

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

Tuesday, February 25, 2020

12:00 Noon

Council Chambers, City Hall

421 Michigan Street

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 N. Joliet Avenue.
5. Consideration of: Petition from Jeff Kanzelberger to construct an addition and deck that would encroach into the street yard by 18 feet, as well as into the required setback from navigable waters by 6 feet, located at 340 N. Joliet Avenue.
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

02/20/20
8:30 a.m.
CN

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



MEMO

To: Zoning Board of Appeals
From: Christopher Sullivan-Robinson
Date: February 19, 2020
Subject: 340 Joliet Ave – Setback Variance from R.O.W. and Navigable Waters

The property owner of 340 N Joliet Ave is seeking a variance from sections 20.27(2) & 20.27(6) of the Municipal Code (Zoning). Section 20.27 regulates height and area regulations for structures based on the zoning district. Normal setbacks for this property are 25-feet from Joliet Ave, 25-feet from Hickory St, 10-feet on the side yard, and 25-feet from navigable waters (dock wall).

Mr. Kanzelberger is requesting to encroach the Hickory St right-of-way setback by 18 feet, placing the addition at seven feet from the Hickory Street right-of-way line. The deck off the west wall of the addition will encroach the setback from navigable waters by six feet, placing the addition at 19-feet away from navigable waters.

In 2004, a previous property owner had requested a variance from the setback requirements off of Joliet Ave. After several meetings, the Zoning Board of Appeals voted to deny the variance request based on the lots ability to support a home without a variance, the property owner purchased the lot knowing the zoning restrictions, and there are alternative options for development/use of the property. In 2005, that same property owner built a single-family home at all minimum setbacks.

One of the powers of the Zoning Board of Appeals is the ability to authorize variances from the terms of the zoning code chapter subject to the following:

1. The variance would not be contrary to the public interest.
2. There is a unique physical property limitation.
3. The enforcement of the provisions of this chapter would result in a practical difficulty or unique hardship.

City staff has reviewed the proposal and found no issues.

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

Date Received: 1.30.20
Fee Paid: \$ 350.00
Received By: CSR

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (If different)
Name	John Borkovetz	JEFF KANZELBERGER
Company	John Borkovetz Const. LLC	
Street Address	2630 County 0	340 N JOLIET AVE
City/State/Zip	Sturgeon Bay, WI 54235	STURGEON BAY WI 54235
Daytime Telephone No.	920-493-4778	
Fax No.		
STREET ADDRESS OF SUBJECT PROPERTY: <u>340 N. Joliet Ave.</u> Location if not assigned a common address: _____		
TAX PARCEL NUMBER: <u>281-57-10010600A</u>		
CURRENT ZONING CLASSIFICATION: <u>R-2</u>		
CURRENT USE AND IMPROVEMENTS: <u>SINGLE FAMILY DWELLING</u>		
IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: <u>20.27(2) HEIGHT AND AREA REGULATIONS</u> <u>20.27(6) SETBACK FROM NAVIGABLE WATER</u>		
ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES: North: <u>SINGLE FAMILY RES</u> <u>R-2</u> South: <u>"</u> <u>"</u> <u>R-2</u> East: <u>"</u> <u>"</u> <u>R-2</u> West: <u>"</u> <u>"</u> <u>R-2</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 ATTACHED DOCUMENT
2. Unique physical property limitation: "
3. Protection of public interest: "

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.

Jeffrey Karpellinger
Property Owner (Print Name)

[Signature]
Signature

1-29-20

Date

John Borkowetz
Applicant/Agent (Print Name)

[Signature]
Signature

1-29-20

Date

I, John Borkowetz, 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.

1-30-2020
Date of review meeting

[Signature]
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

VARIANCE APPLICATION

Jeff & Kay Kanzelberger

340 N. Joliet Ave.

Sturgeon Bay, WI

January 29, 2020

1. Unnecessary Hardship:

Since our decision to make Sturgeon Bay our permanent residence 7 years ago my family has encountered 2 setbacks that has altered our lives into the future. First, our daughter Melissa was injured on April 17, 2016 in a farm accident that severely damaged her left leg. While surgeries have helped her regain some mobility, she is faced with complete and permanent functional loss of the limb. The proposed addition will allow Melissa the ease of access to all the primary living space on a single floor; including a Handicapped accessible bathroom, bedroom and main floor elevated deck to access the back yard.

Our second setback occurred in 2018 when my wife experienced a terrible fall on our staircase that resulted in a complete tear and separation of her Achilles tendon. After several surgeries Kay has regained partial mobility and gradual improvement. However, Kay is advised by her physicians to permanently limit regular stair climbing, which could result in further damage to her Achilles.

In consideration of our personal set backs listed above we also want to disclose that when our house was built by the previous owner, it had a small elevator installed. While it may be a unique feature in a residence, we have found limitations and reliability more of an issue than its practicality for our needs.

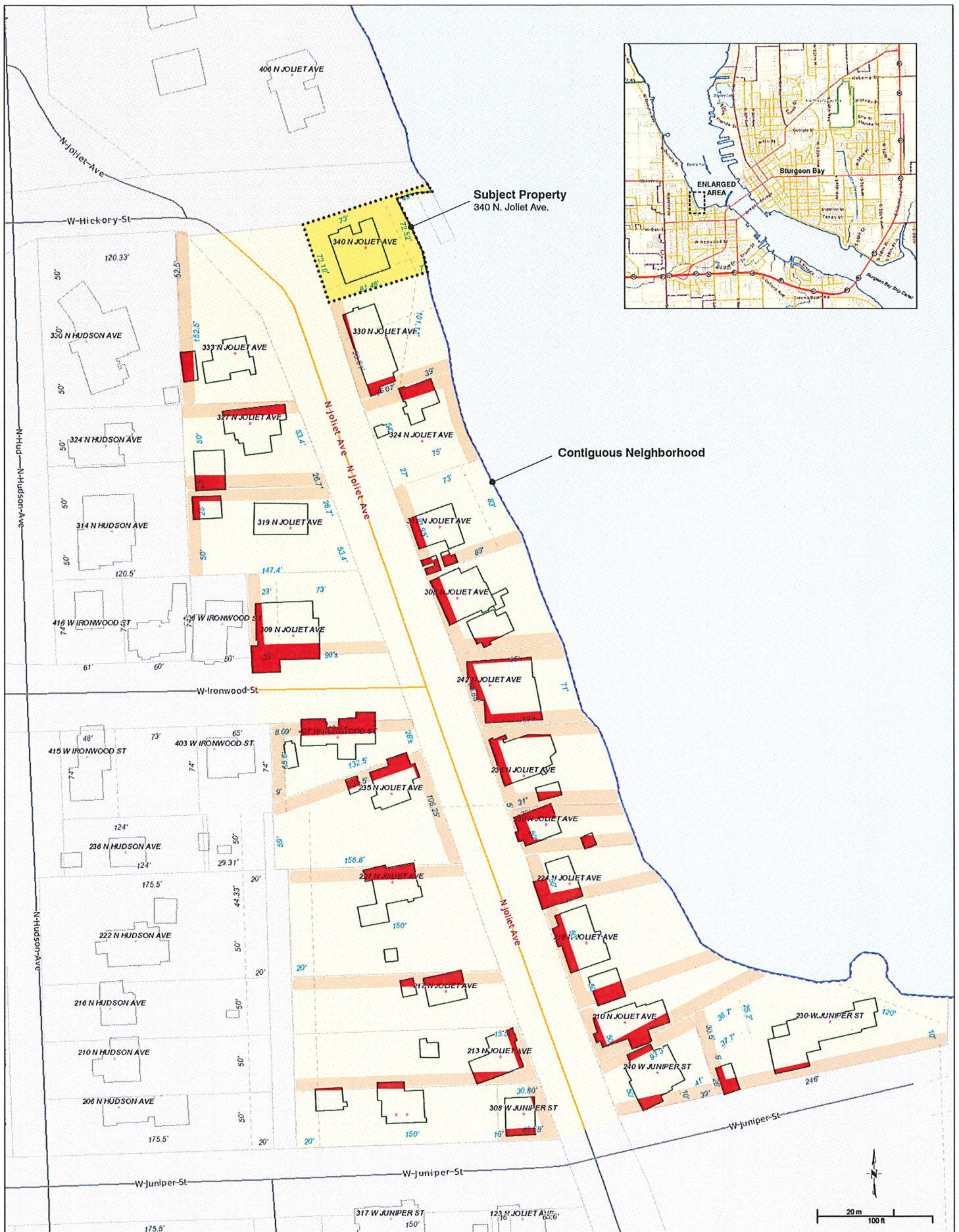
2. Unique Physical Property Limitation:

Our property's biggest limitation is that it has three 25-foot setbacks. A front yard setback of 25' from Joliet Ave. A second 25 setback from West Hickory Street. A third setback from the shoreline, which could or could not be a limitation depending on where the rear lot line is determined to exist. At the time the house was built it was determined that the outer most retaining wall was considered the rear lot line. If that same determination is still valid today no rear lot variance would be needed.

3. Protection of Public Interest:

There are at least 2 significant features that contribute significantly to the public interest. First, a substantial storm water outflow was installed within the north side roadway. The footprint for this installation is approximately 25'+/- from the property line and 32'+/- from any proposed addition to our property. The installation nor its continued servicing are hindered in any way by our addition. There is also a sanitary lift station and associated controls on the extreme northern section which are also not impacted in anyway.

Access to the water of the channel is also of public interest. Our addition maintains all the public benefits from this waterfront location without a single impediment.



GIS Parcel Mapping | Sturgeon Bay, WI

Courtesy of Door County Land Information Office
January 14, 2020

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, February 25, 2020 at 12:00 Noon or shortly thereafter, regarding a request from Jeffrey Kanzelberger, for variances from sections 20.27(2) and 20.27(6) of the Municipal Code (Zoning Code), which regulate area and dimensional requirements for a principal building and minimum setback from navigable water, respectively. If approved, the variances would allow construction of a 17.5' x 40.25' addition (including a 12.5' x 16.5' deck) to an existing dwelling that would encroach into the required street yard for Hickory Street by 18 feet and into the required setback from navigable waters by 6 feet. The addition would be as close as 7 feet to the right-of-way line for Hickory Street and as close as 19 feet to the ordinary high water mark. The subject property is located at 340 N Joliet Ave (parcel # 281-54-10010600A). 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:

City of Sturgeon Bay Zoning Board of Appeals

LOCATION MAP PUBLIC HEARING - KANZELBERGER VARIANCE REQUEST



Parcel # 281-54-10010600A
340 N Joliet Ave

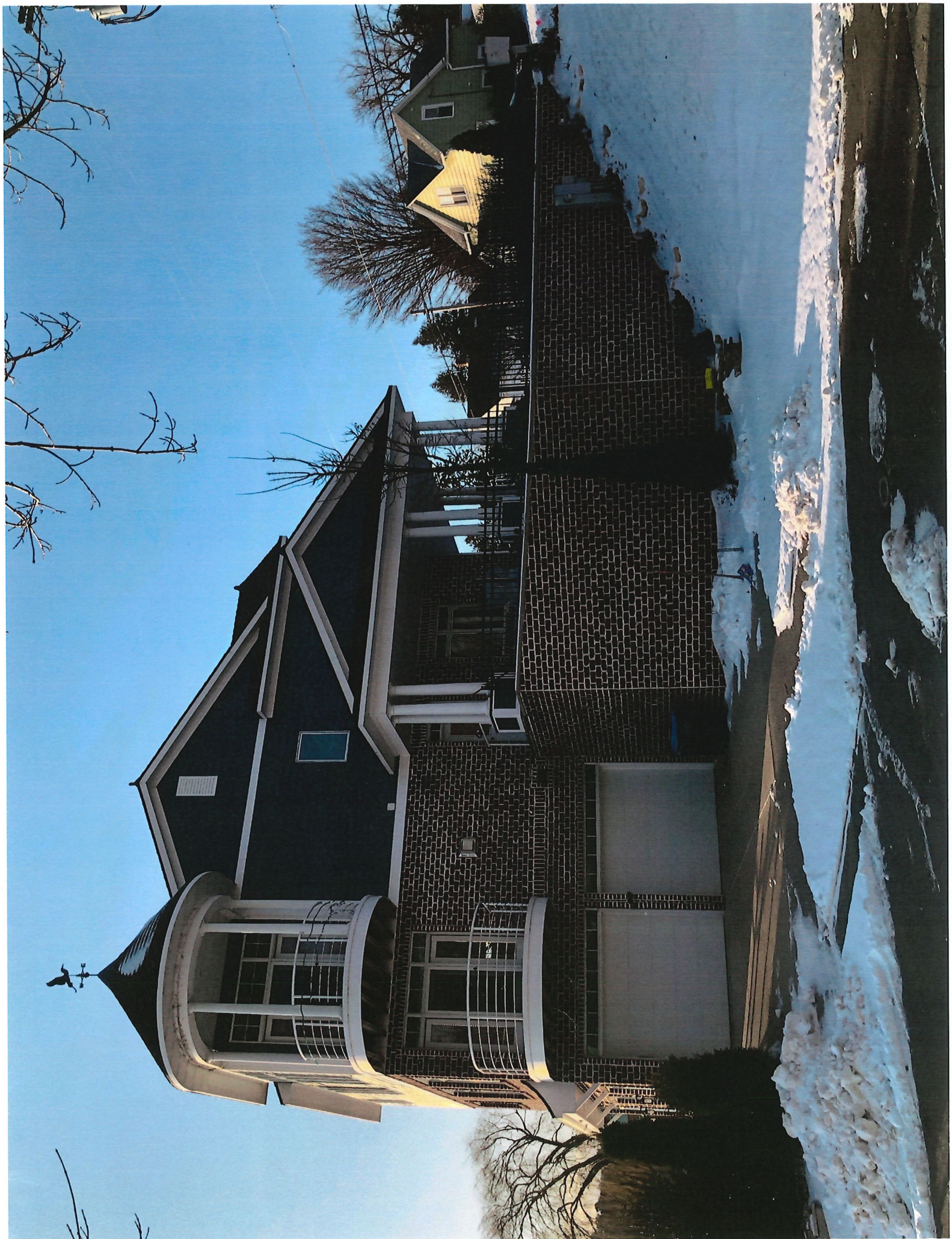
N Joliet Ave

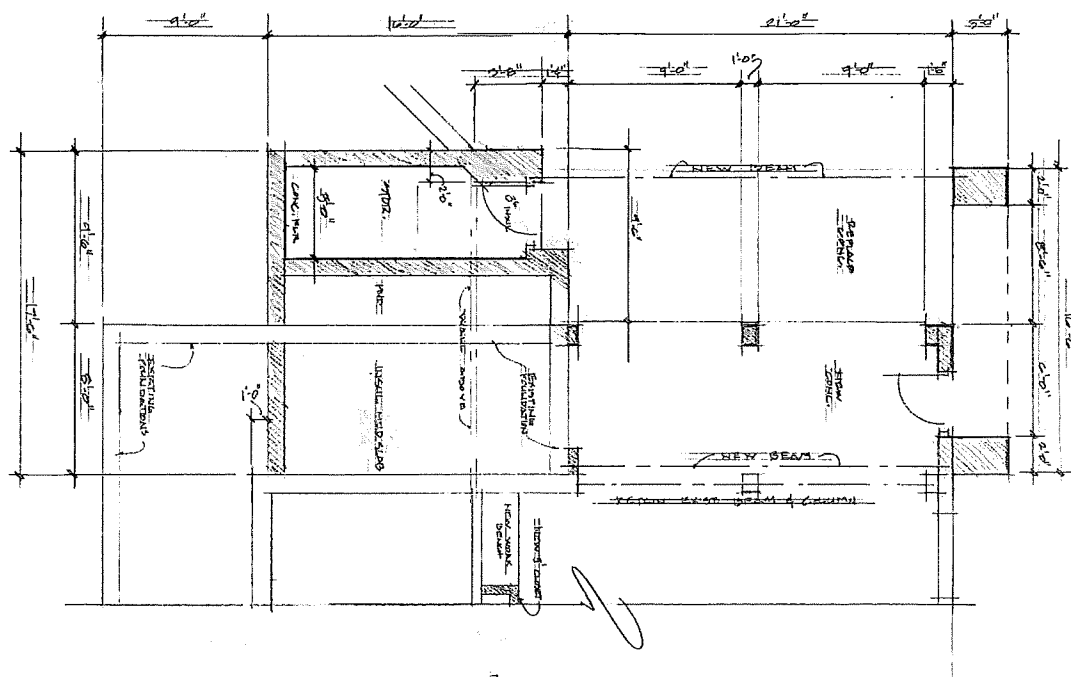
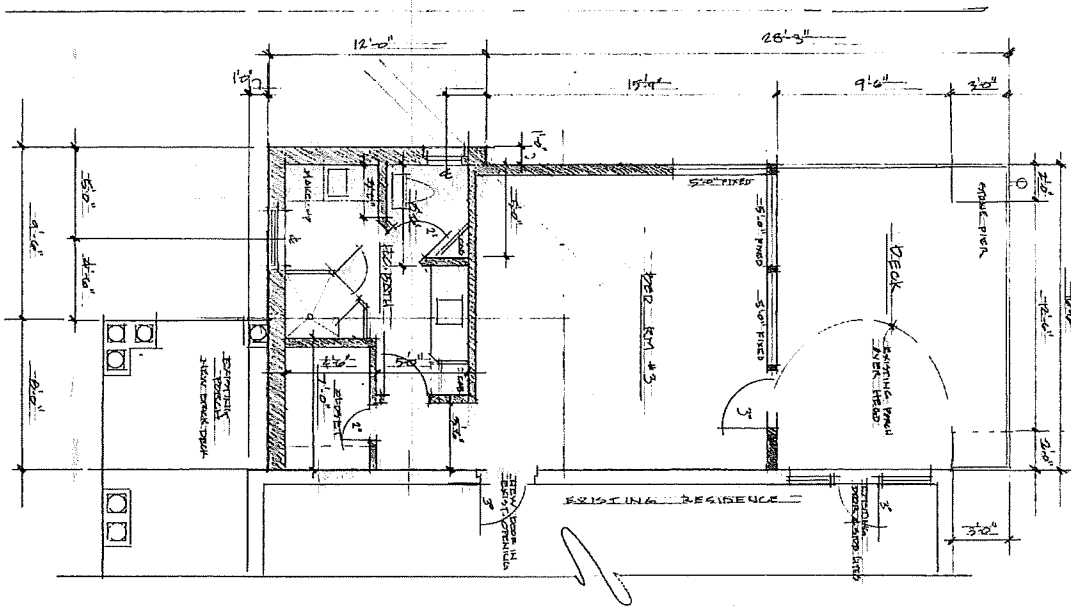


Legend

 Subject Parcel

NOTE: PUBLIC HEARING TO BE HELD ON FEBRUARY 25, 2020





ADDITION TO:
THE KANSZELBERGER RESIDENCE

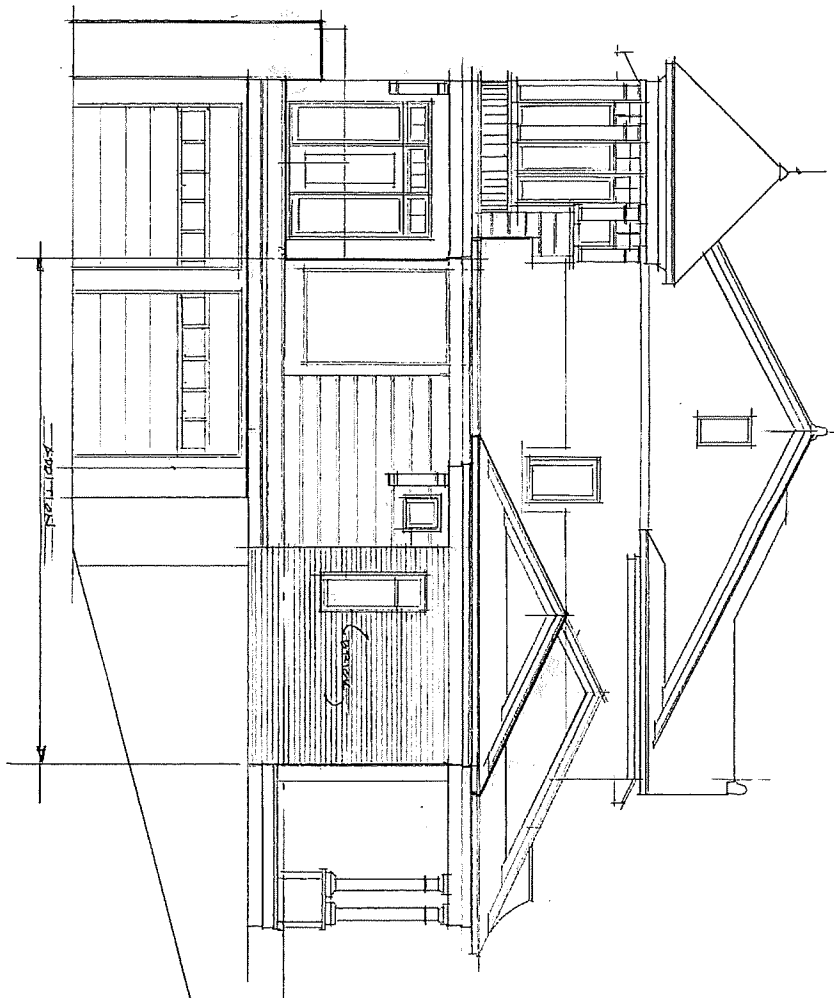
340 N. JOLIET AVE., STURGEON BAY, WI

JANUARY 16, 2020

2

NORTH ELEVATION

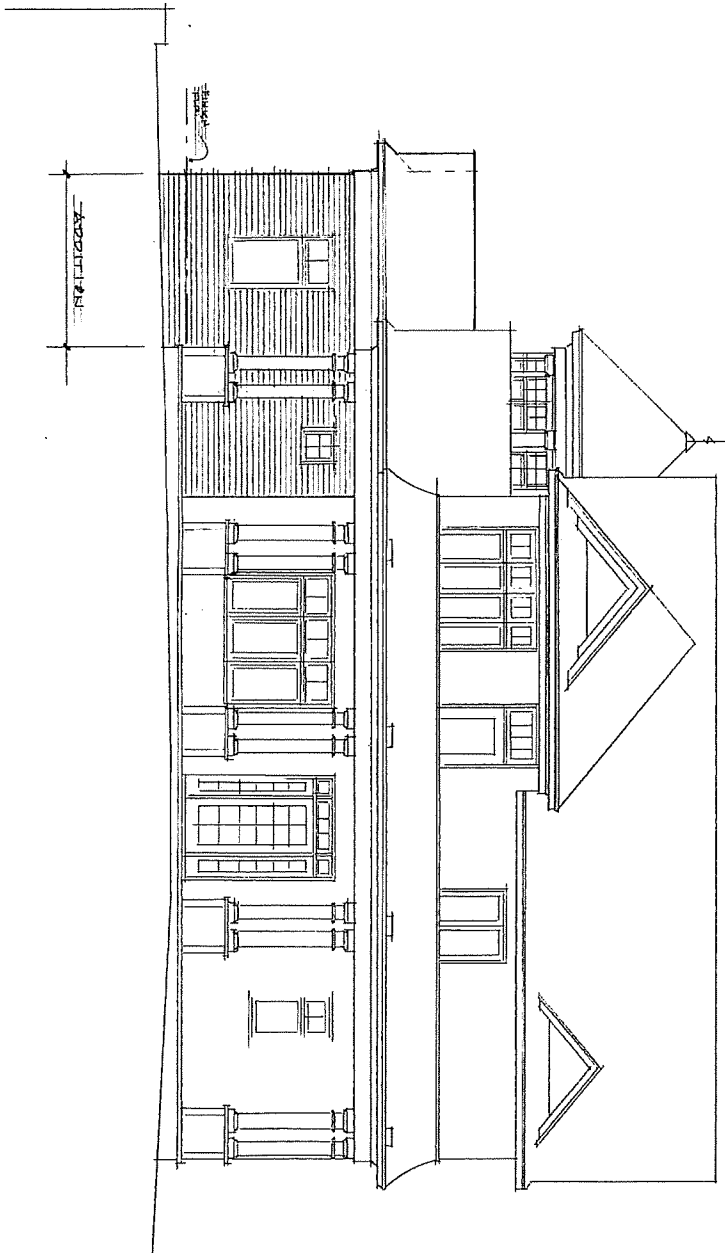
1/4" = 1'-0"



ADDITION TO:
THE KANZELBERGER RESIDENCE
240 N. JOLIET AVE., STURGEON BAY, WI

JANUARY 10, 2020

3



WEST ELEVATION

1/15/10

ADDITION TO:
THE KANZELBERGER RESIDENCE

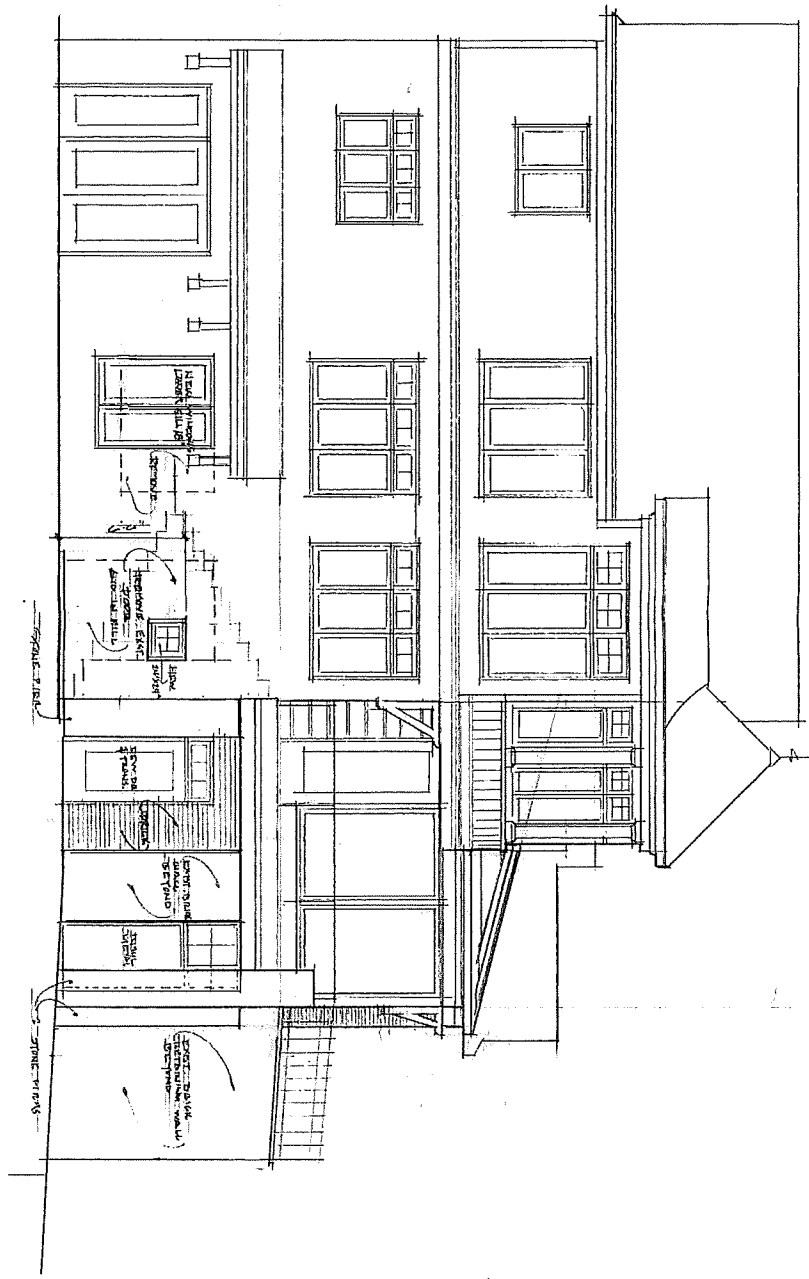
240 N JOLIET AVE., SURGEON-BAY, WI

JANUARY 16, 2010

4

EAST ELEVATION

1/4" = 1'-0"



ADDITIONAL TO:
THE KANZELBERGER RESIDENCE

340 N. JOLIET AVE., STURBEAN, ILL., W.I.

JANUARY 10, 1930





Kanzelberger Residence
340 N. Joliet Ave. | Sturgeon Bay, WI

ADDITION CONCEPT
North View

January 27, 2020