

ZONING BOARD OF APPEALS
Tuesday, May 25, 2021

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

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

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

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

All ayes. Carried.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Roll call vote. All ayes. Carried.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Cheryl Nault
Community Development Secretary