

ZONING BOARD OF APPEALS  
Tuesday, February 26, 2019

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 12:00 noon by Chairperson William Murrock in the Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members James Goodwin, William Murrock, Andrew Starr, and Alternates Dave Augustson and Justin Kirwen were present. Excused: Members Bill Chaudoir and Wayne Spritka. 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. Starr to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from October 2, 2018.
4. Public hearing: Petition for a side yard variance from s. 20.27(2) of the Municipal Code to allow a parcel, located at 532 N. 8<sup>th</sup> Avenue, to be divided into two lots with a minimum side yard of 5.5 feet.
5. Consideration of: Petition for a side yard variance from s. 20.27(2) of the Municipal Code to allow a parcel, located at 532 N. 8<sup>th</sup> Avenue, to be divided into two lots with a minimum side yard of 5.5 feet.
6. Adjourn.

Carried.

**Approval of minutes from Tuesday, October 2, 2018:** Moved by Mr. Goodwin, seconded by Mr. Augustson to approve the minutes from October 2, 2018. All ayes. Carried.

**Public Hearing: Petition for a side yard variance from s. 20.27(2) of the Municipal Code to allow a parcel, located at 532 N. 8<sup>th</sup> Avenue, to be divided into two lots with a minimum side yard of 5.5 feet:** Chairperson Murrock opened the public hearing at 12:03 p.m.

Chris Wiltfang, 119 N. Adams Street, Green Bay, WI stated that he bought the property at 532 N. 8<sup>th</sup> Avenue with the hopes of reopening a restaurant. To continue with a growth plan for the property, he would like to divide the property so the existing house would be located on its own parcel. He would then sell the house for more capital to be invested into the rest of the parcel.

ERA Starr Realty representative Heidi Neubauer, representing Mr. Wiltfang, stated that the property would be divided between the house and commercial building. They are intending to divide off the rear of the property also.

Mr. Wiltfang added that the existing garage will be removed, as well as the concrete and sidewalk, and will be used for parking. There is an existing curb cut on 8<sup>th</sup> Avenue where a driveway would be installed to the house.

Mr. Sullivan-Robinson stated that this is one parcel which will be divided into three parcels. The parcel is partially R-2 and C-1. The split would actually be 6 ½ feet at its closest point to either building. Ten feet is what is required for a side yard setback. After looking at the history of this parcel, the previous owner was Rockwell. Mr. Rockwell had applied for the same variance and it was granted, subject to the garage being removed. Mr. Rockwell did not need a third lot on the east side at that time. The sale to a perspective buyer then fell through. Nothing had been done and the variance expired.

Mr. Olejniczak made a correction stating that a second variance would have to be granted to create a vacant lot on the east side of the property. The reason for that is the minimum lot width is 70 feet and the house lot is getting its frontage on Georgia Street. There is only 58 feet of frontage on 8<sup>th</sup> Avenue. To just separate the house from the restaurant building will work with the side yard variance, but to create a third lot would require another variance. Then the existing house would be able to have less than the required 70 feet of frontage.

Ms. Starr suggested that the garage be torn down, straighten the lot line, and have no less than a 5.5 foot setback to either one of the existing structures after the garage is removed.

Mr. Augustson affirmed that another variance would have to be applied for if Mr. Wiltfang would like to create the third lot.

There were no letters of correspondence in favor or against.

Mr. Olejniczak mentioned that in the minutes from the variance request meeting with Mr. Rockwell, it was pointed out that a second variance was needed for the vacant lot. He and Mr. Sullivan-Robinson didn't see any problems with the variance request.

The public hearing was declared closed at 12:25 p.m.

**Consideration of: Petition for a side yard variance from s. 20.27(2) of the Municipal Code to allow a parcel, located at 532 N. 8<sup>th</sup> Avenue, to be divided into two lots with a minimum side yard of 5.5 feet:** After no discussion, it was moved by Mr. Starr, seconded by Mr. Goodwin to approve the variance request and to divide the existing lot into two lots, with the dividing lot line to be no closer than 5.5 feet to either structure, subject to the garage being removed at the time the lot is divided.

After a short discussion, it was moved by Mr. Starr, seconded by Mr. Goodwin to amend the motion to add that the garage be removed within one year of variance approval instead of at the time the lot is divided.

A roll call vote was taken on the motion. All ayes. Carried.

**Adjourn:** Moved by Mr. Kirwen, seconded by Mr. Augustson to adjourn. All ayes. Carried. Meeting adjourned at 12:29 p.m.

Respectfully submitted,

Cheryl Nault  
Community Development Secretary