

ZONING BOARD OF APPEALS  
Tuesday, July 9, 2019

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 12:00 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. Spritka, seconded by Mr. Chaudoir to adopt the following agenda:

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.
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.
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.

Carried.

**Approval of minutes from Tuesday, May 28, 2019:** Moved by Mr. Goodwin, seconded by Mr. Spritka to approve the minutes from May 28, 2019. All ayes. Carried.

**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:** Mr. Sullivan-Robinson stated that the property is zoned Single-Family Residential. The house was built in 2001 and a variance was granted at that time for a 4-foot encroachment. The house was misplaced on the lot and when they applied for a permit for a deck they realized that they were already encroaching into the street setback on Tomahawk Avenue. They are now looking at installing a bigger deck of approximately 450 sq. ft. that would encroach 15 feet into the street setback on Tomahawk Avenue. The proposed deck would also encroach approximately 13 feet into the street setback on the property to the north. It is a corner lot and typically there are three 25-foot setbacks that should be met. The design of the deck should also be considered.

Chairperson Murrock opened the public hearing at 12:10 p.m. Attorney Jim Smith of Pinkert Law Firm, representing the Webers, displayed several photos and maps of the property and home from different views and directions. The Webers purchased the property approximately 2-3 years ago.

There is a vacant lot to the north with much screening of trees and bushes. There is an existing 9' x 10' deck. If the variance is approved, the deck would be 33 feet from the west curb of S. Tomahawk Avenue. The deck would not change the character of the neighborhood or affect the adjacent property. Additional screening would be planted after the deck is built.

Mr. Augustson was concerned about the vacant lot, but more worried about the rear yard setback encroaching into the neighbor's property. Corner lots are restrictive. Additional screening should be added as a condition.

Mr. Murrock questioned the location of the power box on the corner and if there was an easement for that.

Mr. Spritka stated that an easement should be shown on the plat.

Mr. Olejniczak added that most of the plats in the City have 6 feet on either side of the lot line.

Jim Mc Carthy, 831 Louisiana Street, spoke in favor of the request.

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

The public hearing was declared closed at 12:32 p.m.

**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:** The Board discussed the variance request.

Mr. Olejniczak stated that Tomahawk Avenue was planned as a narrow street, since there is less need for parking on it. He did not see a need to widen that road in the future. It is possible that sidewalks could be installed someday.

After further discussion, it was moved by Mr. Goodwin, seconded by Mr. Chaudoir to grant the variance request for the reasons stated in the petition, with condition that vegetative screening be installed per the Meissner plan to screen the rear lot line from the neighbor.

The Webers showed an unnecessary hardship based on pre-existing conditions. There is physical property limitation based on pre-existing conditions of the site, which were caused at the time of construction in 2001. The road is off center to the right-of-way, which caused the home to be improperly placed. The City has no plans to make any improvements to the Tomahawk right-of-way in the future.

Roll call vote. All ayes. Carried.

**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:** Mr. Sullivan-Robinson stated that this property is located in an R-1 district. This project was looked at over a year ago and was approved. There was support from the neighbors as well. According to the ordinance, the deck would have to be 25 feet from the street right-of-way and 10 feet from the side lot line. In this case, the house is non-conforming. The deck is proposed to be constructed 5 feet into the street setback. In 2018, Mr.

McCarthy was granted a variance and due to circumstances he was unable to go ahead with the construction. The variance lapsed after one year. This is an historic lot, which is long and narrow.

Mr. Chaudoir noted that a site plan was not included with the application showing the proposed deck addition to the house and how it relates to the setbacks. It should be a requirement that a site plan be included for future application.

Chairperson Murrock opened the public hearing at 12:44 p.m.

Jim McCarthy presented his plan for his deck addition. When he purchased the house, he realized the existing 4-foot deck was unusable. After the variance was approved the weather didn't cooperate and was unable to line up a carpenter. His neighbors wanted him to get it completed.

No one spoke in favor or in opposition of the variance request. There were no letters in favor or against the request.

The public hearing was declared closed at 12:46 p.m.

**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:** Board members discussed the variance request.

Moved by Mr. Goodwin, seconded by Mr. Augustson to approve the variance in view of the fact that it is the identical request that has been previously approved and because of the weather conditions it could have already been completed. The porch doesn't detract from the house. It is an old neighborhood with small lots and goes with everything around him for blocks. He is keeping the look of the building. There are no obstructive views regarding traffic or neighbors.

Roll call vote. All ayes. Carried.

**Adjourn:** Moved by Mr. Chaudoir, seconded by Mr. Spritka to adjourn. Carried. Meeting adjourned at 12:48 p.m.

Respectfully submitted,

Cheryl Nault  
Community Development Secretary