

**Zoning Board of Appeals
August 24, 2021**

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

Roll call: Members William Murrock, Bill Chaudoir, Dave Augustson, Nancy Schopf and Alternate Michael Marit were present. Member Morgan Rusnak arrived at 12:02 p.m. Alternate Michael Marit became a non-voting member. Also present were Planner/Zoning Administrator Chris Sullivan-Robinson, City Engineer Chad Shefchik and Deputy Clerk/Treasurer Laurie Spittlemeister.

Adoption of agenda: Moved by Mr. Chaudoir, seconded by Ms. Schopf to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from August 10, 2021.
4. Public Hearing: Petition for variance from Section 20.27 (2-3) of the City of Sturgeon Bay Zoning Code and Section 23.04 (3)(a)(1) of the City of Sturgeon Bay Floodplain Zoning Code for Timothy Murphy, located at 123 N. Lansing Avenue.
5. Consideration of: Petition for variance from Section 20.27 (2-3) of the City of Sturgeon Bay Zoning Code and Section 23.04 (3)(a)(1) of the City of Sturgeon Bay Floodplain Zoning Code for Timothy Murphy, located at 123 N. Lansing Avenue.
6. Adjourn.

All ayes. Carried.

Approval of Minutes from August 10, 2021:

Moved by Mr. Schopf, seconded by Mr. Augustson to approve the minutes from August 10, 2021. All ayes. Carried.

Public hearing: Petition for variance from Section 20.27 (2-3) of the City of Sturgeon Bay Zoning Code and Section 23.04 (3)(a)(1) of the City of Sturgeon Bay Floodplain Zoning Code for Timothy Murphy, located at 123 N. Lansing Avenue:

Mr. Sullivan-Robinson stated that the property is located within floodplain boundaries and zoned Residential (R-2). The crawl space of the home is currently at flood plain level. Setbacks for properties zoned R-2 need to be 25 feet from the street right of way, however the deck can be 17 feet away from the street. FEMA floodplain rules require the City to send variances to them, with the buffering rules enforced by Wisconsin Department of Natural Resources.

Mr. Chaudoir received clarification on some of the drawing, and felt the application did not have enough detail.

Mr. Sullivan-Robinson continued stating that fill will be satisfied on the north side of the home and very little needed on the west side.

Chairperson Murrock opened the public hearing at 12:15 p.m.

Timothy Murphy, 123 N Lansing Avenue explained he is currently remodeling the entire house to make it ADA compliant and would like a Victorian style deck around part of the house. The current deck has a flat roof, the plan for the new deck is to have a pitched roof in the front that will carry around one side of the house. The rest of the deck will be uncovered. The basement is mostly dry without a lot of issues.

Ms. Schopf asked when adding fill, if that will get them out of the floodplain.

Mr. Murphy responded that it would not.

Mr. Sullivan-Robinson explained that fill needs to be added to 585' above floodplain level. The basement level needs to be filled to 585' and the first floor needs to be at 587', otherwise the work will need to stop.

Mr. Murphy said that would not be cost effective.

Mr. Sullivan-Robinson replied that if the house is in the floodplain, it will need to meet flood proof standards. The neighbor to the north filled in their basement to 585' and the first floor was at 587' when remodeling to comply.

Mr. Murphy mentioned that a building permit has already been issued, but he was unable to receive one for the deck because of floodplain. If the basement needs to be filled in, it would negate the value of the home. He does not remember having this conversation or how this was missed.

Mr. Sullivan-Robinson replied this information was in multiple emails and those would be separate matters than current discussion. He suggested tabling this item.

Moved by Ms. Schopf to table this item to a future meeting. Motion failed due to a lack of second.

Mr. Chadoir suggest continuing with the prepared variances requests since they would be needed either way.

Mr. Murphy addresses questions on deck dimensions, stating that the deck and entrances will be wider to access a wheelchair, there will be a roof on the deck in front and partial north side while the rest of the deck is uncovered.

Gary May, 133 N Lansing Avenue is in favor of the deck going all around the house and likes the improvements being made to the house.

There were no letters of correspondence in favor of the variance request.

No one spoke in opposition of the variance request.

There were no letters of correspondence in favor of the variance request.

Mr. Murphy expressed that this has been a challenging project. The house will be very nice when finished. The deck will be in compliance and a nice addition to the house.

Mr. Murrock asked the applicant to express hardship for the variance.

Mr. Murphy explained that if they do less than what they want to do, it would take away from the house. The need for a wheelchair ramp and having the entire house ADA compliant is for his father and considers those improvements as part of hardship.

Mr. Chaudoir questioned why the west side of the house is not filled to 586'.

Mr. Murphy explained it is because of grade going from yard to alleyway, tricky to drain.

Mr. Chaudoir asked if the grading of 15 feet is from the house or the end of the deck.

Mr. Sullivan-Robinson replied the 15 feet is from the house.

Mr. Augustson mentioned on the side by the street, if the two feet can be done under the deck and questioned the distance between steps of deck and street to neighboring houses.

Mr. Murphy said the two feet needed on the street side could definitely be done under the deck. The steps of the deck will be in line with another neighbor and a little forward than a couple others.

Mr. Shefchik stated the general grade of the property is draining towards the bay. Grade will need to remain the same at alley in order for drainage to occur.

Mr. Murrock asked if erosion control measures have to be followed.

Mr. Shefchik explained that with it being a residential site, silt fencing will be appropriate.

The public hearing was declared closed at 12:54 p.m.

Consideration of: Petition for variance from Section 20.27 (2-3) of the City of Sturgeon Bay Zoning Code and Section 23.04 (3)(a)(1) of the City of Sturgeon Bay Floodplain Zoning Code for Timothy Murphy, located at 123 N. Lansing Avenue:

Mr. Sullivan-Robinson explained that the members will need to vote on three separate variances. The following variances are requesting less of a fill buffer around the house to meet flood proofing requirements, street yard setback and side yard setback.

Moved by Chaudoir, seconded by Mr. Augustson to approve the fill variance request on the site plan and comply with necessary erosion control. Mr. Chaudoir's reasons are Mr. Murphy he is complying with the rules where he can on the west and north side and difficult to comply on the south side because of the driveway and alley. Mr. Augustson's reason are that fill of 15 feet around the lot line in difficult because houses in older neighborhoods were built near the lot line and he is not causing harm to other properties. Roll call: all ayes. Carried.

Moved by Mr. Chaudoir, seconded by Ms. Schopf to approve set back off of the right a way of 12' 9" or greater on the east side of building. Reasons include that a true hardship has not been identified. Roll call: all ayes. Carried.

Moved by Mr. Chaudoir, seconded by Ms. Rusnak to approve the variance for side yard setback, that it does not exceed the current set back. However, if damage to the railing or deck due to large ice/snow chunks being moved while snowplowing, owner is responsible for damage. Reasons for approval are that request is close to the current setback, which are currently non-conforming. Roll call: all ayes. Carried.

Moved by Mr. Augustson, seconded Ms. Schopf to adjourn. All ayes. Carried. The meeting adjourned at 1:14 p.m.

Respectfully submitted,

Laurie Spittlemeister,
Deputy Clerk/Treasurer