

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

Tuesday, May 26, 2020  
12:00 Noon  
Council Chambers, City Hall  
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from February 25, 2020.
4. Public hearing:       Petition from Robert Jennerjohn to construct a deck that would encroach 8 feet into the street right-of-way setback, located at 425 Quincy Street.
5. Consideration of:    Petition from Robert Jennerjohn to construct a deck that would encroach 8 feet into the street right-of-way setback, located at 425 Quincy Street.
6. Election of officers.
7. Adjourn.

*NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.*

ZBA Board Members  
William Murrock, Chair  
Dave Augustson  
Wayne Spritka  
Bill Chaudoir  
Nancy Schopf  
Morgan Rusnak, 1<sup>st</sup> Alternate

05/20/20  
4:00 p.m.  
CN

ZONING BOARD OF APPEALS  
Tuesday, February 25, 2020

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 James Goodwin, William Murrock, Alternate Nancy Schopf, and Alternate Morgan Rusnak were present. Excused: Members Wayne Spritka, Bill Chaudoir, and Dave Augustson. 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 Ms. Schopf, seconded by Mr. Goodwin to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from July 9, 2019.
4. Public hearing: Petition from Jeff Kanzelberger to construct an addition and deck that would encroach into the street yard 18 feet, as well as into the required setback from navigable waters by 6 feet, located at 340 Joliet Avenue.
5. Consideration of: Petition from Jeff Kanzelberger to construct an addition and deck that would encroach into the street yard 18 feet, as well as into the required setback from navigable waters by 6 feet, located at 340 Joliet Avenue.
6. Adjourn.

Carried.

**Approval of minutes from Tuesday, July 9, 2019:** Moved by Mr. Goodwin, seconded by Ms. Rusnak to approve the minutes from July 9, 2019. All ayes. Carried.

**Public hearing: Petition from Jeff Kanzelberger to construct an addition and deck that would encroach into the street yard 18 feet, as well as into the required setback from navigable waters by 6 feet, located at 340 Joliet Avenue:** Mr. Sullivan-Robinson stated that Mr. Kanzelberger is requesting variances for a street setback and also from navigable waters for a proposed addition to his home. In 2004, the previous owner was denied a variance for a street setback from Joliet Avenue. City staff has been working with the owner on this project and the proposal is the second design. Staff has no preference whether or not to approve the request. Sturgeon Bay Utilities has no issues.

Mr. Olejniczak stated that most principal buildings in the area were already non-conforming. Eighteen feet is a large encroachment toward Hickory Street. The hardship is to the property owner, not the property itself.

Chairperson Murrock opened the public hearing at 12:10 p.m.

Mr. Kanzelberger stated that due to his wife's surgery after a falling injury, her doctor advised her not to use multiple stairs. Their daughter also had her leg crushed by a horse and currently wears a brace on her leg, which makes it difficult to climb stairs. She lives in Hortonville, but is with them all the time. Their intent is to live in the house forever. They would like to utilize the house on one level. There are two bedrooms upstairs and a small office downstairs. There is an elevator, but is extremely unreliable.

John Borkovetz, builder for the project, stated that originally they were going to use the retaining wall as the foundation for the addition. In the revised plan, the addition would not extend to the retaining wall. Plaster repairs have been done on the upper cantilever deck. There is evidence of weight pulling down with the caulking pulling away from the brick. An addition would allow for structural repairs. Structural steel column support is needed on the outside of the house. Pilings will probably be added. He added that after speaking with the City Engineer there were no issues that he was concerned with. Nine feet of the existing front porch will be used for the 18-foot addition. The existing retaining wall is six inches from the setback.

Bernie Ellenbecker, 406 N. Joliet Avenue, stated he was not opposed. That area of Hickory Street is rarely used by vehicles.

Alisa Landman, 330 N. Joliet Avenue, gave reasons for denying the project. With a previous variance being denied, it sets a precedence. Their home is larger than others in the area. Property taxes may increase. Snow removal may be an issue. They could convert the space they already have.

Larry Desotelle, 333 N. Joliet Avenue, stated he is in support of the request. He also has to make decisions on how he will live in his house as well.

Chairperson Murrock asked if there was any rebuttal testimony.

Mr. Borkovetz added that the decks are not encroaching the setbacks. Brick is pulling away from the garage. Supports need to get in the ground. Eventually, a ramp may have to be installed. He handed out a letter written to the Kanzelbergers from Ms. Landman regarding a restrictive covenant on her property limiting use of the shoreline.

Ms. Landman stated that she thought the denial of the previous variance request was a sufficient reason to deny this request.

Mr. Olejniczak stated that originally the property contained a small, non-conforming cottage-like home owned by Dick Smith. The owner had three options to rebuild. The first option was to use the same setbacks as the cottage, but it was limited to 50% larger than the previous home. The second option was to tear the cottage down and rebuild within the setbacks. The third option was to apply for a variance, which he applied for and was denied. He then used the second option.

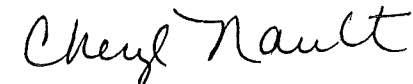
Chairperson Murrock closed the public hearing at 12:55 p.m.

**Consideration of: Petition from Jeff Kanzelberger to construct an addition and deck that would encroach into the street yard 18 feet, as well as into the required setback from navigable waters by 6 feet, located at 340 Joliet Avenue:** Board members discussed the variance request. Moved by Ms. Schopf, seconded by Mr. Murrock to approve the variance request. It will not impact the neighborhood or street, there will be no obstruction of public view, it will improve their living situation, and is a well-engineered project.

Roll call vote: All ayes. Carried.

**Adjourn:** Moved by Ms. Schopf, seconded by Ms. Rusnak to adjourn. Carried. Meeting adjourned at 12:58 p.m.

Respectfully submitted,



Cheryl Nault  
Community Development Secretary



# MEMO

To: Zoning Board of Appeals  
From: Christopher Sullivan-Robinson   
Date: May 12, 2020  
Subject: 425 Quincy Street – Variance Request Section 20.27

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The subject land and building are non-conforming by the today's zoning code standards. The house was originally constructed in 1907 with a street right-of-way setback of 17.6 feet. The zoning code requires a minimum setback of 25 feet, which makes the existing dwelling nonconforming. In the R-2, R-3, and C-5 zoning district appurtenances, decks, etc. must have a minimum setback of 17-foot from the street right-of-way. Constructing a deck that would encroach the street setback is not permitted, which is why a variance is being request by the property owner.

After reviewing the properties along the 400 block of Quincy Street (See Exhibit 1), there appears to be several buildings/structures that encroach the right-of-way setback. Based on this information, this proposal would likely not have a negative impact on the surrounding property owners.

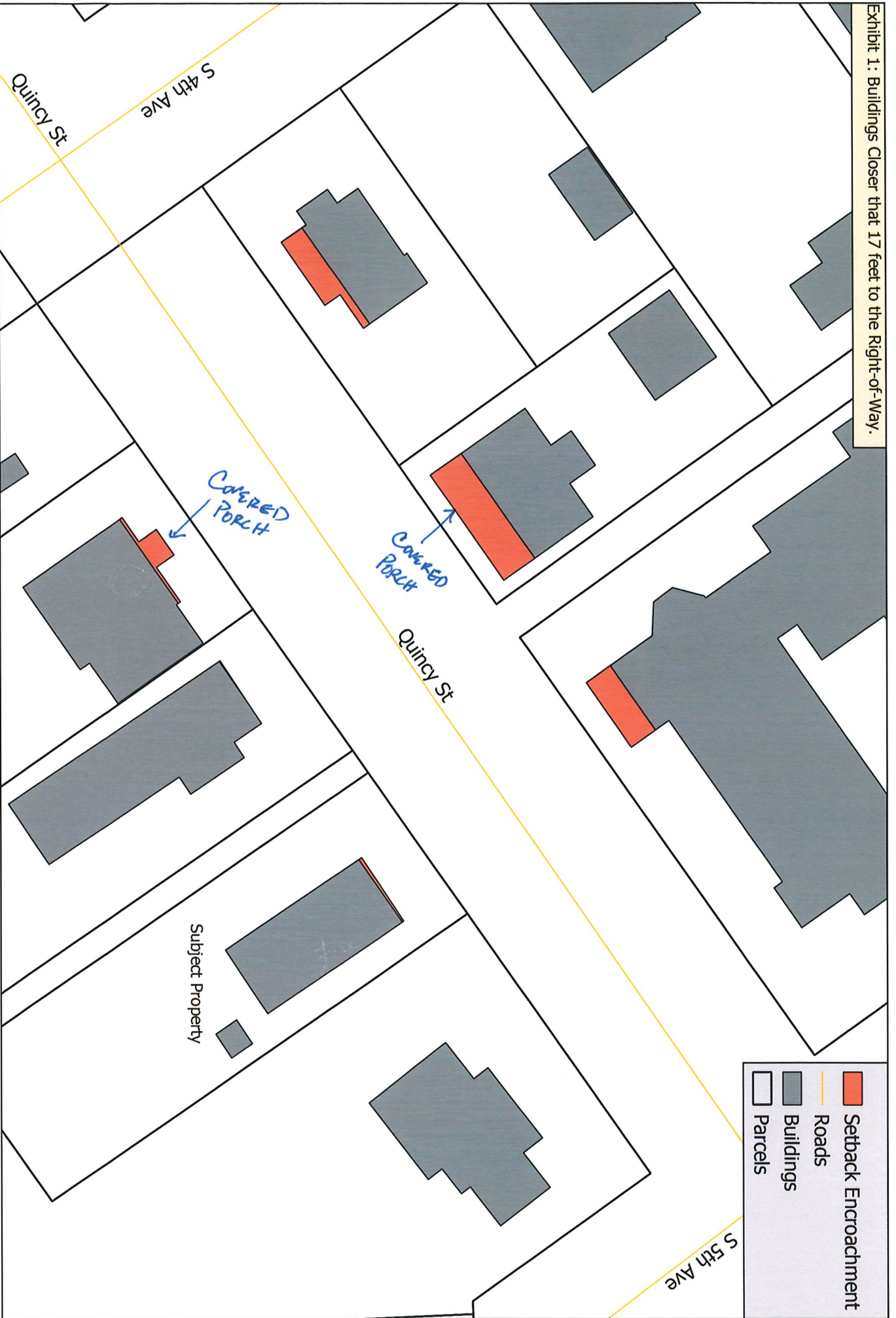
Historically, the Zoning Board of Appeals has granted many deck encroachments within the last couple of years. Typically, these were granted due to existing structures that were built with setbacks less than required prior the City's enactment of the zoning chapter. The positives of granting the variance includes enhancement of the property and the neighborhood. The negatives of granting the variance would be encroachment of the setback.

The ZBA members must discern whether:

1. The applicant has a unique hardship.
2. The property has any physical property limitations.
3. The proposal has any negative impacts.

City staff does not have any issues with the proposal considering the above listed information. The ZBA can choose to grant a variance equal to or less than what is being proposed. Or, the ZBA can deny the variance. The ZBA ruling should incorporate the items listed above.

Exhibit 1: Buildings Closer than 17 feet to the Right-of-Way.



trogg17@hotmail.com

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

Date Received: 4/4/22  
Fee Paid \$ 500.00  
Received By: CN

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Robert Jennerjohn / Kim Bugzall	
Company		
Street Address	4981 Bechtel Road	
City/State/Zip	Sturgeon Bay, WI 54735	
Daytime Telephone No.	920 493 2357	
Fax No.		

STREET ADDRESS OF SUBJECT PROPERTY: 425 Quincy St. Sturgeon Bay, WI  
Location if not assigned a common address: \_\_\_\_\_

TAX PARCEL NUMBER: 281-10-85250100 R

CURRENT ZONING CLASSIFICATION: R-2

CURRENT USE AND IMPROVEMENTS:  
SINGLE FAMILY DWELLING

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM  
BEING REQUESTED FOR REVIEW: 20.27(2) AREA AND DEVELOPMENTAL REQ'S  
- STREET R.O.W. SETBACK OR 20.27(3) EXEMPTIONS

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:  
North: RESIDENTIAL  
South: ""  
East: ""  
West: ""



### 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: It will not alter current property, only improve area. This also would not affect neighbors as each home has it's own character.
2. Unique physical property limitation: Home built in 1907, close to curb + street and need setback to build deck on front of house.
3. Protection of public interest: would improve current property on this block. Property located near a church, which would clean up area where church members park.

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? NO IF YES, EXPLAIN: \_\_\_\_\_

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.

Robert Jennerjohn  
Property Owner (Print Name)

Robert Jennerjohn  
Signature

10/17/19  
Date

\_\_\_\_\_  
Applicant/Agent (Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

I, \_\_\_\_\_, 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.

\_\_\_\_\_  
Date of review meeting

\_\_\_\_\_  
Applicant 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

# Site Sketch

LOCATED IN:

BLOCK 25, ASSESSOR'S MAP OF THE CITY OF STURGEON BAY,  
GOV'T LOT 2, SECTION 8, T. 27 N., R. 26 E.,  
CITY OF STURGEON BAY, DOOR COUNTY, WISCONSIN

PREPARED FOR:

CURRENT OWNER:  
ROBERT JENNERJOHN  
KIM BAGNALL  
4981 BECHTEL ROAD  
STURGEON BAY, WI 54235

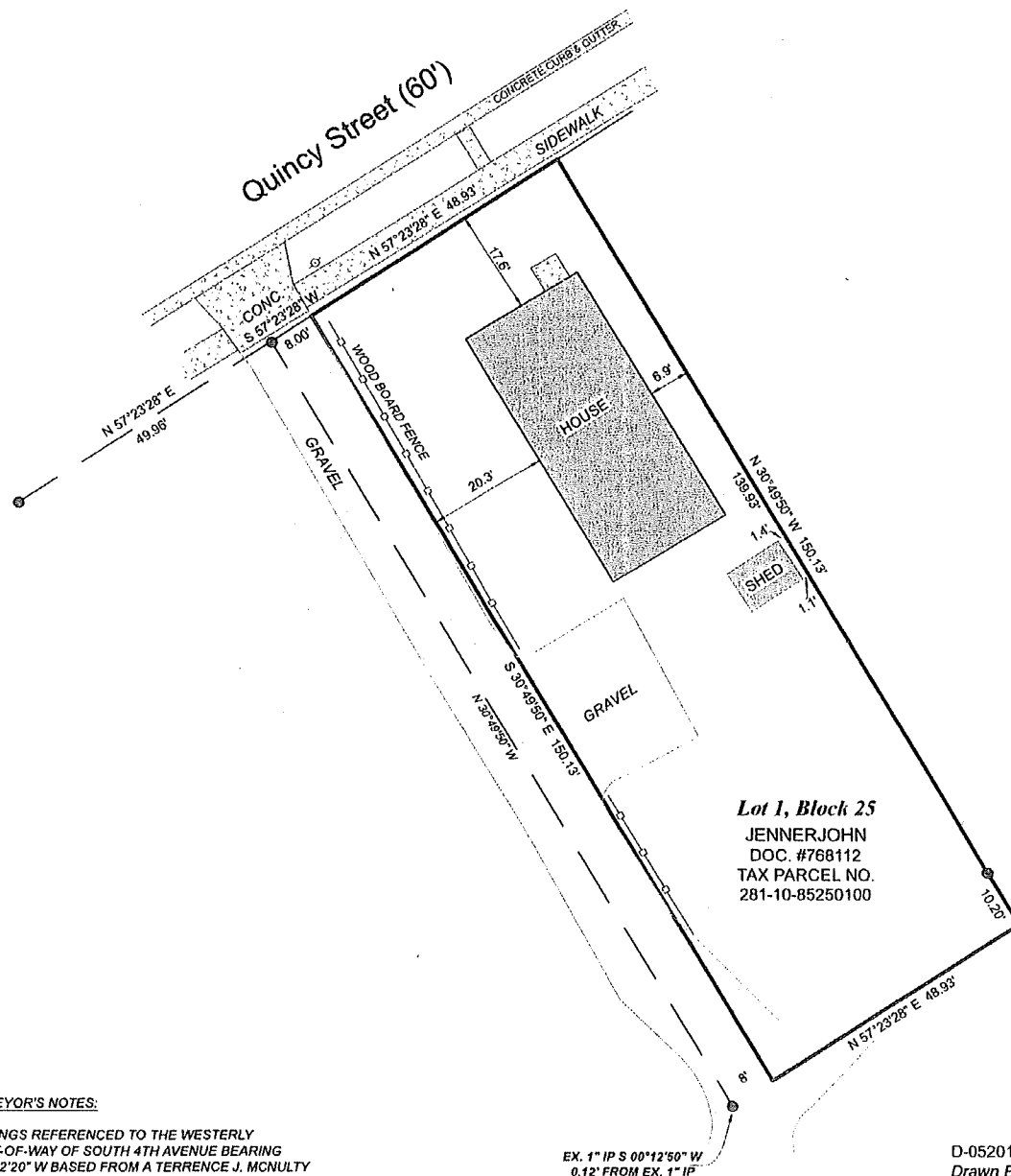
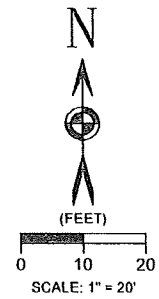
PROPERTY ADDRESS:  
425 QUINCY STREET

PREPARED BY:

BRIAN FRISQUE SURVEYS INC.  
BRIAN D. FRISQUE  
REGISTERED LAND SURVEYOR  
3121 MATHEY ROAD  
STURGEON BAY, WI 54235  
(920) 743-7183

## LEGEND

- = EXISTING 1" IRON PIPE  
⊕ = UTILITY POLE



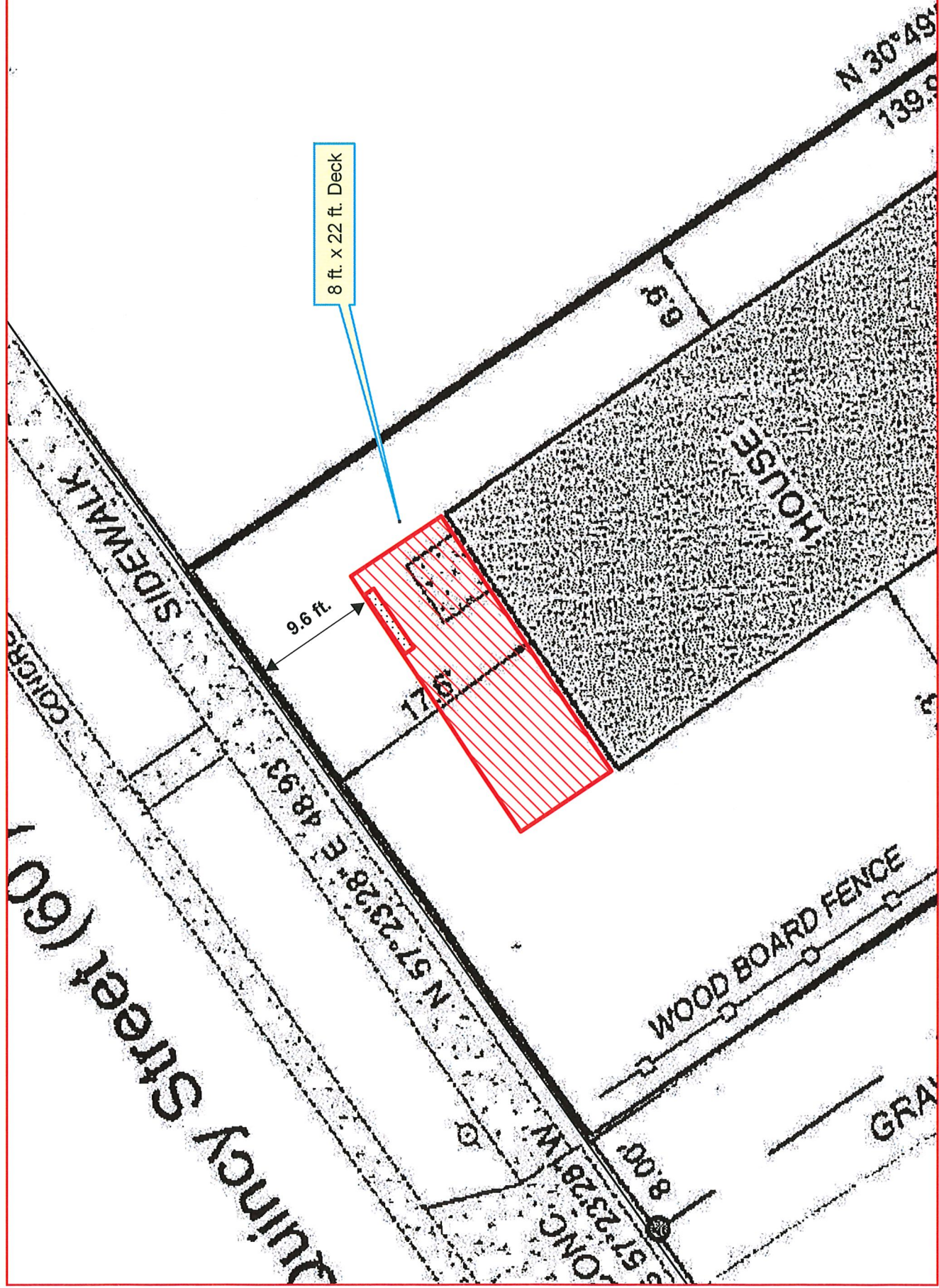
## SURVEYOR'S NOTES:

BEARINGS REFERENCED TO THE WESTERLY  
RIGHT-OF-WAY OF SOUTH 4TH AVENUE BEARING  
N 32°42'20" W BASED FROM A TERENCE J. MCNULTY  
SURVEY, MAP #014340 DATED APRIL 16, 2009.

EX. 1" IP S 00°12'50" W  
0.12' FROM EX. 1" IP

05-31-19  
D-052019L2.dwg  
Drawn By: C.E.C  
JOB# D-052019L2.dwg





1 inch = 10 feet

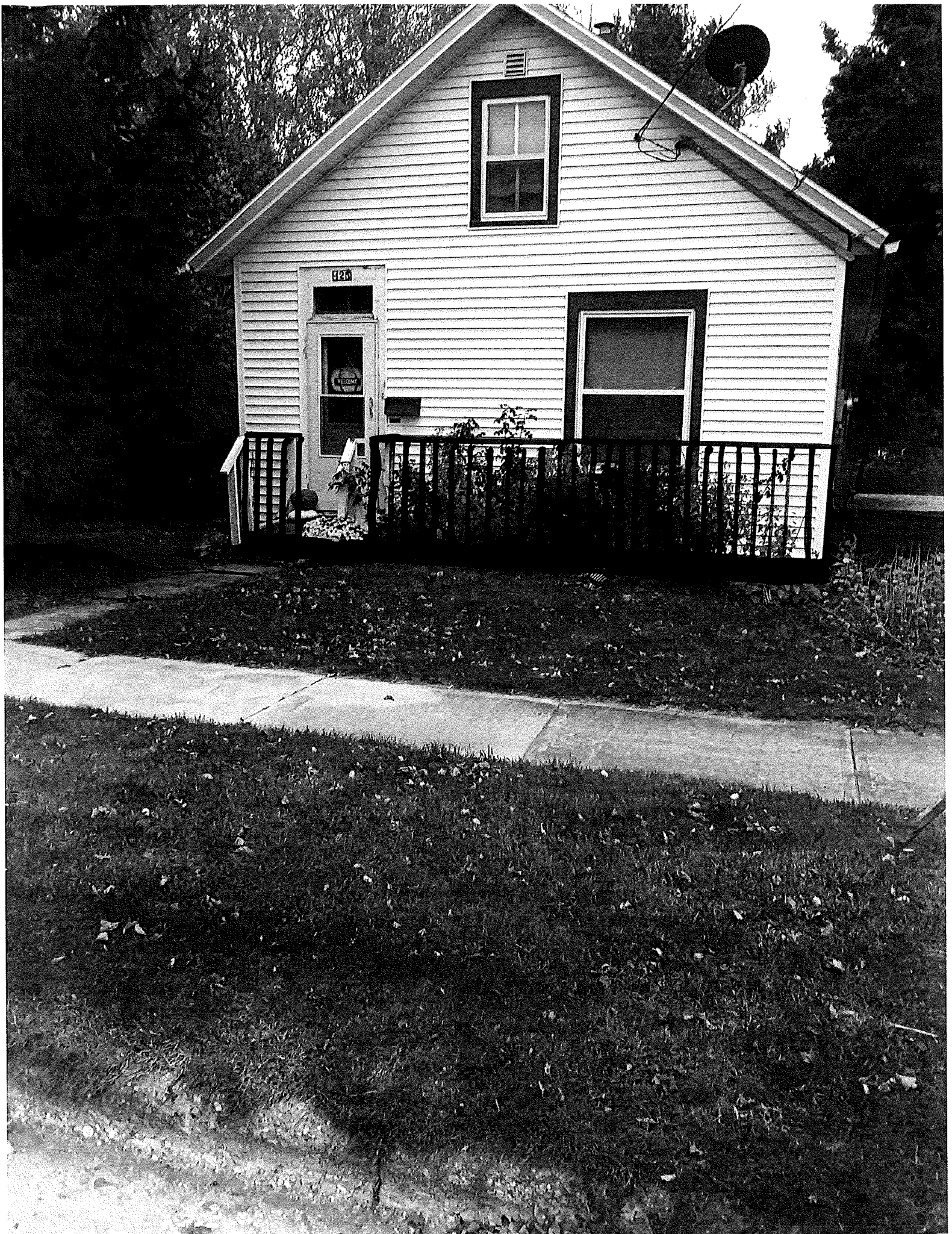
Legend





(425 Quincy Street)







Proposed  
deck  
similar  
to what  
I am asking  
for.





## 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 26, 2020 at 12:00 Noon or shortly thereafter, regarding a request from Robert Jennerjohn, for a variance from section 20.27(2) of the Municipal Code (Zoning Code), which regulates area and dimensional requirements for principal structures. If approved, the applicant would be allowed to construct an 8 ft x 22 ft deck that would be located 9.6 feet away from the street right-of-way. The deck would encroach the street right-of-way setback 8 feet. The subject property is located at 425 Quincy Street, parcel # 281-10-85250100. The variance application is on file with the Community Development Department and can be viewed on the City's Website at [www.sturgeonbaywi.org](http://www.sturgeonbaywi.org). For any questions, please contact the Zoning Administrator at 920-746-2907. 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



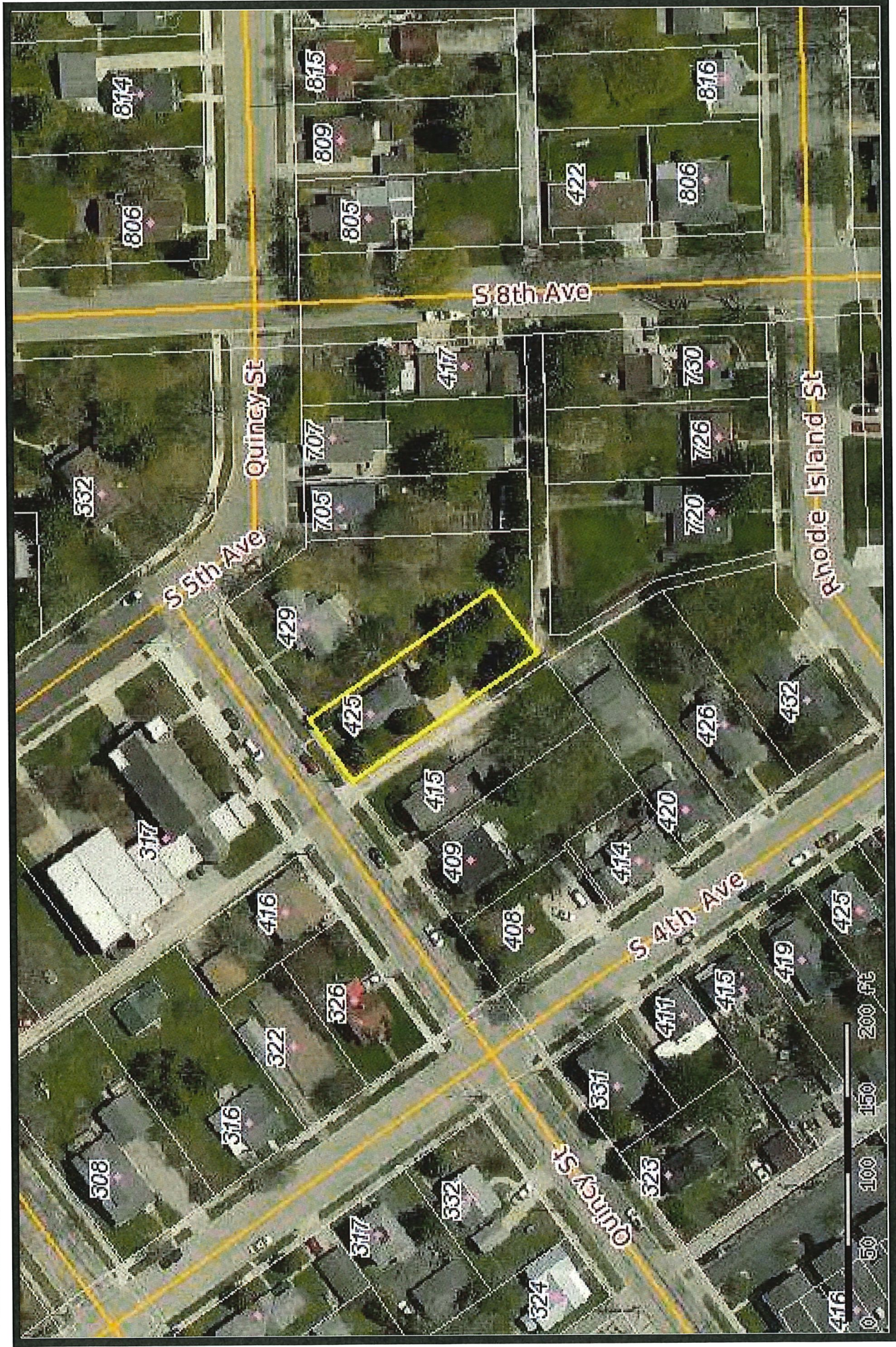
# Site Map - 425 Quincy St

Printed 05/04/2020 courtesy of Door County Land Information Office

... from the Web Map of ...  
( [//www.co.door.wi.gov](http://www.co.door.wi.gov) )



**Door County, Wisconsin**  
**... for all seasons!**



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