

## **Zoning Board of Appeals Tuesday, March 22, 2022**

A meeting of 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 [#1]:** Members William Murrock, Dave Augustson, Nancy Schopf and Morgan Rusnak and alternate member Michael Marit were present. Members Bill Chaudoir was excused. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson and Administrative Assistant Suzanne Miller.

**Adoption of Agenda [#2]:** Moved by Marit, seconded by Augustson to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from December 14, 2021.
4. Public Hearing: Petition for variance from Section 20.27(2) of the City of Sturgeon Bay Zoning Code for Fincantieri Bay Shipbuilding located at 605 N 3<sup>rd</sup> Ave; parcel #281-62-01000704C.
5. Consideration of: Petition for variance from Section 20.27(2) of the City of Sturgeon Bay Zoning Code for Fincantieri Bay Shipbuilding located at 605 N 3<sup>rd</sup> Ave; parcel #281-62-01000704C.
6. Adjourn.

All ayes. Motion carried.

**Approval of Minutes from December 14, 2021 [#3]:** Moved by Schopf, seconded by Rusnak to approve the minutes from December 14, 2021. All ayes. Motion carried.

**Public hearing [#4]:** Petition for variance from Section 20.27(2) of the City of Sturgeon Bay Zoning Code for Fincantieri Bay Shipbuilding (FBS) located at 605 N 3<sup>rd</sup> Ave; parcel #281-62-01000704C. Chairperson Murrock opened the public hearing at 12:04 p.m.

Zoning Variance request read aloud by Miller.

Introduction given by Sullivan-Robinson described Fincantieri Bay Shipbuilding's (FBS) petition for two variances to accommodate construction of a 65' x 350' x 32' high machine shop along 3<sup>rd</sup> Avenue near the northeast corner of their property (350' along 3<sup>rd</sup> Ave. [east] & 65' along Florida St. [north]). Proposals show the building 2' off the north property line and 2' off the east property line. Property is zoned Heavy Industrial (I-2), which requires the building to have a 50' setback along 3<sup>rd</sup> Ave. and a 20' setback along Florida St. FBS is proposing a land swap along the north lot line with the City to allow the northward positioning needed to keep the building outside of the FEMA floodplain. Sullivan-Robinson instructed the Authority that to be granted the variance, FBS must: 1. Prove an unnecessary hardship 2. Identify physical property limitations that require the variance 3. Prove the variance would not negatively impact the public interest.

Sullivan-Robinson reported positives include elimination of areas of outside storage that encroach into City right-of-way, improved curb appeal, some additional green space, and a better-designed/looking building than some of FBS's existing structures. Negatives include the

undesirable 2-foot separation between the property line and an industrial building and the effects that pushing an industrial building close to the street may have on the aesthetics of 3<sup>rd</sup> Ave.

Also of concern is how much variance is needed from 3<sup>rd</sup> Ave based on the space FBS requires to reasonably access the graving dock/gantry crane area. He informed the Authority that approval of the variance can be subject to added conditions to address the aesthetics of the structure such as building materials, beautifying the frontage along 3<sup>rd</sup> Ave. and/or site clean-up items.

Jan Allman, Sr. V.P. for Public Affairs and Community Relations and Aaron Bley, Facilities Manager, both representing FBS and Stuart Johnson of A.C.E. Building Services were present.

Allman explained: 1.) The age and poor condition of the existing building, that does not meet code (no sprinkler system), they plan to replace. 2.) The importance of keeping the new building out of the flood plain 3.) The necessity of placing the building as proposed to allow continued efficient production and safe operation of the shipyard without limiting production. She reported they would not be able to operate due to limited space between the new building and the gantry crane if prohibited from moving the new building northward. She stated FBS will look at requests from the Authority regarding aesthetics. She described the land swap as a long sliver along the northside of the property of ~3,000sq.ft., presented a printed layout, and stated FBS already has equipment/materials and fencing in that area and has a high-level agreement with the City to make the swap. She stated there will be no additional fencing installed as the building will become the fence. Indoor production allowed via the new building will reduce noise, dust, and debris in the area. Allman reported the original beautification project (south of Iowa St.) will be installed in second quarter 2022.

Bley reported the new building will replace the old machine shop. Location of the building in relation to the graving dock/gantry crane is critical to move parts and materials, build ships and launch ships. He reported they have no second option and without the variance to relocate the building, the effect on production will be drastic. He reported boring results were very positive and bedrock was reached at 12 feet. The south end of the building will include the guard shack resulting in a facelift for the north entrance to FBS. Utility services are already inside the shipyard and conveniently located.

Johnson described the proposed pre-engineered metal building that will match the other new buildings in appearance.

Noralea Lautenbach of 632 No. 3<sup>rd</sup> Ave. spoke in favor of the variance as an improvement in appearance over the present "mess" and raised several concerns: 1.) The lack of parking on 3<sup>rd</sup> Ave. She and her immediate neighbors do not have parking on the street (east side) in front of their homes and the FBS workers are "nasty" when neighbors park on the west side of the street. 2.) There are no trees along the west side of 3<sup>rd</sup> Ave. in this area. 3.) Snow removal is problematic as plow deposits a great deal of snow on their side of the street and the sidewalk.

Chris Kellems of 120 Alabama St. spoke in favor of the proposal, especially improved dust control. She spoke of a missed opportunity for solar panels on the roof of new buildings and raised concern regarding seagull nesting on the roof.

No one spoke in opposition of the variance request and there were no letters of correspondence in favor of or against the variance request.

Allman responded FBS would look at snow removal issues, is willing to plant trees, is planning to

dispose of some of the items stored outside and will be using more inside storage. FBS has a sustainability program and are evaluating the use of solar. Brey reported the roofs are designed to support the weight of future solar panels and FBS participates in a seagull mitigation program with the DNR in the summer. The building must be 65 feet to accommodate the length of shafts and other components.

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

**Consideration of petition for variance from Section 20.27(2) of the City of Sturgeon Bay Zoning Code for Fincantieri Bay Shipbuilding located at 605 N 3<sup>rd</sup> Ave; parcel #281-62-01000704C. [5]:**

Discussion: Authority members voiced support for the proposal as the area will be cleaned up and sound will be mitigated through indoor production. Augustson stated he would like to see more green space and maintain views of the yard. Augustson also stated: 1.) The building allows completion of Navy contracts, 2.) The flood plain and space limitations of the property leave no other options for placement, and 3.) The City and Utilities property to the north of the lot line provide adequate green space. Schopf stated support due to improved aesthetics in the area and the project supporting the economy of the City.

**Motion #1:** Augustson made a motion to approve the petition for variance from Section 20.27(2) of the City of Sturgeon Bay Zoning Code for Fincantieri Bay Shipbuilding located at 605 N 3<sup>rd</sup> Ave; parcel #281-62-01000704C, allowing FBS to construct a building encroaching the setback from the north lot line by 18 feet and allowing the structure's corner to be sited within two feet of the lot line. Second by Shopf. All ayes by roll call vote. Motion carried.

Discussion: Authority members discussed the size of the building and amount of area along 3<sup>rd</sup> Ave. available for green space.

**Motion #2:** Murrock made a motion to approve the petition for variance from Section 20.27(2) of the City of Sturgeon Bay Zoning Code for Fincantieri Bay Shipbuilding located at 605 N 3<sup>rd</sup> Ave; parcel #281-62-01000704C, allowing FBS to construct a building encroaching the setback from 3<sup>rd</sup> Avenue by 48 feet with the condition that FBS extend the current 3<sup>rd</sup> Avenue Beautification Project from its current termination at Iowa St. to the end of the FBS property at Florida St. Shopf seconded the motion. All ayes by roll call vote. Motion carried.

**Adjourn [#6]:** Motion to adjourn by Augustson, seconded by Shopf. All ayes. Motion carried. The meeting adjourned at 1:05 p.m.

Respectfully submitted,



Suzanne Miller  
Administrative Assistant