

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