# AGENDA CITY OF STURGEON BAY ZONING BOARD OF APPEALS

Tuesday, August 23, 2022 @ 12:00 Noon Council Chambers, City Hall 421 Michigan Street, Sturgeon Bay, WI

- 1. Roll call.
- 2. Adoption of agenda.
- 3. Approval of minutes from June 14, 2022.
- 4. Public Hearing:

Variance from Section 20.27(2) of the municipal code for Midwest Wire

Products located at 615 S. Lansing Avenue, parcel #281-64-59000124C.

5. Consideration of:

Variance from Section 20.27(2) of the municipal code for Midwest Wire

Products located at 615 S. Lansing Avenue, parcel #281-64-59000124C.

6. Adjourn.

#### NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Committee Members:
Bill Murrock
Dave Augustson
Nancy Schopf
Morgan Rusnak
Bill Chaudoir
Alt. 2: Ronald Vandertie

8/18/2022 1:00 p.m. CS The City of Sturgeon Bay Zoning Board of Appeals was called to order at 12:00 p.m. by Chairperson William Murrock in Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members William Murrock, Nancy Schopf, Morgan Rusnak, Bill Chadoir and Dave Augustson were present. Staff present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Christopher Sullivan-Robinson and Community Development Administrative Assistant Cindy Sommer.

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

- 1. Roll call.
- 2. Adoption of agenda.
- 3. Approval of minutes from April 26, 2022.
- Variance from Sections 20.29 and 20.27 of the municipal code for Thomas 4. Public Hearing:
  - Thomas located at 55 N. 8th Avenue, parcel #281-34-18001100.
- Variance from Sections 20.29 and 20.27 of the municipal code for Thomas 5. Consideration of:
  - Thomas located at 55 N. 8th Avenue, parcel #281-34-18001100
- Variance from Section 20.31 of the municipal code for Door County YMCA 6. Public Hearing:
  - located at 1900 Michigan Street, parcel #281-46-60001002A.
- Variance from Section 20.31 of the municipal code for Door County YMCA 7. Consideration of:
  - located at 1900 Michigan Street, parcel #281-46-60001002A.
- Variance from Section 20.29 of the municipal code for Richard and 8. Public Hearing:
- Barbara Nelson located at 78 W. Maple Street, parcel #281-12-10070901. Variance from Section 20.29 of the municipal code for Richard and 9. Consideration of:
- Barbara Nelson located at 78 W. Maple Street, parcel #281-12-10070901.

Adjourn.

All ayes. Carried.

Approval of minutes from April 26, 2022: Moved by Ms. Schopf, seconded by Mr. Augustson to approve the minutes of April 26, 2022. All ayes. Motion carried.

Public hearing: Variance from Sections 20.29 and 20.27 of the municipal code for Thomas Thomas located at 55 N. 8th Avenue, parcel #281-34-18001100: Chairperson Murrock opened the public hearing at 12:03 p.m.

Mr. Sullivan-Robinson introduced the item for public hearing. Mr. Thomas Thomas is planning to replace his existing garage located at 55 N. 8th Avenue, which involves tearing down or removing the old structure and replacing it with a 30'x24'x19.25' garage. To construct the garage as shown in the plans, a setback variance would be needed from 8th Avenue, the rear property line, and the side yard line. The lot dimensions are 50'x160', which is non-conforming by code for lot width. When combined with multiple street frontages, the setback from the street becomes burdensome; substantially limiting the buildable area. The proposed garage will not be any closer than the house is to the street. There is also an existing retaining wall with a substantial grade change, which limits the buildable area. The current garage does not conform and encroaches on the adjacent property, while the proposed garage would provide separation and ultimately eliminate the encroachment. Staff does not have any concerns; the proposed building matches the neighborhood.

Applicant Thomas Thomas of 55 N. 8th Avenue, Sturgeon Bay explained that he currently has a one-car garage. He would like to remove the existing garage and build a 30'x24' two-car garage. He indicated that they have two cars and are unable to park both vehicles on the lot in the winter and are using a storage unit for the second car. Building a new garage would remove the existing encroachment on the south lot

line. He also has an existing retaining wall that is 4-5 stones high and is about 40 feet long, which would be costly and difficult to move. He proposes to remove the existing garage and concrete slab and build further to the north.

Mr. Murrock questioned whether it was possible to build a new garage that complies with the existing standards. Mr. Thomas explains that he does not believe he can without great hardship. He further explains that his hardship involves the inability to park two vehicles on his property.

Mr. Chaudoir questioned why he proposes to build a taller structure. Mr. Thomas explains that they have a need for more storage for patio furniture and consolidation of two previous homes on a small lot.

Ms. Beth Chisholm of 51 N. 8<sup>th</sup> Avenue, who is the property owner to the south, explained that Mr. Thomas has been very open and forthcoming with his building plan and she does not oppose the plan.

Mr. Scott Schoeneman of 54 N. 8<sup>th</sup> Avenue, who lives across the street, is in support of Mr. Thomas' proposed plan. He explains there is enough room from the garage across the alley for entering and exiting Mr. Thomas' property safely.

Mr. Olejniczak explained that the existing code only allows for about 20 feet of buildable width on the property. There is no attached garage and the proposed building is 24'x30'. He understands why the property owners are proposing the taller building.

Mr. Thomas further explained that he has someone interested in moving the existing garage so no demolition of the existing building would be needed. He feels his proposal is an attractive building that fits with the neighborhood and he is requesting approval of the variances.

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

Consideration of: Variance from Sections 20.29 and 20.27 of the municipal code for Thomas Thomas located at 55 N. 8<sup>th</sup> Avenue, parcel #281-34-18001100.

The members discussed the proposed variance. Moved by Mr. Chaudoir to approve the variance from Sections 20.29(1)(b)(4) and 20.27(2) as presented. He reasons that this is a unique lot situation, the proposal would eliminate the current encroachment over the property line and the building is appropriate for the neighborhood. Ms. Rusnak seconded with the same reasons, also adding that repurposing the existing garage is a good idea and the existing retaining wall would be very difficult to move. Roll call vote, all ayes, motion carried.

Public Hearing: Variance from Section 20.31 of the municipal code for Door County YMCA located at 1900 Michigan Street, parcel #281-46-60001002A. Chairperson William Murrock opened the public hearing at 12:24 p.m.

Mr. Sullivan-Robinson introduced the item for public hearing. The YMCA located at 1900 Michigan Street is proposing to build a 16,300 square foot addition to their existing facility for programs, etc. Section 20.31 of the zoning code regulates off-street parking. This ordinance requires that 50 new parking spaces be added. The YMCA is requesting a variance from adding any new spaces. There is not a lot of public parking available in the area and parking is restricted on their portion of Michigan Street. The YMCA received a variance in 2000 from the parking quantity rules, which reduced the required 117 spaces to 67 spaces for the swimming pool additional to the facility. The YMCA is not listed as a specific use in the zoning code, so section 20.31(2)(b) was used over the general standard, which was calculated at 50 additional parking spaces. City staff is not against the request, however the applicant would need to prove a hardship.

Mr. Murrock questioned the reasoning behind the variance that was granted in 2000. Mr. Sullivan-Robinson explained that the YMCA provided information from other facilities throughout the nation that showed the lack of need for additional parking. The YMCA currently has 223 parking spaces. Mr. Olejniczak explained that staff used the parking ratio for their current building as approved by the prior variance and applied it to

the proposed addition to calculate the required spaces.

Eric Bauman, manager of The Boldt Company, and Heidi Erickson, CEO of the YMCA, explained that the existing lot is more than adequate for their parking needs. The proposed addition increases the area by about 20% in size, which will add administration, wellness and activities areas. Their current parking averages about 40-60% capacity during non-peak times, but does increase to about 60-90% during peak morning times. This is no more than about 2 hours from 8:00-10:00 a.m. one or two days per week when multiple programs are running simultaneously.

Ms. Schopf questioned whether the lots are ever at full capacity. Ms. Erickson explained that pre-Covid, they would be beyond capacity for swim meets, but since Covid the meets are run differently to reduce parking demand. They would normally have a maximum of six swim meets per year.

Mr. Murrock questioned the purpose of the addition and Ms. Erickson explained that they will add a wellness center, a kitchen area for meal preparation and a youth activity center. There will be no anticipated staff increases and no need for extra parking. The youth activity center is generally just a pick-up and drop-off. The current wellness area will be changed to a community room and group exercise class area. The addition will allow them to shift some class times and have less overlap.

Mr. Chaudoir questioned the cost of adding the required additional parking spaces. Ms. Erickson explained that the last estimate was some time ago, but the estimate was about \$265,000 to redo the current lot to add more spaces. Mr. Chaudoir asked whether some spaces could be added now and some later if needed. Ms. Erickson explained that they do not want to incur expenses more than once so adding twice is not a viable option.

Ms. Schopf asked if they have ever had any parking complaints. Ms. Erickson indicated they have not and the neighbors she's talked to have all been in favor of their plan.

Mr. Bauman further explained that, if the variance is not granted, they would revamp the current parking lot by reducing the green space, but they feel the current parking is adequate and they do not want to add parking unless it's required. There are no spots lost to snow removal or pile-up in the winter.

Mr. Murrock questioned the 10-20 year projection for the YMCA. Ms. Erickson explained that the last addition was done 22 years ago. This addition has been planned since about 2018, but was paused due to the pandemic. She predicts they will be serving the community for generations to come and she anticipates they will not likely have another substantial addition in the next 20 years.

Mr. Murrock expressed concerns about the parking during swim meets with children crossing a potentially dangerous Michigan Street and questioned how they would add parking if the variance request is not approved. Mr. Bauman explained it would be a reconfiguration of the existing lot with no new square footage, just a more efficient flow. He did stress that if safety concerns arise, then added parking would be done. The only other way to add more parking would be to go northward into the park, which would affect storm water and therefore become a more substantial and costly project, but that is not in their plan.

Peter Shewood of 1800 Kentucky Street spoke in favor of the variance request but didn't want the YMCA to build parking northward into the park. He feels that could have a negative impact on the people living nearby, especially due to lighting. He also questioned whether stop signs at the entrance and exit of the existing lot might make for safer access.

Jim Karwowski of 1837 Kentucky Street explained that he understands why the YMCA is requesting a variance. He has never noticed an issue with parking and as member of the YMCA, he believes the current parking lot is underused.

There was one letter read in favor of the variance by Roger Utnehmer, an adjacent property owner, see attached.

No one spoke in opposition of the variance request and there was no correspondence in opposition.

Mr. Bauman clarified the potential options for increasing parking, listing them in order of preference as; 1) not add any parking; 2) reconfigure the existing parking lot with an alternate layout; 3) look into expanding into Peterson Park, which would alter walking trails and increase lighting, but this is currently not in any of their plans.

Mr. Augustson questioned the use for the additional outdoor space and if there are any plans for a music venue. Ms. Erickson explained it is to be used as an education space and there are no plans for it to be used as a music venue. Mr. Augustson also asked Ms. Erickson if the existing parking lot is big enough and she explained that 80-85% of the time there is plenty of parking.

Mr. Chaudoir questioned if they have anything in writing from Door County Medical Center regarding use of their lots for overflow parking. Ms. Erickson indicated there is not, however she is willing to explore options with surrounding property owners/businesses to see if they are open to allowing use of other lots for overflow parking in times of large demand.

The public hearing was declared closed at 1:01 p.m.

Consideration of: Variance from Section 20.31 of the municipal code for Door County YMCA located at 1900 Michigan Street, parcel #281-46-60001002A.

The members discussed the viability of a temporary variance for a period of 2-3 years to allow the addition to proceed and the YMCA to evaluate their parking needs for future use. This would also allow the YMCA to approach surrounding businesses/property owners to come up with a formal plan for the YMCA to use parking lots for overflow parking for large events.

Ms. Rusnak moved to approve the variance request through December of 2025, subject to obtaining a formal agreement with other property owner(s) for overflow parking, then they would come back and request a permanent variance. Seconded by Mr. Chaudoir. Roll call vote, all ayes. Motion carried.

Public Hearing: Variance from Section 20.29 of the municipal code for Richard and Barbara Nelson located at 78 W. Maple Street, parcel #281-12-10070901. Chairperson William Murrock opened the public hearing at 1:14 p.m.

Mr. Sullivan-Robinson introduced the item for public hearing. In approximately November of 2011, Richard Nelson was approved to construct an accessory building that would encroach the street yard setback to 15' from the edge of the right-of-way. They began construction, laid forms and were ready to pour concrete when staff came on site and measured the setback, which measured at 13.5' rather than the required 15'. This measurement was field verified by Mr. Sullivan-Robinson and Building Inspector Brett Temme. The new building as measured would be perfectly in line with the garage to the west. The previous information is included in today's packet, including the CSM, site plan, as well as the new addendum and the applicant's written reasoning.

Mr. Rick Nelson of 78 W. Maple explained that he requested and was granted the variance in October of last year. He subsequently rented a skid-steer, hauled in a substantial amount of gravel and laid his forms. He admitted that if construction had continued and concrete had been poured, he would be in violation of the approved variance. He quoted the old adage: "measure twice, cut once," and fully admitted that this was an error on his part and he measured incorrectly. He apologized for his mistake and indicated it was not intentional, however there has been substantial cost and work already invested and he claimed a hardship involving his costs and efforts to remove the forms, gravel and rebar, the rental of another skid-steer and either relocating or reducing the size of his proposed building. He pointed out that he has a unique property where Locust Street is listed as a street but is used essentially as an alley and if it were an alley, he would not need the setback at all. He indicated this does affect the public interest because his proposed building is actually set back further than other buildings on the same street and it is unlikely that Locust Street will ever be widened and used as anything more than an alley. He indicated that the Bluefront Café

and the neighbor across the street are in favor of the variance, but he didn't have any writings or people to speak to that effect. He again apologized and requested that the new variance of 13.5' be approved so he can move ahead with construction.

No one else spoke during the hearing and there were no letters regarding the variance.

The public hearing was declared closed at 1:27 p.m.

Consideration of: Variance from Section 20.29 of the municipal code for Richard and Barbara Nelson located at 78 W. Maple Street, parcel #281-12-10070901.

Moved by Ms. Schopf and seconded by Mr. Chaudoir to approve the variance at 13.5' with the reasoning that it is no closer to the alley than the neighboring buildings and it will blend in with the other buildings nearby. Roll call vote, all ayes. Motion carried.

Moved by Mr. Chaudoir, seconded by Ms. Schopf to adjourn. All ayes. Motion carried. The meeting adjourned at 1:29 p.m.

Respectfully submitted,

Cindy Sommer Community Development Administrative Assistant. 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

# **MEMO**

To: Zoning Board of Appeals

From: Christopher Sullivan-Robinson Date: Thursday, August 18, 2022

Subject: Variance Request – 615 S Lansing Ave

**Petition:** Midwest Wire Products is petitioning for variance from section 20.27(2) which requires buildings in the Light Industrial district to be set back at least 40 feet from the edge of right-of-way. The existing building is approximately 25 feet from the right-of-way. The applicant intends to construct a 4' x 12' canopy that would further encroach the setback and is requesting a setback allowance of 20 feet.

**Zoning:** 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.

**Surrounding Area:** The subject property abuts Highway 42/57 to the south, the Door County Cooperative development to the west and north, and Sturgeon bay School District property and City property to the west.

Variance Standards: There are standards for granting a zoning variance which is defined by State Statute 62.23(7)(e)7.d. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

The applicant is responsible for proving an unnecessary hardship, identifying any property limitations, and the variance would not in turn negatively impact the public interest.

#### Other Considerations:

1. The potential affected parties include the City and the Sturgeon Bay School District which are directly across the street from the encroachment. The proposed

- improvement not have any negative impact on the City. The School has been notified of the petition. Any concerns that they provide should be considered.
- 2. It is not uncommon for municipalities to allow minor encroachments for things like awnings, eaves, or canopies which have no baring on the footprint of the building. Sturgeon Bay's zoning code allows these awning exceptions within the residential zoning districts, but not in commercial or industrial districts.

Staff Opinion: City staff does not have any concerns with the proposal.

**Options:** The Zoning Board of Appeals has the ability to approve up to what is being requested. In addition, conditions can be added which are relevant to the variance request. If there are other considerations or additional information required the Board can push back their decision to the next meeting. The petitions can also be denied. Either way, the members should provide relevant reasoning for the decision.

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# CITY OF STURGEON BAY VARIANCE APPLICATION ZONING BOARD OF APPEALS

Date Received:	8/3/22	
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Received By:	(! So man	•

	APPLICANT (AGENT)	LEGAL PROPERTY OWNER (if different)	
Name	DAVE PHILLIPS	ERIC VOLLRATH	
Company	MIDWEST WIRE PROD		
Street Address	649 S. LANSING AUE		
City/State/Zip	STURGEON BAY, WI	54235	
Daytime Telephone No.	262.308.2580	920.743.6591	
Fax No. EMAIL	DPHILLIPSEBAYLANDBYILDINGS	MWPEWIREFORMING, COM	
STREET ADDRESS OF SUBJECT PROPERTY: 649 S. LANSING AVE.  Location if not assigned a common address: 615 S CANSING AVE.			
TAX PARCEL NUMBER: 28   -64 - 59000124C			
CURRENT ZONING CLASSIFICATION: ####################################			
CURRENT USE AND IMPROVEMENTS: MANUFACTORING			
IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: 20,27(2) STRZET SBATISALIC			
ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:  North:  South:  HWEHWAM  R-M,/CONSERVANCY  West:  MANN FACTURING			

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: UNSHELTERED FNONT DOOR.
2. Unique physical property limitation: BULT ON SETBACE VILLER (Y-1 20NIN/6, THECITY RESOND) TO F-1 WHICH IMPERSED ENCROPSED.  3. Protection of public interest: NO ADJACE WT NEVER BODS WITH IMPROVEMENTS OFF OF LANSWO AVENUE.  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.
Property Owner (Print Name)  Signature  Date  7-27-22  Applicant/Agent (Print Name)  Signature  Date
I, DAVE PHILLIPS, 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

# NOTICE OF PUBLIC HEARING

The City of Sturgeon Bay Zoning Board of Appeals will hold a public hearing in the Council Chambers at City Hall, 421 Michigan Street, Sturgeon Bay, Wisconsin on Tuesday, August 23, 2022 at 12:00 Noon or shortly thereafter, in regard to a variance request from Midwest Wire Products from section 20.27(2) to allow the construction of a 4' x 12' awning that would be setback 20 feet from the edge of South Lansing Avenue right-of-way line. The subject property is located at 615 S Lansing Ave; parcel #281-64-59000124C. 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: <a href="www.sturgeonbaywi.org">www.sturgeonbaywi.org</a>. 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.

# Location Map Variance Request - 615 S Lansing Ave









# **David Phillips**

From:

Sullivan-Robinson, Christopher <csullivan-robinson@sturgeonbaywi.org>

Sent:

Wednesday, June 22, 2022 11:27 AM

To: Cc: David Phillips Olejniczak, Marty

Subject:

RE: Midwest Wire Addition - Followup

**Attachments:** 

Variance Application.pdf

Thanks for the call this morning and we'll look for receiving the lighting information. I did go back and check my review notes / submitted items and I didn't see anything about an awning. I'm not sure what the deal was there because even under the previous zone the awning couldn't have been build as the current building is at the setback line. We will keep the awning included in the packet however, there approval of the awning will be subject to obtaining a variance from the setback off of Lansing Ave. Attached is the variance application. Let me know if you have any questions.

Sincerely,

### Christopher Sullivan-Robinson|Planner / Zoning Administrator

Community Development Dept | 421 Michigan Street | Sturgeon Bay, WI, 54235 Phone: 920-746-2907 | Fax: 920-746-2905 | Website: <a href="https://www.sturgeonbaywi.org">www.sturgeonbaywi.org</a>

From: Sullivan-Robinson, Christopher <> Sent: Wednesday, June 22, 2022 10:19 AM

**To:** 'David Phillips' <DPhillips@baylandbuildings.com> **Cc:** Olejniczak, Marty <molejniczak@sturgeonbaywi.org>

Subject: Midwest Wire Addition - Followup

Good Morning Dave,

I did get some comments for this and some of my own including the following:

- 1. SBU needs a more complete utility plan that illustrates the sizes, connections and locations of surrounding utilities. Information on fire suppression should also be provided. Attached is a couple of maps provided by the Sewer and Water Manager.
- 2. The City Engineer will require a formal stormwater management submittal compliant with Chapter 33.
- 3. The proposed awning can not be approved for zoning as it will increase encroachment toward the street right-of-way.

Let me know if you have any questions.

Sincerely, Chris

Christopher Sullivan-Robinson|Planner / Zoning Administrator

Community Development Dept | 421 Michigan Street | Sturgeon Bay, WI, 54235 Phone: 920-746-2907 | Fax: 920-746-2905 | Website: www.sturgeonbaywi.org

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20-1318

PROPOSED BUILDING ADDITION FOR:

STURGEON BAY, WISCONSIN; COUNTY OF: DOOR









