

AGENDA
CITY OF STURGEON BAY
ZONING BOARD OF APPEALS
Tuesday, September 27, 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 August 23, 2022.
4. Public Hearing: Variance from Section 20.27(2) of the municipal code for (Seehafer) located on N. Hudson Avenue, parcel #281-64-61001301.
5. Consideration of: Variance from Section 20.27(2) of the municipal code for (Seehafer) located on N. Hudson Avenue, parcel #281-64-61001301.
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

9/22/2022
3:30 p.m.
CS

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**CITY OF STURGEON BAY
Zoning Board of Appeals
August 23, 2022**

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, Nancy Schopf, Bill Chaudoir, Dave Augustson and Ron Vandertie were present. Member Morgan Rusnak was excused. Staff present was Community Development Administrative Assistant Cindy Sommer.

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

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.

All ayes. Carried.

Approval of minutes from June 14, 2022: Moved by Mr. Chaudoir, seconded by Ms. Schopf to approve the minutes of June 14, 2022. All ayes. Motion carried.

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: Chairperson Murrock opened the public hearing at 12:02 p.m.

Mr. Dave Phillips of Bayland Buildings, Inc. of 3323 Bay Ridge Ct, Hobart, WI 54155, presented the variance request and explained that Midwest Wire Products, Inc. is in the process of putting on an addition to one of their existing buildings and they asked Mr. Phillips to add a canopy or awning over the main door of their existing building located at 615 S. Lansing Avenue. There was no awning proposed in the original design plan of the building and the existing building is approximately 25 feet from the right-of-way, which already encroaches on the 40 foot setback requirement. They are proposing to add a 4' x 12' canopy over the front door, to make the front entrance more visible, to allow for protection from rain and snow for people accessing the building, and to add visual appeal to the front of the building. This would further encroach the setback and they are requesting a setback allowance of 20 feet. Mr. Phillips further explained that they would cut a line in the mortar façade for flashing above the awning and the remainder of the installation would take place from the inside of the building. They may also add cleats to the roof to aid in the reduction of snow sliding off the roof, but no decision has been made on that. There are no cars or other obstructions in front of this area. The awning will blend in with the existing building with similar colors.

Mr. Bill England, Manufacturing Manager of Midwest Wire Products, Inc. was asked if there has been a history of reported injuries from ice or snow falling from the roof. He indicated that there were no known reports of injuries but he is aware of ice falling on employees in the past and he indicated that this door is used very frequently by both employees and visitors and the awning would correct the problem before any injuries could occur.

No members of the public presented for the hearing and there were no letters regarding the variance request.

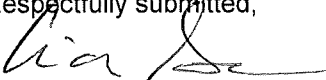
The public hearing was declared closed at 12:19 p.m.

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

Moved by Mr. Chaudoir to approve the variance from Section 20.27(2) of the municipal code for Midwest Wire Products located at 615 S. Lansing Avenue, parcel #281-64-59000124C as presented with the reasoning that it would improve safety for the employees and visitors and improve the aesthetics of the building. Motion seconded by Mr. Vandertie with the same reasons. Roll call vote, all ayes. Motion carried.

Moved by Mr. Chaudoir, seconded by Mr. Augustson to adjourn. All ayes. Motion carried. The meeting adjourned at 12:21 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cindy Sommer", written over a horizontal line.

Cindy Sommer
Community Development
Administrative Assistant.



MEMO

To: Zoning Board of Appeals
From: Christopher Sullivan-Robinson
Date: September 22, 2022
Subject: Variance Application Review for Parcel 281-64-61001301

The applicant Brennan Seehafer is requesting a variance from section 20.27(2) of the Sturgeon Bay Zoning Code, which requires properties located in the R-2 district to have a minimum lot size of 7500 square feet. The applicant intends to purchase the property and develop it into a single-family residence, however the neighboring house to the south encroaches into this property. The applicant is proposing to adjust the south lot line to eliminate the encroachment which reduces the lot size to 6510 square feet. Thus, a lot area variance is required in order to move forward.

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.

Other Considerations:

1. Historically, the City has been lenient on existing lots (grandfathered) that do not meet the lot area requirement. Per section 20.26(2)(a) *...In all districts, all legal nonconforming lots may be used as building sites for any uses permitted in that district, provided all structures meet all setbacks, floor area, and other applicable provisions of this chapter.*
2. By allowing the variance as proposed, the existing encroachment gets removed and a lot becomes developable. In addition, all sides of the existing home are accessible without going on to the neighbor's property.

Staff Opinion: Staff does not have any significant concerns; however, the board should review any comments / concerns presented during the public hearing. The applicant is responsible for proving an unnecessary hardship, identifying any property limitations, and that the variance would not in turn negatively impact the public interest.

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.

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

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

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Brennan W. Seehafer	Schaus Residuary Trust
Company	—	James and Polly Schaus
Street Address	822 S. 8th Street	440 N. Hudson Ave.
—	—	—
City/State/Zip	Manitowoc, WI 54220	Sturgeon Bay, WI
Daytime Telephone No.	920-242-3450	920-323-4118
Fax No.	—	—

STREET ADDRESS OF SUBJECT PROPERTY: Vacant lot North of:
Location if not assigned a common address: 440 N. HUDSON AVE
STURGEON BAY, WI

TAX PARCEL NUMBER: 281-64-61001301

CURRENT ZONING CLASSIFICATION: R-2

CURRENT USE AND IMPROVEMENTS: Vacant Lot

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM
BEING REQUESTED FOR REVIEW: S.20.27(2) Minimum Lot Area

Requesting minimum lot area of 5640 Sqft.

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:

North: R2 - Single-Family Dwellings

South: R2 - Single-Family Dwellings

East: WATER

West: R1 - Single-Family Dwellings

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: HOUSE AT 440 N. HUDSON AVE. IS OVER 10+ LINE, REQUIRES 10+ LINE SHIFT. NO SALE WITHOUT FIXING 10+ LINE.
2. Unique physical property limitation: THE 10+ IS SMALL, ANY CHANGE WILL MAKE IT NONCONFORMING.
3. Protection of public interest: ONLY IMPACT TO SELLER. SOUTH 10+ CLOSER TO CONFORMING. STILL ROOM FOR CONFORMING DWELLING. THE 10+ ALREADY EXISTS. NO IMPACT TO PUBLIC. REASONABLE 10+ FOR DEVELOPMENT.

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? NO IF YES, EXPLAIN: _____

N/A

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

Brennan W. Seehafer

Brennan W. Seehafer

8-31-22

Applicant/Agent (Print Name)

Signature

Date

I, Brennan W. Seehafer, 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.

8-31-22

Brennan W. Seehafer

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, September 27, 2022 at 12:00 Noon or shortly thereafter, in regard to a variance request from Brennan Seehafer from section 20.27(2) of the Sturgeon Bay Zoning Code, which requires a lot in the R-2 district to have a minimum area of 7,500 square feet. The proposal is to reduce an existing lot from the current 8,033 square feet to the proposed 6,510 square feet. The subject property is located northerly of 440 N. Hudson Ave; parcel #281-64-61001301. 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.

Location Map
Variance Request
N Hudson Ave; Parcel # 281-64-61001301

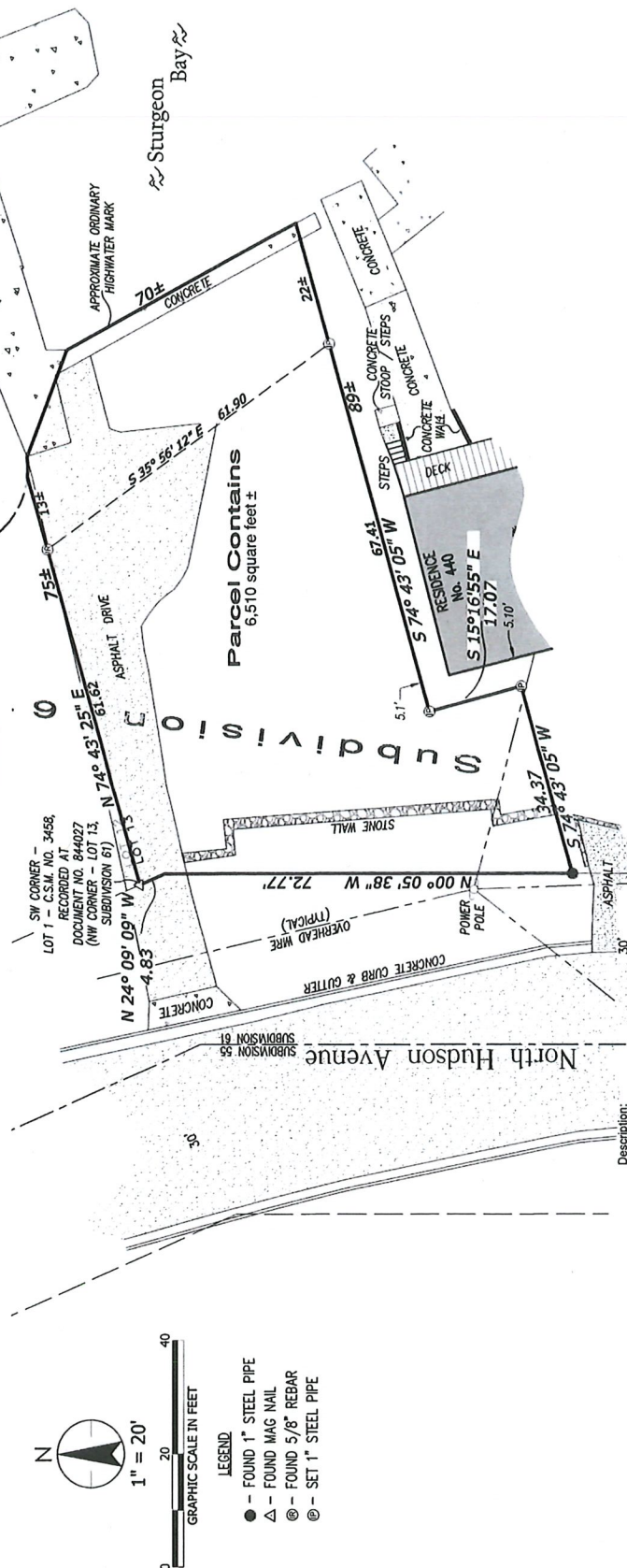


 Subject Property

Note: Public hearing to be holding on September 27, 2022 @ 12:00 Noon in the Council Chambers.



BEING PART OF:
LOT 13 OF SUBDIVISION 61,
ACCORDING TO THE ASSESSOR'S MAP OF THE CITY OF STURGEON BAY,
LOCATED IN:
THE NW 1/4 OF SECTION 7,
TOWNSHIP 27 NORTH, RANGE 26 EAST,
CITY OF STURGEON BAY,
DOOR COUNTY,
WISCONSIN



Description:

A parcel of land, being a part of Lot 13 of Subdivision 61, according to the Assessor's Map of the City of Sturgeon Bay, located in the NW 1/4 of Section 7, Township 27 North, Range 26 East, City of Sturgeon Bay, Door County, Wisconsin. More particularly described as follows:

Commencing at the SW corner of Lot 1 of C.S.M. Number 3458, recorded at Document Number 644027, said corner also being the NW corner of Lot 13 of said Subdivision 61, on the easterly right of way line of North Hudson Avenue, and the point of beginning of lands to be conveyed; thence N. 74°42'25" E., 61.62 feet along the southerly line of Lot 1 of said C.S.M. Number 3458 (northerly line of Lot 13) to a 1" found steel pipe on a meander line, said pipe being S. 74°42'25" W., 13 feet ± from the approximate ordinary highwater mark of Surgeon Bay; thence S. 35°56'12" E., 61.90 feet along said meander line to a 1" steel pipe, said pipe being S. 74°43'05" W., 22 feet ± from the approximate ordinary highwater mark of Surgeon Bay; thence S. 74°43'05" W., 67.41 feet; thence S. 15°16'55" E., 17.07 feet; thence S. 74°43'05" W., 34.37 feet to the aforementioned easterly right of way line of North Hudson Avenue, thence along said right of way line as follows: N. 00°58'38" W., 72.77 feet to the point of beginning.

Said parcel contains 6,510 square feet \pm together with those lands lying between the aforementioned meander line and the approximate ordinary highwater mark of Surgeon Bay. Together with all Indian rights appurtenant thereto.

SURVEYOR'S CERTIFICATE:

I, ARIC R. WEBER, PROFESSIONAL LAND SURVEYOR FOR STANTEC CONSULTING SERVICES, INC. HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE-DESCRIBED PROPERTY AND THAT IN MY PROFESSIONAL OPINION THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS BOUNDARIES, THE LOCATION OF ALL STRUCTURES THEREON, FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR INSURE THE TITLE THEREON.

DATE OF THIS ORDER: _____ DAY OF _____ 2022

ARIC R. WEBER S-2584

Tax Parcel Number
281-64-61001301

1 of 1

1 of 1

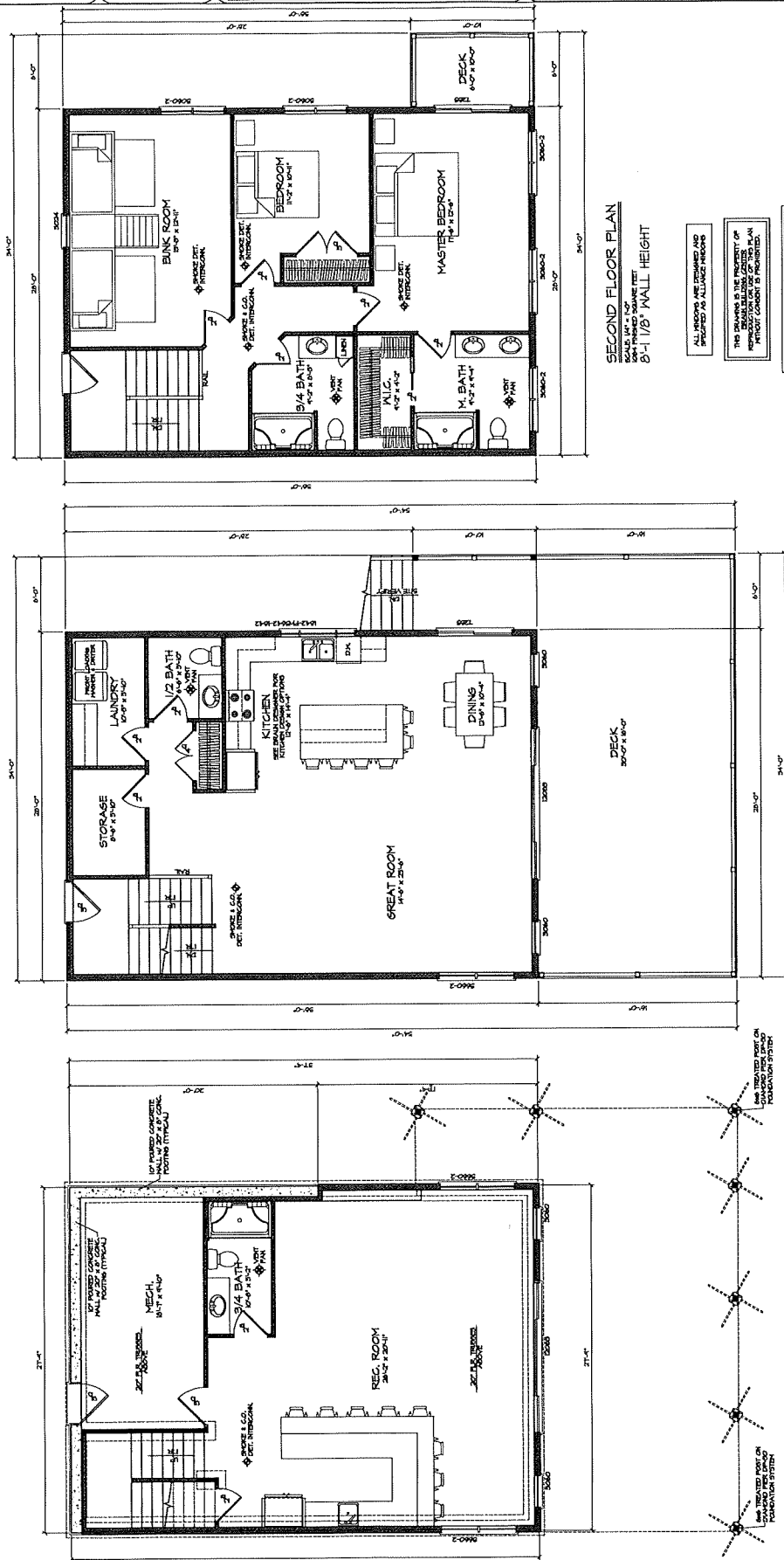
-NOTE-

BRENNAN SEEHAFFER
LAKE HOUSE

BRAUN
BUILDING
CENTER

8305 KENYON AVENUE
MAYTOWIC, W 84220
TEL: 420-682-0148
FAX: 420-682-0584

DATE	TIME
11-11-68	11:11



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"
1004 FINISHED SQUARE FEET
9'-1 1/8" WALL HEIGHT

FOUNDATION PLAN
SCALE: 1/4" = 1'-0"
NOT FINISHED SQUARE FEET
9'-0" POURED WALLS

ALL WINDOWS ARE DESIGNED AND
MANUFACTURED AS ALLIANCE WINDOWS

THIS DRAWING IS THE PROPERTY OF
BRANIFF BUILDING CENTER
REPRODUCTION OR USE OF THIS PLAN
WITHOUT CONSENT IS PROHIBITED.

ALL LVL HEADERS AND LVL BEAMS ARE
DESIGNED AT MINIMUM AS TRUSS JOIST THE
MICROSLAM LVL. & FLOOR TRUSSES ARE
DESIGNED W/ LOAD MINIMUM LIVE LOAD
DEFLECTION UNLESS OTHERWISE SPECIFIED
AS STRONGER ON ESTIMATE OR PLAN.

ROOF TRUSS SPEC.'S

ROOF LOAD DESIGNED FOR ZONE 2

LOADING:
DEAD = 20PSF
LIVE = 20PSF
WIND = AS PER
CODE

SPECIES: 2X4 O.C. UNLESS NOTED ON TRUSS PLAN

DURATION: LS &

DEFLECTION: L/240 MINIMUM

ROOF PITCH: 4/12

NEEL HEIGHT: 17'

ALL INCLUDES 2X6 PASCAL 2X4 EAVE & 12" GABLE

Thursday, September 1st, 2022

Regarding: Tax Parcel Number 2816461001301 currently owned by the Schaus Residuary Trust.

Dear City of Sturgeon Bay Zoning Board of Appeals,

As the current owners of parcel # 2816461001301 as well as the adjacent property with the address of 440 North Hudson Ave, Sturgeon Bay, WI we are writing this letter to state the fact that we are in agreement with the current plan attached for a residential dwelling to be built on parcel # 2816461001301. And we support any changes or variances that need to be approved in order for this residential dwelling to be built.

We have attached the signed and accepted offer to purchase for parcel # 2816461001301, between Brennan Seehafer and the Schaus Residuary Trust.

Thank you for your time and consideration,

James W. Schaus
James Schaus - Schaus Residuary Trust

9/1/22
Date

Polly A. Schaus
Polly Schaus - Schaus Residuary Trust

9-1-22
Date