

**CITY OF STURGEON BAY**  
**Zoning Board of Appeals**  
**September 27, 2022**

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, Bill Chaudoir, Morgan Rusnak and Dave Augustson were present. Staff present was Planner/Zoning Administrator Christopher Sullivan-Robinson and Community Development Administrative Assistant Cindy Sommer.

**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 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.

All ayes. Carried.

**Approval of minutes from August 23, 2022:** Moved by Mr. Augustson, seconded by Ms. Schopf to approve the minutes of August 23, 2022. All ayes. Motion carried.

**Public hearing: Variance from Section 20.27(2) of the municipal code for Brennan Seehafer located on N. Hudson Avenue, parcel #281-64-61001301:** Chairperson Murrock opened the public hearing at 12:02 p.m.

Mr. Sullivan-Robinson explained that this is an undeveloped lot that previously under the same ownership as the lot to the south. The lot is zoned R-2, which requires lots to be 7,500 square feet, however the house to the south encroaches on this lot. The petitioner had a Certified Survey Map prepared to shift the property line to eliminate the encroachment, however it reduces the lot area to 6,510 square feet. Staff supports the lot change and notes that approval of the variance would eliminate the encroachment. Approximately 70% of the properties along this area of the waterfront have non-conforming lot sizes.

Mr. Chaudoir questioned how the encroachment happened. Mr. Sullivan-Robinson explained there is no clear record of when or why this encroachment occurred but it's probable that the property owner owned both lots at the time the house was built and likely never intended to sell the lots separately.

The applicants, Brennan Seehafer and Shilah Seehafer of 822 S. 8<sup>th</sup> Street, Manitowoc, WI, presented the petition. Mr. Seehafer explained that he hasn't closed on the property yet and is waiting to see if the variance will be approved before purchasing. He explained that he has exhausted other options to increase the lot size, including purchasing a small portion of the lot to the north, which has not worked out. He explained that both adjacent property owners are in support of his proposal to build on this smaller lot. He is proposing a tall, narrow building that fits well on the lot consisting of two stories and a walk-out basement. No garage is planned and ample parking is available at the street level above the retaining wall, which he plans to improve about 4 parking spaces with concrete or blacktop. He is planning to put a catwalk from that parking lot to the main level of the house. There is an existing blacktop driveway that will stay in place and adds additional parking. He explained that about 6" of the driveway encroaches on the neighbor to the north, which was accidental when the blacktop was poured as the property line had been surveyed prior to the work being done. There will be no digging into the cliff edge and very little excavation is needed for the construction. The dock is in good condition with new concrete and the seawall is also in good condition.

No members of the public testified at the hearing. One letter of support from James & Polly Schaus, neighbors at 440 N. Hudson Avenue, was entered into the record.

The public hearing was declared closed at 12:21 p.m.

**Consideration of: Variance from Section 20.27(2) of the municipal code for Brennan Seehafer located on N. Hudson Avenue, parcel #281-64-61001301.**

Mr. Chaudoir indicated these variances have been requested and approved in the past on this street with their unique properties, noting that 70% of the properties do not conform to the required lot sizes. He believes that the house encroachment was self-inflicted by the property owner, who likely never intended to divide the lot and then later changed his mind.

Moved by Mr. Chaudoir to approve the variance from Section 20.27(2) of the municipal code for Brennan Seehafer located on N. Hudson Avenue as presented with the reasoning that this neighborhood has unique challenges because of the distance between the water and the road, as well as elevation changes, so it raises challenges to get conforming lots, thereby causing a hardship. Motion seconded by Ms. Rusnak, noting that the proposed building will not encroach on any setbacks if approved. The addition was also approved by the movant. Roll call vote, all ayes. Motion carried.

Moved by Mr. Augustson, seconded by Mr. Chaudoir to adjourn. All ayes. Motion carried. The meeting adjourned at 12:24 p.m.

Respectfully submitted,

Cindy Sommer  
Community Development  
Administrative Assistant.