

AGENDA
CITY OF STURGEON BAY
ZONING BOARD OF APPEALS
Tuesday, October 11, 2022 @ 12:00 Noon
Council Chambers, City Hall
421 Michigan Street, Sturgeon Bay, WI

1. Roll call.
2. Adoption of agenda.
3. Public Hearing: Variance from Section 20.34(1) of the municipal code for Gregg and Karen Daanen located on Tacoma Beach Road, parcel #281-64-91000114.
4. Consideration of: Variance from Section 20.34(1) of the municipal code for Gregg and Karen Daanen located on Tacoma Beach Road, parcel #281-64-91000114.
5. 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

10/5/2022
11:00 a.m.
CS



MEMO

To: Zoning Board of Appeals
From: Christopher Sullivan-Robinson
Date: September 27, 2022
Subject: Variance Request – 920 Tacoma Beach Rd

Gregg and Karen Daanen are requesting for a variance from section 20.34(1) to allow the replacement of an existing garage with a new 28 ft. x 40 ft. garage. Per the zoning code the garage must be located at least 50 feet from the edge of the highway right-of-way line; however, the proposed garage would be located 10 feet from the right-of-way at its closest point. Thus, a variance is needed from this section of code to obtain a building permit. The subject property is located at 920 Tacoma Beach Rd; Parcel #281-64-91000114, which has received a variance in 2018 to allow the replacement of an existing home.

Section 20.34(1) – “Between the west city limits and the Bayview Bridge such setback shall be 50 feet from the edge of the right-of-way...”

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.

Considerations:

1. If the highway right-of-way wasn't a factor, then a garage could be built with a side yard setback at 5-10 feet from the property line.
2. The highway right-of-way is wider than normal based on future needs by the Department of Transportation to expand to a 4 lanes system. The setbacks from state highway 42/57 ordinance was created to provide separation from the highway corridor and to maintain a view corridor. The City has, however, made exceptions to these rules several times since its creation.
3. The new garage would be less of an encroachment than the existing garage, which appears to be on the edge of the right-of-way. Additionally, the new garage would be sited at the same setback as the home, which also received a setback variance in 2018.

4. Though the garage appears to be sited to connect to the existing driveway, there appears to be an ability to site the garage elsewhere on the property.

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:	9/16/2022
Fee Paid	\$ 300 + 50
Received By:	CS

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Gregg And Karen Daanen	
Company	N/A	
Street Address	920 Tacoma Beach RD	
City/State/Zip	Sturgeon Bay, WI 54235	
Daytime Telephone No.	(262) 844-1372	
Fax No.	dannen@yaho.com	
STREET ADDRESS OF SUBJECT PROPERTY: Location if not assigned a common address:		920 TACOMA Beach RD
TAX PARCEL NUMBER: 2816491000114		
CURRENT ZONING CLASSIFICATION: R-1		
CURRENT USE AND IMPROVEMENTS: Single family dwelling and 24X40 garage		
IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: Zoning Ordinance 20.34 (1) Request to replace existing garage with a 28X40 located 12' at the closest point, extending to 20' 10'		
ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES: North: Water Front South: Agricultural East: West:		

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: As you can see from the proposed site plan, the 50' set back cuts the property in half, making the property virtually unbuildable.

2. Unique physical property limitation: By cutting the property in half, the only structure that could be built would be impractical and would negatively impact the aesthetics of the property

3. Protection of public interest: We are proposing to build a garage that conforms with the design of the recently completed house. The new garage will increase the value of the property, resulting in additional tax review.

Allowing the garage to be built in the proposed location will assist in reducing the highway noise pollution, a benefit to the entire neighborhood

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? IF YES, EXPLAIN: Yes Variance from highway set back was granted for home in 2018.

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.

GREGORY DAWNER
Property Owner (Print Name)

GREGORY DAWNER
Signature

9/16/2022
Date

Applicant/Agent (Print Name)

Signature

Date

I, _____ 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

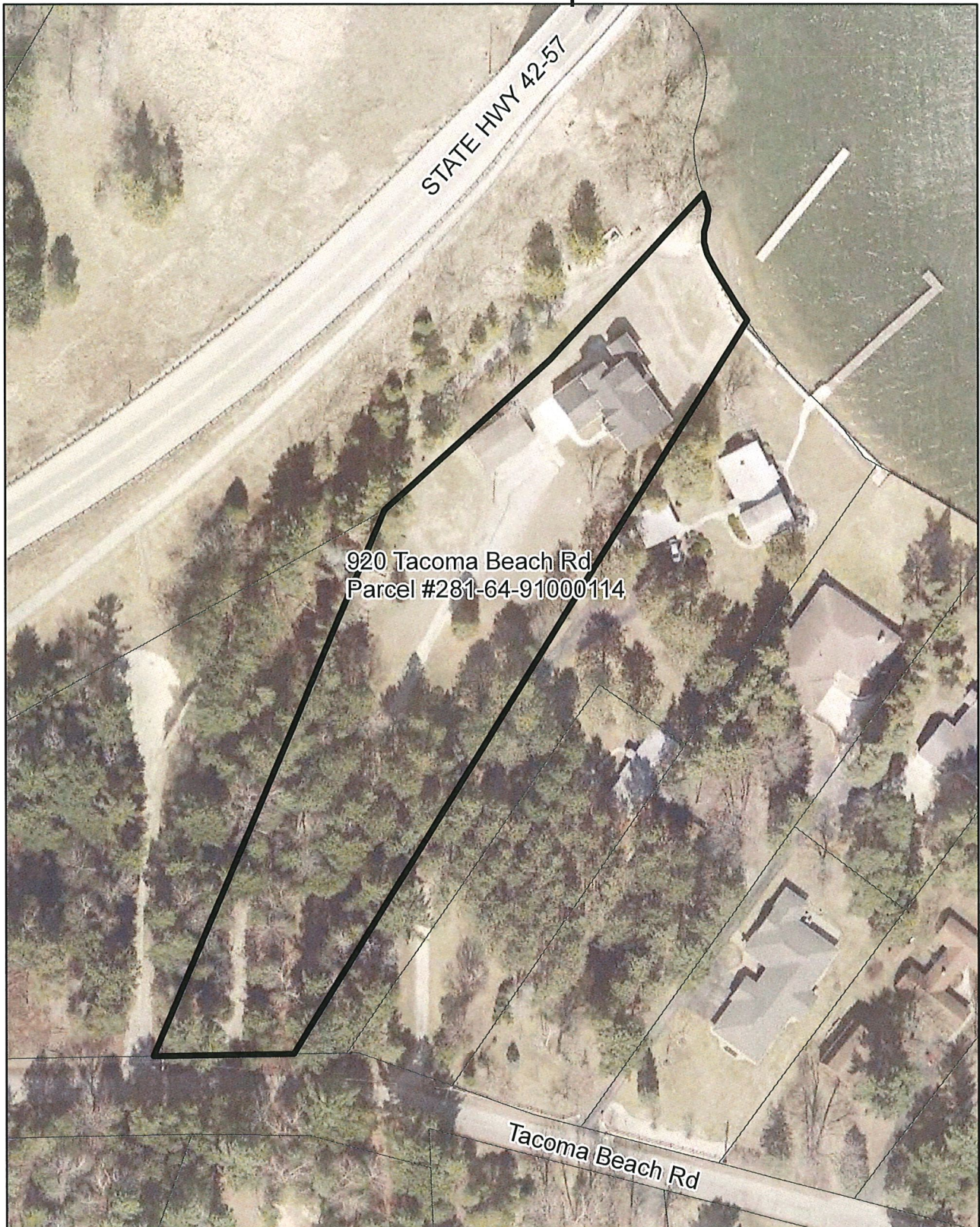
Staff Signature

Attachments:

Procedure & Check List

Agreement For Reimbursement of Expenses

Location Map
Notice of Public Hearing
Variance Request



 Subject Property



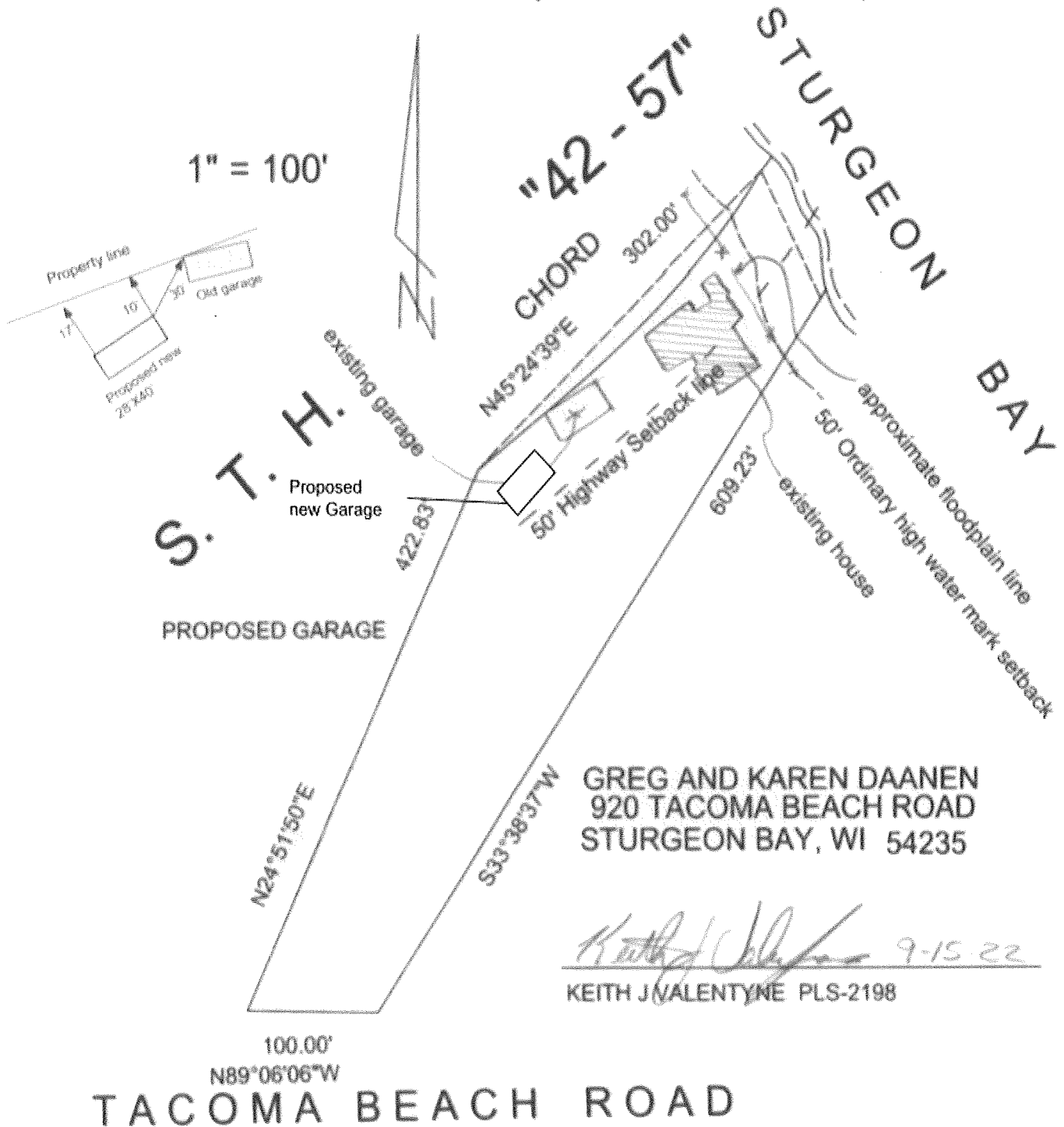
NOTICE OF PUBLIC HEARING

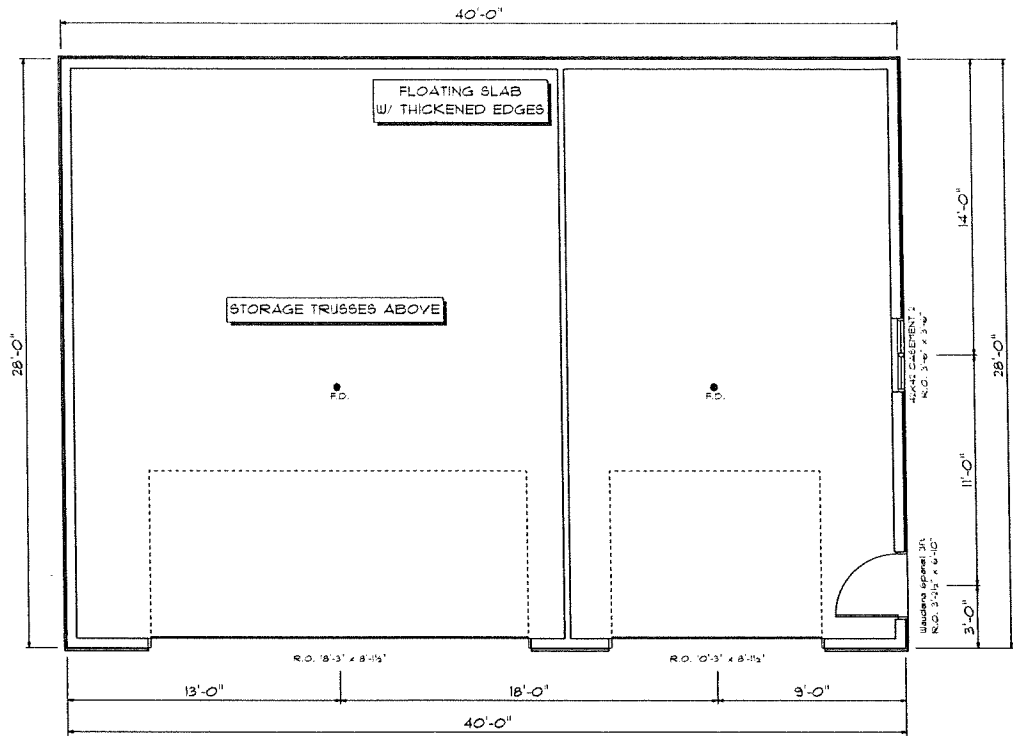
The City of Sturgeon Bay Zoning Board of Appeals will hold a public hearing in the Council Chambers, 421 Michigan Street, Sturgeon Bay, Wisconsin on Tuesday, October 11, 2022 at 12:00 Noon or shortly thereafter, regarding a request from Gregory and Karen Daanen for a variance from Section 20.34(1) of Municipal Code (Zoning Code), which requires all buildings to be setback 50 feet from the State Highway 42/57 right-of-way. The request is to replace an existing garage with a new 28' x 40' garage located 10 feet, at the closest point, from the State Highway 42/57 right-of-way. The property is located at 920 Tacoma Beach Road, tax parcel #281-64-91000114. 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 attend the hearing and give testimony in favor or against the proposed variance either in person at the hearing or in writing.

By order of:

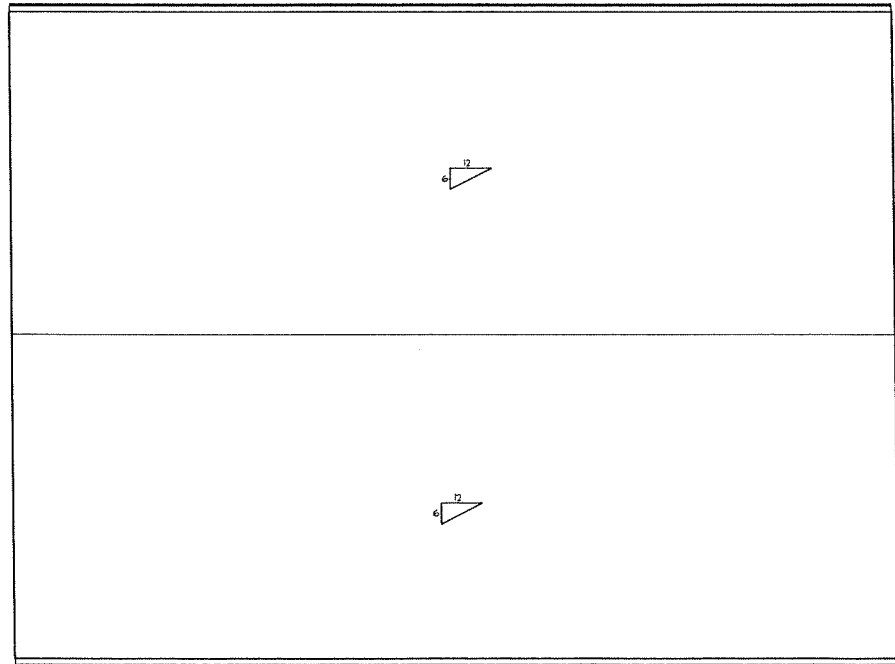
City of Sturgeon Bay Zoning Board of Appeals

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SECTION 17, T27N, R26E, CITY OF
STURGEON BAY, DOOR COUNTY, WI

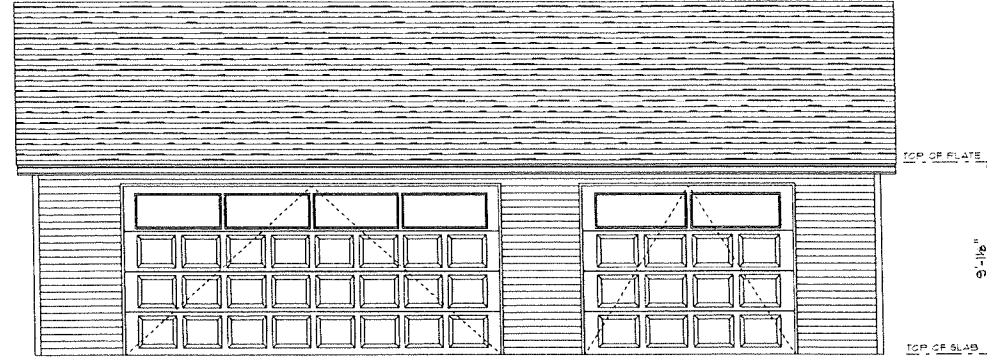




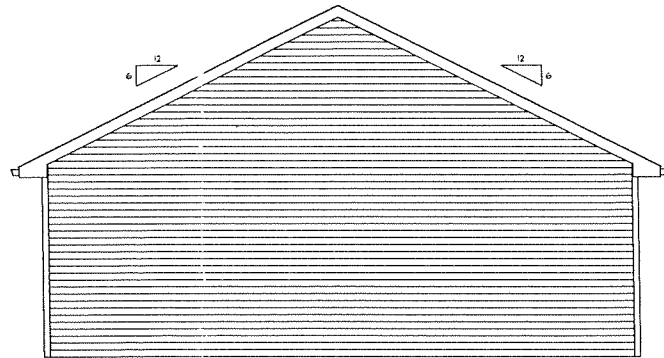
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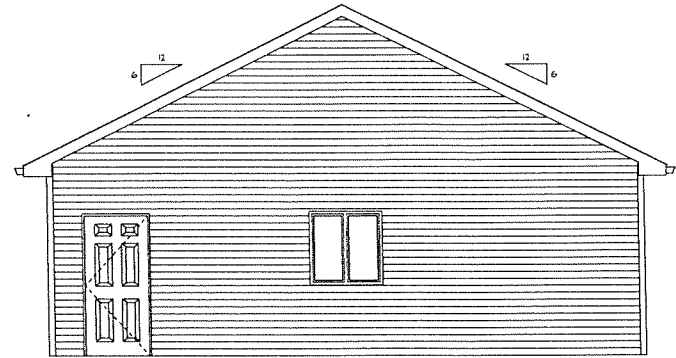
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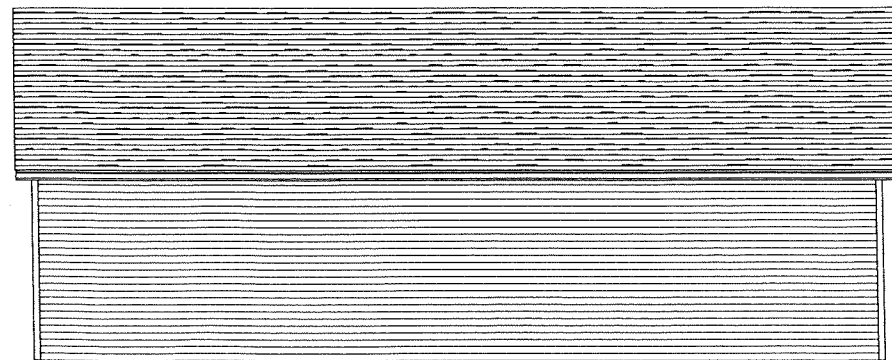
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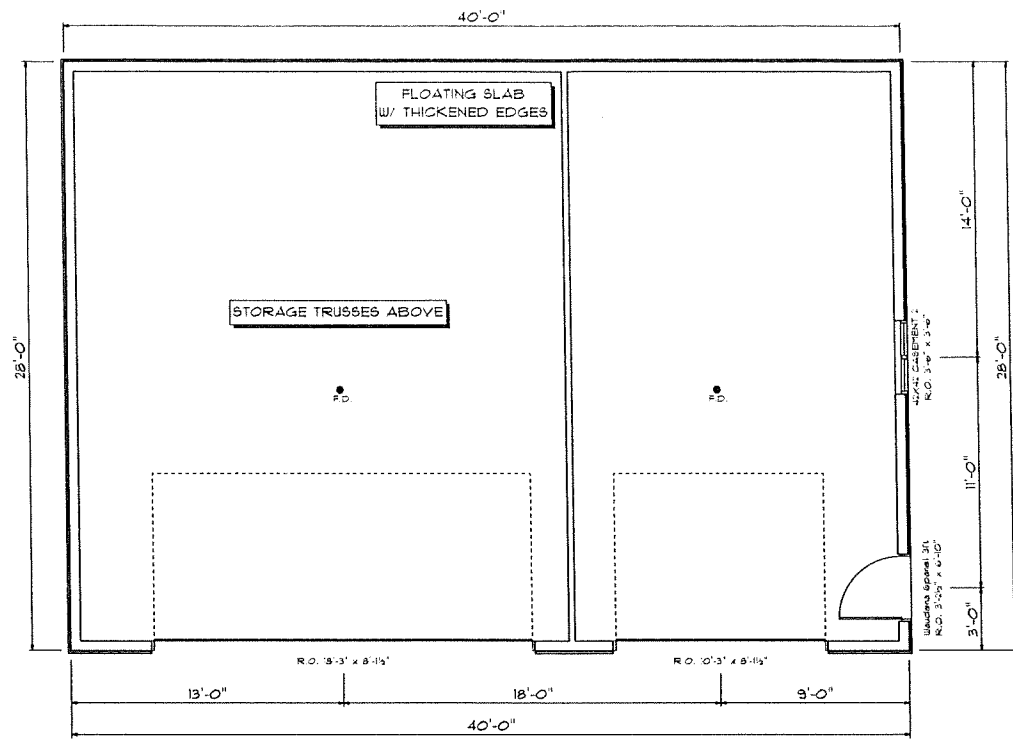


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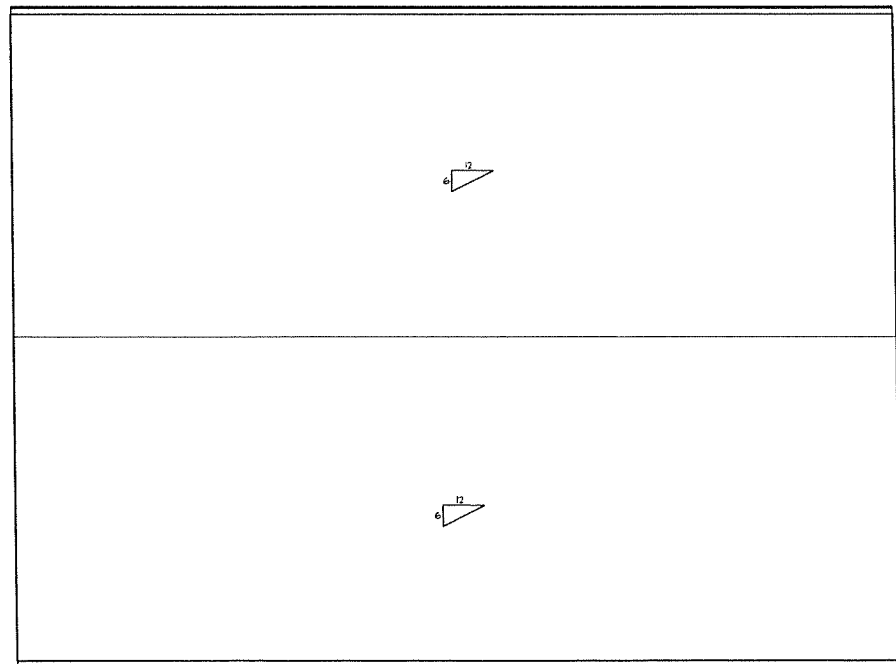


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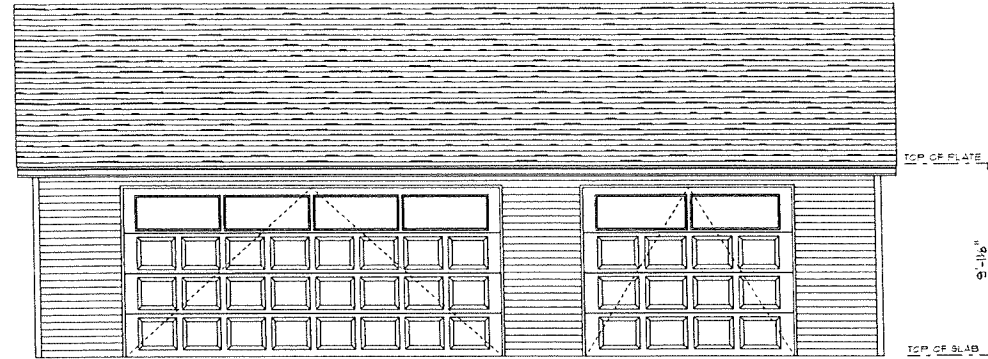
PAGE: 1/1		SECTION LETTER	DAANEN	YANS LUMBER & CUSTOM BUILDERS INC	SCALE: 1/4" = 1'-0"	SALES MAN:
		DATE: Tuesday June 28, 2022				
		ACCEPTED BY:				
		DESIGNED BY: JASON NELSON				
				ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THEM FOR ACCURACY, THE CONTRACTOR MUST CHECK ALL DETAILS, DIMENSIONS, AND MATERIALS FOR ACTUAL RESULTS. THE CONTRACTOR MUST BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE CONTRACTOR MUST HAVE THE PLANS AND ELEVATIONS APPROVED BY THE CONTRACTOR.		
PAGE NUMBERS						
PLAN AND ELEVATIONS.						



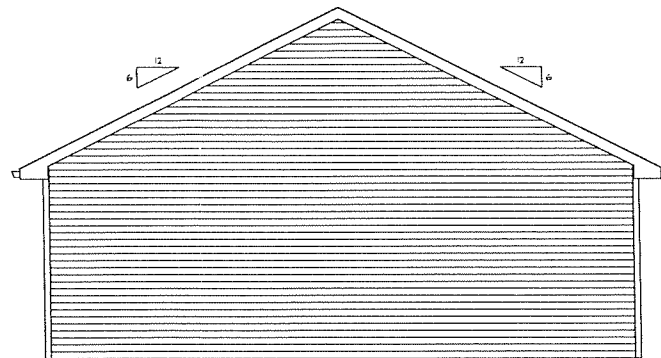
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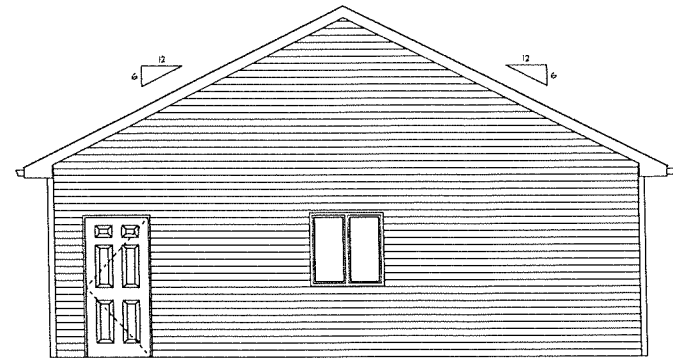
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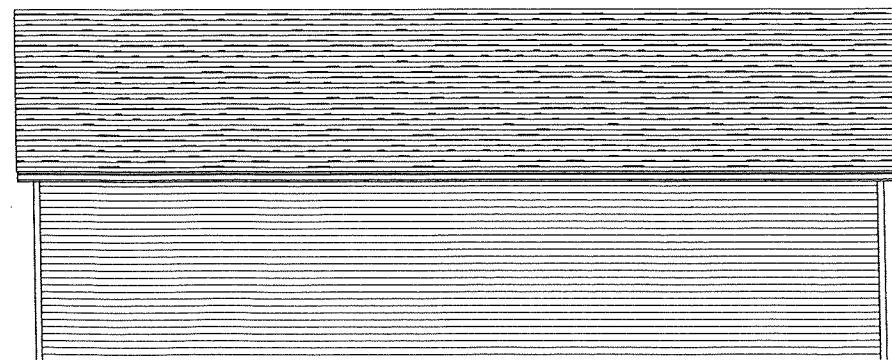
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DAANEN

YANS LUMBER &
CUSTOM BUILDERS INC

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DATE: TUESDAY, JUNE 28, 2022

ACCEPTED BY:

DESIGNED BY: JACOB S. JENSEN

SALES MAN

SECTION
LETTER
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PLAN AND ELEVATIONS.