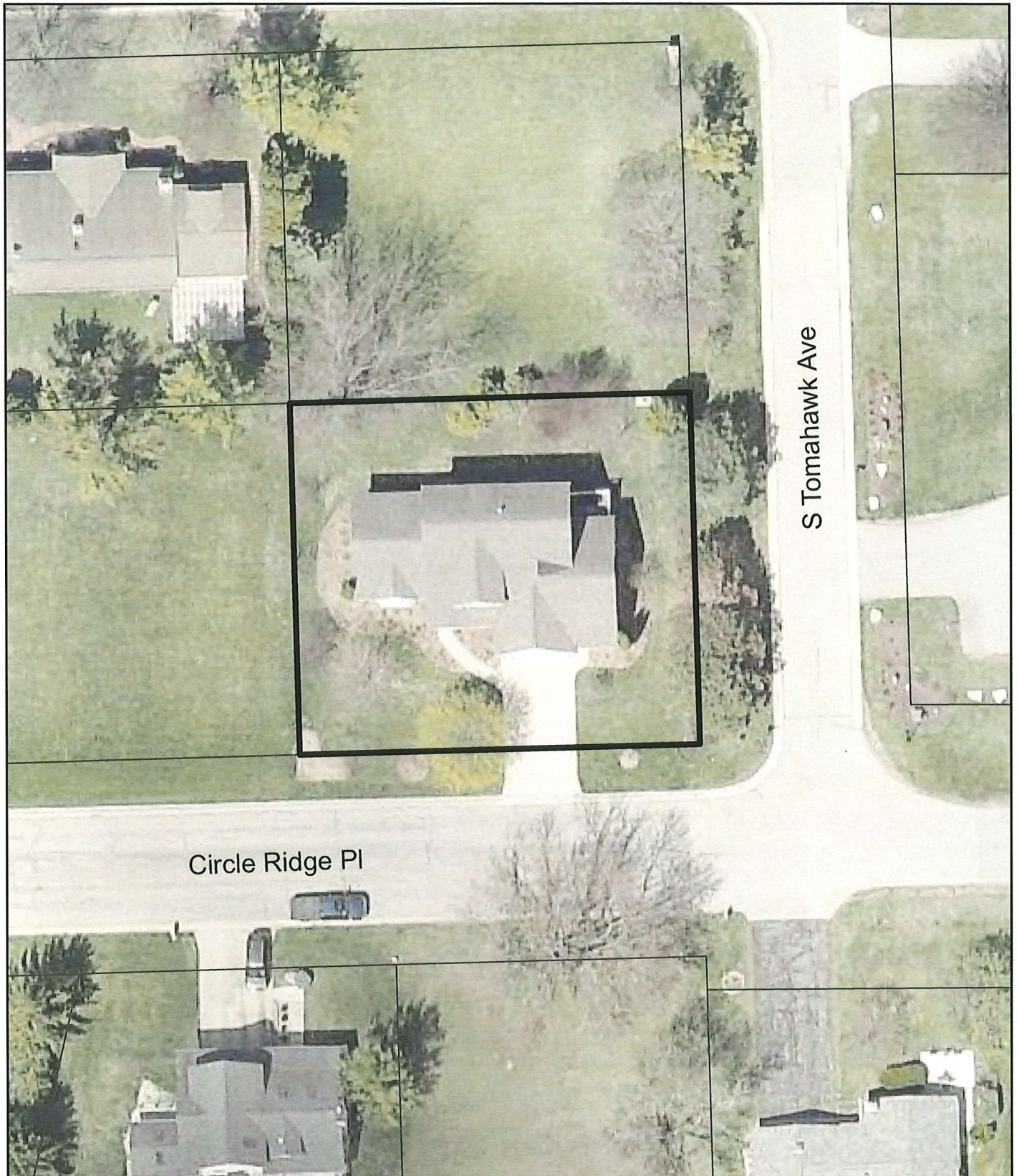
The City of Sturgeon Bay Zoning Board of Appeals will conduct a public hearing in the Council Chambers, 421 Michigan Street, Sturgeon Bay, Wisconsin on Tuesday July 9, 2019 at 12:00 Noon or shortly thereafter, regarding a request from David and Holly Weber for a variance from section 20.27(2) of the Municipal Code (Zoning Code), which requires a 25-foot setback from the street right-of-way and the rear property line. The applicant is requesting to build a deck that will encroach the street setback 15 feet and the rear yard setback approximately 13 feet. The subject property is located at 660 E Circle Ridge Place, tax parcel # 281-40-95003300. 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

Public Hearing - Weber

Variance Request



 Subject Property

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



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

Date Received: MAY 29, 2019
Fee Paid \$ 350.00
Received By: CHRIS

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	<u>James McCarthy</u>	
Company		
Street Address	<u>831 Louisiana St.</u>	
City/State/Zip	<u>Sturgeon Bay, WI 54235</u>	
Daytime Telephone No.	<u>(920) 559-3049</u>	
Fax No.		
STREET ADDRESS OF SUBJECT PROPERTY: <u>831 LOUISIANA ST</u> Location if not assigned a common address: _____		
TAX PARCEL NUMBER: <u>281-32-1010301 R</u>		
CURRENT ZONING CLASSIFICATION: <u>R-1</u>		
CURRENT USE AND IMPROVEMENTS: <u>Residential</u>		
IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: <u>20.27(2) SETBACK REQUIREMENTS</u>		
ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES: North: <u>Residential</u> South: <u>"</u> East: <u>"</u> West: <u>"</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 POOL. ALSO SHAPE OF LOT IS RESTRICTIVE
2. Unique physical property limitation: LOT SHAPE IS BEEN A CONSTRAINT ON ANY CONSTRUCTION ACTIVITY AS COMPARE TO WIDER AND DEEPER LOTS IN MY NEIGHBORHOOD
3. Protection of public interest: IT HAS NO NEGATIVE EFFECT ON SURROUNDING PROPERTIES. AND WILL COMPLIMENT/MATCH TYPE OF POOL CONSTRUCTION IN THE AREA

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? YES IF YES, EXPLAIN: SAME VARIANCE APPROVED ON JANUARY 30, 2018.

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 MCCARTY
Property Owner (Print Name)

J. McCarty
Signature

5/29/19
Date

Applicant/Agent (Print Name)

Signature

Date

I, JAMES MCCARTY, 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.

5-29-19
Date of review meeting

Applicant Signature

[Signature]
Staff Signature

Attachments:

Procedure & Check List
Agreement For Reimbursement of Expenses

STAFF USE ONLY

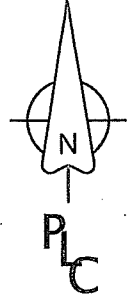
Application conditions of approval or denial:

Date

Community Development Director

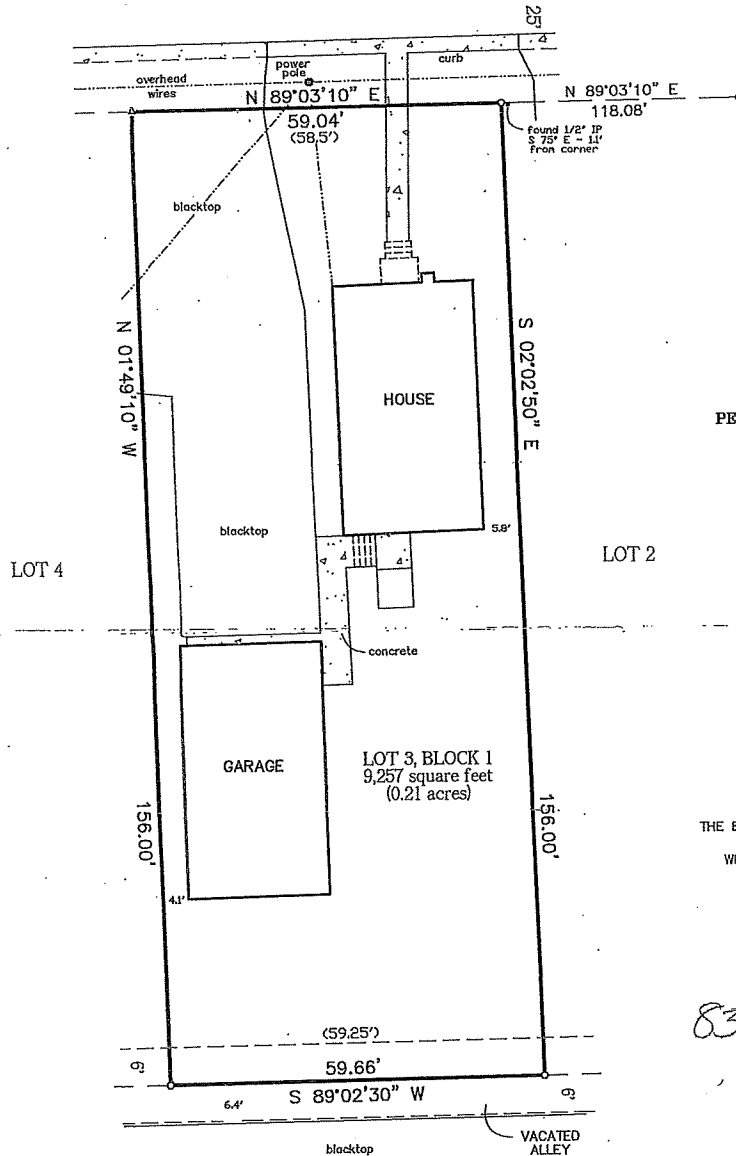
PLAT OF SURVEY

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

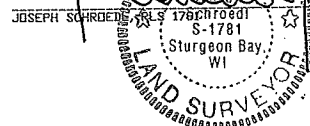
831 Louisiana

SURVEYOR'S CERTIFICATE:

I, Joseph Schroedl, 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.

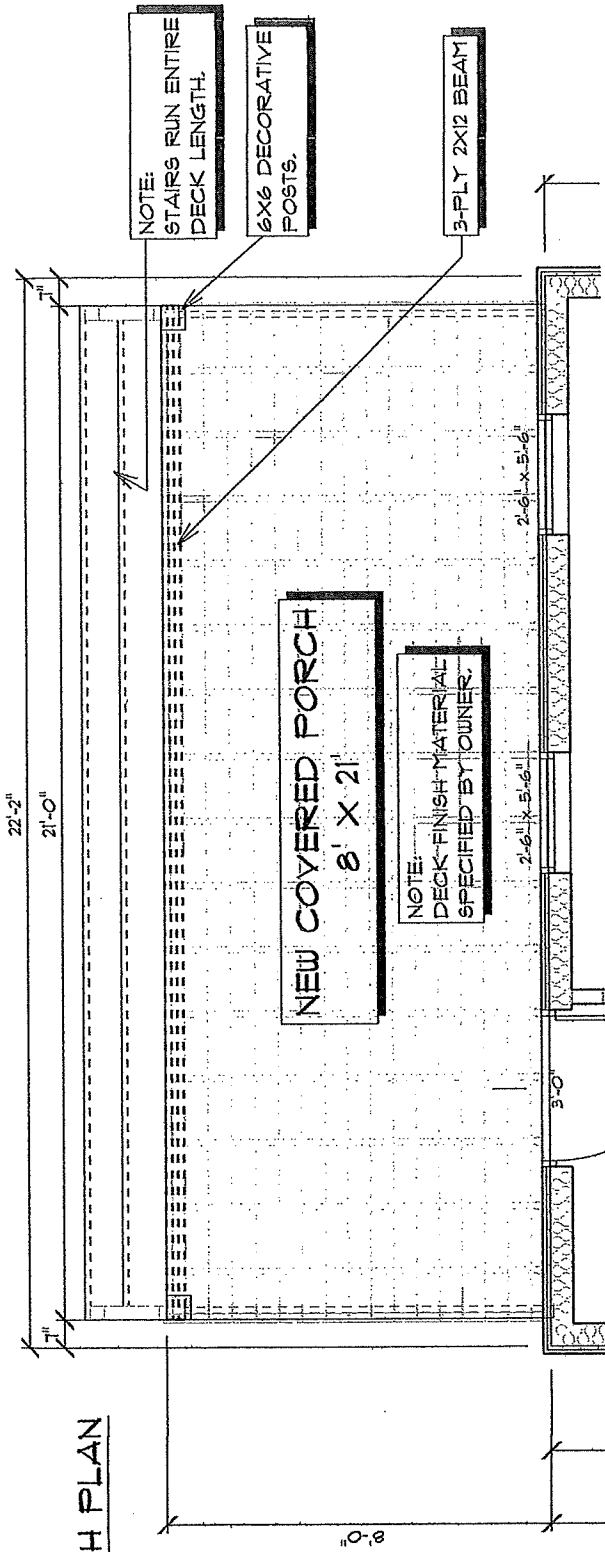
This survey is correct to the best of the surveyor's knowledge and belief and was made for the exclusive use of the present owners of the property, and also those who purchase, mortgage or insure the title thereto.

DATED THIS 1st 6th NOVEMBER 2017

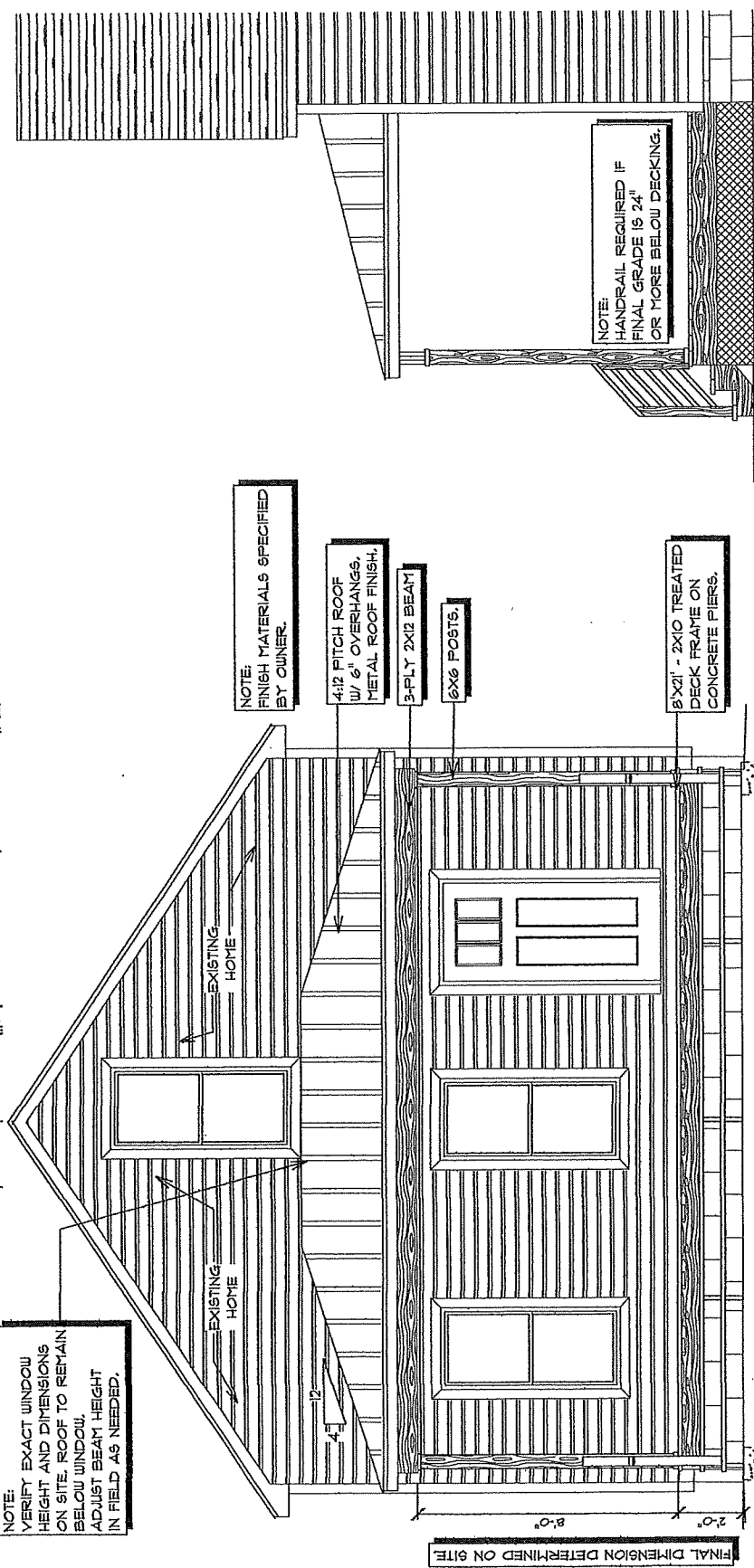


FRONT PORCH PLAN

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.



FRONT ELEVATION

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

LEFT ELEVATION

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

FINAL DIMENSION DETERMINED ON SITE

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, July 9, 2019 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 to be set back based on the zoning district requirements. The request is for an 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.

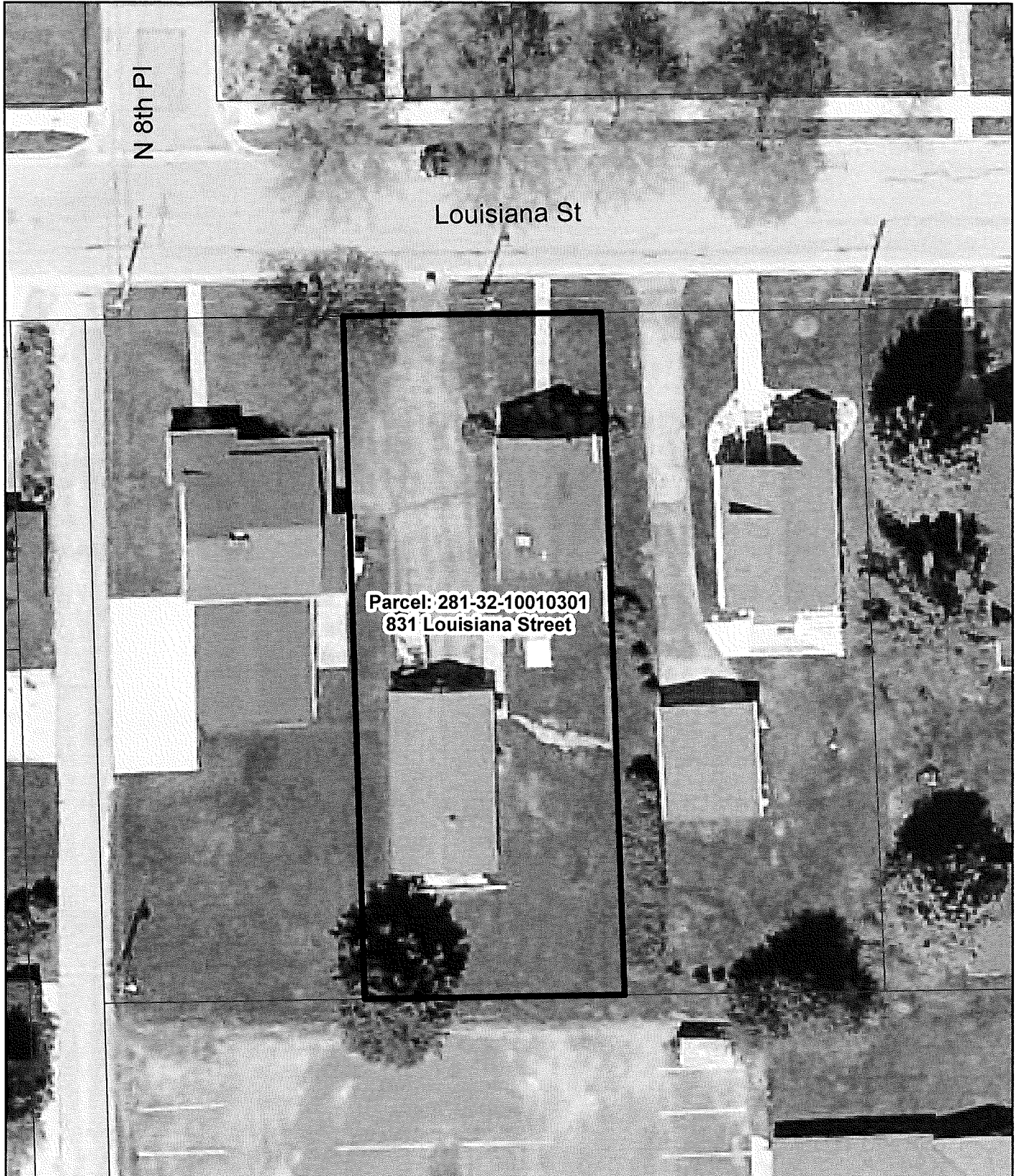
By order of:

City of Sturgeon Bay Zoning Board of Appeals

Location Map

Public Hearing - McCarthy

Variance Request



 Subject Property

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



831 Louisiana St



Other Properties in the Neighborhood



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