

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

Tuesday, August 10, 2021

12:00 Noon

Council Chambers, City Hall

421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from May 25, 2021.
4. Public Hearing: Petition for variance from Section 27.12(4) of the City of Sturgeon Bay Sign Code, to install an Electronic Variable Message Sign for the Sturgeon Bay United Methodist Church, located at 836 Michigan Street.
5. Consideration of: Petition for variance from Section 27.12(4) of the City of Sturgeon Bay Sign Code, to install an Electronic Variable Message Sign for the Sturgeon Bay United Methodist Church, located at 836 Michigan Street.
6. Adjourn.

NOTE: DEVIATIONS FROM THE AGENDA ORDER SHOWN MAY OCCUR.

ZBA Board Members:

William Murrock, Chair

Bill Chaudoir

Dave Augustson

Nancy Schopf

Morgan Rusnak

Michael Marit – Alt 1

8/6/21

8:10 am

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ZONING BOARD OF APPEALS
Tuesday, May 25, 2021

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

Roll call: Members William Murrock, Nancy Schopf, Dave Augustson, Morgan Rusnak, and Bill Chaudoir were present. Also present were Planner/Zoning Administrator Chris Sullivan-Robinson and Community Development Secretary Cheryl Nault.

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from October 13, 2020.
4. Public Hearing: Petition from David Davis (agent for Kelsie Marsh) for a variance from Section 20.29(2) to allow construction of an accessory building that would be 12 feet closer to the street than the existing dwelling, located at 812 Belmar Place.
5. Consideration of: Petition from David Davis (agent for Kelsie Marsh) for a variance from Section 20.29(2) to allow construction of an accessory building that would be 12 feet closer to the street than the existing dwelling, located at 812 Belmar Place.
6. Public Hearing: Petition from Mike Gibbons (agent for Rich Bartig), for a variance from Section 20.27(2) to allow a new single-family dwelling to be constructed 10 feet from the E. Walnut Place right-of-way, parcel #281-40-95004700.
7. Consideration of: Petition from Mike Gibbons (agent for Rich Bartig), for a variance from Section 20.27(2) to allow a new single-family dwelling to be constructed 10 feet from the E. Walnut Place right-of-way, parcel #281-40-95004700.
8. Adjourn.

All ayes. Carried.

Approval of minutes from October 13, 2020: Moved by Mr. Chaudoir, seconded by Mr. Augustson to approve the minutes from October 13, 2020. All ayes. Carried.

Public hearing: Petition from David Davis (agent for Kelsie Marsh) for a variance from Section 20.29(2) to allow construction of an accessory building that would be 12 feet closer to the street than the existing dwelling, located at 812 Belmar Place: Chairperson Murrock opened the public hearing at 12:03 p.m.

Mr. Sullivan-Robinson stated that the variance request is to construct a 24' x 36' garage off of Belmar and 8th Place. The building encroaches the front yard setback. In residential areas, accessory buildings must be set back 25 feet from the street right-of-way line. In addition, the accessory building cannot be any closer to the street than the house. In this case, the 25-foot setback will be met, but will be 12 feet closer to the street than the house. The other setbacks required are a 5-foot side yard and 6-foot rear yard. The City received a couple of calls regarding the use of the building, which is not a consideration of the Zoning Board. Only residential use is allowed, not commercial use.

Dave Davis, 812 Belmar Place, stated that the land behind the house is low and rain water is a problem. Without a variance, the accessory building could be built. But, it would be closer to his neighbor's house and he didn't want to do that because the water would get pushed back toward his neighbor's property. The house would look very long if the building was constructed alongside the house. The building will be used for storage. He is a mechanic by trade, but there would be no business conducted there.

Mr. Murrock asked if the water could be diverted or bermed. Mr. Davis responded that with the limitations of a corner lot, adding any of that would encroach into the 6-foot rule on the rear property line. The house is built on a hill and Belmar Place goes uphill.

Mr. Chaudoir wasn't really sure there was a hardship. He thought swales could be added to handle the drainage.

Mr. Davis stated that if it was built to grade, he would have to dig 2.5 – 3 feet. The ground is not level. The steel accessory building will be blue and white to match the house.

Mr. Chaudoir suggested moving the building back about 5-6 feet so it was no further toward the street than the neighbor's house. Mr. Davis responded that the rear of the building is close to the 6-foot setback already.

Mr. Augustson stated that there will be 15 feet to the rear setback. If the building was moved back another 6 feet, he would be back 7 feet out of the 12 feet, but would still be forward of his house. Shortening the building would be a hardship in its own. Mr. Davis responded that the flowage in the back is pretty aggressive. If encroaching any more in back of the house they would run into the same issue.

Mr. Davis's biggest concern is that if he moved the building back further more water would be pushed to the neighbor's property. He said that he can obtain an approval letter from his neighbor if necessary.

Mr. Augustson suggested applying a shingled roof to the garage to tie in with the house.

No one spoke in favor or in opposition of the variance request.

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

Mr. Davis added that they do have water issues in their basement.

The public hearing was declared closed at 12:23 p.m.

Consideration of: Petition from David Davis (agent for Kelsie Marsh) for a variance from Section 20.29(2) to allow construction of an accessory building that would be 12 feet closer to the street than the existing dwelling, located at 812 Belmar Place: Mr. Augustson pointed out that this is a corner lot and the setback is 25 feet from each street, as well as the back yard. He has neither. The house is non-conforming. He likes that Mr. Davis would like to keep some back yard. He is okay with the building being forward, but would like to know that the neighbor was ok with it. He also stressed that he is not in favor of pole barns in the City.

Mr. Sullivan-Robinson added that Mr. Davis is meeting the 25-foot setback. The City does have a length-to-width ratio. That would not meet the requirement if the building was attached to the house.

Mr. Murrock asked if Mr. Davis would be willing to move the building back to match the front of the neighbor's house, which would be about six feet. Mr. Davis agreed to doing that if it would work with also adding the buffer.

Mr. Murrock did not think that it was appropriate to have a steel-sided building in a residential neighborhood. It doesn't belong there.

After further discussion, it was moved by Mr. Chaudoir, seconded by Ms. Schopf to approve the variance request, subject to not interfering with the front yard no more than the neighbor's principal building at 824 Belmar Place. The color of the building must match the color of the existing dwelling. The hardship could be addressed with grading, but this is a compromise that allows him to do less grading to make it work for him and his neighbor and still try to comply with the zoning code. The building will not stick out as much with having more of a setback.

Roll call vote. All ayes. Carried.

Public Hearing: Petition from Mike Gibbons (agent for Rich Bartig), for a variance from Section 20.27(2) to allow a new single-family dwelling to be constructed 10 feet from the E. Walnut Place right-of-way, parcel #281-40-95004700: Chairperson Murrock opened the public hearing at 12:25 p.m.

Mike Gibbons, Wausau Homes of Appleton, presented the variance request to construct a new single-family dwelling. The front yard setback will be retained, but the back corner bends and does not meet setback. The soil structure in that area only allows for a slab. They tried rotating the house at different angles and this was the best plan.

Mr. Augustson stated that Walnut Place is a wide street and is 21.6 feet off the curb cut. There is plenty of view down the street.

Richard and Bernadette Bartig, owners of the property, were also present. Mr. Bartig stated that they currently live in Wausau and eventually plan to move to Sturgeon Bay. The other homes on the street face the water and were trying to keep theirs the same way. They originally wanted a three car garage, but were unable to do that. It was very hard to design something aesthetically appealing and fit the lot at the same time and keep within budget.

Mr. Sullivan-Robinson stated that corner lots are uniquely restricted.

Mr. Bartig didn't know that this lot would be such a challenge when they bought the property last August. There is also a utility room in the garage, since there is no basement or crawl space.

No one spoke in favor or in opposition of the variance request.

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

The public hearing was declared closed at 12:55 p.m.

Consideration of: Petition from Mike Gibbons (agent for Rich Bartig), for a variance from Section 20.27(2) to allow a new single-family dwelling to be constructed 10 feet from the E. Walnut Place right-of-way, parcel #281-40-95004700: Mr. Murrock said that it was a very attractive home and blends in with the neighborhood.

Mr. Chaudoir thought that 15 feet was a big variance. Flipping the house would be more compliant. But, there are views to consider and orientation is important.

Mr. Sullivan-Robinson asked if it was considered to build a two-story building. Mr. Gibbons responded that a two-story would not fit in the neighborhood.

Discussion continued. Moved by Mr. Augustson to approve as presented, subject to the garage being moved forward to the front of the house by three feet. The site plan is to be resubmitted and approved by the chairman.

Mr. Bartig wondered if the whole house could be moved toward Walnut Drive. No house plans would have to be redone.

Mr. Augustson then amended the motion to have the whole house moved toward Walnut Drive, with a site plan to be submitted and approved by the chairman.

More discussion was held. Mr. Augustson again amended his motion to approve the variance as presented, subject to the house being moved closer to E. Walnut Drive, and as close as the 25-foot setback allows. Mr. Murrock seconded the motion. Roll call vote. All ayes. Carried.

Adjourn: Moved by Ms. Schopf, seconded by Ms. Rusnak to adjourn. All ayes. Carried. Meeting adjourned at 1:17 p.m.

Respectfully submitted,

Cheryl Nault
Community Development Secretary



MEMO

To: Zoning Board of Appeals
From: Christopher Sullivan-Robinson
Date: August 4, 2021
Subject: Variance Request – 836 Michigan Street

Mark Holey, representative of the Sturgeon Bay Methodist Church, is petitioning the City to grant a variance from Section 27.12(4) of the Municipal Sign Code. This would allow the construction of a 24 square foot cabinet lit ground sign including an electronic variable message sign. This would replace the existing ground sign at the corner of 9th / Michigan. The new sign would be located near the bell tower facing perpendicular to Michigan Street.

The sign code allows ground signs with the issuance of a sign permit. However, section 27.12(4) does not allow electronic variable message signs on residentially zoned properties and this particular property is zoned R-1 (Single-Family Residential). Thus, a variance from the sign code is required prior to issuance of a sign permit. The final design of the sign must also be approved by the Aesthetic Design and Site Plan Review Board. It is important to note that electronic variable message signs have a set of operational and maintenance standards that limit the functional uses of these types of signs. These standards are also required by the sign code.

In 2018, the property was reviewed by the ZBA for the same variance request with a slighting larger sign design. The Board denied the variance due to the lighting, adverse effect to the neighborhood, and traffic on this within this primarily residential and school area. The minutes from this meeting are attached. The meeting minutes are provided in your packet.

In 2016, the ZBA reviewed a petition from St Peters Church located on Maple Street for the same request. In this case, the Board granted the variance because the sign was situated on the side adjacent to other commercial uses. The meeting minutes are provided in your packet.

The purpose of the sign code chapter (Chapter 27) is to provide minimum standards to safeguard life, health, property and public welfare and preserve and enhance aesthetic values by regulating and controlling the design and area, number, construction, illumination, installation, location and maintenance of all signs.

The Board has the ability to approve the variance as petitioned or with conditions. Or, deny the request if it does not satisfy the criteria for granting a variance (unnecessary hardship, unique physical property limitations, and protection of public interest). It is important that the Board provide reason for granting or denying the variance using the criteria.

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

Date Received:	6-8-21
Fee Paid	\$ 300 + 50 sign dep
Received By:	CN

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Mark E. Holey	
Company		Sturgeon Bay United Methodist Church
Street Address	410 N 19th Ave	836 Michigan Street
City/State/Zip	Sturgeon Bay, WI 54235	Sturgeon Bay, WI 54235
Daytime Telephone No.	920-973-3946	920-743-3241
Fax No.		

STREET ADDRESS OF SUBJECT PROPERTY: 836 Michigan Street
 Location if not assigned a common address: _____

TAX PARCEL NUMBER: 201 6224000211 2018

CURRENT ZONING CLASSIFICATION: R1

CURRENT USE AND IMPROVEMENTS: Church, Bell Tower, Youth Building, Scout Building

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM
 BEING REQUESTED FOR REVIEW: Signs 27.12(4)

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:

North:	<u>R1</u>
South:	<u>R2 and PUD</u>
East:	<u>R1 and PUD</u>
West:	<u>R2</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
2. Unique physical property limitation: See Attached
3. Protection of public interest: See Attached

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.

David O. Leistner
Property Owner (Print Name)

David O. Leistner
Signature

June 7, 2021
Date

Mark E. Holey
Applicant/Agent (Print Name)

Mark E. Holey
Signature

June 4, 2021
Date

I, MARK HOLEY, 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.

6.8.21
Date of review meeting

N/A Via phone w/ Mary
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 Standards

The Sturgeon Bay United Methodist Church (SBUMC) recently completed a capital campaign, Sharing Our Faith: Securing Our Future, to achieve three objectives; Better Serve Members, Improve HVAC and Energy Use, and Promote Church Growth. To promote church growth, we installed a new entrance to Michigan Street and redesigned our parking lot to better accommodate our membership and our senior bus ride program. Visual communication is critical to reach potential new members and convey our church's outreach information to the community in today's digital age. To increase visibility and attract new members, in 2018 the church applied for a variance to install an electronic variable message sign along Michigan Street. That application was denied based on the claim that drivers will be distracted and the only comments at the hearing were against granting a variance.

The variance application before you has been modified to address the concerns that were expressed at the 2018 Zoning Board of Appeals hearing. Pastor Leistra mailed a review and explanation of these modifications to all neighbors within 300 feet of the church in March 2021 (attached).

Here are the key modifications:

Size:

- Reduced 20% from 30 square feet to 24 square feet (maximum size per City code is 32 square feet).

Appearance:

- Added a cross and trim and changed frame color (black to spartan bronze) to be visually more pleasing.
- Background color of church name has been changed to a darker blue to reduce brightness.
- Background color of message portion of the sign will be black to reduce brightness.

Operational Standards:

- Will be operated from 5:00AM to 10PM.
- Each message will be displayed for a minimum 20 seconds to minimize driver distraction.
 - more than 3 times longer than 6 second minimum display time allowed by City code.
 - at 25 MPH a car will travel 723 feet before the electronic image changes.
- Will only display static messages without movement, animation or scrolling.
- Will not be used as flashing signs or lights.
- Each change of message will be accomplished within one second.
- Is equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.

Our goal by agreeing to display every message for a minimum of 20 seconds is to operate our new church sign to appear to most drivers and neighbors as a static sign. The variance we seek will allow us to change the message electronically in a tasteful and professional manner to accommodate the diversity of messages we have to offer the community. In practice, we anticipate that messages presented for longer than 20 seconds will not be uncommon.

The SBUMC has served this location for 44 years since 1972. The church has been a good neighbor and encourages community use of our facilities at no or minimal cost. We have supported a Boy Scout Troup for many years. Our current unlit sign, less than 15 sq feet, is on the corner of Michigan Street and Ninth Avenue. The new 24 sq foot sign will be located closer to the middle of the property and will assist in directing members and visitors to the new Michigan Street driveway and entrance to the church.

The goal of our capital campaign was to share our faith and secure our future. We believe our current request for an electronic variable message sign and the operational modifications we propose are reasonable and appropriate to achieve our messaging needs and serve our church and community for the next 44 years.

Variance Standards:

Unnecessary Hardship:

The mission of the Sturgeon Bay United Methodist Church is TO:

LOVE and follow Jesus Christ,

LEARN God's purpose for us,

LISTEN, hear and respond to the pleas of the community and world, and

WITNESS, individually and together, to others with our talents and lives.

The City sign ordinance denies the SBUMC reasonable use of our property to make use of the latest EVMS technology to better communicate our many and valuable programs that serve our members and the community, to communicate to visitors unfamiliar with our church who we are, and facilitate locating the new main entrance/driveway being installed on Michigan Avenue. Surveys show that 10% of church visitors are first-time visitors because of the quality of a sign and attendance increases 20% after EVMS has been installed. Church attendance across all denominations has experienced a decline and we expect the EVMS will achieve an increase of visitors to our church.

Unique Physical Property Limitation: The SBUMC is prohibited from installing an EVMS simply because our zoning classification is R1. There is not a non-profit, educational, or religious zoning classification in the City of Sturgeon Bay as there is in many other Wisconsin cities. Other Sturgeon Bay churches located where they are zoned commercial could install an EVMS by submitting a standard sign permit application, that creates an unfair competition for our members. Two blocks away in our neighborhood, the Sturgeon Bay High School operates an EVMS without issue or distraction to school-age drivers. We are also not aware of any increase in traffic accidents in the vicinity of the St. Peter's Evangelical Lutheran Church on the west side caused by the operation of their EVMS. There is no acceptable reason why the SBUMC should not be granted a variance to install and operate an EVMS as successfully as SBHS or St. Peter's church.

Protection of the Public Interest: The SBUMC has always been a good neighbor for our entire 44-year history at our current 836 Michigan Street location and vows to continue that legacy into the future. We have operated our bell tower that includes ringing on the hour and a clarion since 1989 without issue with our neighbors. We will adopt a more conservative operational profile than is required by city

code to create the sign appearance for most drivers of a static sign. Our sign will have the ability to adjust brightness enabling us to reduce brightness during evening hours to reduce potential disturbance with the neighbors. Because of the layout of our property, the location of our new EVMS along Michigan street should only be visible to drivers and those neighbors along Michigan Street. Located in the middle of our property and not near a corner, our sign should not be a traffic concern.



StewartSigns
ONE SIGN, ONE COMPANY

1-800-237-3928 stewartsigns.com

TekStar Color 10mm 64x160
CABINET SIZE: 4'x6'

Sk: 963525-1g Cust: 2041306

1/15/2021 Ca/IProto-Dabrowski PROPOSAL

Scale: 3/4"=1' Color(s): Digital Print Paint: Spartan Bronze

Approved

☐ as shown ☐ with changes

Signature _____

Date _____



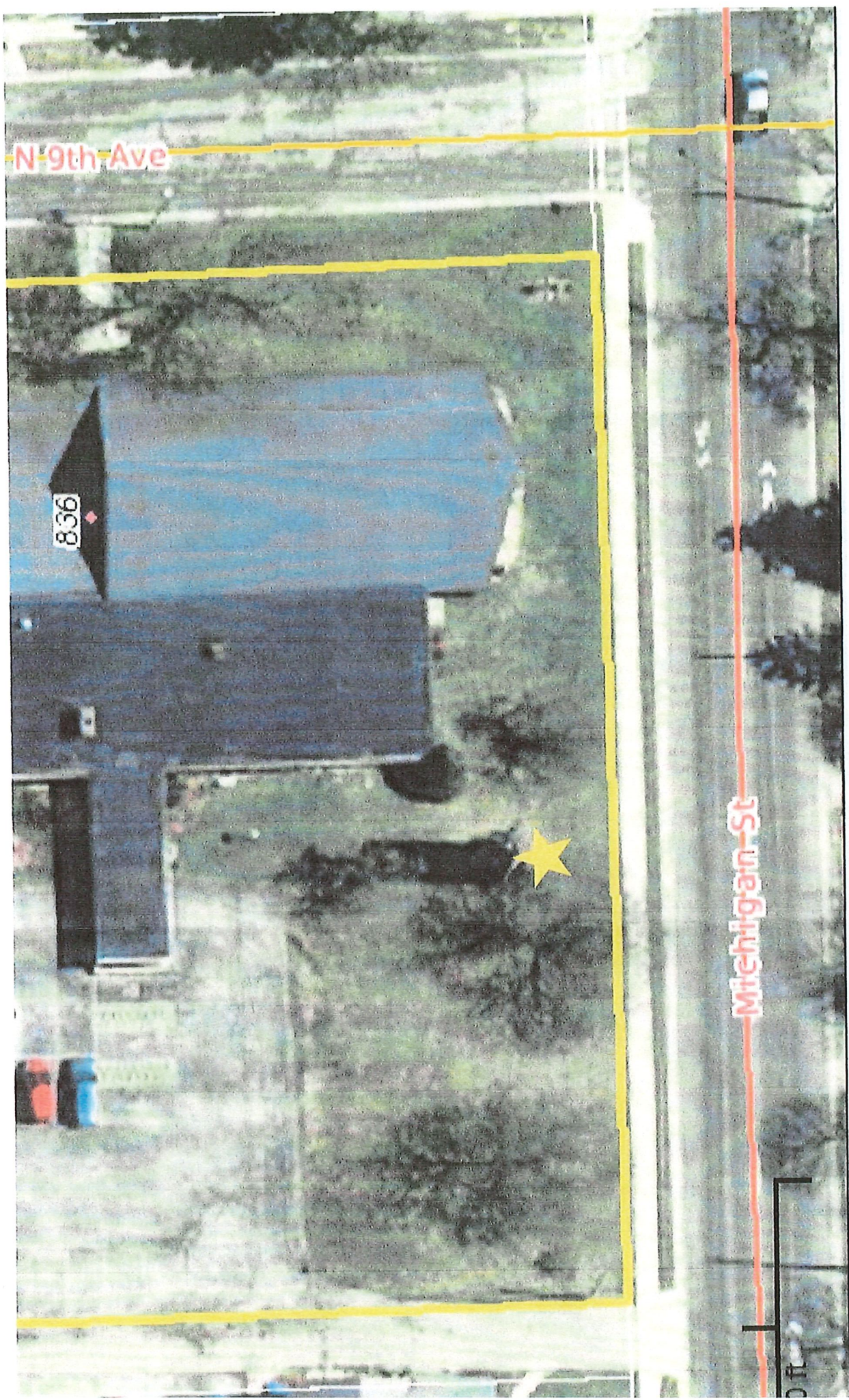
This custom artwork is not intended to provide an exact match for ink, vinyl, paint, or LED color. Signs are designed for an illuminated graphic and art is based off of this premise. Non-illumination during daylight hours may result in graphics of varying appearance. Brickwork and masonry are not included in the proposal with the exception of Cornerstone products. Measurements shown are approximations; final product dimensions may vary. LED images shown are simulated to replicate optimum viewing distance. *Original design, do not duplicate.*

N 9th Ave

836

Michigan St

0 ft





March 6, 2021

Greetings to Our Neighbors,

With daylight hours increasing, temperatures warming, and COVID 19 vaccination rates rising, there is renewed optimism for the coming year. For the Sturgeon Bay United Methodist Church, this season of Lent also brings hope with the resurrection of our savior Jesus Christ.

Since the pandemic arrived in earnest a year ago, the church has remained closed to the public and we have shared worship with our members through recorded YouTube and Facebook videos. We are very much looking forward to resuming in person worship in the next few months as long as the number of COVID 19 cases continues to decline to low levels and the vaccination rates continue to show progress toward herd immunity.

In 2021, we also hope to complete the list of projects approved by our members through our capital campaign in 2018. Our new parking lot has served our members well, especially our senior ride program. During the recent cold snap, our new boilers have lowered our heating costs, and with air conditioning added to our sanctuary and fellowship hall, we have been able to accommodate summer gatherings with much greater comfort.

Installing a new sign along Michigan Street is a remaining project that our membership would like to complete this year. As you may recall, in 2018 we requested a variance to install an electronic variable message sign which was not granted. We have made significant modifications to our sign to address the concerns expressed during the application process and want to share them with you, our neighbors, for your review prior to resubmitting a new request. The revised sign design is provided in this mailing for your review.

The modifications we have adopted are as follows:

Size:

- Reduced 20% from 30 square feet to 24 square feet (maximum size per City code is 32 square feet).

Continued page 2



Appearance:

- Added a cross, trim, and changed frame color (black to spartan bronze) to be visually more pleasing.
- Background color of church name has been changed to a darker blue to reduce brightness.
- Background color of message portion of the sign will be black to reduce brightness.

Operational Standards:

- Will be operated from 5:00 AM to 10 PM.
- Each message will be displayed for a minimum 20 seconds to minimize driver distraction.
 - This is more than 3 times longer than 6 second minimum display time allowed by City code.
 - At 25 MPH a car will travel 723 feet before the electronic image changes.
- Will only display static messages without movement, animation or scrolling.
- Will not be used as flashing signs or lights.
- Each change of message will be accomplished within one second.
- Equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illuminations.

As our church returns to in person worship in the coming months and year, we want our church to be as welcoming to our churchgoers and neighbors as possible and installing an aesthetically pleasing electronic sign with a respectful message of hope is one of the ways we want to achieve that goal. We hope that the modifications we have made have addresses the concerns you may have had with our initial sign design and request.

We would like to hear your thoughts and comments on our redesigned sign. Please provide your comments via email to church.office@sturgeonbayumc.org or drop a note off at our office. You are welcome to leave your notes in the mailbox outside the main entrance if the office is closed.

Blessings to you and your family during this Lenten season.

Reverend Davis O. Leistra

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, August 10, 2021, at 12:00 noon or shortly thereafter, in regard to a request from the Sturgeon Bay United Methodist Church (Mark Holey, Agent), for a variance from Section 27.12(4) of the Municipal Code (Sign Code), which states that electronic variable message signs (EVMS) be a permitted use only within the commercial and industrial zoning districts. They are requesting a variance to allow the construction of an EVMS in a residential zone. The subject property is located at 836 Michigan Street (parcel #281-62-24000211). 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. or on the city website at www.sturgeonbaywi.org. 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 - Methodist Church

Variance Request



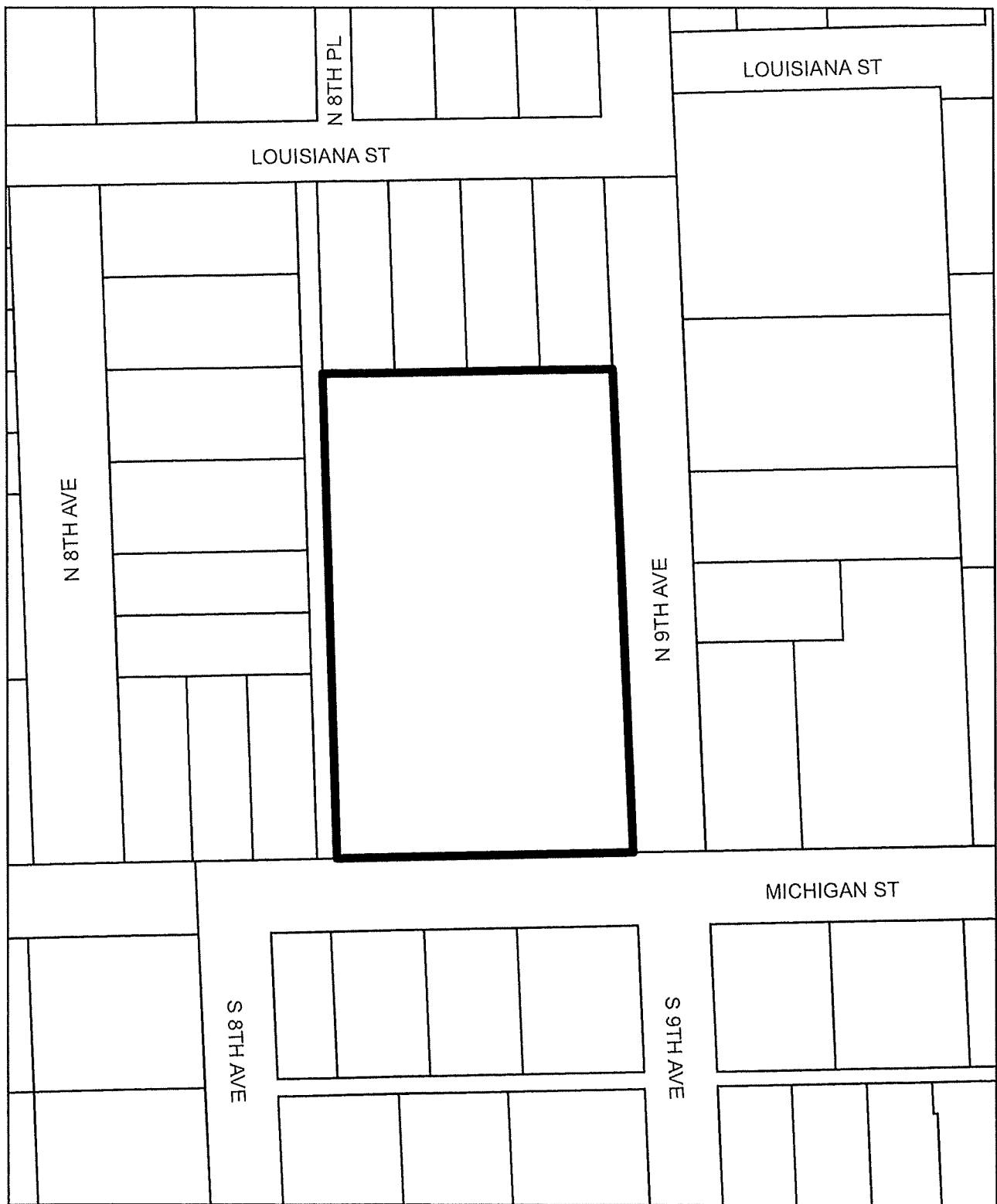
 836_Michigan_St




Location Map

Public Hearing - Methodist Church

Variance Request



 836_Michigan_St



ZONING BOARD OF APPEALS

Tuesday, March 22, 2016

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 12:05 p.m. by Vice-Chairperson Bill Chaudoir in Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members James Goodwin, Bill Chaudoir, and Jack Gigstead were present. Excused: Members Bill Murrock, Andrew Starr, and Alternates Wayne Spritka and Richard Jennings. Also present were Planner/Zoning Administrator Ryan Kernosky, Community Development Director Marty Olejniczak, and Community Development Secretary Cheryl Nault.

Adoption of agenda: Moved by Mr. Gigstead, seconded by Mr. Goodwin to adopt the following agenda by removing item #5, due to lack of quorum for consideration and decision of the issue:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from March 8, 2016.
4. Public hearing: Petition for variance from the Sturgeon Bay Sign Code to allow an electronic variable message sign in the Single-Family Residential (R-2) district for St. Peters Evangelical Lutheran Church, 108 W. Maple Street.
5. Consideration of: Petition for variance from the Sturgeon Bay Sign Code to allow an electronic variable message sign in the Single-Family Residential (R-2) district for St. Peters Evangelical Lutheran Church, 108 W. Maple Street.
6. Adjourn.

Amended agenda adopted.

Carried.

Approval of minutes from March 8, 2016: Moved by Mr. Goodwin, seconded by Mr. Gigstead to approve the minutes from March 8, 2016. Carried.

Public hearing: Petition for variance from the Sturgeon Bay Sign Code to allow an electronic variable message sign in the Single-Family Residential (R-2) district for St. Peters Evangelical Lutheran Church, 108 W. Maple Street: Vice-Chairman Chaudoir opened the public hearing at 12:10 p.m.

Mr. Kernosky explained that St. Peter's Church is requesting a variance from the sign code, which states that electronic variable message signs (EVMS) are not permitted in Residential zoning districts, but are permitted in Commercial and Industrial zoning districts. They would like to install an EVMS on the corner of Maple Street and Lansing Avenue. It meets all other current sign code requirements.

Mr. Olejniczak added that if the sign is approved, it is still subject to all the operational requirements of the zoning code, such as the message cannot be moving or scrolling and that the message is maintained for at least 6 seconds. There had been one other variance of this type for the Sturgeon Bay High School that had been applied for and approved.

Bob Schlicht, 244 N. 17th Dr., representing St. Peters Church, presented the proposed plans to install an electronic variable message sign. He gave a history of the church since it was originally built 125 years ago. They first began discussing a new sign approximately 10 years ago. At that time there was no funding. Currently, the 1400 members of the church have donated and raised enough money for the sign. They would like to have the sign installed by November 6, 2016, which is the actual anniversary date. The 32 square-foot sign would be placed on a stone base.

Mr. Kernosky stated that since this is a corner lot the sign must be 35 feet from the vision triangle and 5 feet from the setback from the right-of-way. If staff has concerns whether or not the sign will be in the vision triangle or will meet the setbacks, the City's Engineering Tech would be requested to find the property corner or that the church hire a surveyor.

Mr. Kernosky added that the Aesthetic Design and Site Plan Review Board will consider the sign after the ZBA's consideration. Almost everything surrounding the parcel is zoned Commercial. Another option would be to rezone the property from Residential to Commercial and avoid the variance. It is a longer process, but opens the door to other uses. Mr. Schlicht responded that it is a timing issue and wouldn't be able to meet goal if they decided to rezone the property.

Mr. Schlicht stated that the sign measures 8 feet x 4 feet and is two sided. The stone base is 13 feet wide and 4 feet deep. The top half of the sign is fixed and the bottom half is changeable. Several civic organizations use their facilities and this is a good way to let the public know what is going on. They may have messages that won't change for a week, or a message that changes every 30 seconds.

Steve Mann, 123 N. Lansing Avenue, stated he is in support of the sign, but would like a stipulation added that the sign be turned off at 10:00 p.m.

Tom Stover, 121 W. Maple Street, stated his property is south of the church, across the street and alongside the parking lot. He supports the sign, but was concerned about illumination at night and about the position of the sign in terms of brightness. It is a bright corner when the church has its night lights on. Illumination and direction were his two concerns.

There were no letters in favor or in opposition of the variance.

Mr. Schlicht stated that the sign will be parallel to Lansing Avenue and perpendicular to Maple Street. There will be time requirements. No exterior lights will be shining on the sign. Brass or copper cupolas may be added to the pillar on each side of the sign, with a light inside if possible. They would be open to turning the sign off at 10:00 p.m. if someone found an issue with it. The current sign is lit. If it were a condition placed on approval, they would consider it.

Mr. Kernosky added that according to code, the signs must be equipped with photo-sensitive style equipment. When it is darker out, the lighting on the sign would get darker and when it is sunny the lights would get brighter. The sign has to be static for 6 seconds. Mr. Olejniczak added that the 6 seconds minimum had been recently added to the code.

Dorthea Mann, 123 N. Lansing Avenue, said the corner of Lansing Avenue and Maple Street is a difficult corner because of the parking for Blue Front and crossing Maple Street. The sign may distract the drivers.

Mr. Chaudoir closed the public hearing at 12:43 p.m. Due to lack of quorum, action could not be taken at this meeting.

Mr. Goodwin thought more than 6 seconds should be required for the minimum amount of time for a message. The sign may distract drivers.

Mr. Olejniczak stated that the absent members will get a copy of the recording of the hearing to review before the next meeting.

Adjourn: Moved by Mr. Gigstead, seconded by Mr. Goodwin to adjourn. Carried. Meeting adjourned at 12:45 p.m.

Respectfully submitted,


Cheryl Nault
Community Development Secretary

ZONING BOARD OF APPEALS

Tuesday, April 12, 2016

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 12:04 p.m. by Chairperson Bill Murrock in Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members Jack Gigstead, James Goodwin, Bill Murrock, and Alternate Wayne Spritka were present. Excused: Member Andrew Starr. Member Bill Chaudoir entered the meeting at 12:12 p.m. Also present were Alderman Jerry Stults, City Engineer Chad Shefchik, Planner/Zoning Administrator Ryan Kernosky, Community Development Director Marty Olejniczak, Community Development Secretary Cheryl Nault, and several members of the public.

Adoption of agenda: Moved by Mr. Spritka, seconded by Mr. Gigstead to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from March 22, 2016.
4. Consideration of: Petition for variance from the Sturgeon Bay Sign Code to allow an electronic variable message sign in the Single-Family Residential (R-2) district for St. Peters Evangelical Lutheran Church, 108 W. Maple St.
5. Public Hearing: Petition for a variance from the Municipal Code (Zoning Code) to utilize an existing log building as an accessory dwelling, which would be the third dwelling on the lot without a Planned Unit Development, and contains less than the minimum square feet of floor area for Russell Cihlar, 1623 Clay Banks Rd.
6. Consideration of: Petition for a variance from the Municipal Code (Zoning Code) to utilize an existing log building as an accessory dwelling, which would be the third dwelling on the lot without a Planned Unit Development, and contains less than the minimum square feet of floor area for Russell Cihlar, 1623 Clay Banks Rd.
7. Public Hearing: Petition for variance from the Floodplain Zoning Code to extend fill less than the minimum 15-foot requirement and from the Municipal Code (Zoning Code) for a building length that is 2.7 times its width for Nancy Schopf and Fred Bowen, for a vacant parcel located between 129 W. Juniper St. and 147 W. Juniper St.
8. Consideration of: Petition for variance from the Floodplain Zoning Code to extend fill less than the minimum 15-foot requirement and from the Municipal Code (Zoning Code) for a building length that is 2.7 times its width for Nancy Schopf and Fred Bowen, for a vacant parcel located between 129 W. Juniper St. and 147 W. Juniper St.
9. Adjourn.

Carried.

Approval of minutes from March 22, 2016: Moved by Mr. Goodwin, seconded by Mr. Gigstead to approve the minutes from March 22, 2016. Carried.

Consideration of: Petition for variance from the Sturgeon Bay Sign Code to allow an electronic variable message sign in the Single-Family Residential (R-2) district for St. Peters Evangelical Lutheran Church, 108 W. Maple St.: Mr. Murrock stated that a public hearing was held at the last meeting, but due to lack of quorum there was no consideration held.

St. Peters Evangelical Lutheran Church President Bob Schlicht stated that in regard to hours of use, the sign will not cast light to offend neighbors. The sign has an auto dimming feature. They had no problem with the sign being static for 6 seconds. Some of the messages may not even change for a week.

The Board discussed the variance request. Mr. Spritka mentioned that it defeats the purpose of the message sign if it were not lit.

Mr. Kernosky stated that the proposed sign meets the sign code and that staff had no problems with the proposal.

Moved by Mr. Spritka, seconded by Mr. Chaudoir to approve the variance for an electronic message sign, based on the proposed location being adjacent to Commercial properties and that the sign complies with setbacks. Roll call vote. All ayes. Carried.

Public Hearing: Petition for a variance from the Municipal Code (Zoning Code) to utilize an existing log building as an accessory dwelling, which would be the third dwelling on the lot without a Planned Unit Development, and contains less than the minimum square feet of floor area for Russell Cihlar, 1623 Clay Banks Rd.: Chairperson Murrock opened the public hearing at 12:25 p.m.

Russ Cihlar, 1623 Clay Banks Rd., explained that in 2000, he talked with the previous building inspector in regard to rebuilding a log structure on his property that was being torn down on Shiloh Road. He wished to salvage the original 1882 homestead and use for a guest house. He wanted to preserve the home and keep the same footprint. He was told by the building inspector at that time that it could be done with a variance. In 2002 he went to obtain a permit to start the project and was told he should get a sanitary permit for a separate sanitary system. He got approval for an addition sanitary system, but found that he could only reconstruct the log building as an accessory building. His goal is to preserve the log building and use as a guesthouse for family and friends and not just a yard ornament. His lot size is 2.3 acres, with his home, workshop, and rental unit located on the lot. He did not request dividing the lot since the log building is only 468 square feet and would be too small for one lot.

Mr. Olejniczak stated that under the zoning code, a PUD would normally be needed. In the Agricultural district, 1000 square feet is the minimum size restriction. Until recently, the City did not allow short term rentals. A variance had been granted in 2005 for an accessory dwelling on a lot. The building meets all setbacks. To use as a dwelling, a variance is needed.

Mr. Cihlar said the main intent is to assemble the log building as a historic home or use when family comes home and also as supplemental income when he retires.

Mr. Olejniczak added that 150 feet of frontage is needed for a lot in the Agricultural district. All the buildings on the property, except for the homestead, existed before zoning. The hardship is that he was told a PUD wasn't needed. Mr. Cihlar wants permission to complete the building. In 2000, the building inspector said it wouldn't be a problem.

No one spoke in support of the variance. Secretary James Goodwin read four letters in support from Dorothy Cihlar, 1728 Clay Banks Road, Jim and Margaret Buhk, 1535 Clay Banks Road., Bob and Mary Perlewitz, 1762 Clay Banks Road, and Dale and Jennifer Pollack, 1633 Clay Banks Road.

No one spoke in opposition of the variance. There were no letters in opposition.

The public hearing was closed at 12:45 p.m.

Consideration of: Petition for a variance from the Municipal Code (Zoning Code) to utilize an existing log building as an accessory dwelling, which would be the third dwelling on the lot without a Planned Unit Development, and contains less than the minimum square feet of floor area for Russell Cihlar, 1623 Clay Banks Rd.: The Board discussed the request. Mr. Goodwin thought that adding square footage to make the building 1000 square feet would make it unnatural.

Mr. Gigstead added that the logs are in nice shape and the property is taken care of. The property should only be rented by the week or month, not like a hotel.

After further discussion, it was moved by Mr. Chaudoir, seconded by Mr. Goodwin to approve the request for the third principal building on one lot. Encouragement was provided by previous administration. The

ZONING BOARD OF APPEALS

Tuesday, July 24, 2018

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

Roll call: Members Wayne Spritka, James Goodwin, William Murrock, and Alternate Justin Kirwen were present. Excused: Members Andrew Starr and Bill Chaudoir. 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. Kirwen to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from January 30, 2018.
4. Public Hearing: Petition for variance from Section 27.12(4) of the City of Sturgeon Bay Sign Code, to install an Electronic Variable Message Sign for the Sturgeon Bay United Methodist Church, located at 836 Michigan Street.
5. Consideration of: Petition for variance from Section 27.12(4) of the City of Sturgeon Bay Sign Code, to install an Electronic Variable Message Sign for the Sturgeon Bay United Methodist Church, located at 836 Michigan Street.
6. Adjourn.

Carried.

Approval of minutes from January 30, 2018: Moved by Mr. Goodwin, seconded by Mr. Murrock to approve the minutes from January 30, 2018. All ayes. Carried.

Public Hearing: Petition for variance from Section 27.12(4) of the City of Sturgeon Bay Sign Code, to install an Electronic Variable Message Sign for the Sturgeon Bay United Methodist Church, located at 836 Michigan Street: Chairperson Murrock opened the public hearing at 12:04 p.m.

Mark Holey, Chairman of Trustees Committee for Sturgeon Bay United Methodist Church, stated that they just completed a campaign to raise money for improvements on their property, including a new driveway and a redesigned parking lot. They also want to install a 30 square-foot electronic variable message sign since there are many groups that use their church for different events. Their current sign, which is located on the corner of 9th Avenue and Michigan Street, is small and unlit. Mr. Holey also mentioned that the proposed sign will help visitors locate the church. He is sure that membership will increase after installation of this sign. The church is in a residential location. Other churches have those type of signs and feel it is unfair to them. Sturgeon Bay Schools had also received permission for an EVMS.

Mr. Holey said the church has always been a good neighbor. They will abide by the rules. The proposed sign would be located in the middle of the property. He mentioned that they could install a lit sign and would not have to go through a variance. With the capital campaign they are looking at the future with an EVMS. The sign would be used as an outreach to let people know what programs they have. It is not intended as a marque sign. They would also work with the neighbors in regard to lighting.

Mr. Sullivan-Robinson stated that the United Methodist Church is in the middle of a residential corridor. The proposed sign would front Michigan Street west of the bell tower. The Aesthetic Design & Site Plan Review Board approved the sign, but required nighttime dimming and opaque background. Previously, the ZBA approved an EVMS for St. Peters Church, which fronts both residential and commercial corridors.

Mr. Sullivan-Robinson spoke with some of the neighboring property owners. They were concerned with lighting. Time limits could be considered.

Mr. Olejniczak stated that an EVMS was allowed in commercial districts, but not residential. The maximum size allowed is 32 square-feet. This proposal is for 30 square-feet.

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

Steve Graf, 833 Michigan Street, spoke in opposition. There would be a lot of light pollution. It would be a driving hazard.

Shelly Kerwin Phelps, 727 Michigan Street, spoke in opposition. The lit flame symbol in front of the church is very large and a very visual denote for the church. She wondered if they already had more signage than allowed. Safety is a concern.

Kathy White, 833 Michigan Street, stated that the church is lit all night long. The flame shines in her bedrooms. She does not want an EVMS lit all day. Safety is an issue. Parking on the street is dangerous.

Jerod Santek, 907 Michigan Street, read a letter that he submitted in opposition. The lighting and messaging system would be distracting. Property values will be decreased.

Allison Roemer, 827 Michigan Street, agreed with everyone's testimony. It is residential property. She doesn't want another driveway across from her house or a bright sign in her face.

Mr. Goodwin read one letter in opposition from Diane Evenson, 32 N. 9th Avenue. Another letter that was received from Brian Bergee and Jerod Santek, 907 Michigan Street, had been read by Jerod Santek during testimony.

Mr. Murrock offered a chance for rebuttal.

Mr. Holey stated that they are not a commercial operation. He will meet with the concerning neighbors. Two lights will be eliminated in the new parking lot. The sign will be perpendicular to the street and could be turned off at night. It is important for the church to get the message out.

Mr. Murrock allowed the following two citizens to speak, even though it was not rebuttal testimony:

Marianne Bennett, 819 Michigan Street, stated she does not want lights shining on her porch.

Lou Ferarri, 827 Michigan Street, stated he is legally blind in his right eye. The double lane driveway will be a hazard.

Rebuttal testimony continued.

Shelly Kerwin Phelps, 727 Michigan Street, wondered if it is valid to have another sign. This is precedence setting for a two block area. It always comes back to safety.

Steve Graf, 833 Michigan Street, wanted to make sure that there were no members of the ZBA that were members of the United Methodist Church or that would be a conflict of interest.

Chairperson Murrock closed the public hearing at 12:48 p.m.

Consideration of: Petition for variance from Section 27.12(4) of the City of Sturgeon Bay Sign Code, to install an Electronic Variable Message Sign for the Sturgeon Bay United Methodist Church, located at 836 Michigan Street: Mr. Olejniczak stated that the existing flame sign is considered a wall sign. Their existing ground sign would be replaced by the proposed sign.

Mr. Spritka pointed out that the Board needs to go back to the original petition. There are a lot of other issues being talked about. The variance is for the EVMS.

Mr. Kirwen stated that we need to look at what opposing people are saying.

Mr. Sullivan-Robinson stated that the Aesthetic Board preferred to only have the lettering lit, with a darker background. The bottom half of the sign is 6 feet x 2.5 feet. They are allowed to have a ground sign.

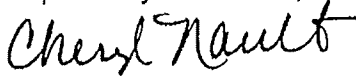
Discussion continued. Moved by Mr. Murrock, seconded by Mr. Goodwin to deny the variance request because of the lighting, adverse effect of the neighborhood, Michigan

Street is the main artery for the school, there is a lot of traffic on Michigan Street, and could cause distraction of drivers.

Roll call vote: All ayes. Carried.

Adjourn: Moved by Mr. Goodwin, seconded by Mr. Kirwen to adjourn. All ayes. Carried. Meeting adjourned at 12:58 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Cheryl Nault".

Cheryl Nault
Community Development Secretary