

AGENDA
CITY OF STURGEON BAY
ZONING BOARD OF APPEALS
Tuesday, November 9, 2021 at 12:00 Noon
Council Chambers, City Hall,
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from September 28, 2021.
4. Public Hearing: Petition for variance from Section 20.29(2) of the City of Sturgeon Bay Zoning Code for Richard and Barbara Nelson, located at 78 W Maple Street.
5. Consideration of: Petition for variance from Section 20.29(2) of the City of Sturgeon Bay Zoning Code for Richard and Barbara Nelson, located at 78 W Maple Street.
6. Public Hearing: Petition for variance from section 20.31(4)(c)(1) of the Municipal Zoning Code for Kwik Trip, Inc for the properties located at 1567 to 1629 Egg Harbor Rd and 1614 to 1636 Alabama Street.
7. Consideration of: Petition for variance from section 20.31(4)(c)(1) of the Municipal Zoning Code for Kwik Trip, Inc for the properties located at 1567 to 1629 Egg Harbor Rd and 1614 to 1636 Alabama Street.
8. 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

11/4/21
1:40 PM
LS

**Zoning Board of Appeals
September 28, 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, Dave Augustson, Nancy Schopf and Alternate Michael Marit were present. Members Bill Chaudoir and Morgan Rusnak were excused. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, City Engineer Chad Shefchik and Deputy Clerk/Treasurer Laurie Spittlemeister.

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

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.

All ayes. Carried.

Approval of Minutes from August 24, 2021:

Moved by Mr. Murrock, seconded by Ms. Schopf to approve the minutes from August 24, 2021. All ayes. Carried.

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:

Chairperson Murrock opened the public hearing at 12:04 p.m.

Ms. Spittlemeister read the notice of public hearing.

Mr. Sullivan-Robinson explained Austad, LLC would like to relocate their ACE Hardware store to 1227 Egg Harbor Road and the empty lot to the south. Since the building dimensions, number of parking spaces needed and oddly shaped lot, it is challenging to meet the impervious surface limit of 70% or less. Austad, LLC is requesting a variance that would allow their impervious surface ratio to be 82.6% for the property located at 1227 Egg Harbor Rd and the adjoining parcel #281-62-10000117.

Pete Hurth, Project Engineer for Baudhuin Surveying & Engineering, 312 N 5th Avenue, stated that in order for Austad, LLC to relocate to a new location, ACE Hardware corporation recommendation for the building square footage needs to be at least 30,000 square feet. In addition to building and required parking spaces, there also needs to be an area for trucks to back into the loading dock. Multiple design options for parking were explored. After digging borings at the site, bedrock was not hit. Water from the roof is considered clean water and can be absorbed into the ground rather than collected and sent to retention pond. In addition to small storm ponds on site, permeable pavers will be added to handle water shed on the site. During heavy rainfalls, some water will be held on site and slowly released to the retention pond next to CVS Pharmacy.

Skyler Wilson, Professional Engineer for Baudhuin Surveying & Engineering, 312 N 5th Avenue. Storm water regulations fall into two classifications, water quality and water quantity, with the City of Sturgeon Bay's regulations more stringent than the DNR. Roof water will be infiltrated to the ground on the back of the building. Water from the employee parking lot will be held on site in one of the three small stormwater ponds before going offsite to the retention pond next to CVS Pharmacy.

Mr. Murrock asked the area for the permeable pavers.

Mr. Willson replied that in total, there will be 2,500 square feet of permeable pavers.

Mr. Murrock inquired what is catching the water under the pavers.

Mr. Wilson responded there is 6 inches of loose clean stone aggregate layer, then 18 inches of clean stone layer underneath that allows water to filter and retain water.

Mr. Murrock asked City Engineer if CVS Pharmacy had permeable pavers.

Mr. Shefchik replied CVS does not have permeable pavers, but are used more often lately. Design still approved by the DNR.

Mr. Augustson asked if retaining pond will be all grass and if trees will be planted around them.

Mr. Wilson stated that retaining ponds will be grass and trees can be planted on the top shoulders.

Mr. Olejniczak questioned whether or not the permeable pavers would be considered pervious.

Mr. Wilson replied that they are still impervious surface.

Mr. Shefchik pointed out that when original design for Egg Harbor Road done, 18 feet on the back side of the sidewalk shows runoff towards the street.

Mr. Hurth stated that design detains watershed and allows less runoff and for more water to go to the retention pond at CVS Pharmacy than it does currently.

Mr. Murrock inquired on the building elevation, the pitch of the parking lot, if the loading dock was a well and if storm drains will be used in the parking lot.

Mr. Hurth replied the building elevation was 625.5 on the high side of the site. Parking lot pitch will be 2-3% and will be pretty flat. The loading dock will be a well and will have a pipe that will drain into the storm pond. Storm drain in the parking lot will be pushed to the far curb.

Mr. Augustson asked if they reduced the amount of the parking spaces if that would greatly reduce the amount of impervious surface.

Amy LaBott, 908 Rhode Island Street, owner of ACE Hardware, stated that with the City's requirements and ACE recommendations they could not reduce the amount of parking stalls for the new location. Parking for trucks with trailers would also need to be considered. With the new store, there would be more employees. At their current location, their customers have use of a public lot across the street. Taking away parking stalls was not an option.

Mr. Augustson asked what ACE Hardware's recommendations are for parking.

Ms. Labott replied that ACE's recommendation for parking spaces are 3-5 per 1000 square feet of selling space. They are currently on the lower end at just over 3 parking spaces.

Mr. Murrock inquired on the time frame when the new store would be open.

Ms. Labott responded that they are hoping to break ground in November and get the slab poured in time for the delivery of the steel frames. She is hoping the construction of the building will take place next spring and summer for the store to open in September 2022.

Rich Fisher, architect for Fisher & Associates, LLC, W13654 Balsam Lake Rd, Crivitz. They looked at a number of different layouts for parking. The layout presented is the one with the most parking for the parcel. Parking along the building and a reasonable driveway area for the semi-trailers to back up. The layout also provided the most amount of parking for trucks/trailers with the least amount of pavement. This operation is unique because most of the product is on the floor. There is not a lot of product back in storage. In considering the lifts for the loading dock, this parking layout is the most efficient. Nice barrier for landscaping on the street side and a lot of effort went into storm water management so the site will perform as though it had 30% pervious green space.

Mr. Murrock asked if they neighboring businesses were in favor of ACE Hardware building on the parcel.

Ms. Labott explained that Steve Estes, owner of parcel behind, is very aware of their plan. The Jim Olson building currently on the market and there is an accepted contract. They have not had any communication with that new owner or Best Western hotel.

Mr. Murrock inquired if there was any consideration for underground containment chambers.

Mr. Hurth responded that they are still considering burying underground chamber for the roof runoff on the back side of the building. Another option would be to hollow the ground to get the same volume. Placing underground chamber under the parking lot is tricky, as they would have to ensure the grade works to drain properly into the pond and then off the site. The option for permeable pavers in the parking lot was chosen instead.

Mr. Murrock asked if the retention ponds built next to CVS Pharmacy were also capable of handling the additional water from the ACE Hardware site.

Mr. Hurth replied that discharge from the site will be less than the predeveloped system.

Mr. Murrock questioned where the water from the parking lot across the street at Cherry Point Mall flows.

Mr. Hurth explained that there is a dip in the parking lot where a large underground pipe connects to a big storm sewer and ends up at the CVS retention pond. He explained the large area of watershed that feeds the CVS retention pond.

Mr. Murrock asked where the water flows by Evenson Laundry.

Mr. Shefchik replied that water from that area goes to the nearby creek line that flows behind WPS and connects to the big storm water pipe that then flows to Memorial Drive.

Mr. Olejniczak commented on the following:

- 1 – the City ordinance is a per square footage rule for parking at retail establishments and tries not to encourage additional parking
- 2 – the 70% impervious rule predates the storm water ordinance

3 – the property owner did try to make attempts to reduce the impervious area on the site, including trying to have access to the property to the south for truck to use and different layouts for the parking lot design, along with putting in an offer for additional property. The lot is an odd shape, hindering the design plan for parking.

Mr. Hurth explained that there are challenges to having permeable pavers. One thing that can be done is to pile snow on top during the winter so they are not damaged by plowing.

Mr. Murrock inquired if there was curbing along the parking lot with outlets into the retention areas.

Mr. Hurth responded yes.

Josh VanLieshout, 324 N 12th Avenue, stated that repurposing the site for another use is great for the city in addition to using existing infrastructure. The stormwater runoff will be less post redevelopment than it currently is now on the site. Enabling a local business to expand is a good thing for the city.

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 opposition of the variance request.

The public hearing was declared closed at 12:48 p.m.

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:

Mr. Murrock stated that Austad, LLC has made every effort possible to explore options for a lower impervious surface on the site.

Moved by Ms. Schopf, seconded by Mr. Marit to approve variance from Section 20.27 (1) of the City of Sturgeon Bay Zoning Code for Austad, LLC located at 1227 Egg Harbor Road and Parcel #281-62-10000117 as petitioned. Reasons for granting are they have met all conditions for parking and storm water requirements and surrounding lots exceed the impervious surface ratio. Roll call: all ayes. Carried.

Moved by Mr. Augustson, seconded Ms. Schopf to adjourn. All ayes. Carried. The meeting adjourned at 12:53 p.m.

Respectfully submitted,

Laurie Spittlemeister,
Deputy Clerk/Treasurer

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



Phone: 920-746-2907
Fax: 920-746-2905
E-mail: csullivan-robinson@sturgeonbaywi.org
Website: www.sturgeonbaywi.org

MEMO

To: Zoning Board of Appeals
From: Christopher Sullivan-Robinson
Date: November 4, 2021
Subject: 78 W Maple Street – Variance Review

Richard and Barbara Nelson are petitioning the Zoning Board of Appeals to grant a variance from section 20.29(2) of the Municipal Code (Zoning). This section regulates the siting and design of accessory buildings for single- and two- family dwellings. Sub 2. Requires accessory buildings to be setback 25 feet from the street right-of-way line.

The applicant proposes to construct a 24' x 28' detached garage which will be located north of the dwelling setback 15 feet from them W Locust Street right-of-way line. This is a 10-foot encroachment which makes it not permissible by the zoning code.

The subject property is located at 78 W Maple Street and contains a single-family residence. The property is an "L" shaped lot that has street frontages along three property lines including W Maple Street, W Locust St, and N Lansing Ave.

Other consideration: In the past, the Board has reviewed setback variances by comparison of the setbacks of other properties within the neighborhood. A map is attached in your packet for review.

Options: The Commission has the ability to approve the variance as presented, approve the variance with conditions or deny the variance. The committee can also grant a partial variance. All decisions should be supported with reasons that incorporate where or not there is a unique hardship, physical property limitations, and affect to the public interests.

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

Date Received: 10-7-21
Fee Paid \$ 350.00
Received By: [Signature]

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (If different)
Name	Richard T + Barbara L Nelson	
Company		
Street Address	78 W Maple St	
City/State/Zip	Sturgeon Bay WI 54235	
Daytime Telephone No.	920-646-1732 / 920-256-1017	
Fax No.		
STREET ADDRESS OF SUBJECT PROPERTY: <u>78 W Maple St St. Bay, WI 54235</u> Location if not assigned a common address: _____		
TAX PARCEL NUMBER: <u>281-12-10070901 R</u>		
CURRENT ZONING CLASSIFICATION: <u>Central Business District C-2</u>		
CURRENT USE AND IMPROVEMENTS: <u>one family 2 story Residence</u>		
IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: <u>20-29 Accessory Building Height and Area Regulations Single family dwelling + 2 story family dwelling</u>		
ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES: North: <u>Maple St. Mexs Sport shop across st is commercial</u> South: <u>Alley across st is residence owned by Mark Buechner</u> East: <u>Multi family 2 story apartment building</u> West: <u>Commercial L Blue Front Cafe on 1st floor - owner residence on second floor</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: Current residence has neither a garage or a storage building - see attached -
2. Unique physical property limitation: limited lot size + zoning restrictions do not allow construction of a garage - see attached -
3. Protection of public interest: Construction of a garage will make property more valuable + attractive to neighbors - see attached -

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? _____ 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.

Richard T. Barbatal Nelson Richard T. Nelson/B. Nelson Oct. 4, 2021
Property Owner (Print Name) Signature Date

N/A _____
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.

10/7/2021
Date of review meeting

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

ADDENDUM TO
CITY OF STURGEON BAY
VARIANCE APPLICATION
ZONING BOARD OF APPEALS

The following information is presented in support of the variance application presented by Richard T. and Barbara L. Nelson in an effort to obtain permission to build a two stall, one story garage on their property located at 78 West Maple Street in Sturgeon Bay. The parcel in question is legally defined as Bay View Plat Lot 9, Block 7, E 2' of S 104.2" Lot 10 & N 45'10" of Lot 10 Block 7; parcel number 281-12-10070901 R.

In the document entitled, "What is a Variance?", under the heading "Variance Standards", it is mentioned that "The Wisconsin Supreme Court has ruled that unnecessary hardship only exists when the zoning ordinance denies all reasonable use of the property." It is further stated that the variance application must show that the "Application of the zoning ordinance to the site must cause unnecessary hardship." We argue that the current zoning ordinance: 1) Presents us with an unnecessary hardship by denying us all reasonable use of the property; 2) Due to the unique physical property limitations, prevents all reasonable use of the property; and, 3) Is not contrary to the public interest.

UNNECESSARY HARDSHIP

The current Sturgeon Bay Wisconsin Code of Ordinances, at paragraph 20.29, Accessory Building Height and Area Regulations – Single Family Dwellings and Two Family Dwellings, paragraph (2) *Street Yard*, reads as follows: *"There shall be a minimum setback from the street right-of-way line of 25 feet."*

For the lot in question (Lot 9, Block 7 of the Bay View Plat; 78 West Maple Street) this minimum setback requirement represents an unnecessary hardship for the owners because it does not permit the construction of a garage on the premises. Strict compliance with the minimum 25-foot setback would allow only approximately 13 feet of buildable space between that setback and the 5-foot setback required from the existing residential structure located on the premises.

Sturgeon Bay homeowners (including the residents of 78 West Maple Street) are better able to comply with other municipal ordinances (such as outdoor storage) if a garage is present on the property. In the absence of a garage, lawn care, gardening, snow removal and other equipment must remain outdoors. Furthermore, given the often-heavy snow accumulation during winter months, the NOW-retired applicants for this variance would have a much easier time caring for their vehicles.

Locust Court, the unmarked alley to the north of the property (and to which the above mentioned 25-foot setback is applied) is considered by the City of Sturgeon Bay to be a street rather than an alley and, as such, is subject to the same setback requirements that would apply

to a main thoroughfare such as Maple Street which is the southern boundary of the lot in question. If Locust Court were considered an alley, the setback would be reduced.

In the block of West Maple Street on which the property is located, there are five commercial properties (a gas station, a bank, two combination first floor retail outlets/apartments on the second floor, and one restaurant with an apartment on the second floor). The residence in question, which is located at 78 West Maple Street, is the only exclusively residential property on the block. The two combination retail outlets/apartments include garages that face Locust Court. One of those garages (at 58 and 60 West Maple Street) is less than 9 feet from the Locust Court pavement, while the property immediately adjacent to the south of 78 West Maple Street is less than 22 feet from the Locust Court pavement.

In light of these observations, the applicants request that a variance be granted to the Sturgeon Bay Wisconsin Code of Ordinances, paragraph 20.29, Accessory Building Height and Area Regulations – Single Family Dwellings and Two Family Dwellings, paragraph (2) to allow us to construct a two stall, one story garage facing Locust Court on our property located at 78 West Maple Street.

Unique Physical Property Limitation

The limited 52-foot width of Lot 9 of the Bay View Plat limits construction options and virtually eliminates the possibility of building a garage. In addition to the two “grandfathered” garages on Locust Street mentioned above, one more grandfathered garage is present on the opposite (north side) of Locust Court which is similarly out of compliance with the existing setback requirements. While the three garages in question existed prior to the passing of the municipal code (and therefore understandably do not comply with newer regulations), it also seems reasonable that if three nonconforming garages are present on the alley, it would be unfair to deny the present variance request that would construct another garage on Locust Court that would be no closer to the pavement than the existing structures.

It is worth pointing out that a portion of Lot 10 of the Bay View Plat, which also forms part of the property in question, is similarly limited to a an additional 48-feet of property along Locust Court. However, because this is a corner property, which also fronts on Lansing Avenue, setback requirements would not permit the construction of a garage on this portion of Lot 10 either.

Given these unique physical property limitations, and the resulting inability to construct a garage while still abiding by setback requirements, the applicants request that a variance be granted to the Sturgeon Bay Wisconsin Code of Ordinances, paragraph 20.29, Accessory Building Height and Area Regulations – Single Family Dwellings and Two Family Dwellings, paragraph (2) to allow us to construct a two stall, one story garage facing Locust Court on our property located at 78 West Maple Street.

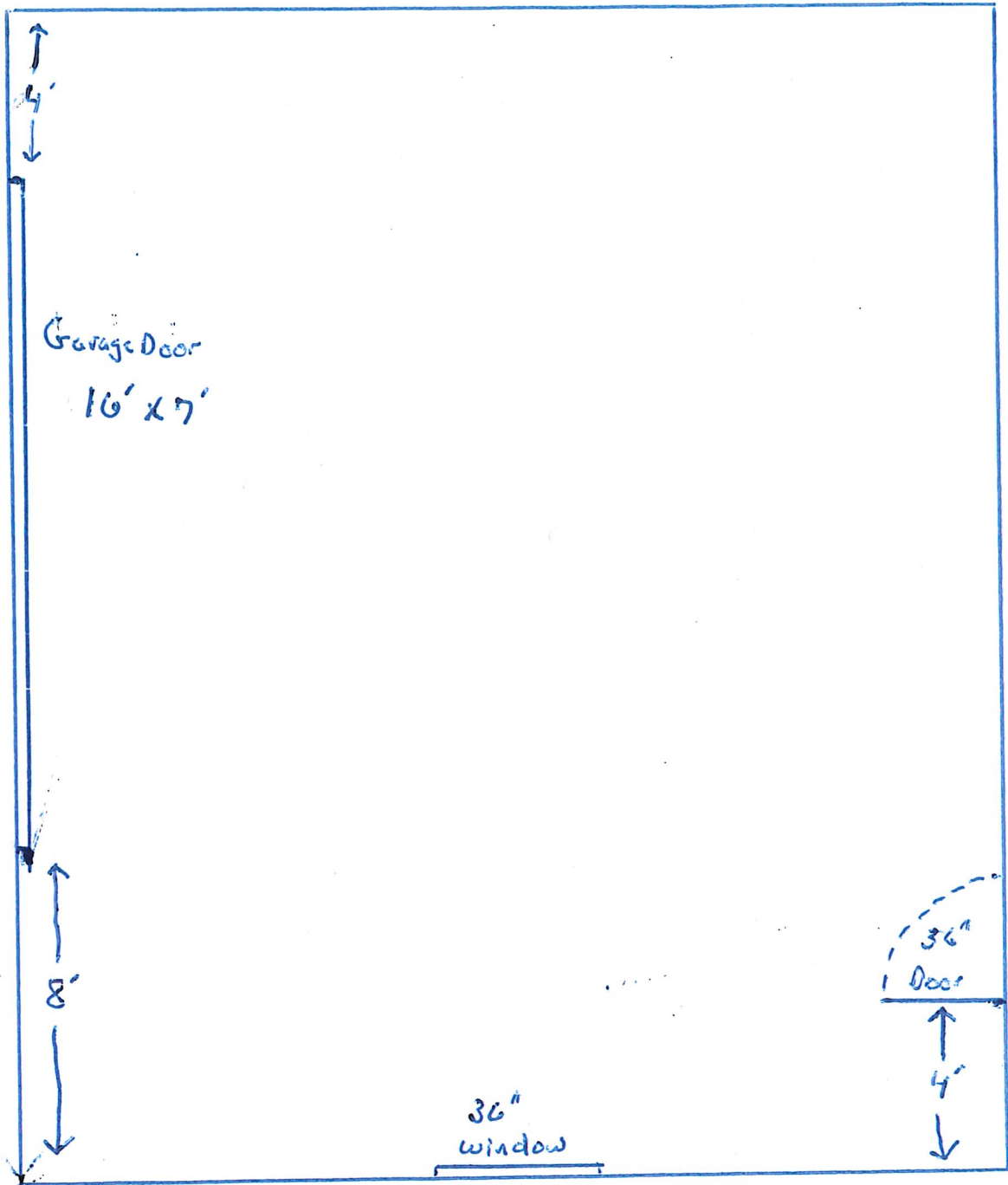
Protection of Public Interest

The construction of a new garage (that would be possible with requested variance) will enhance both property values and the general appearance of the neighborhood. In addition, if the requested variance were granted, it is the owners' intent to line the new garage up on Locust Court with the neighbor's existing garage (at 72 West Maple Street) locating it approximately 22 feet from the Locust Court pavement. This would place the new garage's Locust Court-facing north wall approximately 14 feet inside the 25-foot setback currently required by the City Ordinance. To a casual observer, the new garage would not be out of place because it would be no closer to Locust Court than is the existing garage on the neighboring property. Finally, the City would not be inconvenienced if improvements were to be made to Locust Court because the new garage would be no closer to Locust Court than is the existing garage on the neighboring property. Twenty two feet of space would still exist between the proposed garage and the existing Locust Court pavement.

Given this contention that the proposed new garage is not contrary to public interest, the applicants request the granting of a variance to Sturgeon Bay Wisconsin Code of Ordinances, paragraph 20.29, Accessory Building Height and Area Regulations – Single Family Dwellings and Two Family Dwellings, paragraph (2) that would allow us to construct a two stall, one story garage facing Locust Court on our property located at 78 West Maple Street.

EAST

24'



Truss - Attic Storage

Framing: 2x6"

Wall Height: 8'

Roof: 5/12 Pitch

Architectural Shingles

Ice & Water 2 Courses

Ridge Vent

Eave & Gable: 1' Aluminum Soffit & Fascia

1/2" Anchor Bolts

WEST

Vinyl Siding - Double 4'

Wall Sheathing: 7/16" OSB

Roof Sheathing: 1/2" OSB

78 West Maple Street

Rick Nelson (920) 646-1732

rthornel2003@yahoo.com

LOCUST COURT

← 100' →

↑ 22' To Pavement
↓

← 16' →
TO LOT LINE

↑ 24' ↓

PROPOSED
GARAGE

← 28' →

Street
Setback

House
Setback

← 48' →

LOT 10 BAY VIEW PLAT

LAUSING AVENUE

Deck

29' 7 1/2"

House

19' 10"

8' 9"

21' 2 1/2"

38' 8"

← 38' 11" →

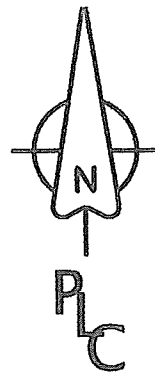
← 11' 3" →

↑ 150' ↓

LOT 9 BAY VIEW PLAT

← 52' →

1:50 FT SCALE



SCALE
1" = 20'

LOCUST COURT

blacktop

27'

N 89°57'30" E

(100')
100.61'

power pole

gravel

concrete
(typical)

LOT 10

Parcel contains
10,024 sq. ft.
(0.230 acres)

LOT 9

overhead
wires

LOT 8

● = FOUND 1" IRON PIPE

▲ = FOUND CHISELED "X"

○ = SET 5/8" REBAR

() DENOTES "RECORDED AS"

ALL BEARINGS ARE BASED ON PREVIOUS
CERTIFIED SURVEY MAPS

N 89°53'48" W

(48')
48.36'

In base of
pine tree

wood
deck

3.2'

N 00°04'25" E

9.6'

HOUSE

prepared for
RICHARD & BARBARA NELSON
78 W. MAPLE STREET
STURGEON BAY, WI 54235

prepared by
PENINSULA LAND CONSULTANTS, L.L.C.
185 E. WALNUT STREET #115
STURGEON BAY, WI 54235

deck

0.6'

104.17'
(104'2")

0.3'

concrete
(typical)

(150')
149.73'

dish

1.0'

(100')
100.74'

N 89°53'48" W

(52')
52.38'

(48')
48.36'

SW corner
Block 7

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, November 9, 2021 at 12:00 Noon or shortly thereafter, in regard to a variance request from Richard and Barbara Nelson for a variance from section 20.29(2) of the Municipal Code (Zoning), which requires accessory buildings to be setback at least 25 feet from the street right-of-way line and no closer than the principal building to the street at its nearest point. The Nelson's intend to construct a 24' x 28' detached garage, which would be setback 15' from Locust Court right-of-way. The subject property is located at 78 W Maple Street; parcel #281-12-10070901. 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: www.sturgeonbaywi.org. The public is invited to give testimony regarding the variance request in person at the hearing or in writing.

By order of:
City of Sturgeon Bay Zoning Board of Appeals.

Public Hearing Location Map

78 W Maple Street - Variance Request



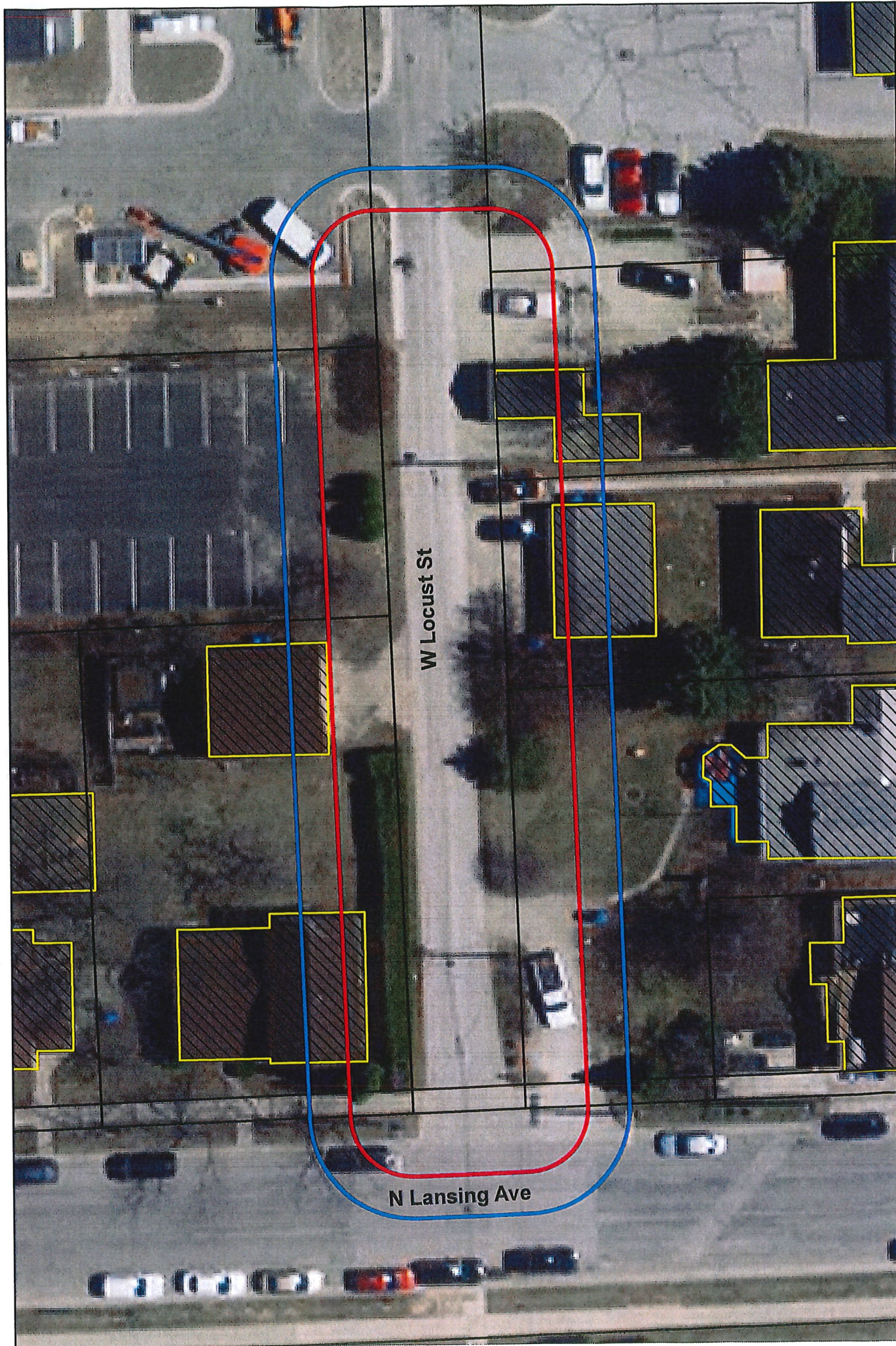
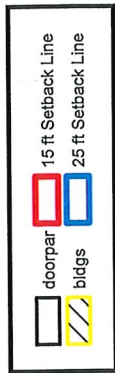
 Subject Property

Please Note: Zoning Board of Appeals Public Hearing to be Held on November 9, 2021



Locust Street Setback Analysis

1 inch = 30 feet





MEMO

To: Zoning Board of Appeals
From: Christopher Sullivan-Robinson
Date: November 3, 2021
Subject: Kwik Trip Variance Review

Seth Waddell agent for Kwik Trip, Inc is petitioning the Zoning Board of Appeals to grant a variance from section 20.31(4)(c)(1) of the Municipal Code (Zoning). This section requires that off-street parking areas be setback at least 5 feet from the street right-of-way. The proposed parking lot design is shown with no setback off of the Egg Harbor Road right-of-way.

Off-street parking requirements are typically required with any new construction, expansions, or increase in capacity of a building. The setback rules from the right-of-way apply to all land uses except those serving single and two family residential which have their own rules. The setback allows for green space and separation from the right-of-way and public improvements.

Other considerations:

1. For the majority of Egg Harbor Rd, the right-of-way width is approximately 100 feet wide. However, 1567 Egg Harbor Rd (as well as Nightingale Supper Club and Hotel properties) only have 60 feet of right of-way width. The City does have interest in obtaining a 20-foot-wide strip along the frontage of this property to widen the Egg Harbor Rd right-of-way.
2. The existing parking lot serving Malvitz Furniture Store and Nightingale are located within the right-of-way. The proposed parking area for Kwik Trip parking lot would be setback further than those existing parking areas.
3. The drive lane between the subject parking area and the gas canopy is 50 feet wide while the other drive lane south of the canopy is 37.5 feet. The minimum two-way drive lane is 24 feet wide.

Options: The Commission has the ability to approve the variance as presented, approve the variance with condition or deny the variance. The committee can also grant a partial variance. All decisions should be supported with reasons that incorporate whether or not there is a unique hardship, physical property limitations, and affect to the public interests.

Recommendation: Staff has no opposition to granting the variance however, a condition should be made that a 20 ft wide strip along the Egg Harbor Rd frontage of parcel 281-70-32001610 be dedicated to the City.

PdC 211005 #6 JM

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

Date Received: _____
Fee Paid \$ 350.00
Received By: _____

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Seth Waddell	
Company	Kwik Trip, Inc	
Street Address	1626 Oak Street	
City/State/Zip	LaCrosse WI 54602	
Daytime Telephone No.	608-793-4933	
Fax No.		
STREET ADDRESS OF SUBJECT PROPERTY: <u>1611, 1629, 1601 Egg Harbor Rd, 1614, 1636 Alabama St</u> Location if not assigned a common address: _____		
TAX PARCEL NUMBER: <u>2817032001610, 2817033001101, 2817033001102, 2817033001103,</u> <u>2817033001104, 2817033001104, 2817033001105A, 2817033001105B</u>		
CURRENT ZONING CLASSIFICATION: <u>C-1/R-4</u>		
CURRENT USE AND IMPROVEMENTS: <u>Malvetz Furniture & Flooring, Storage, Homes</u>		
IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: <u>20.31 OFF STREET PARKING REQUIREMENTS; 5 FT SETBACK FROM STREET R.O.W.</u>		
ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES: North: <u>Commercial - cemetery</u> South: <u>Residential</u> East: <u>Residential</u> West: <u>Commercial</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: 5 foot ROW setback for back of curb

2. Unique physical property limitation: Due to design minimums and the odd shape of the site the back of curb isn't able to be offset five feet to meet requirements

3. Protection of public interest: Site is still designed within the limits of the boundary.
Only item affected is 5 foot of green space and possibly trees

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.

Robert Van Don Bogaert
Property Owner (Print Name)

Robert Van Don Bogaert
Signature

9-27-21
Date

Seth Waddell
Applicant/Agent (Print Name)

Seth Waddell
Signature

9/24/21
Date

I, Seth Waddell, 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.

6/30/21
Date of review meeting

Seth Waddell
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

NOTICE OF PUBLIC HEARING

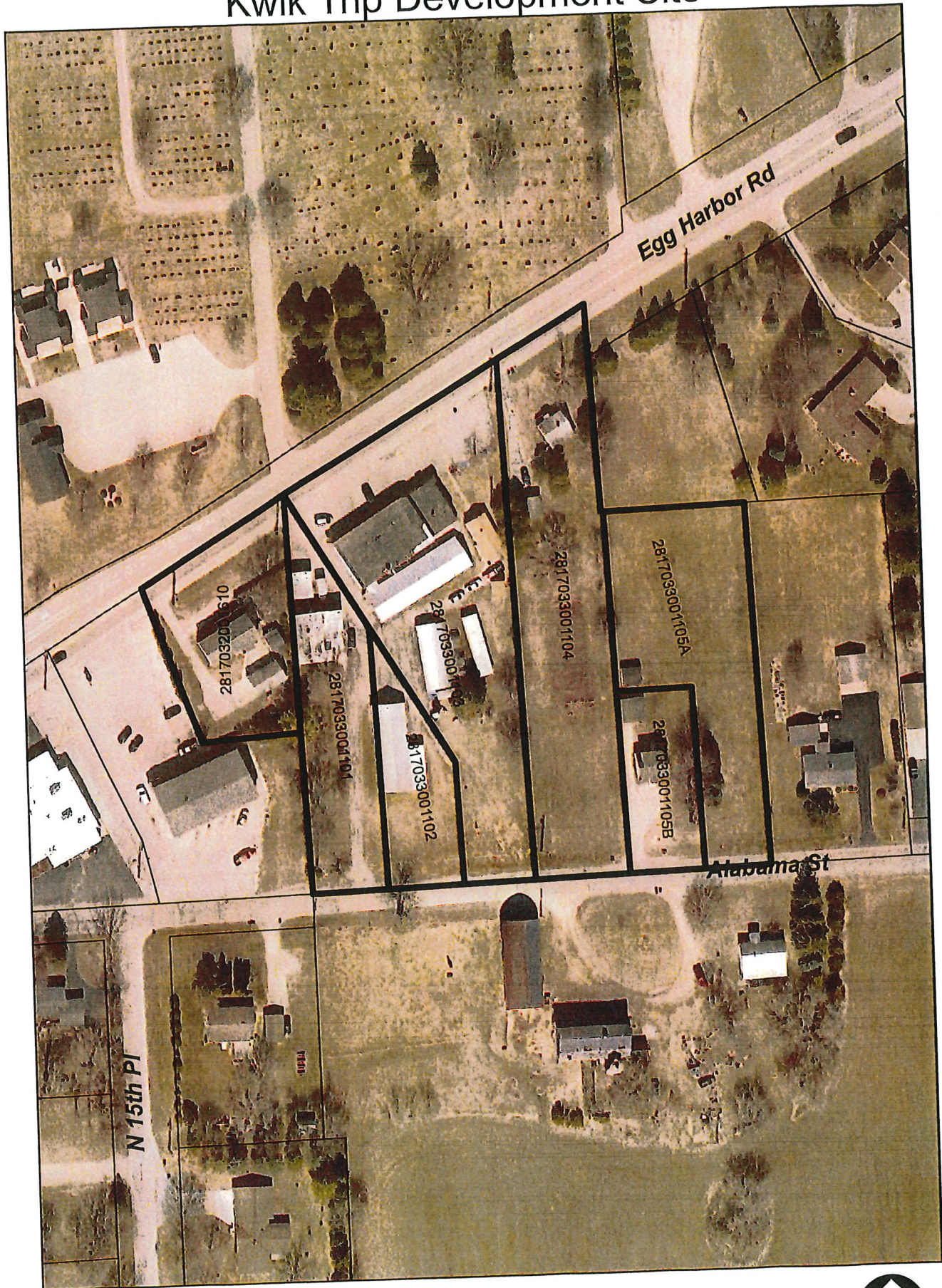
The City of Sturgeon Bay Zoning Board of Appeals will hold a public hearing in the Council Chambers, 421 Michigan Street, Sturgeon Bay, Wisconsin on Tuesday, November 9, 2021 at 12:00 Noon or shortly thereafter, in regard to a request from Kwik Trip, Inc. for a variance from Section 20.31(4)(c)(1) of Sturgeon Bay Municipal Code (Zoning Code), which requires off street parking spaces to be located at least five feet from any public right-of-way. Kwik Trip, Inc. intends to construct a new gas station / convenience store with a parking lot that will encroach the setback from Egg Harbor Road right-of-way by 5 feet (i.e. no setback). This variance includes the following properties:

- 1567 Egg Harbor Rd; 281-70-32001610
- 1601 Egg Harbor Rd; 281-70-33001101
- 1614 Alabama Street; 281-70-33001102
- 1611 Egg Harbor Road; 281-70-33001103
- 1629 Egg Harbor Road; 281-70-33001104
- 1636 Alabama Street; 281-70-33001105A & B

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: www.sturgeonbaywi.org. The public is invited to give testimony regarding the variance request in person at the hearing or in writing.

By order of:
City of Sturgeon Bay Zoning Board of Appeals.

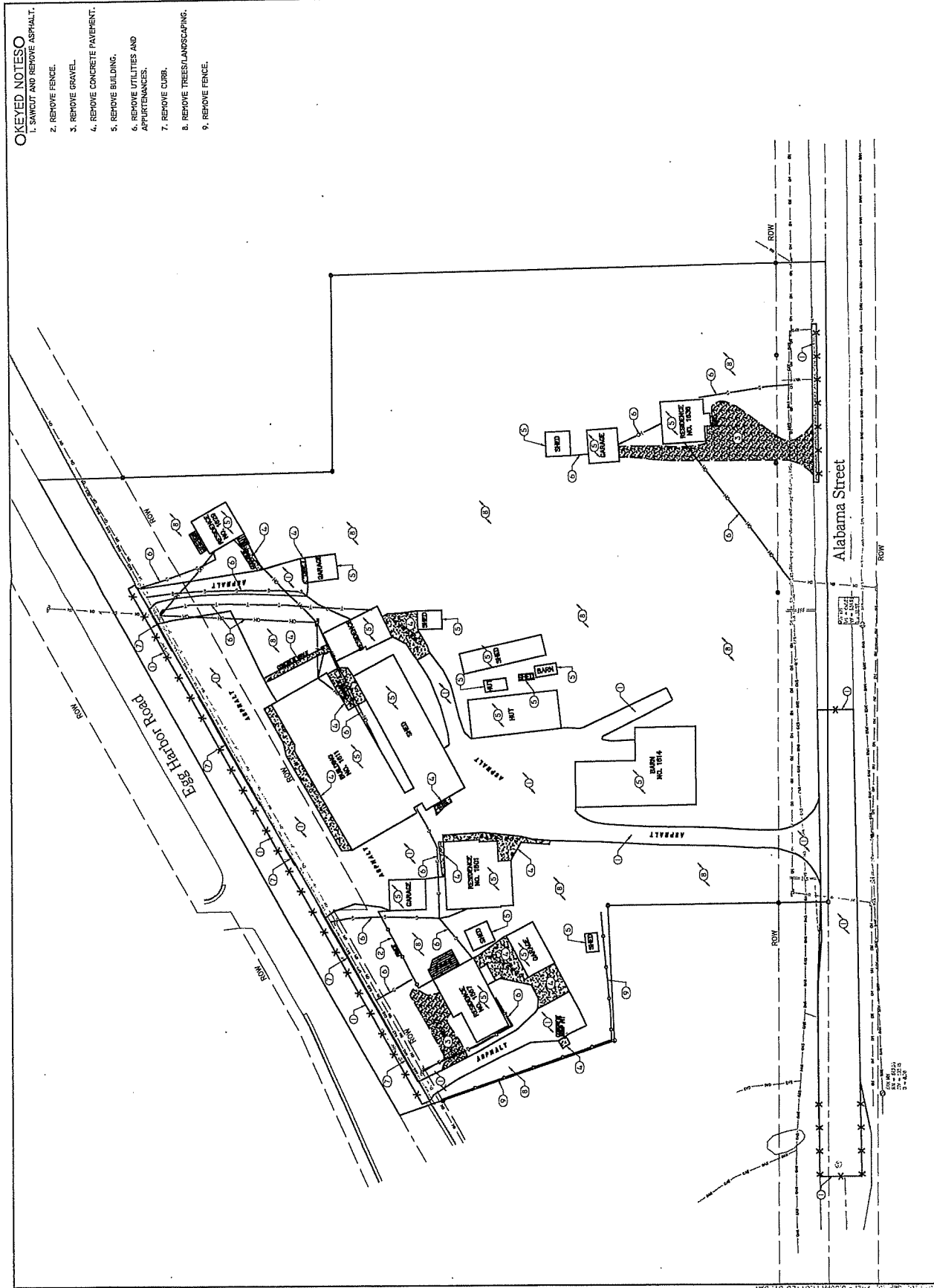
Public Hearing Location Map Kwik Trip Development Site



 Subject Property

Please Note: Zoning Board of Appeals Public Hearing to be held on November 9, 2021





KEYED NOTES

1. SAWCUT AND REMOVE ASPHALT.
2. REMOVE FENCE.
3. REMOVE GRAVEL.
4. REMOVE CONCRETE PAVEMENT.
5. REMOVE BUILDING.
6. REMOVE UTILITIES AND APPURTENANCES.
7. REMOVE CURB.
8. REMOVE TREES/LANDSCAPING.
9. REMOVE FENCE.

STORES

STORES

KWIK TRIP, Inc.
 P.O. BOX 2107
 LA CROSSE, WI 54602-2107
 PH: (888) 781-8988
 FAX: (888) 781-8980

REI
 CIVIL & ENVIRONMENTAL
 ENGINEERING, SURVEYING
 INC.
 1000 W. WISCONSIN AVE.
 MILWAUKEE, WI 53233
 TEL: 414.333.3333
 FAX: 414.333.3334
 EMAIL: TALK@REIENGINEERING.COM

SCALE
 0 30 60

DEMO PLAN

CONVENIENCE STORE #1209

EGG HARBOR RD & ALABAMA ST
 STURGEON BAY, WI

DATE: _____
 DESCRIPTION: _____

DRAWN BY: LAZ
 SCALE: GRAPHIC
 PROJ. NO.: 0923

DATE: _____
 MODEL: REVIEW DOCUMENTS

SHEET
 SP0

