

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

Tuesday, August 24, 2021  
12:00 Noon  
Council Chambers, City Hall  
421 Michigan Street

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.

*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

8/18/21  
2:30 PM  
CSR

**Zoning Board of Appeals  
August 10, 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. Excused: Member Morgan Rusnak. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson and Deputy Clerk/Treasurer Laurie Spittlemeister.

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

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.

All ayes. Carried.

**Approval of Minutes from May 25, 2021:**

Moved by Mr. Chaudoir, seconded by Mr. Augustson to approve the minutes from May 25, 2021. All ayes. Carried.

**Public hearing: Petition for variance from Section 27.14 (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. Sullivan-Robinson stated that the property is zoned Residential (R-1). Sturgeon Bay United Methodist Church has requested a variance of the Sign ordinance 27.12 (4). This Committee has reviewed a request from Sturgeon Bay United Methodist Church in 2018, in which it was denied because of the negative impact on the surrounding neighborhood and effect on pedestrian/vehicular traffic. This Committee had a similar request from St. Peter's Lutheran Church in 2016 that was approved. St. Peter's Lutheran Church property is not within a strictly residential area and abuts commercial property.

Mark Holey, 410 N 19<sup>th</sup> Avenue, Chairman of Trustee for Sturgeon Bay United Methodist Church explained the church had a campaign to raise money to make improvements to their property. Those improvements include a new driveway, redesigned parking lot, boiler replacement and installation of

an electronic variable message sign to increase communication and membership. When the request was denied in 2018, church leaders took concern and made the following changes.

- Sign content more static, changing every 20 seconds
- Reduce sign from 30 square feet to 24 square feet
- Changed frame color and added cross and trim to be more visually pleasing
- Background color of church name and message portion changed to darker color to reduce brightness
- Sign will be operated from 5:00 am to 10:00 pm
- Each message change of the sign will be quick
- Will display static messages without movement, animation or scrolling, and will not use flashing signs or lights
- Sign will be equipped with photosensitive equipment that will automatically adjust brightness

Mr. Holey continued that the sign will need footings and be flat on the ground, not on a pedestal. The church's intent is to landscape around the new sign once installed.

Chairperson Murrock opened the public hearing at 12:20 p.m.

Kirsten Reeths, 124 N 8<sup>th</sup> Place, also Alderperson for District 7 stated that students and millennials notice electronic signage more, as they view many things on a screen or electronically. Many organizations have already installed electronic signs for their businesses. She is in favor. As a side note, only one constituent reached out to Ms. Reeths in regards to the electronic sign.

Ron Vandertie, 818 Oregon Street, mentioned that when these signs were first introduced, he voted against while on City Council. Over the years, there have been many good changes to the ordinance. He is in favor.

Ms. Spittlemeister read two letters in favor of petition for variance from:

Karl Bethke, 908 Michigan Street

Nancy and Don Ziegelbauer, 137 N 10<sup>th</sup> Place

Brian Bergee, 907 Michigan Street, is opposed. He is not in favor, as it would be disruptive having a light shine into his house 17 hours a day. The church and his residents are located at the edge of historic district and would like to preserve it's charm.

Erika May, 107 S 9<sup>th</sup> Avenue is opposed. We are living in a digital age with people spending a lot of time on those devices. Does not want a larger sign in from of the church.

Kathy White, 833 Michigan Street, is opposed. She like to read, meditate and relax in her front yard and feels a digital sign across the street would be distressing and out of place. Student drivers and pedestrians would be distracted and fear property values might go down.

Ms. Spittlemeister read one letter in opposition of petition for variance from:

Diane Evenson, 32 N 9<sup>th</sup> Avenue.

Mr. Murrock offered rebuttal testimony. Mr. Holey stated that they are not trying to make this a moving sign, but more static. However, they would like to get their information out in a easier fashion than standing out in the elements. Students may not notice the sign. The church is willing to work

with neighbor's and willing to make additional changes if necessary. Their vision is to have a tasteful and a pleasing sign.

Steve Graf, 833 Michigan Street, mentioned that most people will use the internet to find a church and does not think a new sign is necessary.

Brian Bergee, 907 Michigan Street, stated that this new sign would be like having a TV in the yard, which is not appropriate.

Kathy White, 833 Michigan Street, asked if the church is willing to change their pattern if the sign is approved and what recourse people in the neighborhood would have if they would like the church to make additional changes.

Mr. Sullivan-Robinson stated that the nuisance ordinance on related issues would get through his office or the Police Department.

Mr. Olejniczak recited what the ordinance states the definition of an electronic variable message sign. The church would have the option to keep the sign lit 24 hours a day.

Mr. Chaudoir inquired if the sign was approved, could anyone zoned Residential (R-1) get an electronic sign in their front yard.

Mr. Olejniczak responded that anyone who would like to place a sign in a residential area would need to come before Zoning Board of Appeals and request a variance.

The public hearing was declared closed at 12:53 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:**

Regulations of brightness for the electronic variable message sign was discussed. Mr. Chaudoir stated that Sturgeon Bay United Methodist Church has gone out of their way to please everyone.

Moved by Mr. Chaudoir, seconded by Mr. Augustson to approve 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 with the conditions of changing the message to 30 second intervals and installing a planting bed with flowers around the sign to look more residential. Roll call: Carried with Ms. Schopf voting no.

Moved by Mr. Chaudoir, seconded Ms. Schopf to adjourn. All ayes. Carried. The meeting adjourned at 1:02 p.m.

Respectfully submitted,




Laurie Spittlemeister,  
Deputy Clerk/Treasurer





# MEMO

To: Zoning Board of Appeals  
From: Christopher Sullivan-Robinson   
Date: August 18, 2021  
Subject: Variance Review – 123 N Lansing Avenue

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Timothy Murphy is requesting approval of a variance from Chapter 20 (Zoning) and Chapter 23 (Floodplain Zoning Code) for the construction of approximately a 1100 square-foot wrap around deck which will be constructed at 123 N. Lansing Avenue.

The property is zoned Single-Family Residential (R-2). The property fronts on Juniper St and Lansing Avenue; and is approximately 0.36 acres. The existing house is nonconforming as it was constructed closer to Lansing Ave and the alley along the south property line. In addition to the house there is a shed to the north of the house and a detached garage to the west with a driveway connecting to the alley.

20.27(2-3): This section regulates area and dimensional requirements for principal building construction. Attached decks must be setback at least 17 feet from the street right-of-way, 10 feet from side property lines, and 25 feet from rear property lines. The proposed deck expansion will meet setbacks from the north and west property lines (side and rear). However, the deck will be 7 feet off the street right-of-way and only 5.5 feet off of the south property line (side yard). Thus, a variance is needed from this section to allow a 4.5-foot side yard encroachment and a 10-foot street yard encroachment.

23.04(3)(a)(1): This section regulates flood proofing requirements for residential construction. More specifically, the first floor of the building must be at least 2 feet above the regional base flood elevation (587'), crawl spaces must be at or above the base flood elevation (585'), and the grade around the building must be buffered with compact fill for 15 feet at an elevation at 1-foot above the base flood elevation (586'). The property owner will meet the minimum requirements for everything except the 15-foot extension of fill at an elevation of 586' on the west, east, and south side of the building. This is due to several potential issues:

1. There isn't 15 feet of space on 2 side of the property to add fill.
2. The existing driveway would be negatively impacted.
3. Filling along the south side of the building could impact drainage on site.
4. Filling could potential require the need for a retaining wall.

Other Considerations: Any variance request from the City's floodplain chapter must also be forwarded to the Department of Natural Resources (DNR). Based on the attached letter, the DNR has reviewed the application and will not oppose the granting of a variance for fill requirements. The City Engineer has also reviewed the site and recommends that no fill should be adding along the alley to accommodate drainage in the area.

The provisions of Chapter 20 (Zoning) were intended to promote the health, safety, morals, comfort, prosperity and general welfare of the city, and to secure adequate light, pure air and safety from fire and other dangers, to conserve the taxable value of the land and buildings throughout the city, to preserve and enhance aesthetic value and to ensure aesthetic compatibility with neighboring property, and preserve the appropriate character of each area within the sound principles of zoning throughout the city.

The provisions of Chapter 23 (Floodplain Zoning) are intended to regulate floodplain development to: protect life, health and property; minimize expenditures of public funds for flood control projects; minimize rescue and relief efforts undertaken at the expense of the taxpayers; minimize business interruptions and other economic disruptions; minimize damage to public facilities in the floodplain; minimize the occurrence of future flood blight areas in the floodplain; discourage the victimization of unwary land and homebuyers; prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

Options: The Board has the ability to approve the variance request as presented or with conditions. Or, the Board can deny the variance request. Any decision of the Board must include valid reason that incorporates the criteria for granting / deny the variance (Unique Hardship, Unique Physical Property Limitations, and Protection of Public Interests). There are three separate items to vote on including a side yard setback variance, street yard setback variance, and floodplain fill requirements variance.



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

Date Received: 7-15-21  
Fee Paid \$ 368.00  
Received By: PD AT OFFICE

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	<u>TIMOTHY MURPHY</u>	
Company		
Street Address	<u>123 N. LANSING AVE</u>	
City/State/Zip	<u>STURGEON BAY WI 54255</u>	
Daytime Telephone No.	<u>920-764-1306</u>	
Fax No.		

STREET ADDRESS OF SUBJECT PROPERTY: 123 N. LANSING AVE  
Location if not assigned a common address: \_\_\_\_\_

TAX PARCEL NUMBER: 2010401-01

CURRENT ZONING CLASSIFICATION: ~~PLANNED~~ RESIDENTIAL

CURRENT USE AND IMPROVEMENTS:  
RESIDENTIAL - REMODEL AND DECK ADDITION

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: 20.27(2-3) STREET & SIDE YARD REQ'S  
23.04(3)(a)(1) FILL REQUIREMENTS FOR FLOODPROOFING RESIDENTIAL STRUCTURES

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:  
North: R-2 SINGLE FAMILY RESIDENCE  
South: R-2 SINGLE FAMILY RESIDENCE  
East: C-2 BRIDGE PORT RESORT  
West: R-2 SINGLE FAMILY RESIDENCE



### 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: BACK YARD DECK IN FLOOD PLANE. NEED TO RAISE GROUND LEVEL 12" 15 FT ALL SIDES OF HOUSE BUT ALLEY IS TOO CLOSE ON SIDE
2. Unique physical property limitation: PROXIMITY OF ALLEY AND FRONT SIDEWALK TOO CLOSE TO RAISE GROUND LEVEL 12" X 15 FT EAST AND SOUTH
3. Protection of public interest: SHOULD HAVE NO IMPACT

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.

TIMOTHY MURPHY  
Property Owner (Print Name)

[Signature]  
Signature

7/15/21  
Date

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

I, TIMOTHY MURPHY, 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.

7-29-21  
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

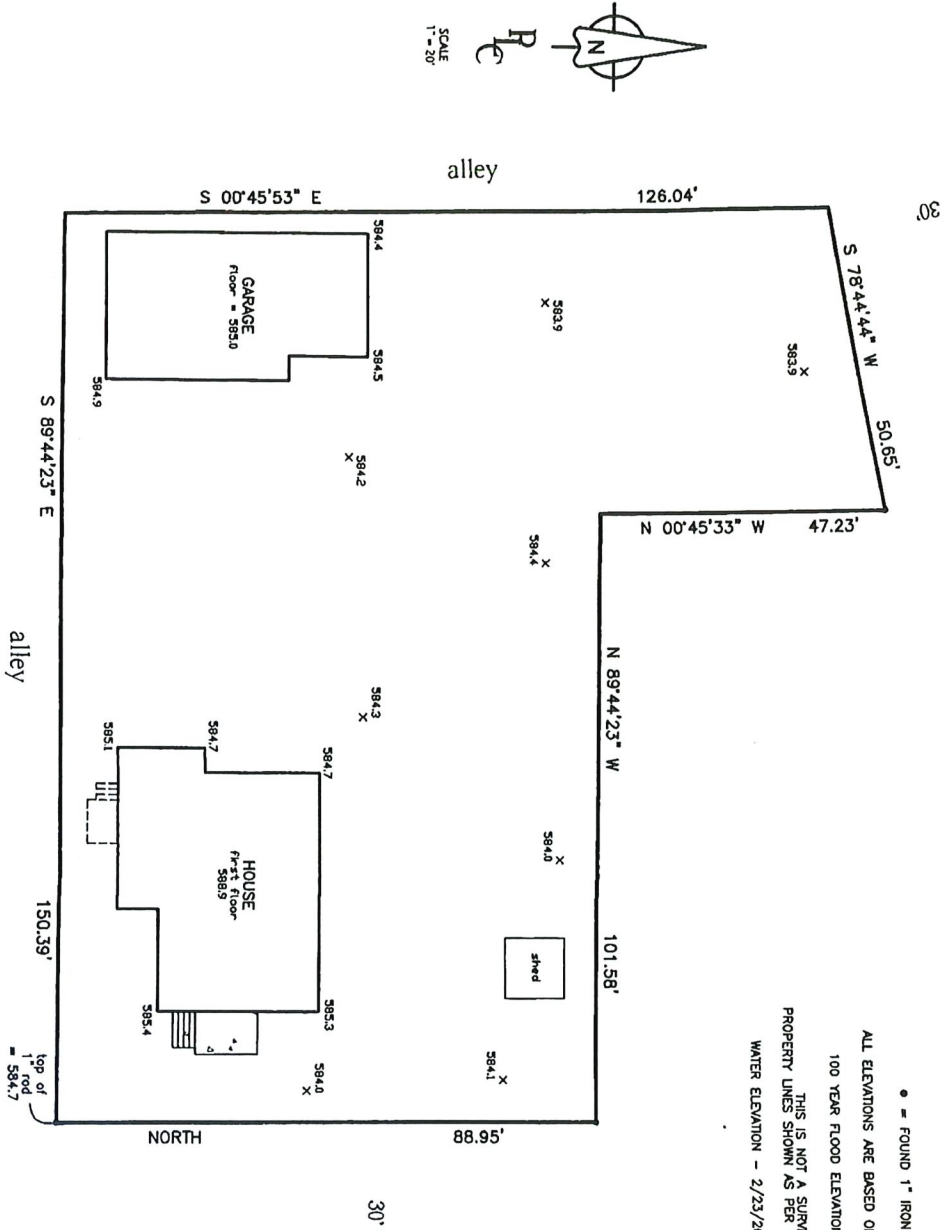
\_\_\_\_\_  
Community Development Director

W---JUNIPER---STREET

# FLOOD PLAIN ANALYSIS

BEING A PART OF:  
GOVERNMENT LOTS 2 & 3, SECTION 7,  
TOWNSHIP 27 NORTH, RANGE 26 EAST, CITY OF STURGEON BAY

• = FOUND 1" IRON ROD  
ALL ELEVATIONS ARE BASED ON NAD83 DATUM  
100 YEAR FLOOD ELEVATION = 585.0  
THIS IS NOT A SURVEY -  
PROPERTY LINES SHOWN AS PER PREVIOUS SURVEY  
WATER ELEVATION - 2/23/2021 = 580.7



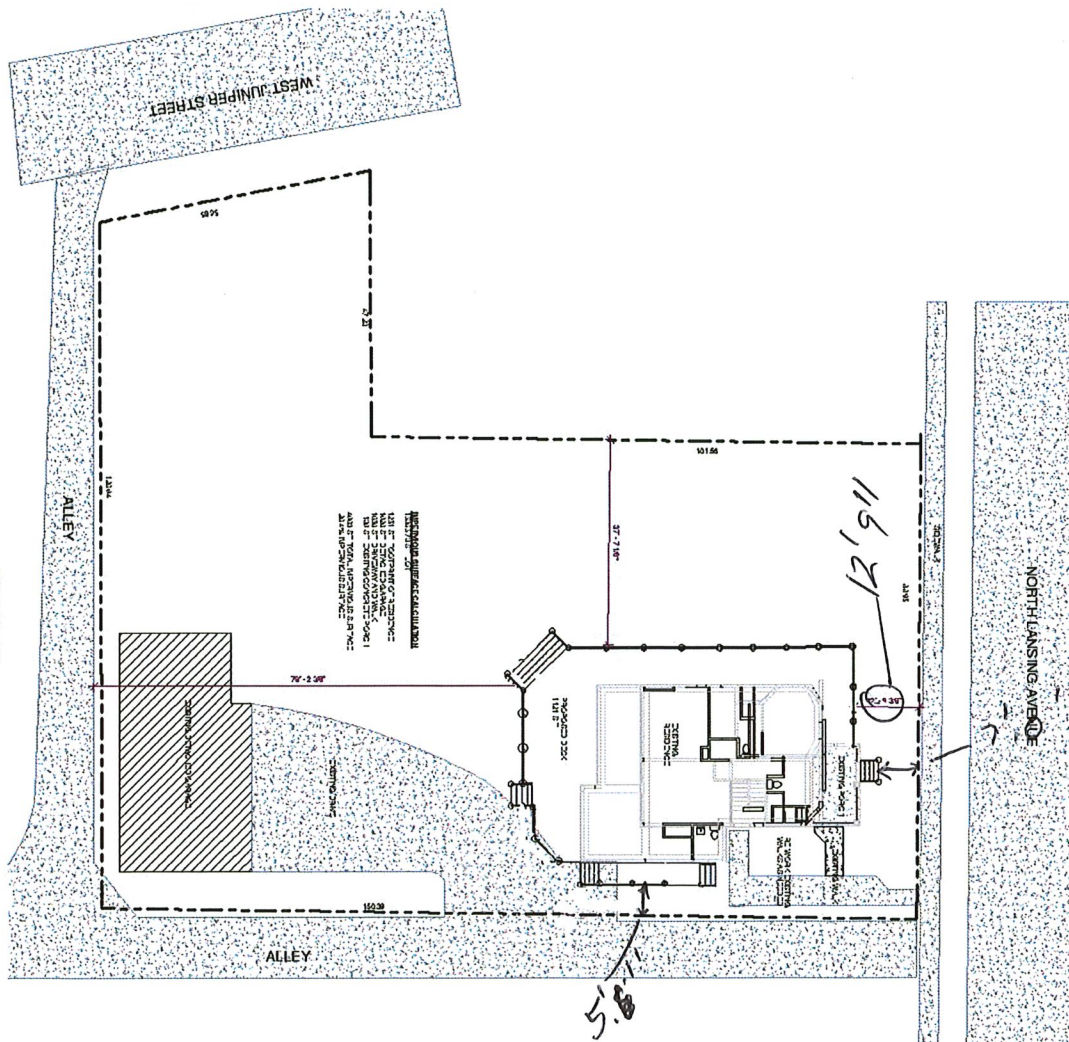
N---LANSING---AVENUE---

Prepared for:  
TIMOTHY MURPHY  
123 NORTH LANSING AVENUE  
STURGEON BAY, WI 54235

Prepared by:  
PENINSULA LAND CONSULTANTS, L.L.C.  
185 E. WALNUT STREET #116  
STURGEON BAY, WI 54235







① SITE PLAN  
C1.1

# Murphy Residence

Sturgeon Bay, WI

**JJL DESIGN**  
JEREMY LUECK

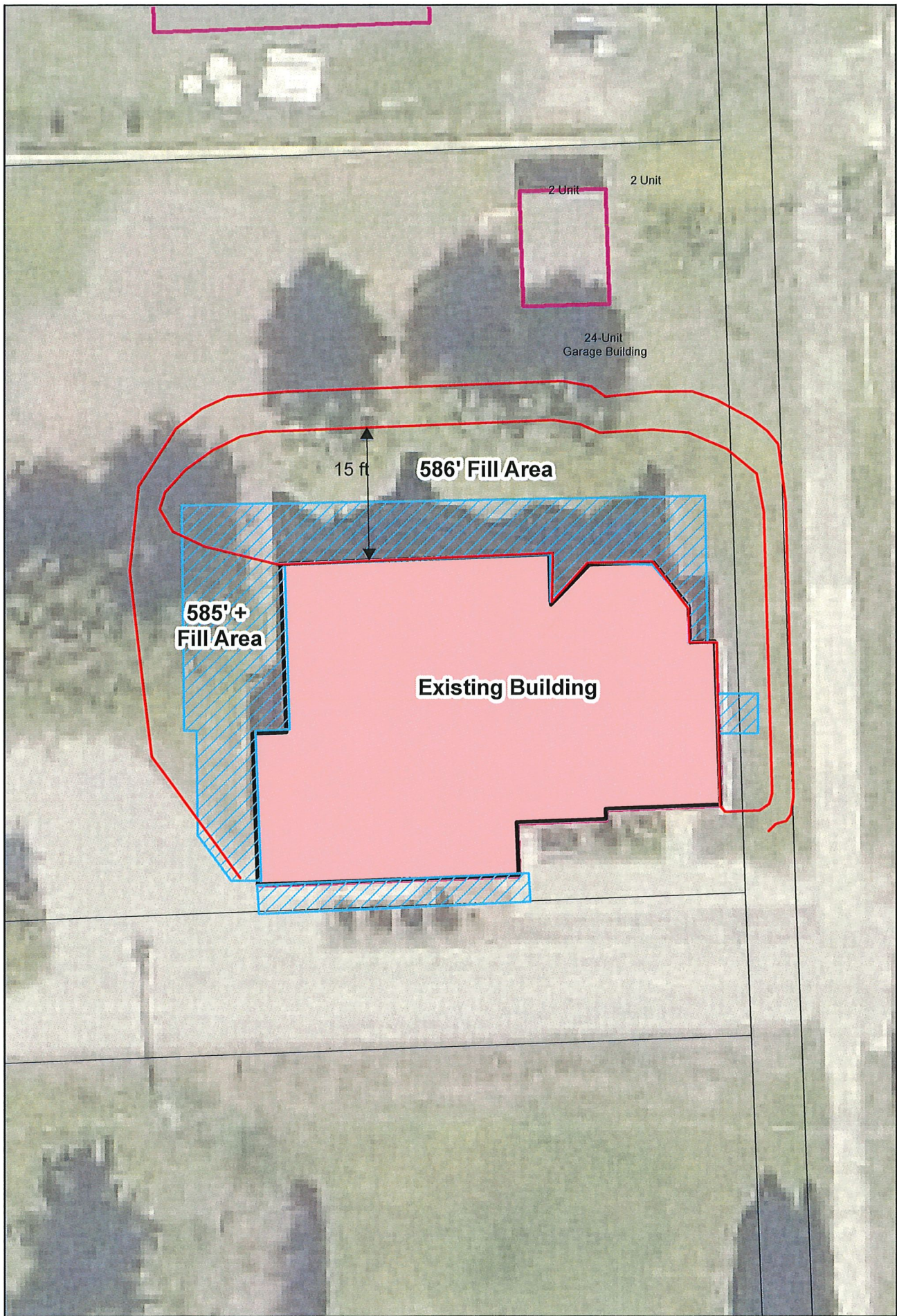
1116 HARRISON ST.  
KAUKAUNA, WI 54130  
920-880-1824  
jlueck1@gmail.com

C1.1

[illegible]

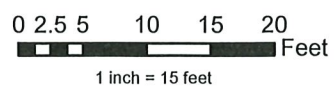
NOTE: BUILDER IS RESPONSIBLE TO VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AND SIZES RESPONSIBLE FOR THE SAM





123 N Lansing Ave  
Proposed Filling

Date: 8/4/2021





# Map

Printed 08/04/2021 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!**



Door County can not and does not make any representation regarding the accuracy or completeness, nor the error-free nature, of information depicted on this map. This information is provided to users "as is". The user of this information assumes any and all risks associated with this information. Door County makes no warranty or representation, either express or implied, as to the accuracy, completeness, or fitness for a particular purpose of this information. The Web Map is only a compilation of information and is NOT to be considered a legally recorded map or a legal land survey to be relied upon.



# 123 N Lansing Ave











03/29/2021





Google

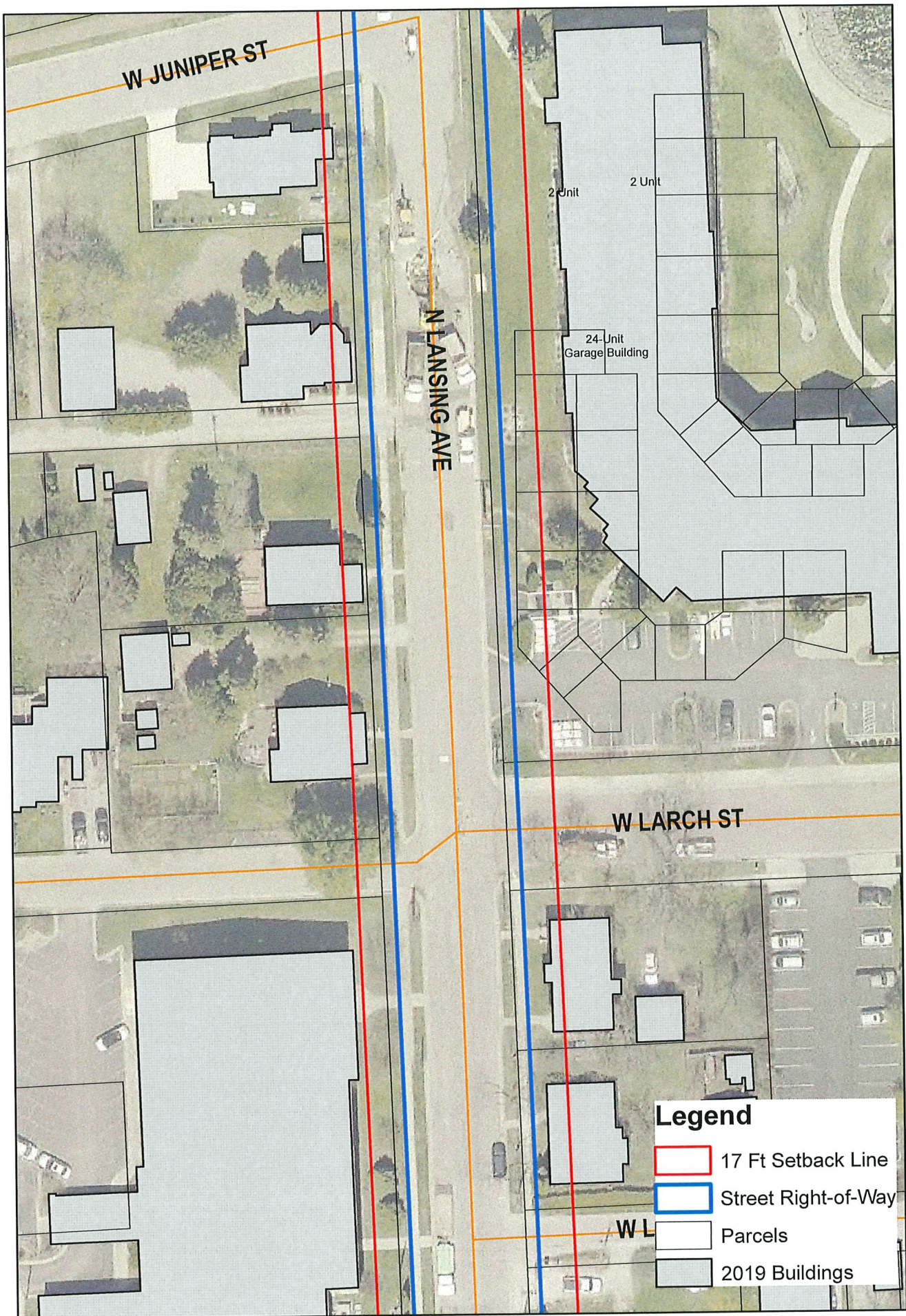
Green Bay, Wisconsin

Google

at View







Date: 8/4/2021

# 123 N Lansing Ave Setback Requirement

0 10 20 40 60 80 Feet  
1 inch = 62 feet





## 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 24, 2021, at 12:00 noon or shortly thereafter, in regard to a request from Timothy Murphy for a variance from section 20.27(2-3) of the Zoning Code, which requires a minimum street yard of 17 feet and a minimum side yard of 10 feet. He also requests a variance from section 23.04(3)(a)1 of the Floodplain Zoning Code, which requires fill to extend 15 feet around a structure in the floodplain with fill at an elevation of at least one foot above the region flood elevation. Mr. Murphy proposes to construct a deck that encroaches the required street yard by 10 feet and the required side yard by 4.5 feet. He also proposes a fill plan that is less than required for floodproofing the structure. The subject property is located at 123 N Lansing Avenue (parcel #281-46-55020102). 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](http://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

## Sullivan-Robinson, Christopher

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**From:** Winkler, Miles A - DNR <Miles.Winkler@wisconsin.gov>  
**Sent:** Monday, August 9, 2021 10:11 AM  
**To:** Sullivan-Robinson, Christopher  
**Subject:** RE: Variance Request - 123 N Lansing Ave

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Christopher

Based on the information provided, site restriction limit the ability for the property owner to meet the 15-foot fill requirements as required by your floodplain ordinance. The Department will not object to the granting of the variance for not meeting the 15-foot fill requirement.

Please call me if you have any questions.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Miles A. Winkler, PE  
Cell: (920) 621-1518  
[Miles.winkler@wisconsin.gov](mailto:Miles.winkler@wisconsin.gov)

-----Original Message-----

**From:** Sullivan-Robinson, Christopher <[csullivan-robinson@sturgeonbaywi.org](mailto:csullivan-robinson@sturgeonbaywi.org)>  
**Sent:** Thursday, August 5, 2021 10:24 AM  
**To:** Winkler, Miles A - DNR <Miles.Winkler@wisconsin.gov>; [Michell.Staff@wisconsin.gov](mailto:Michell.Staff@wisconsin.gov)  
**Subject:** Variance Request - 123 N Lansing Ave

Good Morning,

Attached is a variance request and public hearing notice for Tim Murphy owner of a property at 123 N Lansing Ave, Sturgeon Bay, WI. The request includes 2 separate request from setbacks as required by the zoning chapter and the other from fill requirements as required by the floodplain zoning chapter. The meeting is scheduled for August 24th at 12:00 noon in the Council Chambers at City Hall.

Sincerely,

Christopher Sullivan-Robinson | Planner / Zoning Administrator Community Development Dept | 421 Michigan Street | Sturgeon Bay, WI, 54235

Phone: 920-746-2907 | Fax: 920-746-2905 | Website: [http://secure-web.cisco.com/1HoaFrtMxe\\_2VzylRlBtLr8xcZzoPJ9OEXss6Ty9Q0Sxz2jZowq8adD2cg3rXF\\_VQISpT5\\_V3r4qdD3Jb-bPsCmo5wqM2-g1yeWEQ\\_p7RCBvbBr-jv6e2KFW2gtdOrOAcl2cC8lyCOH0f2iq1pvhpB-SiEO5dvqikydrUxEBVDDp64v4vJOA\\_IGH8iJeYLeJEd9nr89Ww539mn2WtiPbpYAnbzyXlnWhbxZeYl86ln\\_jpiFyeqQmyU1IW56GsB8HqB6BIz6aT8jmhDXPPeWcm3rgLhuyroS5QAatQ9y2RjAX7gaRkuXcn\\_NKaNimYOTBoprXhGeNjV5ojm4hr6d4ps50A/http%3A%2F%2Fwww.sturgeonbaywi.org](http://secure-web.cisco.com/1HoaFrtMxe_2VzylRlBtLr8xcZzoPJ9OEXss6Ty9Q0Sxz2jZowq8adD2cg3rXF_VQISpT5_V3r4qdD3Jb-bPsCmo5wqM2-g1yeWEQ_p7RCBvbBr-jv6e2KFW2gtdOrOAcl2cC8lyCOH0f2iq1pvhpB-SiEO5dvqikydrUxEBVDDp64v4vJOA_IGH8iJeYLeJEd9nr89Ww539mn2WtiPbpYAnbzyXlnWhbxZeYl86ln_jpiFyeqQmyU1IW56GsB8HqB6BIz6aT8jmhDXPPeWcm3rgLhuyroS5QAatQ9y2RjAX7gaRkuXcn_NKaNimYOTBoprXhGeNjV5ojm4hr6d4ps50A/http%3A%2F%2Fwww.sturgeonbaywi.org)

## Sullivan-Robinson, Christopher

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**From:** Shefchik, Chad  
**Sent:** Thursday, July 22, 2021 9:24 AM  
**To:** Olejniczak, Marty; Sullivan-Robinson, Christopher  
**Subject:** Alley along Murphy Residence

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I looked at the alley along the Murphy residence that we discussed the other day. The alley does pitch to the property and I do not think the current grade will allow all of the water to head east to N Lansing Ave or west to the gravel alley. Therefore, the grading along the alley needs to remain as is. Therefore, for approx. 5' along the alley the grading should not change. I know this will reduce their available fill area but if they need a variance anyway we'll have to just make them work with the remaining fill area available.

Thanks,

Chad Shefchik  
City Engineer

City of Sturgeon Bay  
421 Michigan Street  
Sturgeon Bay, WI 54235

Office: 920-746-2913  
Mobile: 920-493-1039  
Email: [cshefchik@sturgeonbaywi.org](mailto:cshefchik@sturgeonbaywi.org)