

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

Tuesday, September 28, 2021

12:00 Noon

Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from August 24, 2021.
4. Public Hearing: Petition for variance from Section 20.27(1) of the City of Sturgeon Bay Zoning Code for Austad, LLC located at 1227 Egg Harbor Road, parcel #281-62-10000117.
5. Consideration of: Petition for variance from Section 20.27(1) of the City of Sturgeon Bay Zoning Code for Austad, LLC located at 1227 Egg Harbor Road, parcel #281-62-10000117.
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

9/23/21
3:10 pm
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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. Chaudoir 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



MEMO

To: Zoning Board of Appeals
From: Christopher Sullivan-Robinson
Date: September 23, 2021
Subject: Variance Request – 1227 Egg Harbor Rd & Parcel # 281-62-10000117

Amy Labott, representing Austads, LLC, is requesting a variance to allow an impervious surface ratio of 82.6% for the property located at 1227 Egg Harbor Rd (Former Bank Mutual) and the adjoining parcel # 281-62-10000117. Ms. Labott intent is to relocate Ace Hardware to this site which would include the construction of a 30,870 square foot store with a 42,785 square foot paved parking lot (80 parking stalls). Section 20.27(1) limits lots zoned R-4, C-1, C-3, C-4, and C-5 to 70 percent impervious surface. This site is zoned General Commercial C-1 and allows the proposed use with administrative approval and subject to review by the Aesthetic Design and Site Plan Review Board.

Other Comments and Considerations:

1. The provisions of Chapter 20 were adopted 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.
2. The intent of the impervious surface limitation under section 20.27(1) is for the purpose of stormwater management and aesthetics. It is noted that a stormwater management plan is being completed by Baudhuin Inc.
3. The site is irregularly shaped as it angles off the street frontage and tapers in the back. This is considered a physical property limitation, because it makes it more difficult to efficiently layout a building and parking lot on the site, leading to access pavement.
4. With the exception of the Jim Olson site to the west at 63% impervious, all other adjoining properties exceed the impervious surface ratio including McDonalds (85% Impervious), Cherry Point Mall (95% Impervious), Sure Store (81% Impervious), Virlee Gunworks (79% Impervious), Best Western (71% Impervious).
5. Because of the large building size; more specifically the large retail area, the property is required to provide approximately 80 stalls depending on the percentage of general retail space versus retail space specifically for appliances and furniture. This appears to be compliant with the zoning code.

The Board has the ability to approve the variance as petitioned or with conditions. In this case, the Board could also approve a partial variance. 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 reasons for granting or denying the variance using the criteria.

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

Date Received: _____
Fee Paid \$ _____
Received By: _____

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (If different)
Name	Amy LaBott	Austads LLC
Company	Austads LLC	
Street Address	321 Jefferson St	321 Jefferson St
City/State/Zip	Sturgeon Bay WI 54235	Sturgeon Bay WI 54235
Daytime Telephone No.	920 743 4417	920 743 4417
Fax No.	920 743 3387	920 743 3387

STREET ADDRESS OF SUBJECT PROPERTY: 1227 Egg Harbor Rd
Location if not assigned a common address: _____

TAX PARCEL NUMBER: 281-62-100001037 281-62-10000117

CURRENT ZONING CLASSIFICATION: Commercial C1

CURRENT USE AND IMPROVEMENTS:
Former Bank Mutual building - to be demolished

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW:
20.21(1) impervious surface

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:
North: General commercial - McDonalds - Cherry point mall
South: General commercial - Storage - nite Gunwerks
East: General commercial - Best Western
West: General commercial - Jimolson express - vacant - in contract

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: Please see attached

2. Unique physical property limitation: Please see attached

3. Protection of public interest: Please 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.

Amy Austad LaBelle
Property Owner (Print Name)

[Signature]
Signature

09 02 21
Date

Applicant/Agent (Print Name)

Signature

Date

I, _____, 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.

Date of review meeting

Applicant 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

UNNECESSARY HARDSHIP:

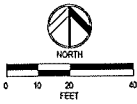
- Ace Hardware Corporation is requiring building to be a specific size for expansion
- Demand in the market for items that are not currently obtainable in Sturgeon Bay. Want to keep our community shopping in Door County
- Wide asphalt spaces are needed for semi deliveries. The semis will need to back into the loading dock area needing a large asphalt space to maneuver
- Ordinance that requires green space and parking

UNIQUE PHYSICAL PROPERTY LIMITATION:

- Odd shape of lot
- Nontraditional lot size is driving unique design to parking - reducing green space

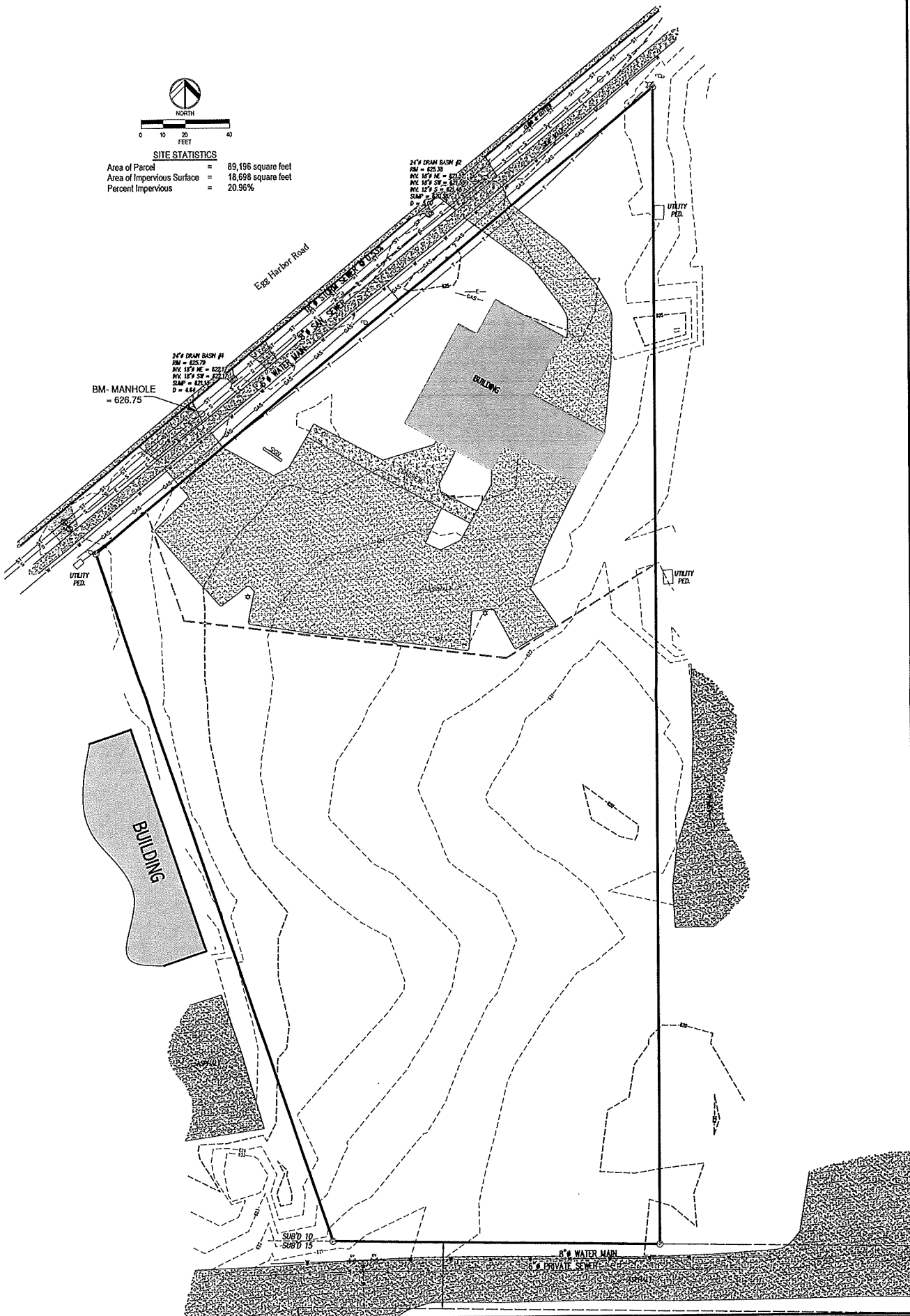
PROTECTION OF PUBLIC INTEREST:

- Numerous properties surrounding exceed current impervious surface code
- Baudhuin Inc is engineering storm water to manage site run off to city standards even with increased impervious surface
- There is a separation of parking areas so there is not a sea of asphalt
- Majority of the green space will be on the front of the property (by Egg Harbor Road), instead of behind property



SITE STATISTICS

Area of Parcel = 89,196 square feet
Area of Impervious Surface = 18,698 square feet
Percent Impervious = 20.96%



REUSE OF DOCUMENTS
THIS DOCUMENT HAS BEEN DEVELOPED FOR
A SPECIFIC APPLICATION AND NOT FOR
GENERAL USE. THEREFORE IT MAY NOT BE
USED WITHOUT THE WRITTEN APPROVAL OF
BAUDHUIN. REPRODUCTION, UNAUTHORIZED
USE IS THE SOLE RESPONSIBILITY OF THE
UNAUTHORIZED USER.

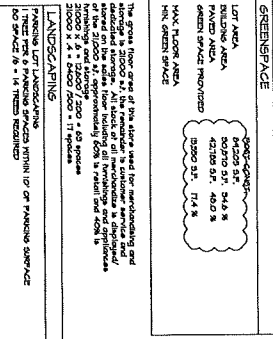
**EXISTING CONDITIONS
SITE PLAN**

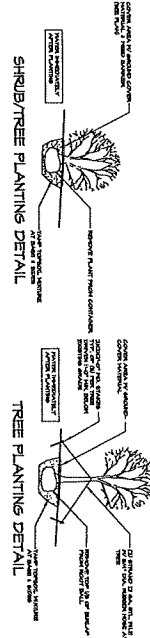
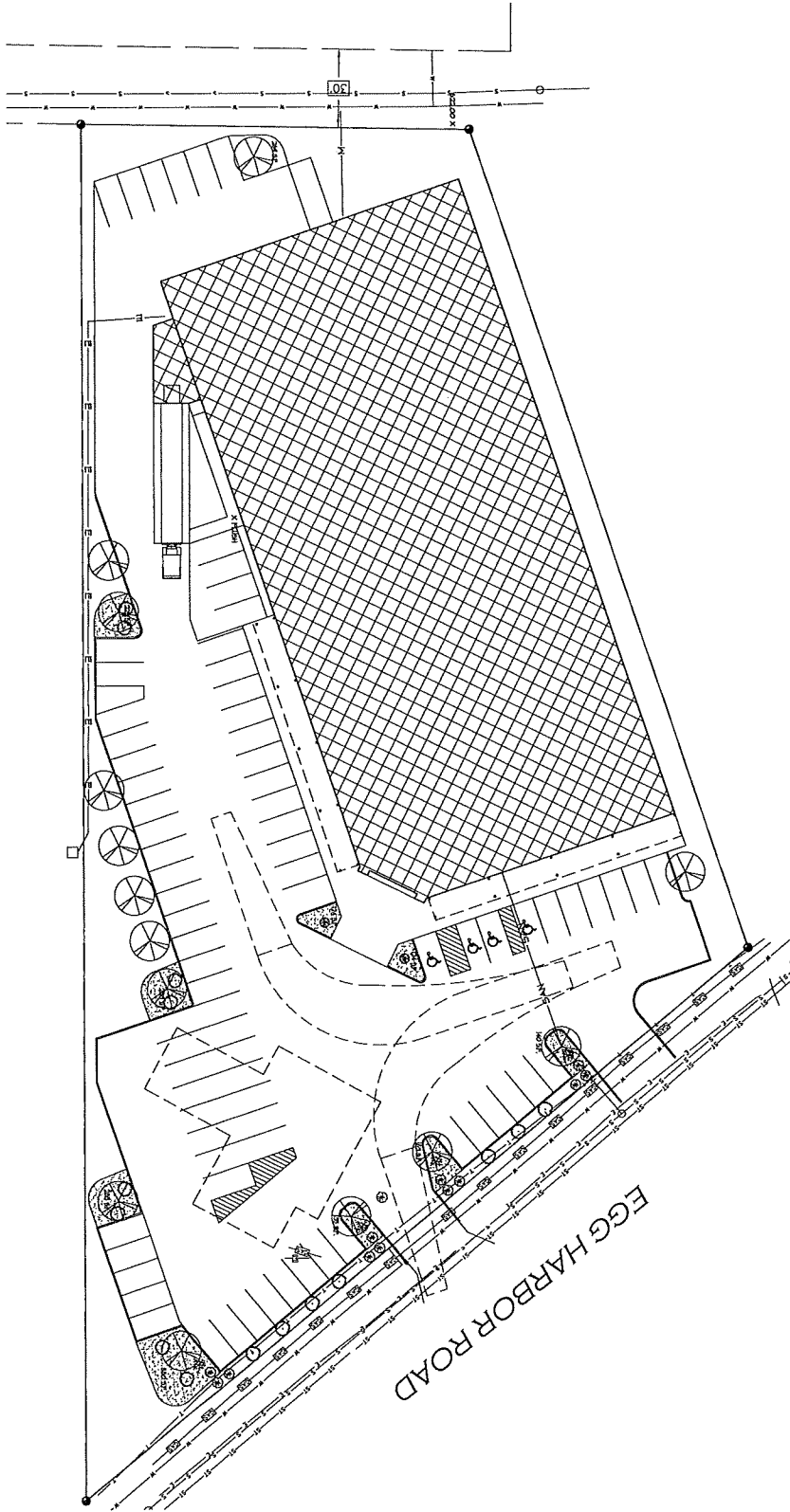
Door County Ace Hardware

BAUDHUIN
SURVEYING &
ENGINEERING

312 N. 5TH AVE.
P.O. BOX 105
STURGEON BAY, WI
54235
PHONE: 920-743-8211

PLUM (PROJECTS)	PROJECT DIRECTOR	DRAWN BY
PLUM RANGE 24181-BLASE	2/19/02	VS
REVISION DATE:	DESIGNED BY	PJL
	DATE	9/15/01
SCALE: 1" = 20'	JOB NUMBER	24181

[illegible]



LANDSCAPE TREE SCHEDULE

NO.	DESCRIPTION	QTY	SIZE	REMARKS
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NOTES

1. ALL PLANTINGS ARE TO BE PLANTED IN ACCORDANCE WITH THE FOLLOWING SCHEDULE AND SPECIFICATIONS.

2. ALL PLANTINGS ARE TO BE PLANTED IN ACCORDANCE WITH THE FOLLOWING SCHEDULE AND SPECIFICATIONS.

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LANDSCAPE SHRUB SCHEDULE

NO.	DESCRIPTION	QTY	SIZE	REMARKS
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PRELIMINARY
LANDSCAPE PLAN
1" = 20'-0"
NORTH

PRELIM DESIGN 9/17/21
PRELIM DESIGN 8/26/21 - NO EASEMENT

PROJECT INFO:

PROPOSED NEW STORE FOR:

ACE Hardware

1225 Egg Harbor Drive
City of Shurgeon Bay

DESIGNER:

FISHER & ASSOCIATES, LLC

Architects / Planners

1000 PINE LAKE DRIVE, SUITE 100
P.O. BOX 250-000
FISHKILL, NY 12521

REVISIONS:

NO.	DATE	DESCRIPTION
1	9/17/21	PRELIMINARY DESIGN
2	8/26/21	NO EASEMENT

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CORPORATE OFFICE

1000 PINE LAKE DRIVE

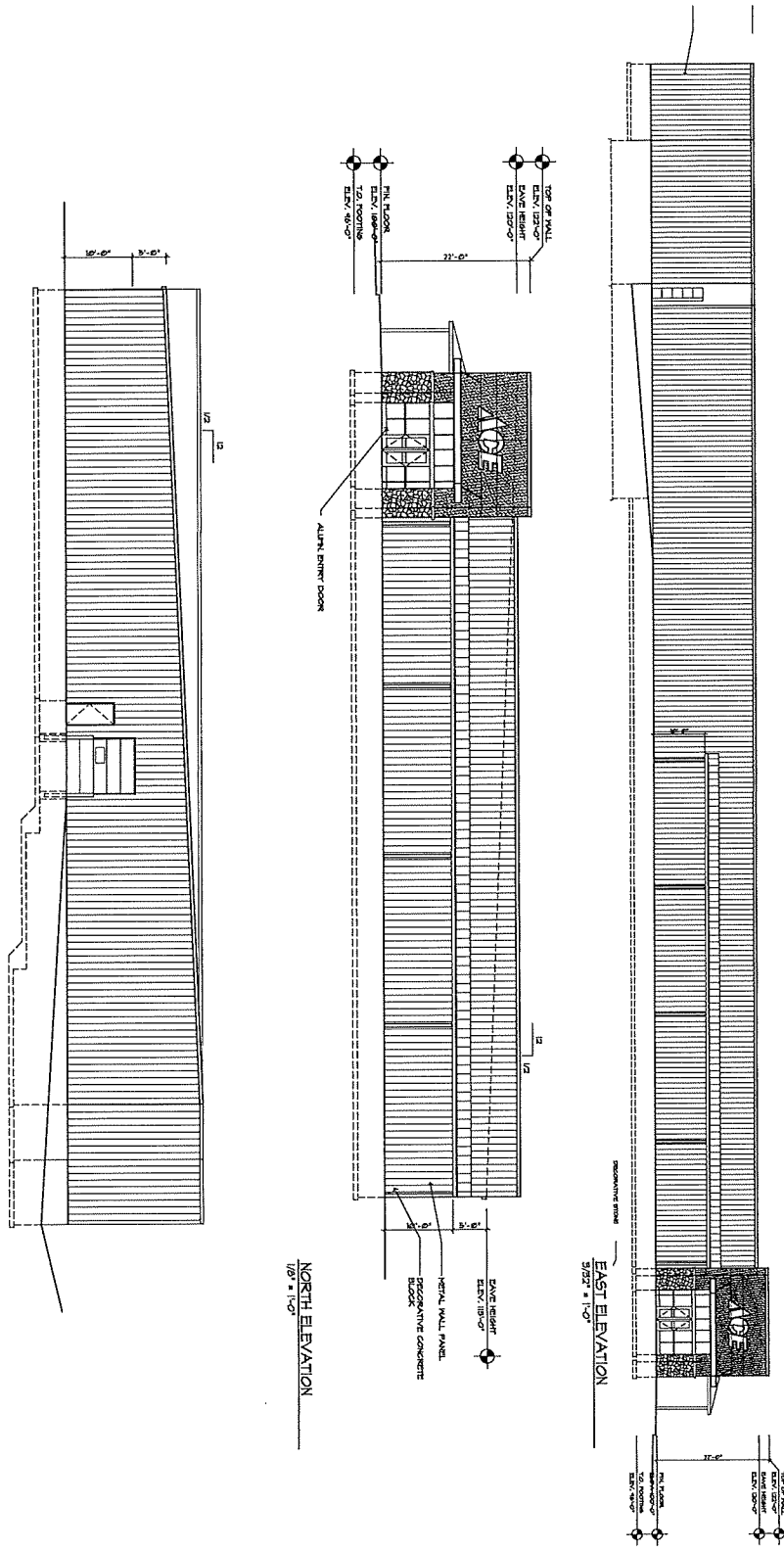
FISHKILL, NY 12521

(800) 275-1572

(800) 275-1572

FAX (800) 275-1572

1500 BULL • SMET.COM





SOUTH ELEVATION
1/8" = 1'-0"

NORTH ELEVATION
1/8" = 1'-0"

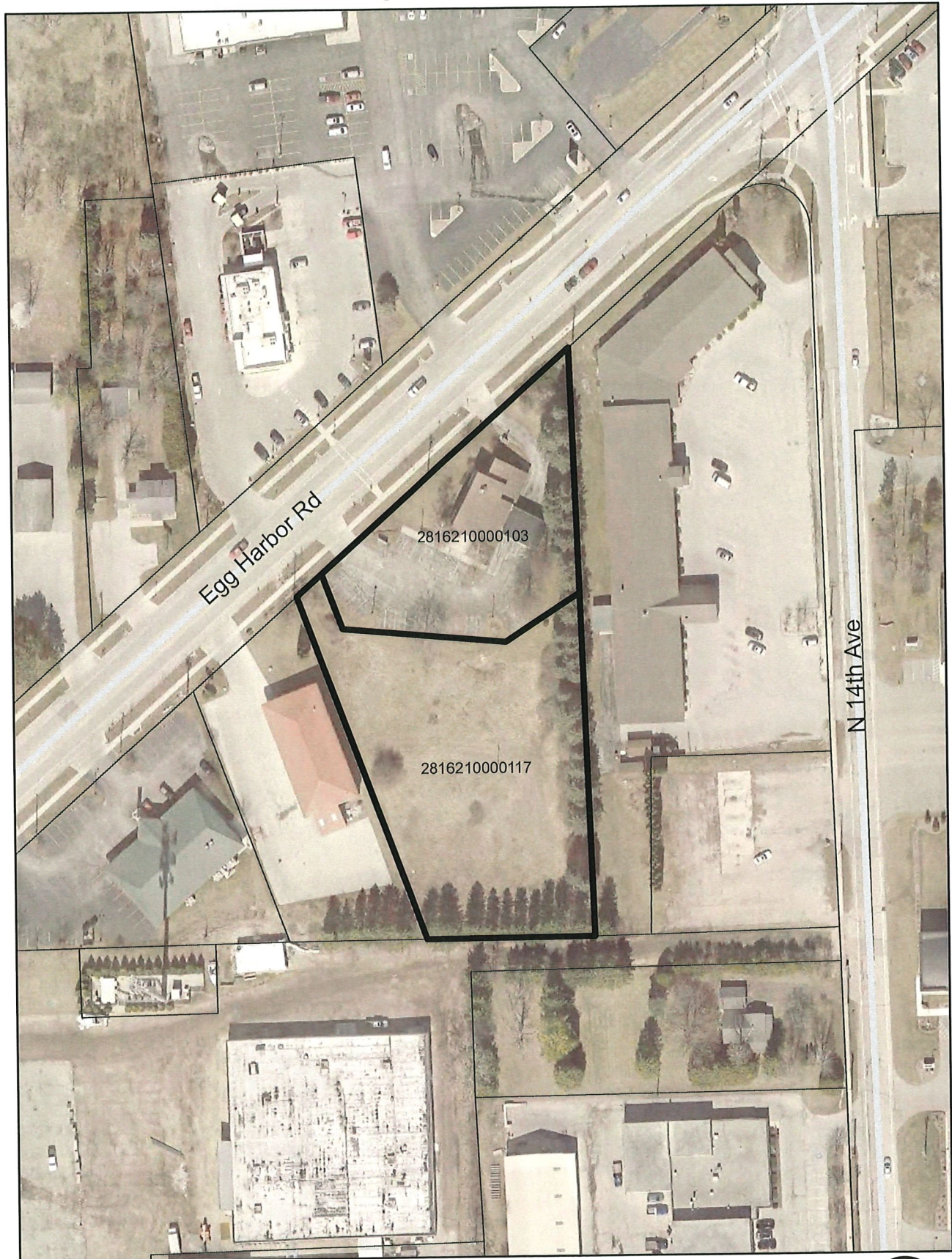
EAST ELEVATION
5/32" = 1'-0"

PRELIM DESIGN 9/17/21
PRELIM DESIGN 8/26/21 - NO EASEMENT

PROJECT INFO: PROPOSED NEW STORE FOR:  1225 Egg Harbor Drive City of Sturgeon Bay		ARCHITECT: KOSHER & ASSOCIATES, LLC Architects / Planners 1001 EAGLE LAKE ROAD, SUITE 100 STURGEON BAY, WI 54221 www.kosherassociates.com	REVISIONS: <table border="1"> <tr><td>1</td><td></td></tr> <tr><td>2</td><td></td></tr> <tr><td>3</td><td></td></tr> <tr><td>4</td><td></td></tr> <tr><td>5</td><td></td></tr> <tr><td>6</td><td></td></tr> <tr><td>7</td><td></td></tr> <tr><td>8</td><td></td></tr> <tr><td>9</td><td></td></tr> <tr><td>10</td><td></td></tr> </table>	1		2		3		4		5		6		7		8		9		10		COPYRIGHT NOTICE: THIS DRAWING IS THE PROPERTY OF C.A. SMET CONSTRUCTION CORP. AND IS SUPPLIED FOR THE SOLE PURPOSE OF COMMUNICATING OUR OFFER FOR YOUR EVALUATION AND CONSIDERATION. REPRODUCTION IN WHOLE OR IN PART, IS NOT PERMITTED WITHOUT THE EXPRESS WRITTEN CONSENT OF C.A. SMET CONSTRUCTION CORP. WE RESERVE THE RIGHT, AT OUR SOLE DISCRETION, TO REQUEST THEIR RETURN, IN WHOLE, UPON NOTICE, YOUR ACCEPTANCE OF FURNISHMENT OF THIS PROPOSAL, SIGNIFY YOUR UNDERSTANDING AND ACCEPTANCE OF THIS CONDITION.	 OUR REPUTATION IS BUILDING WWW.SMET.COM SMET CONSTRUCTION SERVICES CORP. • DESIGN/BUILD/FINANCE	CORPORATE OFFICE: 2000 PROFFIT PLACE DEPERE, WI 54605 (920) 275-9072 (920) 532-5828 (920) 532-5828 E-MAIL: BUILD@SMET.COM
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SHEET NO.:
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 DATE:
 09/20/21
A3.1

Location Map - 1227 Egg Harbor Rd Variance Request from Austad LLC



 Subject Property



Please Note: Public Hearing to be held on September 28, 2021 at 12:00 Noon.

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, September 28, 2021 at 12:00 noon or shortly thereafter, in regard to a request from Austads, LLC (Amy LaBott, Representative) for a variance from section 20.27(1) of the Sturgeon Bay Municipal Code (Zoning), which requires commercially zoned properties to limit impervious surfaces to not more than 70 percent of the total area of the lot. Austads, LLC intends to redevelop the former Bank Mutual property located at 1227 Egg Harbor Rd and the adjoining vacant property (parcel # 281-62-10000117) into the new Door County Ace Hardware store, with an impervious surface ratio of 82.6 percent. 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.