

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

Tuesday, December 14, 2021 at 12:00 Noon
Council Chambers, City Hall,
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from November 9, 2021.
4. Public Hearing: Petition for variance from Section 20.27(2) of the City of Sturgeon Bay Zoning Code for Collin Jeanquart, located at 1642 Cove Road, Parcel #281-34-65001101.
5. Consideration of: Petition for variance from Section 20.27(2) of the City of Sturgeon Bay Zoning Code for Collin Jeanquart, located at 1642 Cove Road, Parcel #281-34-65001101.
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

12/9/21
1:54 PM
LS

Zoning Board of Appeals November 9, 2021

The City of Sturgeon Bay Zoning Board of Appeals was called to order at 12:01 p.m. 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 was 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 Mr. Augustson, seconded by Ms. Schopf to adopt the following agenda:

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 Road 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 Road and 1614 to 1636 Alabama Street.
8. Adjourn.

All ayes. Carried.

Approval of Minutes from September 28, 2021:

Moved by Mr. Schopf, seconded by Mr. Murrock to approve the minutes from September 28, 2021.
All ayes. Carried.

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:

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

Rick Nelson, 78 W Maple Street, stated he would like to build a garage directly behind his house if variance is granted. The garage would be one story with 2 stalls. Unnecessary hardship is that they must keep tools, snow removal and other equipment outdoors, including their vehicles. This is difficult during the winter with a heavy snowfall. With the property limitations, it does not allow for garage to be built according to setbacks. The property touches three different streets, eliminating options for building a garage. A new garage will increase the property value of the home and general appearance of the neighborhood.

Mr. Murrock asked if the garage could be built directly behind Blue Front Café.

Mr. Nelson responded that with the property having frontage on Locust Street and Lansing Avenue, it would be difficult to construct an out building.

Mr. Sullivan-Robinson explained the property has multiple street frontages, making it unique with a 25' setback from Locust Street right-of-way. The Nelson's are requesting a variance that would be 10' encroachment into the setback and 15' from the street. Many buildings on the street do not meet the 15' setback, much less the 25' setback. the right of way setback is measured from the edge of the property to the wall of the building. The Committee has granted these requests in the past.

Mr. Olejniczak added that the City's ordinance defines Locust Street behind the house as a street, not an alley. The street setback is calculated correctly.

Mr. Augustson inquired if Locust Street had the required width for sewer and water.

Mr. Olejniczak responded that it could.

Mr. Murrock asked staff members if they had concerns with granting the variance. There was none.

No one spoke in favor of the variance request.

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.

The public hearing was declared closed at 12:20 p.m.

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:

Mr. Chaudoir mentioned good points were made with the appeal.

Moved by Ms. Schopf, seconded by Mr. Chaudoir to approve the variance as presented. Ms. Schopf's reasons are that the garage would blend in with the neighborhood and not be a disadvantage in addition to increase the property value. Mr. Chaudoir agreed and added that the property did not allow for any other options. Roll call: all ayes. Carried.

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 Road and 1614 to 1636 Alabama Street:

Chairperson Murrock opened the public hearing at 12:24 p.m.

Troy Mleziva, 1626 Oak Street, LaCrosse, WI, Real Estate Development Manager for Kwik Trip, Inc. Kwik Trip would like to construct a gas station and is requesting a variance for parking with zero setback off Egg Harbor Road right-of-way. This parking along Egg Harbor Road would be employee parking. The additional space is needed for turning, safety and would allow a dedicated right-of-way

to City for future improvements on Egg Harbor Road and allow for additional green space to both east and west.

Mr. Murrock questioned whether parking along Egg Harbor Road could be shifted by 5 feet.

Mr. Mleziva responded that it would not be possible due to grading of the lot and the dedicated storm water facility.

Mr. Chaudoir commented if property for right-of-way was not dedicated to the City they could move the parking area.

Mr. Mleziva acknowledged they could, but future development of Egg Harbor Road would then not be possible.

Mr. Sullivan-Robinson explained that parking for Kwik Trip would be along the right-of-way line so there would have a zero setback along Egg Harbor Road. Parking for the current property and the Nightingale runs to the road and is inside the right-of-way. Staff does not have any issues with the current plan, but the City is asking for a 25' strip of property to be dedicated to the City for future development of Egg Harbor Road.

Mr. Olejniczak added that Aesthetic Design and Site Plan Review Board has approved Kwik Trip's design, but required a sidewalk on the westerly portion that has a wider right-of-way. The current plan does include better parking than what is there. A wider parking lot is needed to service vehicles pulling trailers and semi's. There are options to place parking elsewhere on the lot, however that may be intrusive to the private properties next door.

Mr. Murrock inquired if a sidewalk were to be installed on Egg Harbor Road in the future if it would infringe upon the current layout of the parking lot.

Mr. Shefchik replied there would still be enough room to add sidewalk.

Mr. Chaudoir asked if there were any plans in the future to improve that area of Egg Harbor Road.

Mr. Shefchik responded that area of Egg Harbor Road is a county road. There are not any plans at this time.

Mr. Augustson asked where the 3 lanes end on Egg Harbor Road.

Mr. Shefchik replied the painted island ends at the end of Nightingale Motel property.

No one spoke in favor of the variance request.

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.

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

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 Road and 1614 to 1636 Alabama Street:

Moved by Mr. Chaudoir, seconded by Ms. Schopf to approve the variance as presented with a condition that Kwik Trip dedicates 20' wide strip of property along Egg Harbor Road frontage of parcel 281-70-32001610 to the City for future improvements. Mr. Chaudoir's reasons for granting are that it will be a vast improvement in aesthetics and grade improvements will help with watershed. Ms. Schopf concurred and added there would also be an improvement in property value. Roll call: all ayes. Carried.

Moved by Mr. Augustson, seconded Mr. Murrock to adjourn. All ayes. Carried. The meeting adjourned at 12:54 p.m.

Respectfully submitted,

Laurie Spittlemeister,
Deputy Clerk/Treasurer

4-5

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

4-5

MEMO

To: Zoning Board of Appeals
From: Christopher Sullivan-Robinson
Date: December 9, 2021
Subject: Variance Request – 1642 Cove Rd

Collin Jeanquart is petitioning the Zoning Board of Appeals to approve a variance from section 20.27(2) of the Municipal Code (Zoning), which regulates the area and dimensional requirements for principal buildings based on the properties zoning classification. The property owner intends to rebuilding the existing single-family dwelling which will be located 25 feet from the edge of Cove Rd right-of-way.

The property is located at 1642 Coved Road (parcel # 281-34-65001101), and contains 14,689 s.f. of lot area. Up until recently, the property abutted Ackerman St along the north lot line. However, the property owner successfully petitioned the City to vacate the street. Because of the street vacation the property owner obtained all of that portion of right-of-way. The property is currently zoned Agricultural with a future land use designation of Rural Residential. The surrounding properties also contain residential uses. Properties on the west side of the street are zoned R-1 (Single Family Res.) and property on the east side are zoned Agricultural.

The Agricultural district requires that principal buildings be setback at least 40 feet from the street right-of-way line. The currently proposal encroaches that setback by 15 feet; hence, a variance is necessary. It is important to note that all other zoning requirements have been met for setbacks and dimensional requirements.

Staff finding:

1. The City Boundary runs North-South along the east property line.
2. The applicant is also the property owner of three properties across the street (1653, 1647, 1643) and the woodland toward the north (parcel 281-62-48000116) and the woodland to the east (parcel 024-02-152726231).
3. The existing dwelling was granted a variance in 1983 for 30' street yard variance and 22' rear yard variance. In 1990, a variance was granted for a 16' rear yard variance. The City also appears to have vacated a small portion of Cove Road.
4. The proposal may not meet the setback requirement for the Agriculture District but it does meet the setback requirement for the R-1. The biggest difference for single family residential construction within these two districts includes
 - a. Building Area: AGR requires 1000 s.f. while R-1 require 1400 s.f.
 - b. Setbacks: AGR requires 40 feet from street right-of-way and R-1 requires 25 ft.
 - c. Building Design: AGR has no design standards while R-1 has several including wall height, roof pitch, length to width ratio, and etc.

5. Because Cove Rd dead ends at the east property line of the property, the city required an easement to allow for city crews to maneuver vehicles in this area. That easement runs along the north property line of the subject property. (See packet for details). This does add a limitation to the building area.
6. There are substantial wetlands that includes most of the vacated Ackerman St right-of-way and along the east property line, which restricts the buildable area substantially.

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.

pd C21 1105 # 40M

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

Date Received: 11-2-21
Fee Paid \$ 350.00
Received By: _____

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	COLLIN JEAN QUART	
Company		
Street Address	1647 COVE RD	
City/State/Zip	STURGEON BAY, WI 54235	
Daytime Telephone No.	920-559-1542	
Fax No.	920-743-0177	
STREET ADDRESS OF SUBJECT PROPERTY: <u>1642 COVE RD</u> Location if not assigned a common address: <u>STURGEON BAY, WI 54235</u>		
TAX PARCEL NUMBER: <u>2813465001101</u>		
CURRENT ZONING CLASSIFICATION: <u>AGRICULTURAL</u>		
CURRENT USE AND IMPROVEMENTS: <u>RESIDENTIAL</u>		
IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: <u>20.272 FRONT YARD SETBACK</u>		
ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES: North: <u>AGRICULTURAL</u> South: <u>R1</u> East: <u>NO ZONING CITY BOUNDARY</u> West: <u>R1</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: PLEASE
2. Unique physical property limitation: SEE
3. Protection of public interest: ATTACHED

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? YES IF YES, EXPLAIN: VARIANCE APPROVED FOR PREVIOUS HOME
NOT APPLICABLE TO NEW STRUCTURE

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.

COLLIN JEAN MART
Property Owner (Print Name)

[Signature]
Signature

11-2-21
Date

Applicant/Agent (Print Name)

Signature

Date

I, COLLIN JEAN MART, 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.

11-2-21
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

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 December 14, 2021 at 12:00 Noon or shortly thereafter, in regard to a variance request from Collin Jeanquart for a variance from Section 20.27(2) of the Municipal (Zoning), which requires a 40-foot minimum street yard setback for principal buildings. The applicant is requesting to build a single-family dwelling with a 25-foot street yard setback. The subject property is located at 1642 Cove Rd; parcel # 281-34-65001101. 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.

Site Map 1642 Cove Rd



 Subject Property

Please Note: Zoning Board of Appeals public hearing to be held on December 14, 2021.



Unnecessary Hardship

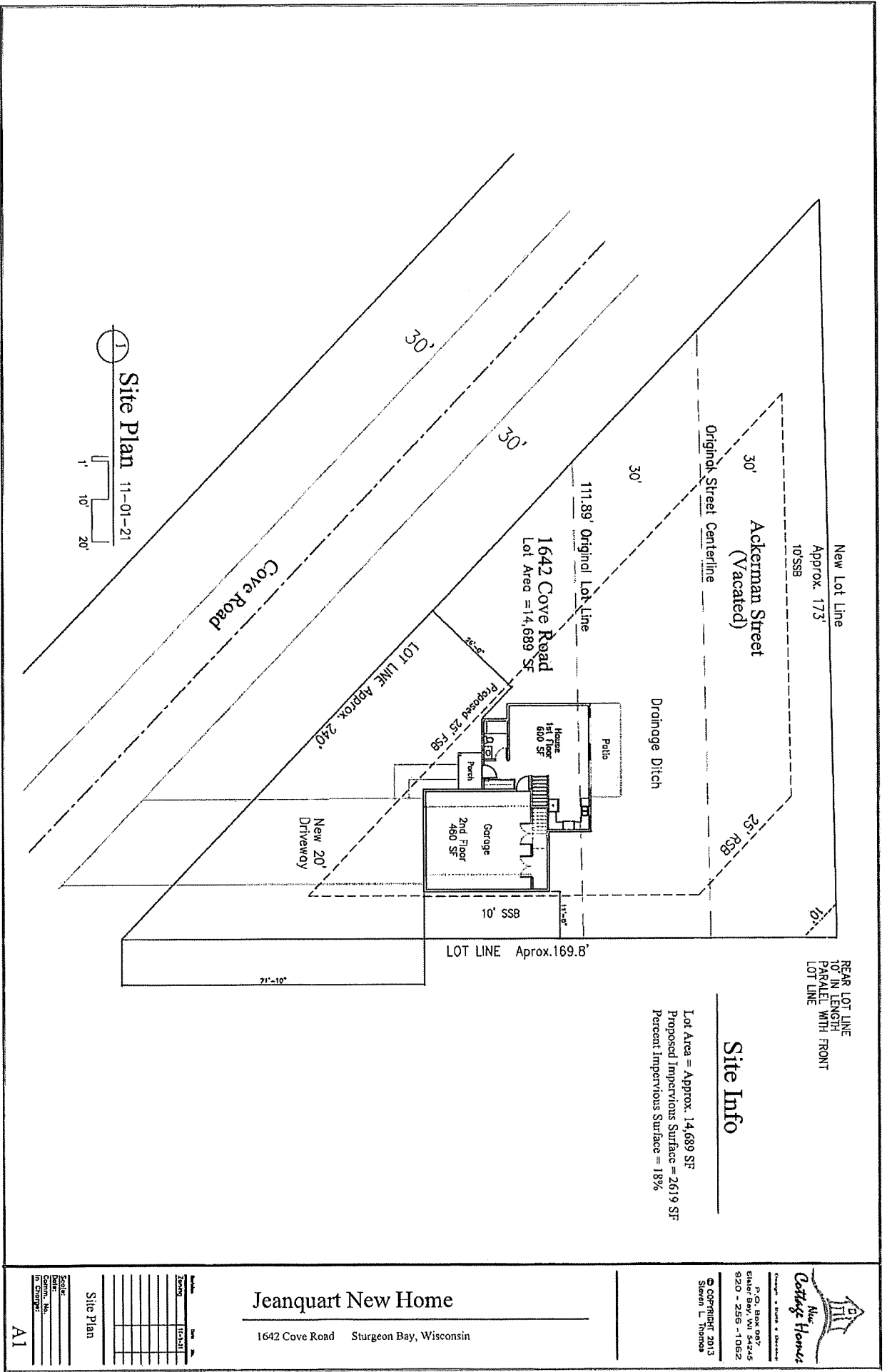
Due to the zoning applied to this property and the associated setbacks, at the onset of the discussion with city personnel for removing the existing failing structure and replacing it with a structure built to current code, it was deemed that while an 1800+ sq. ft. structure exists on the property which pre-dates the current zoning and roadway, utilizing the current setbacks there was less than 10 sq. ft. of buildable area on the property. We have worked with the city, as can be seen in the attached documentation, to request the un-improved street to the north be vacated to help remove some of the setback concerns that resulted from it being listed as a platted road. Our proposed structure would be significantly more conforming than the current structure. There is an attached overlay which shows the footprint we are proposing is much smaller than what currently exists and would remove the need for the odd jog currently in place along Cove Road to allow their existing porch to be there. The existing structure has mold & water concerns which are a health and safety concern to my family and the other neighboring properties. The plat of this parcel was created in 1928 which pre-dates all current zoning.

Unique Physical Property Limitations

The property is triangular with the widest leg being along the road. The easterly boundary creates the end of the city limits leaving no room to move in that direction. The north end of the property is the newly vacated parcel, but the city retains the right to use it for turning around school buses, snowplows, etc., so nothing can be built there. Additionally, there is a drainage ditch just to the north of the current structure which allows water to flow to a city owned culvert and allow it to drain to the bay. Even though there appears, on the overhead map, to be some room to build in that direction, the easement and the drainage ditch need to remain to not adversely affect surrounding property owners. To the north and the east there are also mapped wetlands which likely prevent building further in either of those directions even if the above-mentioned conditions did not exist.

Protection of Public Interest

In the process we have worked with the city to make sure there is a perpetual easement on the northern portion of the property to allow safe turnaround at the end of Cove Road. Additionally, we are working to make sure the drainage area remains free and clear to not adversely affect any surrounding property owners. We are placing the house in a way not to affect any potential wetlands in the vicinity as well. Attached you will also find a letter from the neighboring city property owners showing their support for the removal of the existing failing structure and construction of the conceptual design shown attached as well. The 25 ft. setback we are requesting matches that of the homes on the opposite side of the road, so it would match the style of the rest of the street. Our proposed structure has less encroachment into the setbacks than the current structure and meets all other building and zoning requirements.

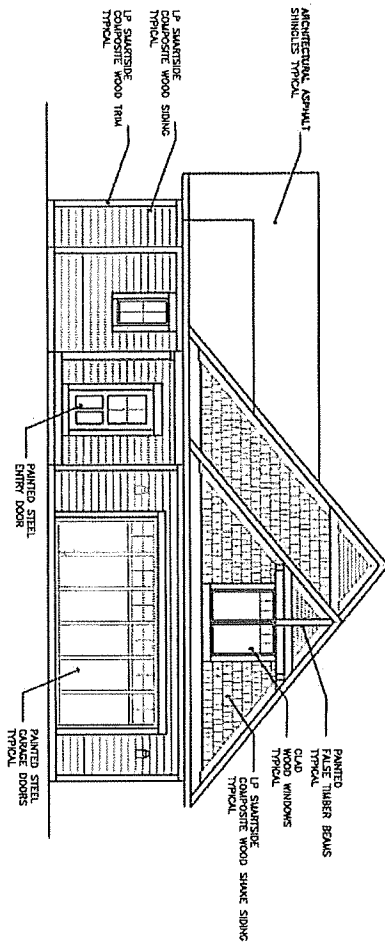


Copyright © 2013
3000 N. 10th St.
Sturgeon Bay, WI 54245
920 - 256 - 1062
© Copyright 2013
Steven L. Thomas

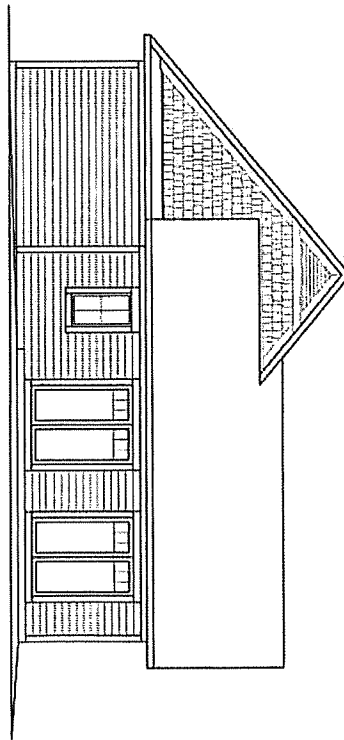
Jeanquart New Home

1642 Cove Road Sturgeon Bay, Wisconsin

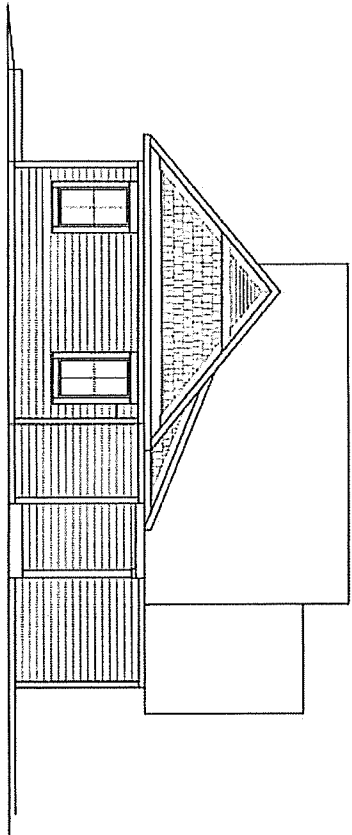
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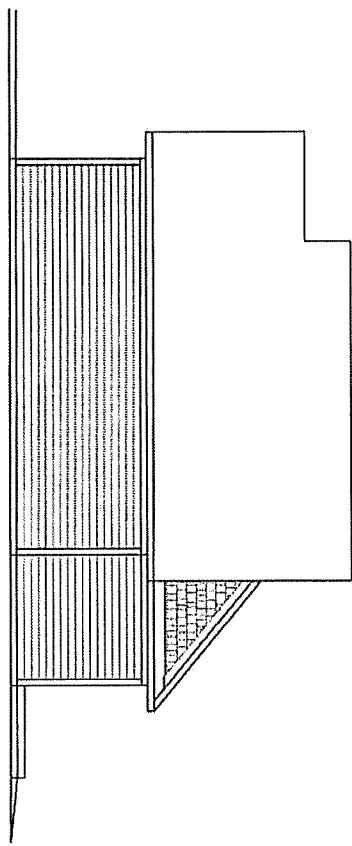
③ South Elevation



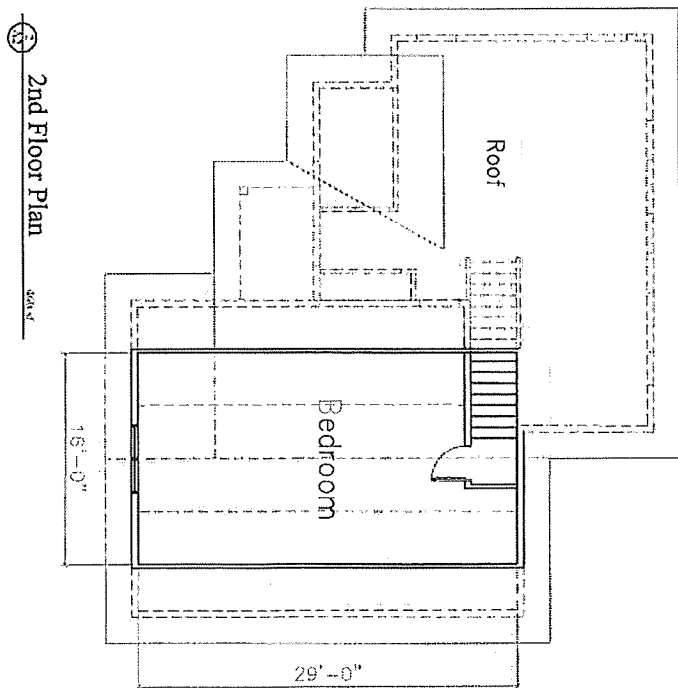
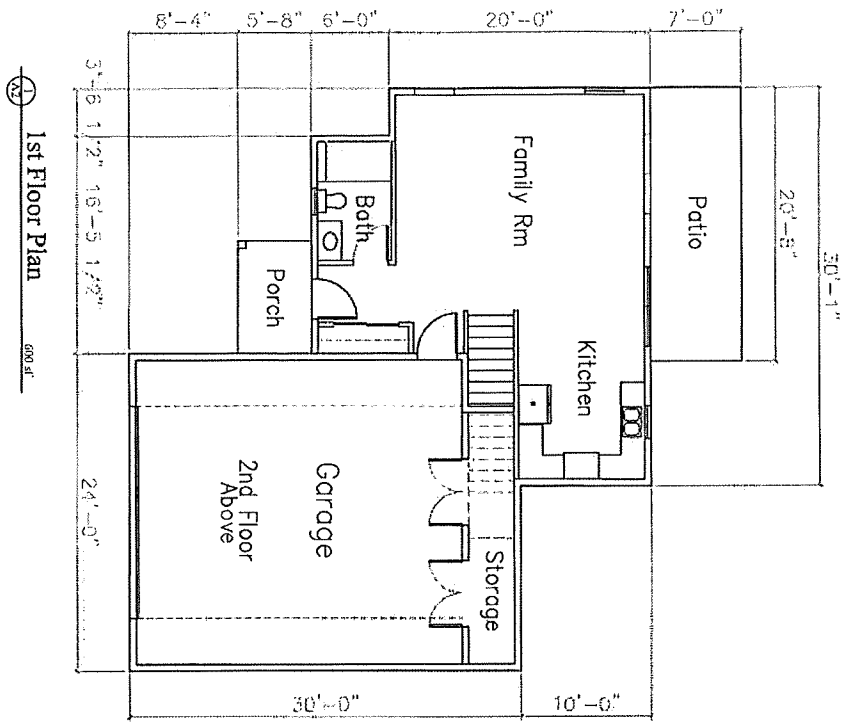
④ North Elevation



⑤ West Elevation



⑥ East Elevation



Room	Area	Notes
Living	131-5-21	
Bedroom		
Bath		
Kitchen		
Porch		
Garage		
Storage		
2nd Floor Above		

A2

Jeanquart New Home

1642 Cove Road Sturgeon Bay, Wisconsin

New
Cottage Homes

1642 Cove Road
Sturgeon Bay, WI 54245
920 - 256 - 1062

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Steven L. Thumma

Petition to Vacate Unimproved Street

We, the undersigned persons, representing owners of abutting land, hereby petition the City of Sturgeon Bay Common Council to vacate (discontinue) Ackerman St., a street right-of-way running easterly from near the south end of Cove Rd., pursuant to section 66.1003(2) of the Wisconsin Statutes. The street right-of-way was created by a resolution of the City to accept the plat attached on January 3rd, 1928, but has never been opened. The legal description of the street to be vacated is as follows and shown on the additionally attached map:

DESCRIPTION:

Ackerman Street as depicted on the Plat of Emma Morck's Addition to Sturgeon Bay located in the fractional Northeast one-quarter of the Southeast one-quarter of Section 16, Township 27 North, Range 26 East, City of Sturgeon Bay, Door County, Wisconsin and more particularly described as follows:

Commencing at the East one-quarter corner of said Section 16, thence S 00°06'07" E along the east line of said Plat of Emma Morck's Addition to Sturgeon Bay a distance of 60.00 feet, thence West 115.12 feet to the intersection with the easterly right-of-way of Cove Road, thence N 46°09'10" W along said easterly right-of-way a distance of 86.61 feet to the intersection with the north line of said Plat of Emma Morck's Addition to Sturgeon Bay, thence East along said north line a distance of 177.48 feet to the point of commencement.

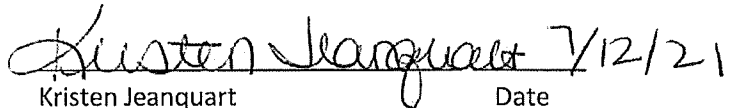
Said street right-of-way contains 0.202 acres of land.



Collin Jeanquart

7-12-21

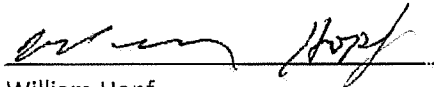
Date



Kristen Jeanquart

Date

Owners of 1642 Cove Rd. and Parcel 2816248000115



William Hopf

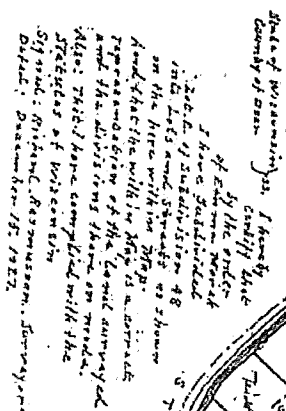
7-12-21

Date

for Port Haven Executive Homes, LLC

2929 Cove Rd., Sturgeon Bay, WI 54235

SCALE: $500 = 1 \text{ inch} = 50 \text{ feet}$



Best Lamp made
and any Public Sale - Entirely new.
My commission expires Dec. 1. 1874.

Story of Helen and I know hardly that I passed the time in the
country of Genoa above described. As the said time and the
within the said time...

Wilmers { Charles, B. Zeller
Graecl. Leinwiller

Partially covered by an *Aspergillus* mold which I was told the person who made the above investigation had acknowledged the origin.

Reviewed that the Plot of Emma Morera Addition to Morgan Dry is important to the neighborhood. It is hard to appreciate and accept.

Dated: December 7, 1922.

It hardly needs to be said that above is a true copy of a reproduction of a photograph by the
 Committee Council of the City of Kingston Bay of a massing held on the
 3rd day of January, A.D. 1928

Directed: E. S. Ashcraft, City Clerk

72. 205/73

[Faint handwritten notes at the bottom of the page]

Site Sketch

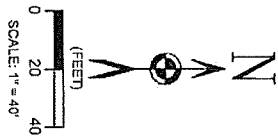
LOCATED IN:

THE PLAT OF EMMA MORCK'S ADDITION TO STURGEON BAY
IN THE FRACTIONAL NE 1/4 OF THE SE 1/4 SECTION 16,
T. 27 N., R. 26 E., CITY OF STURGEON BAY,
DOOR COUNTY, WISCONSIN

PREPARED FOR:
COLLIN & KRISTEN JEANQUART
1847 COVE ROAD
STURGEON BAY, WI 54235

CURRENT OWNER:
CITY OF STURGEON BAY
421 MICHIGAN STREET
STURGEON BAY, WI 54235

PREPARED BY:
BRIAN FRISQUE SURVEYS INC.
BRIAN D. FRISQUE
PROFESSIONAL LAND SURVEYOR
3121 MATTHEY ROAD
STURGEON BAY, WI 54235
(920) 745-7183



LEGEND

- = U.S. PUBLIC LAND SURVEY CORNER
(EXISTING DOOR COUNTY
ALUMINUM MONUMENT)
- = EXISTING 1" IRON PIPE
(UNLESS NOTED)
- = EXISTING METAL FENCE POST

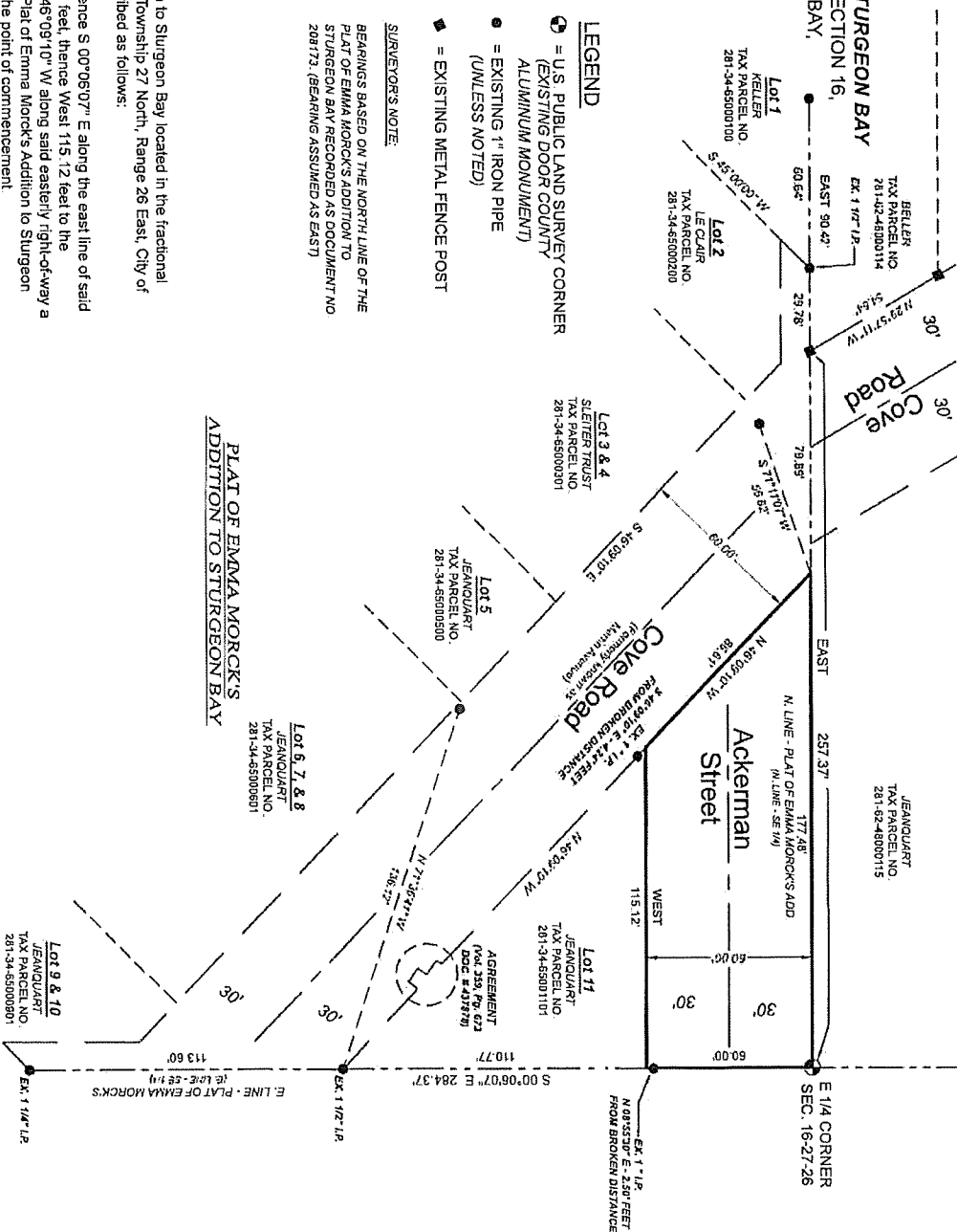
SURVEYOR'S NOTE:

BEARINGS BASED ON THE NORTH LINE OF THE
PLAT OF EMMA MORCK'S ADDITION TO
STURGEON BAY RECORDED AS DOCUMENT NO
208172. (BEARING ASSUMED AS EAST)

DESCRIPTION:
Ackerman Street as depicted on the Plat of Emma Morck's Addition to Sturgeon Bay located in the fractional Northeast one-quarter of the Southeast one-quarter of Section 16, Township 27 North, Range 26 East, City of Sturgeon Bay, Door County, Wisconsin and more particularly described as follows:

Commencing at the East one-quarter corner of said Section 16, thence S 00°06'07" E along the east line of said Plat of Emma Morck's Addition to Sturgeon Bay a distance of 60.00 feet, thence West 115.12 feet to the intersection with the easterly right-of-way of Cove Road, thence N 46°09'10" W along said easterly right-of-way a distance of 86.61 feet to the intersection with the north line of said Plat of Emma Morck's Addition to Sturgeon Bay, thence East along said north line a distance of 177.48 feet to the point of commencement.

Said street right-of-way contains 0.202 acres of land.





ACCESS EASEMENT

Document Number

DOC #: 846911
RECORDED ON:
10/01/2021 12:18:44 PM
CAREY PETERSILKA
REGISTER OF DEEDS
DOOR COUNTY, WI
FEE AMOUNT PAID: 30.00

Recording Area

Name and Return Address

Attorney James M. Kalny
Davis & Kuelthau, s.c.
2800 E Enterprise Ave
Appleton, WI 54913

281-34-65001101;

Parcel Identification Number (PIN)

VEHICLE TURNAROUND ACCESS EASEMENT

This VEHICLE TURNAROUND ACCESS EASEMENT (the "Easement") is created this 7th day of September 2021, by the City of Sturgeon Bay Common Council.

WHEREAS, The City of Sturgeon Bay (the "City") is the owner of certain right of way known as Ackerman Street that is specifically depicted and described on the attached Site Sketch marked Exhibit 1; and

WHEREAS, pursuant to § 66.1003 (4) of the Wisconsin Statutes the City has found it in the public interest to discontinue Ackerman Street subject to the reservation of a vehicular turnaround access easement (Easement);

WHEREAS, the property to be encumbered by and subject to the Easement is described in the attached Exhibit 2; and

WHEREAS, upon the discontinuance of Ackerman Street the abutting property owners will each own the property that was Ackerman Street to the centerline.

WHEREAS, by this document the City creates the Easement that is intended to survive the discontinuance of Ackerman Street ;

NOW THEREFORE, the City hereby declares and reserves a perpetual non-exclusive easement in, over, on, under, and/or across the Easement under the terms and for the purposes described herein.

1. Vehicle Turnaround Access Easement.

- a. Grant of Access Easement. The City, hereby reserves, conveys and creates a permanent non-exclusive easement over, across and through that portion of the Ackerman Street right of way described as the Easement, for the limited purpose of facilitating and allowing vehicles travelling on Cove Road to turnaround and otherwise maneuver to allow for convenient ingress and egress to and from the Easement area.
- b. Improvement of Easement. The City reserves the right to improve and maintain the easement to adequately serve the intent of the Easement as determined at the discretion of the City provided that such improvement and maintenance shall not unreasonably interfere with the use and enjoyment of the owners of the underlying fee title to the property encumbered by the easement taking into consideration the intended use and purpose of the Easement.

2. Duration. Except as expressly provided herein, the Easement and rights herein granted shall be of perpetual duration.

3. General Provisions.

- a. Effective Date. This Document shall be effective upon the date it is filed with the Door County Register of Deeds.
- b. Non-Use. Non-use or limited use of the easement rights granted in this Easement shall not prevent the benefiting party from later use of the easement rights to the fullest extent authorized herein.
- c. Governing Law. This easement is made expressly subject to each and every, all and singular, law, regulation, ordinance and statute of municipal, or other governmental authority, if any, applicable to, and enforceable against, the Property. This easement will be governed by and construed and enforced in accordance with the laws of the State of Wisconsin without regard to principles of conflicts of law.

[Signature pages to follow]

[Signature page to Access Easement]

IN WITNESS WHEREOF, this Vehicular Turnaround Access Easement is executed as of the day and year first above written.

CITY OF STURGEON BAY COMMON
COUNCIL

WHEREFORE, the parties have hereunto set their hands as of the date first written
above.

City of Sturgeon Bay, Wisconsin

By: David J. Ward
David J. Ward, Mayor

Attest: Stephanie L. Reinhardt
Stephanie L. Reinhardt, City Clerk

STATE OF WISCONSIN)
)ss.
DOOR COUNTY)

Personally appeared before me this 24th day of September, 2021, the above-named David J.
Ward and Stephanie L. Reinhardt, the Mayor and City Clerk, respectively, of the City of
Sturgeon Bay, Wisconsin, to me known to be the persons who executed the foregoing agreement
on behalf of the City and by its authority.

Name: Daria Milt
Notary Public, State of Wisconsin
My Commission expires: 2.9.22

This instrument was drafted by:

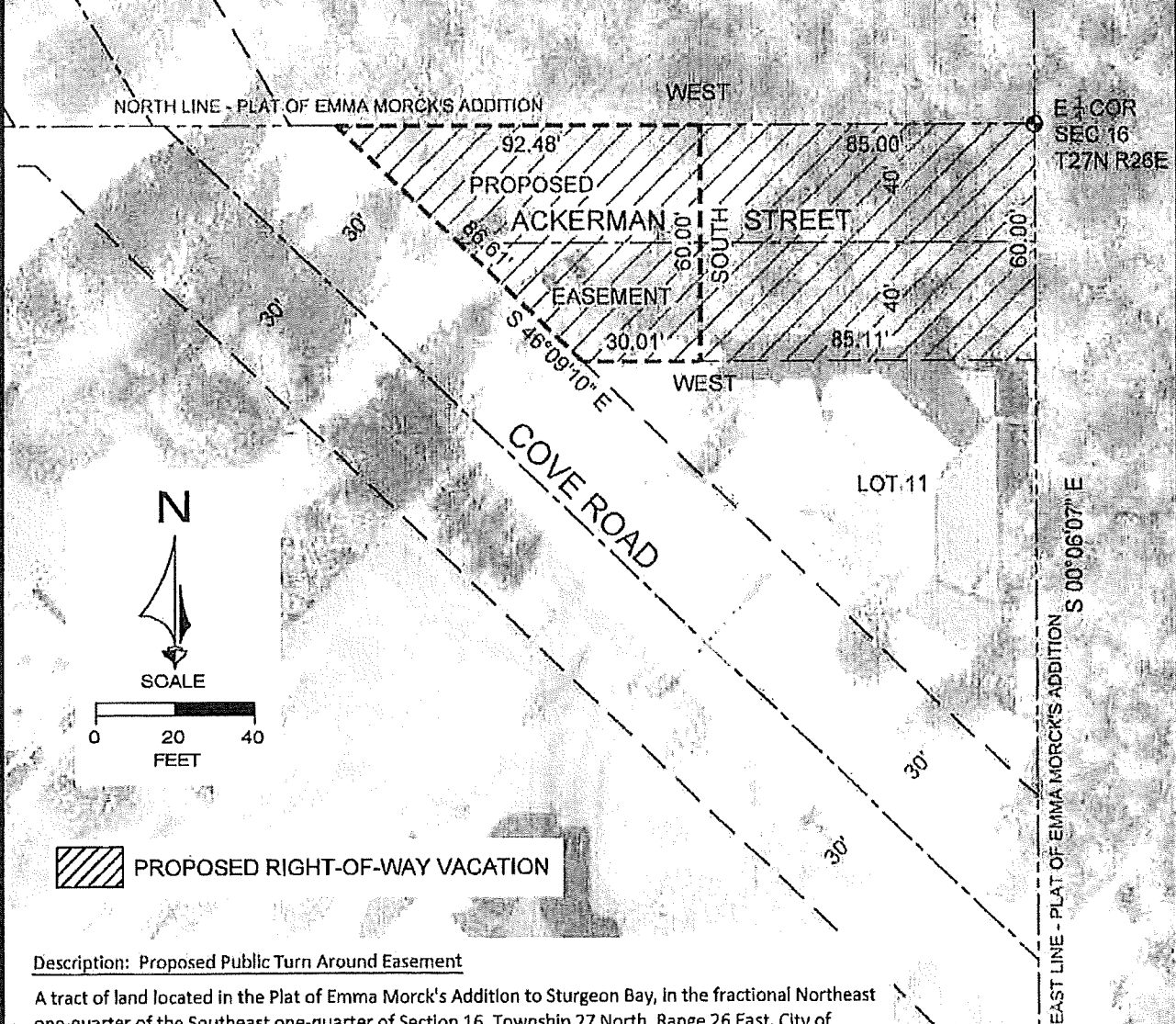


Attorney James M. Kalny
318 S. Washington Street
Green Bay, WI 54115
920-431-2223 (ph.)

EXHIBIT 2

SITE PLAN

PROPOSED PUBLIC TURN AROUND EASEMENT



Description: Proposed Public Turn Around Easement

A tract of land located in the Plat of Emma Morck's Addition to Sturgeon Bay, in the fractional Northeast one-quarter of the Southeast one-quarter of Section 16, Township 27 North, Range 26 East, City of Sturgeon Bay, Door County, Wisconsin and described as follows.

Commencing at the East 1/4 Corner of said Section 16, thence West along the northerly line of said Emma Morck's Addition 85.00 feet to the point of beginning, thence South 60.00 feet to the intersection with the northerly line of Lot 11 of Emma Morck's Addition, also being the southerly right-of-way line of Ackerman Street as platted in Emma Morck's Addition, thence West along said northerly line of Lot 11 30.01 feet to the intersection with the northeasterly right-of-way line of Cove Road, platted as Martin Avenue in Emma Morck's Addition, being the northwest corner of said Lot 11, thence N 46°09'10" W along the northeasterly right-of-way line of Cove Road 86.61 feet to the intersection with the northerly line of Emma Morck's Addition, thence East along said northerly line 92.48 feet to the point of beginning. Containing 3,674 square feet (0.08 acres) of land.


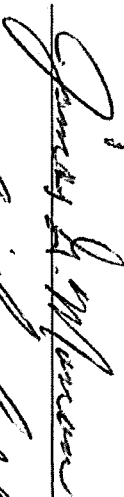



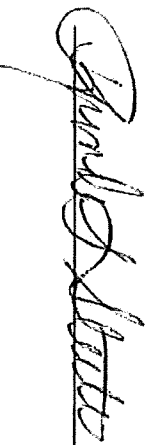
AUG, 2021

Adjacent Resident Project Support

1642 Cove Road, City of Sturgeon Bay

Project Description

1. Location 1642 Cove Road, City of Sturgeon Bay
2. Owner, Colin Jeangaut
3. Demolish all existing structures
4. Construct Garage/Residence
5. All of the residents in the City of Sturgeon Bay within 500 feet of the Project support the Project as demonstrated by signatures below:

<u>Address</u>	<u>Signature</u>	<u>Date</u>
1615 Cove Road		May 16, 2021
1623 Cove Road		May 16, 2021
1627 Cove Road		May 24, 2021
1633 Cove Road		May 17, 2021
1635 Cove Road		May 17, 2021
1639 Cove Road		May 17, 2021



Photos

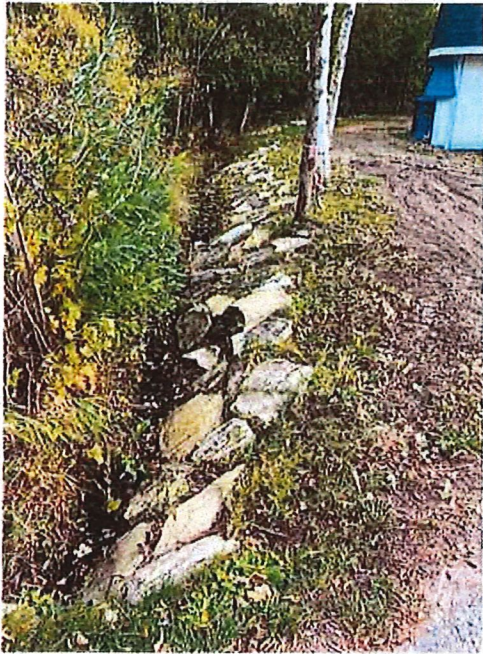
Existing Structure



Design to Compliment Neighboring Structures



Drainage Ditch



City Culvert



WILLIAM D. BELLER

November 23, 2021

City of Sturgeon Bay
Board of Zoning Appeals
421 Michigan St.
Sturgeon Bay WI 54235

Subject: Public Meeting – Collin Jeanquart Variance Request

Dear Ladies and Gentlemen:

Thank you for your Notice of Public Hearing regarding the variance request from Collin Jeanquart. Your notice states, in part, that “the public is invited to give testimony regarding the variance request in person at the hearing or in writing.”

We hereby wish to provide this testimony in writing:

We live at 1627 Cove Road, a few doors down from Collin Jeanquart, and adjacent to the lot being considered for a variance to the setback requirements (1642 Cove Rd.) We recommend approval of the request to build a dwelling with a 25-foot street yard setback. Because of the awkward nature of the existing building, and the awkward shape of the lot, it would be unreasonable for the Zoning Board of Appeals to reject Mr. Jeanquart's efforts to improve the neighborhood.

If you have any questions or require additional information, please contact us at (920) 495-0096. Thank you for your attention to this matter.

Sincerely,



William and Martha Beller