

AGENDA
CITY OF STURGEON BAY
ZONING BOARD OF APPEALS
Tuesday, March 29, 2022 @ 12:00 Noon
Council Chambers, City Hall
421 Michigan Street, Sturgeon Bay, WI

1. Roll call.
2. Adoption of agenda.
3. Public Hearing: Petition for variance from Sections 20.27(1), 20.31(4)(c), and 27.13(4)(c)(5), of the municipal code for Richard Robinson located at 911 Green Bay Rd; parcel #281-66-13000101
4. Consideration of: Petition for variance from Sections 20.27(1), 20.31(4)(c), and 27.13(4)(c)(5), of the municipal code for Richard Robinson located at 911 Green Bay Rd; parcel #281-66-13000101
5. Adjourn.

NOTE: DEVIATIONS FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Committee Members:
Bill Murrock
Dave Augustson
Nancy Schopf
Morgan Rusnak
Bill Chaudoir
Alt 1: Michael Marit

Posted:

03/24/2022
2:30 pm
SM



MEMO

To: Zoning Board of Appeals
From: Christopher Sullivan-Robinson
Date: Thursday, March 24, 2022
Subject: Variance Application Review – 911 Green Bay Rd

Petition: Richard Robinson, representative of Green Bay & Duluth, LLC, is petitioning for approval of 3 separate variance for the property located at 911 Green Bay Rd; formerly known as Woldt's Corner Pub. These variances are due to the proposed redevelopment of the site. See the attached materials for more details. The variances requests are from Chapters 20 (Zoning Code) and Chapter 27 (Sign Code).

The existing site contains the restaurant building and seven lodging units. The six smaller buildings and the restaurant will be removed from the site. However, the larger dwelling to the south will remain with a portion of the property to be split off. The developer proposes to build a new 75' 9" x 80' x 19' H building which will contain three business spaces. The eastern most unit will contain a drive-through facility as shown on the project plan. The existing parking lot will be removed and replaced with a 42-space parking lot.

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. The provisions of Chapter 27 were adopted to provide minimum standards to safeguard life, health, property and public welfare and preserve and enhance aesthetic values by regulating and controlling the design, area, number, construction, illumination, installation, location and maintenance of all signs referred to hereunder.

20.27(1): This section requires the combined area of all impervious surfaces to not exceed 70% of the total area of a lot in the General Commercial (C-1) The applicant proposes a site plan with a total impervious ratio of 89.22% for the northerly parcel. The purpose of this ordinance is to enhance the aesthetic value and maintain a certain character which is also required in several other zoning districts. In addition, this code is intended to provide space for stormwater management and landscaping.

20.31(4)(c): This section requires all off-street parking spaces to be located at least 5 feet from any public right-of-way. The applicant proposes to have two parking spaces that would encroach the setback from HWY 42/57 by 3 feet. The 5-foot setback requirement for parking areas is intended to provide separation between parking vehicles, pedestrians, and public infrastructure. It is also intended to allow for green space and landscaping.

27.13(4)(c)(5): This section requires ground signs to be setback at least 5 feet from the street right-of-way. The applicant proposes a ground sign that will encroach the setback from HWY 42/57 by 5 feet. The purpose of the requirement is more related to aesthetics and character of the area. However, it allows open air and space for safety and maintenance of the sign structure. The setback also allows for neighboring signs to be more visible and for signs to be less distracting for motorists.

Surrounding Area: The surrounding properties to the east and west are zoned C-1 and contain service / retail uses. To the south, is a farmstead, zoned C-3 and Agriculture.

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 Aesthetic Design and Site Plan Review Board granted a certificate of appropriate for this project on March 14, 2022 with the condition that screening be providing on the south lot line, the rear driveway way by the dwelling be removed, and the site / landscape plan be revised to show a sidewalk extending along S Duluth Ave.
2. In August of 2007, this property was granted a variance to allow a ground sign to be 1-foot from the highway right-of-way line. I believe the existing sign structure shown on the site plan is the same structure from 2007. Based on the information we have; the existing sign is located in the highway right-of-way.
3. The intended use of this new building is proposed to be Professional Office / Retail. Off-street parking for these types of uses is based on customer service area. Retail stores / service establishments require 1 space for 200 square feet of floor area. Offices require 1 space for every 300 square feet of floor area. Restaurants require one space per four seats. Based on the information we have; the property owner would need to provide about 28-30 spaces which is at least 10 parking spaces less than proposed. Keep in mind, this can vary based on the use and number of employees and restaurant seats.
4. The project plan will include removal of existing asphalt within the neighboring property to the west, the driveway to the south, and the right-of-way on the north and east. Though the lot itself increases in impervious surface there is a reduction around the site. The hotel to the west currently does not conform to the impervious surface ratio; however, it will likely conform after some asphalt is removed from this development. While removal of impervious surface on other property does not directly allow the

developer to meet the code, it should be considered by the ZBA as a positive during consideration of the variance.

5. Right now, the property is one parcel. The requested impervious surface ratio of 89% is needed when the property is divided. Most of the existing green space is on the southerly proposed parcel.
6. Stormwater management plan is required for this site. The City Engineer has seen the preliminary design and no issues have been identified. The developer intends to convert the existing basement of the restaurant building into an underground tank. Water from the site will lead to the tank and extend to catch basins by the curbs.
7. The Zoning Board of Appeals granted a variance in 2006 to exceed the impervious surface ration on the Door County Cooperative property at 317 Green Bay Road. Similar to the proposed project, that variance involved the use of underground stormwater management facilities. The ZBA also granted a variance to Door County Ace Hardware to exceed the max ISR.

Staff Opinion: City staff do not have any concerns with the setback variances for the sign or parking lot. The sign and pavement are actually further from the right-of-way than present. However, the committee should consider the impervious surface carefully based on what is proposed and what is needed. If there is an opportunity to reduce the amount of variance needed then that should be the committee's priority. If a variance is granted, one condition would be to restrict the maximum impervious surface ratio on the proposed southerly lot. If looked at as a whole the redevelopment will meet (or come close to meeting) the max ISR. Therefore, the ZBA could consider granting relief for the northerly parcel provided the impervious surface on the southerly parcel is kept low.

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**

pd 6220317 # 22m

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

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Richard Robinson	Jennifer L. Woldt
Company	Green Bay & Duluth, LLC	c/o ResourceOne Realty LLC
Street Address	3405 Hawthorne Blvd.	Kimberly Burton
		1740 E. Matthew Dr.
City/State/Zip	St. Louis, MO 63104	De Pere, WI 54115
Daytime Telephone No.	(314) 504-2664	(920) 819-2637
Fax No.		

STREET ADDRESS OF SUBJECT PROPERTY: 911 Green Bay Road
Location if not assigned a common address: _____

TAX PARCEL NUMBER: 2816613000101

CURRENT ZONING CLASSIFICATION: commercial

CURRENT USE AND IMPROVEMENTS:
vacant former Woldt's Corner Bay building, six vacant
cabin rentals, and one single family, two-story residence.

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM
BEING REQUESTED FOR REVIEW: _____

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:

North: Lampert Lumber
South: vacant land
East: Walgreens
West: Verte building & Quality Inn

VARIANCE STANDARDS

Please address how the proposed variance meets each of the three required standards for authorizing variances. (Attach additional sheets, if necessary) *variances: (1) pylon sign setback, (2) parking setback, and (3) impervious surface ratio*

1. Unnecessary hardship: *(1) the financial cost to move the nearby utility pole is extraordinary (refer to the Jason Bieri email dated 2/24/22); the property boundary at the northwest corner of the property is not squared up with the balance of the property; (3) the vacant cabin area is blighted, even though it has a large pervious surface area*
 2. Unique physical property limitation: *(1) the utility pole would significantly block the new proposed pylon sign visibility for westbound traffic; (2) the row of proposed parking is parallel to the Green Bay Road curb line and averages more than a 5' setback; (3) the use of the former Wold's basement with a creative, adaptive use*
 3. Protection of public interest: *(1) raising an existing non-conforming pylon sign is in the public interest; (2) conforms with the protection of public interest; (3) the proposed development will enhance public interest*
- stormwater management system will mitigate the increase in percentage of impervious area*

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? *not to my knowledge*

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.

Richard Robinson
Property Owner (Print Name)

Richard Robinson
Signature

3/1/22
Date

Owner pending under a Purchase & Sale Agreement

Applicant/Agent (Print Name)

Signature

Date

I, *Richard Robinson*, 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

N/A Email
Applicant Signature

Chris Duff
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, 421 Michigan Street, Sturgeon Bay, Wisconsin on Tuesday, March 29, 2022 at 12:00 Noon or shortly thereafter, in regard to a request from Green Bay & Duluth, LLC for variances from the following code sections.

- 20.27(1): This section requires the combined area of all impervious surfaces to not exceed 70 percent of the total area of a lot in the General Commercial (C-1) The applicant proposes a site plan with a total impervious of 89.22% for the northerly parcel.
- 20.31(4)(c): This section requires all off-street parking spaces to be located at least 5 feet from any public right-of-way. The applicant proposes to have two parking spaces that would encroach the setback from HWY 42/57 by 3 feet.
- 27.13(4)(c)(5): This section requires ground signs to be setback at least 5 feet from the street right-of-way. The applicant proposes a ground sign that will encroach the setback from HWY 42/57 by 5 feet.

The subject property is formerly known as Woldt's Corner Pub and is located at 911 Green Bay Rd; parcel #281-66-13000101. 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.

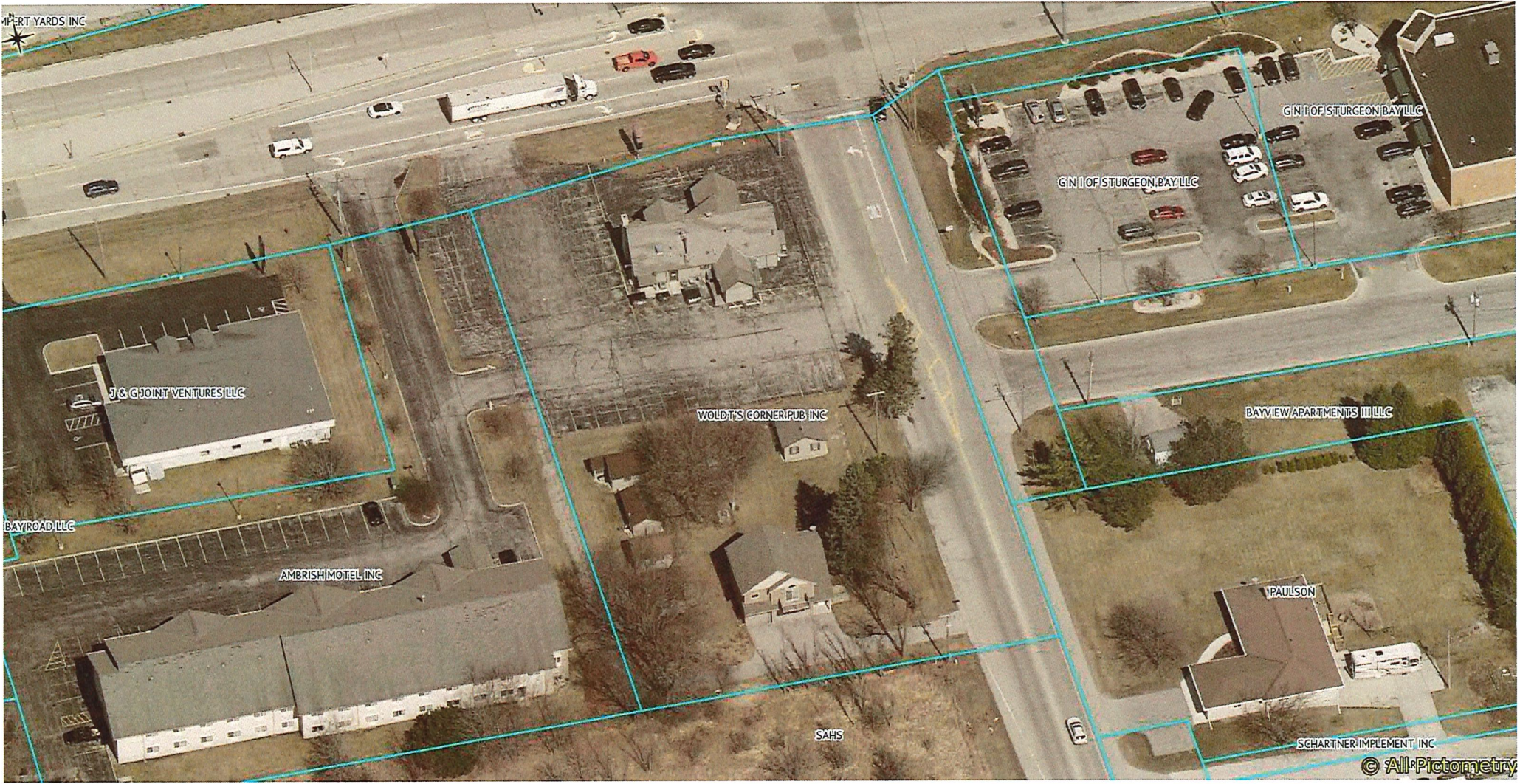
Public Hearing Notice Map
911 Green Bay Rd
Variance Request from
Green Bay & Duluth LLC

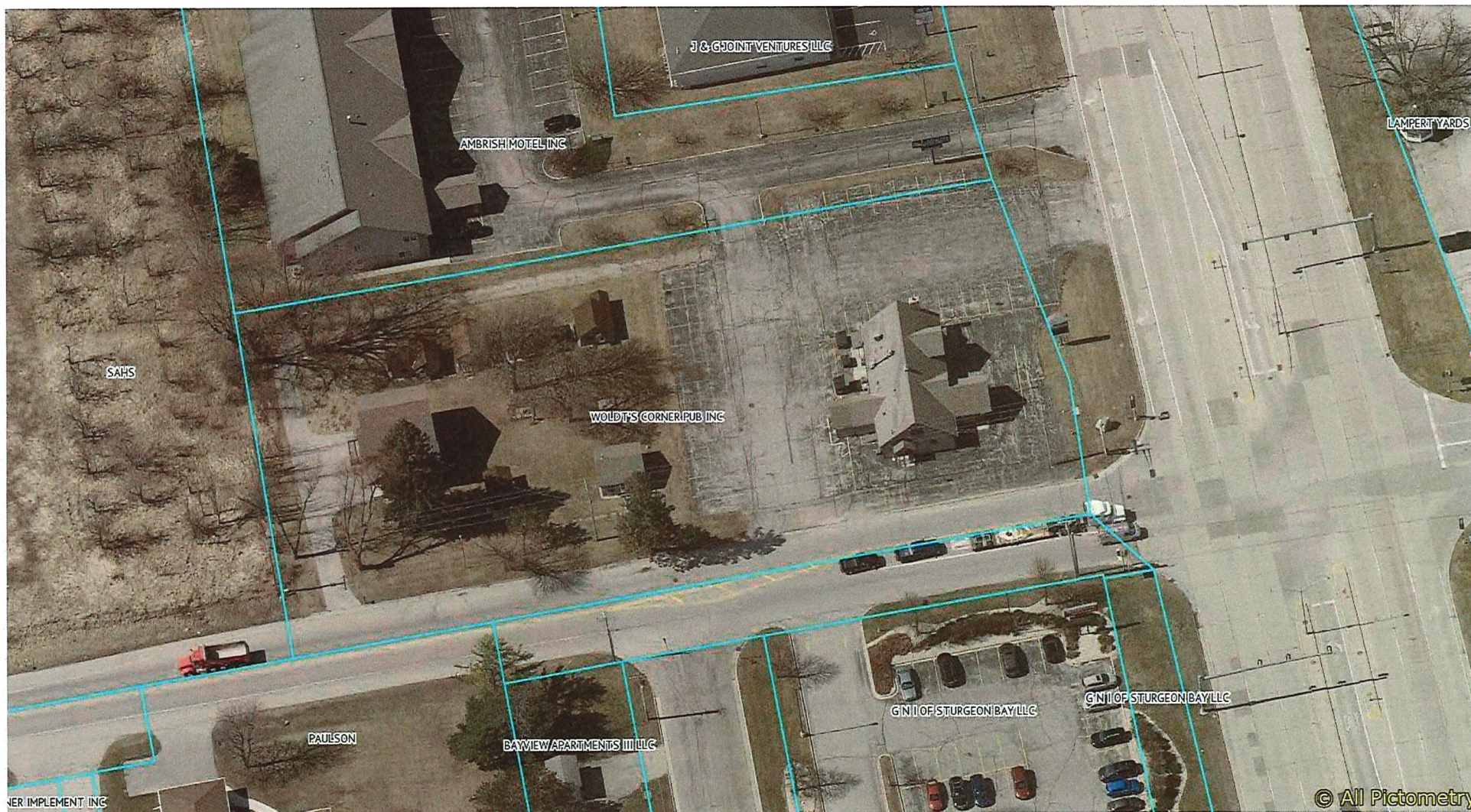


-  Subject Property
-  Parcels



Please Note: Public hearing to be held on March 29, 2022 in the Council Chambers @ 12:00 Noon in the Council Chambers







© All Pictometry



NORTH
1" = 20'
0 10 20 40
FEET

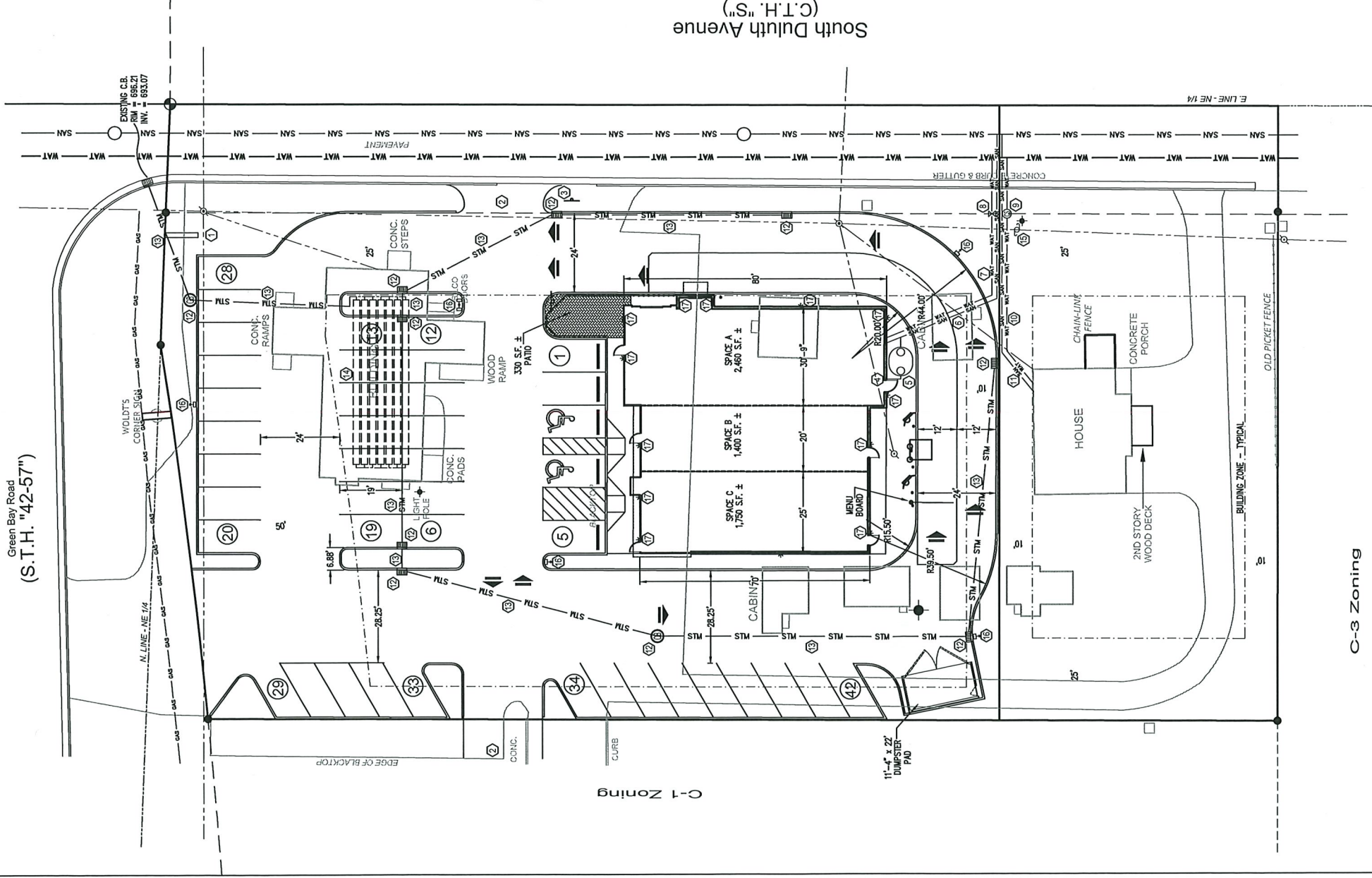
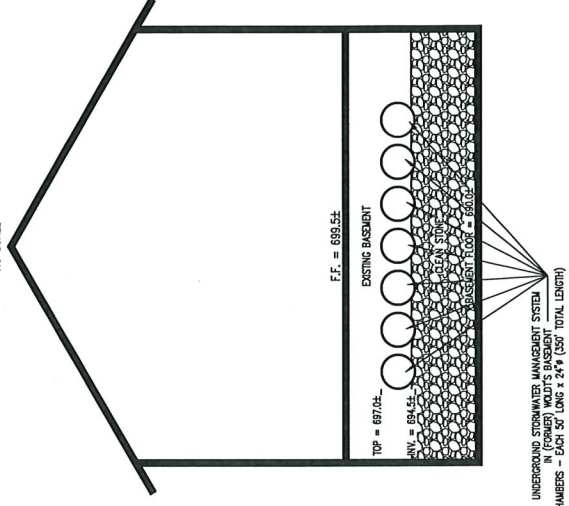
SITE STATISTICS

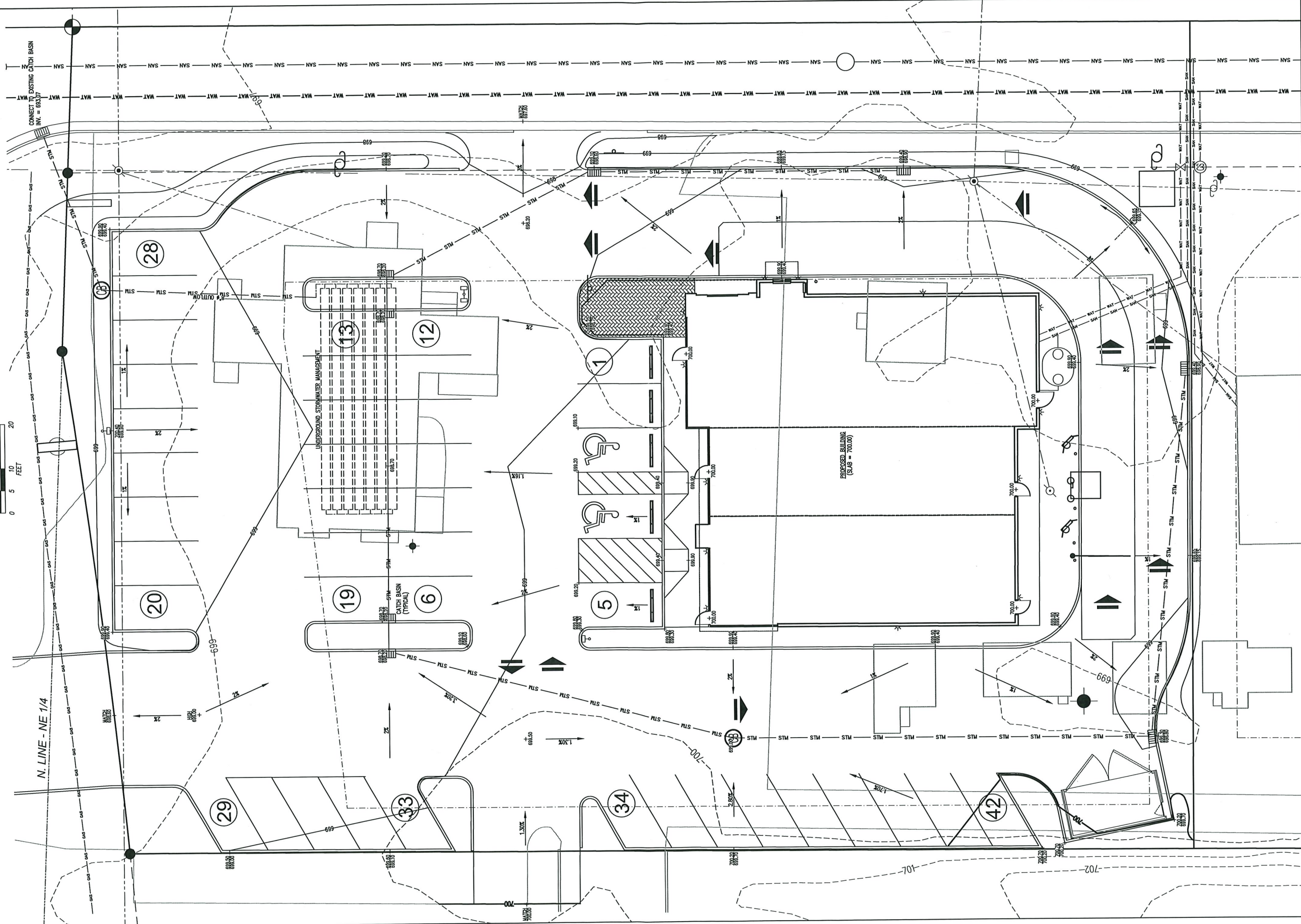
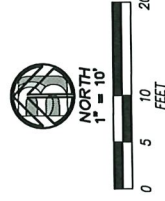
AREA OF PROPOSED NORTHERLY PARCEL (INSIDE R/W)	=	38,428 S.F.
AREA OF IMPERVIOUS SURFACE (INSIDE R/W)	=	34,285 S.F.
PER CENT IMPERVIOUS	=	89.22%
AREA OF PROPOSED SOUTHERLY PARCEL (INSIDE R/W)	=	13,051 S.F.
AREA OF IMPERVIOUS SURFACE (INSIDE R/W)	=	4,183 S.F.
PER CENT IMPERVIOUS	=	31.69%
AREA OF COMBINED PARCEL (INSIDE R/W)	=	51,489 S.F.
AREA OF IMPERVIOUS SURFACE (INSIDE R/W)	=	38,469 S.F.
PER CENT IMPERVIOUS	=	74.68%

NOTES

- CURRENT ZONING OF SUBJECT PARCELS IS C-1.
- LOCATION OF ELECTRIC SERVICES TO BE FINALIZED UPON CONSULTING UTILITY COMPANIES.
- Proposed new monument sign.
 - Permission / agreement required from County / neighbors for proposed drive locations.
 - Install Yield or Stop sign.
 - Kitchen waste exit site.
 - Install WLP1000 (or equal) grease interceptor.
 - Install 6"Ø PVC sanitary sewer lateral.
 - Install 4"Ø D.I. water lateral.
 - Install 4" gate valve.
 - Install 1" curb stop.
 - Install 1"Ø copper water lateral.
 - Install 11"Ø PVC sanitary sewer lateral.
 - Proposed catch basin / catch basin manhole.
 - Proposed storm sewer.
 - Underground stormwater management system.
 - Relocated power pole - location to be finalized with utility companies.
 - Proposed light pole.
 - Proposed building light.

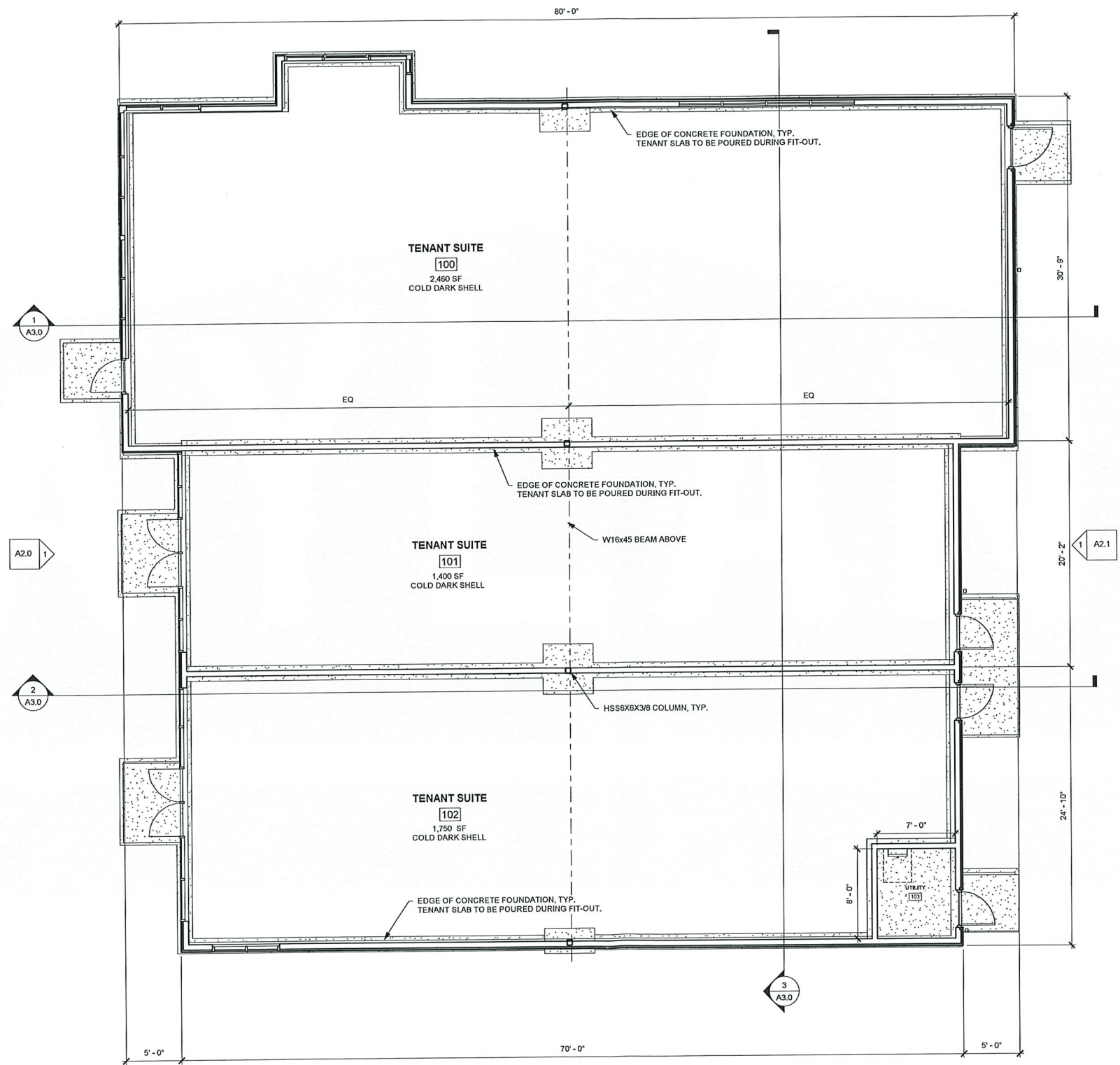
Stormwater Management System Detail
NO SCALE





C102	3/22	3/22	54235	920-743-8211	STURGEON BAY, WI. 54235	Woldt's Corner Pub Property 911 GREEN BAY ROAD	BAUDHUIN SURVEYING & ENGINEERING	312 N. 5TH AVE. P.O. BOX 105 STURGEON BAY, WI. 54235	REVISION DATE:	DESCRIPTION	
										DRAWN BY:	
										DESIGNED BY:	
										CHECKED BY:	

- GENERAL NOTES:**
1. GRAVEL FLOOR THROUGHOUT. TENANT SLAB TO BE POURED DURING FIT-OUT.
 2. BARE WOOD STUDS THROUGHOUT. GYPSUM BOARD TO BE INSTALLED DURING FIT-OUT.



1/A1.0 SCALE = 3/16" = 1'-0"
OVERALL 1ST FLOOR PLAN

PROPOSED BUILDING FOR:

21-2128

CITY, WISCONSIN; COUNTY OF:

SCALE VERIFICATION

THIS BAR MEASURES 1" ON ORIGINAL.
ADJUST SCALE ACCORDINGLY.

NOTICE OF COPYRIGHT
THESE PLANS ARE COPYRIGHTED AND ARE SUBJECT TO
COPYRIGHT PROTECTION AS AN "ARCHITECTURAL WORK" UNDER
SEC. 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED
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AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND
ELEMENTS OF THE DESIGN. UNDER SUCH PROTECTION,
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REPRESENTED, CAN LEGALLY RESULT IN THE CESSATION OF
CONSTRUCTION OR BUILDING BEING SEIZED AND/OR MONETARY
COMPENSATION TO BAYLAND BUILDINGS, INC.

JOB NUMBER: 21-2128

PROJECT
EXECUTIVE: DAVE PHILLIPS

DRAWN BY: CMP

DATE: 2/18/2022

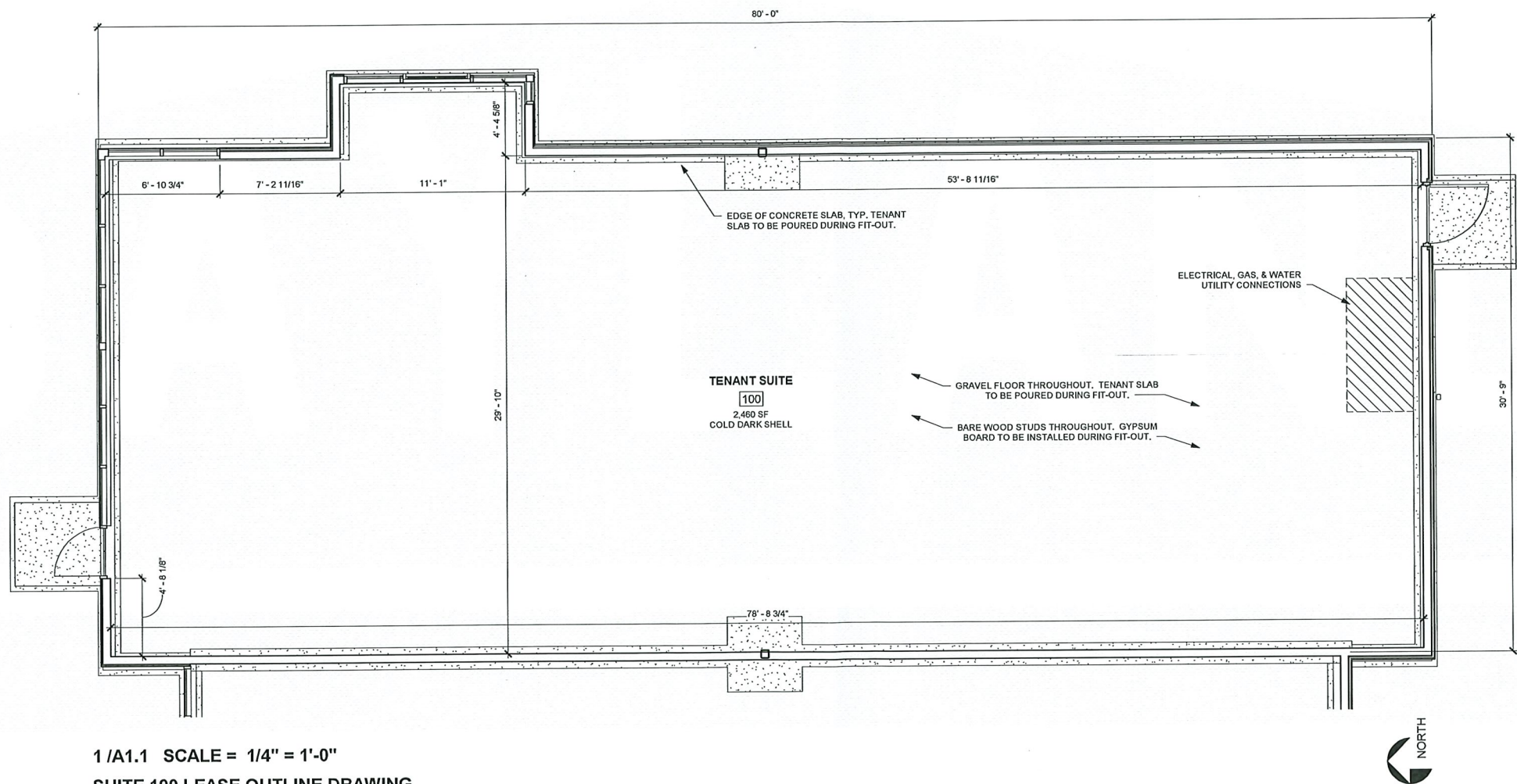
REVISIONS:

ISSUED FOR: CHECKED DATE:
BY:

- ☒ PRELIMINARY
☐ BID SET
☐ DESIGN REVIEW
☐ CHECKSET
☐ CONSTRUCTION

OVERALL FLOOR PLAN

A1.0



1 /A1.1 SCALE = 1/4" = 1'-0"
SUITE 100 LEASE OUTLINE DRAWING

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21-2128

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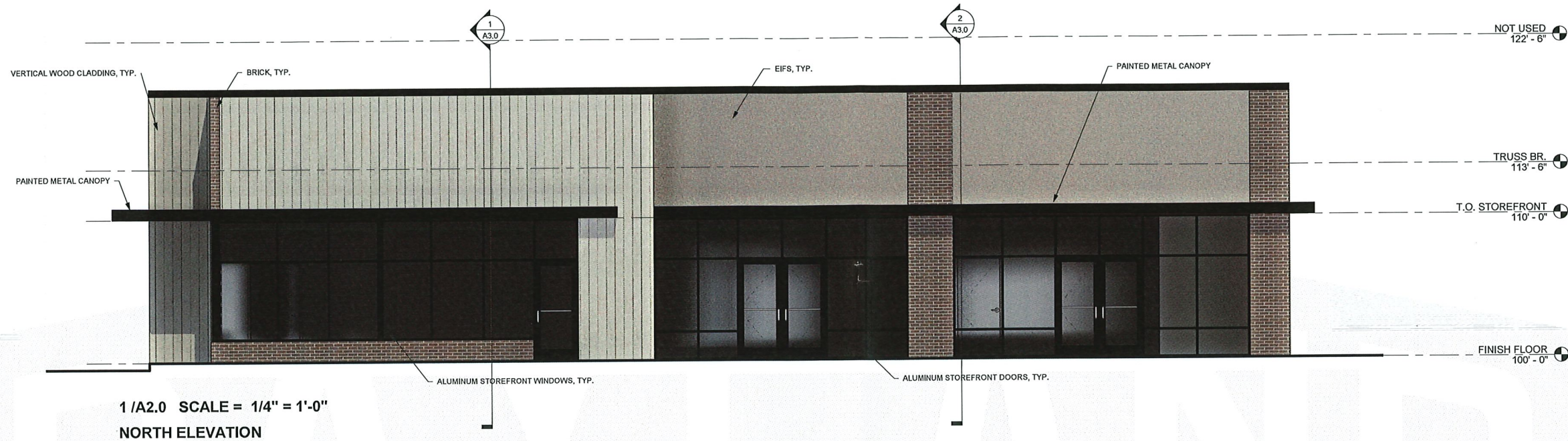
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BY:

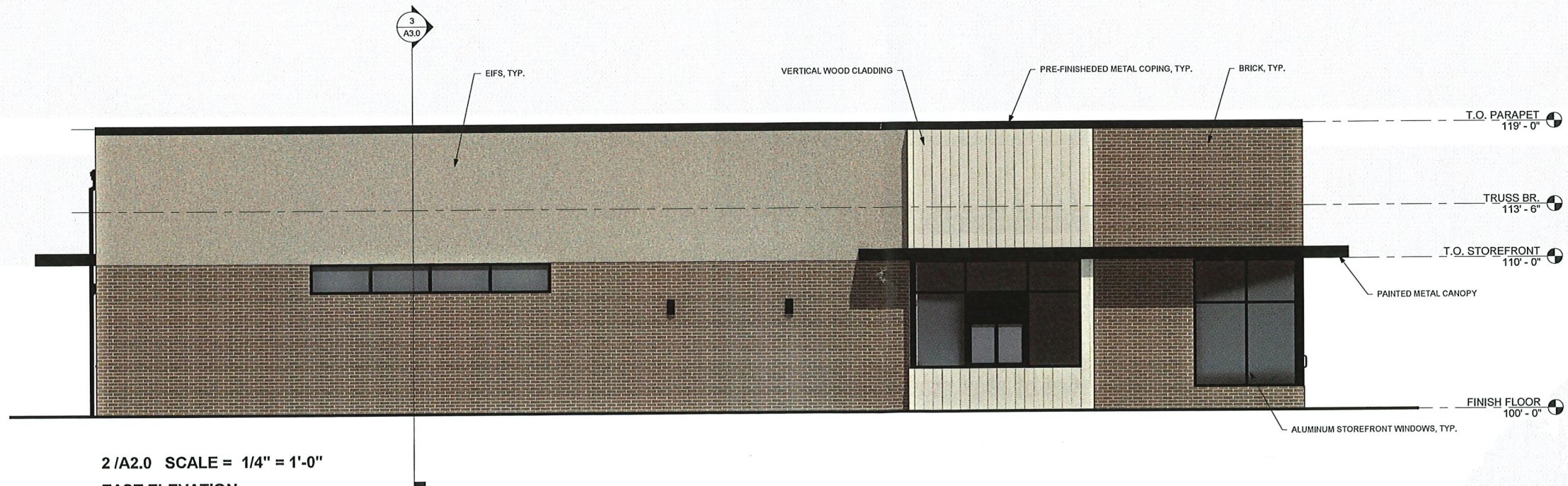
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☐ BID SET
☐ DESIGN REVIEW
☐ CHECKSET
☐ CONSTRUCTION

ENLARGED FLOOR PLANS

A1.1



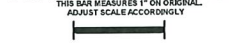
1 /A2.0 SCALE = 1/4" = 1'-0"
NORTH ELEVATION



2 /A2.0 SCALE = 1/4" = 1'-0"
EAST ELEVATION

PROPOSED BUILDING FOR:
21-2128
CITY, WISCONSIN; COUNTY OF:

SCALE VERIFICATION



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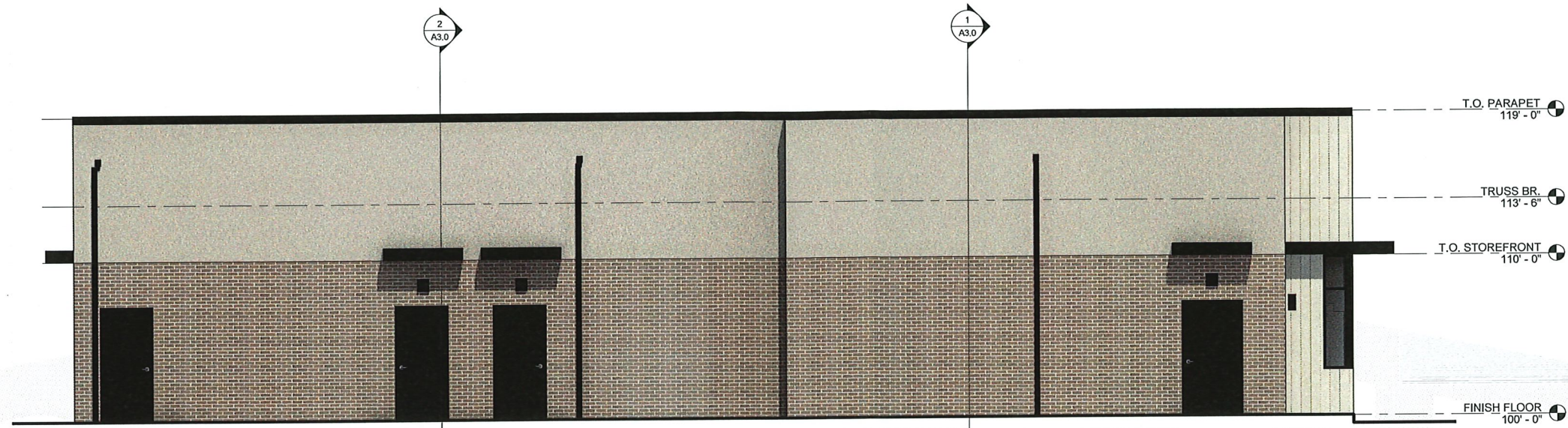
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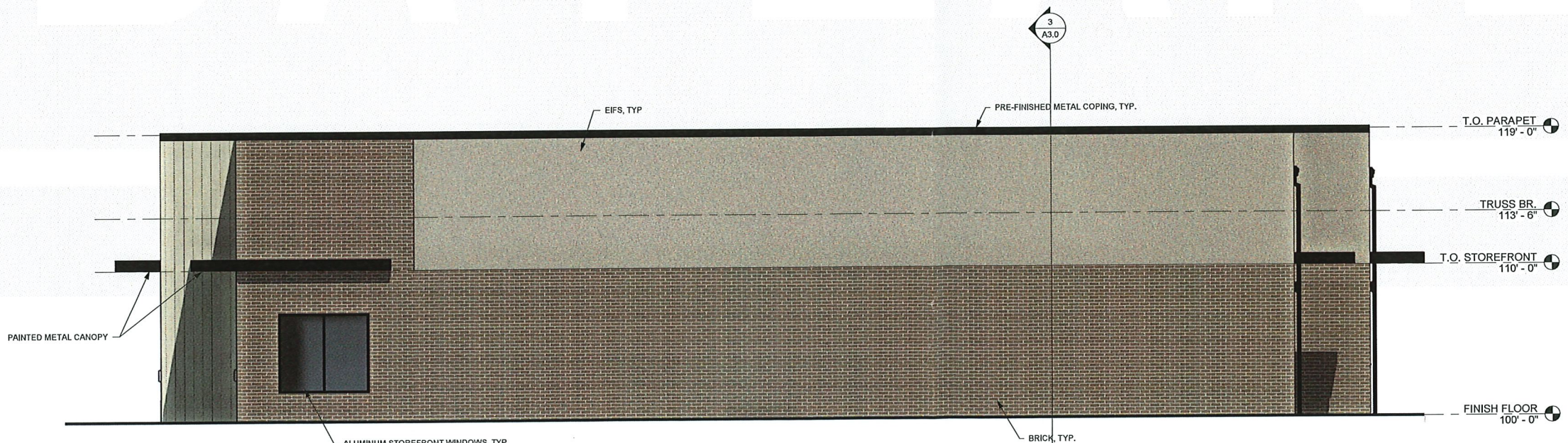
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☐ CHECKSET
☐ CONSTRUCTION

EXTERIOR ELEVATIONS

A2.0



1 /A2.1 SCALE = 1/4" = 1'-0"
SOUTH ELEVATION



2 /A2.1 SCALE = 1/4" = 1'-0"
WEST ELEVATION

PROPOSED BUILDING FOR:
21-2128
CITY, WISCONSIN; COUNTY OF:

SCALE VERIFICATION

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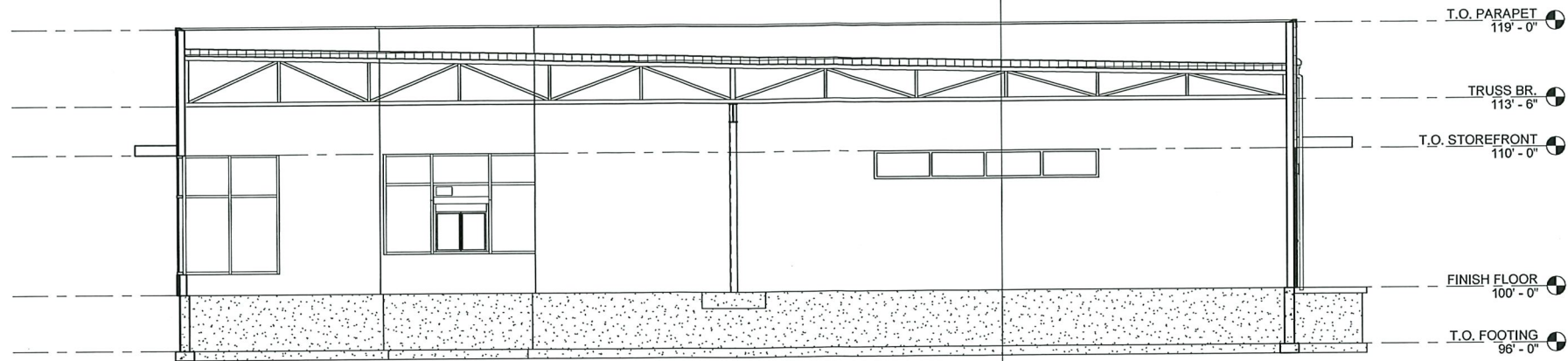
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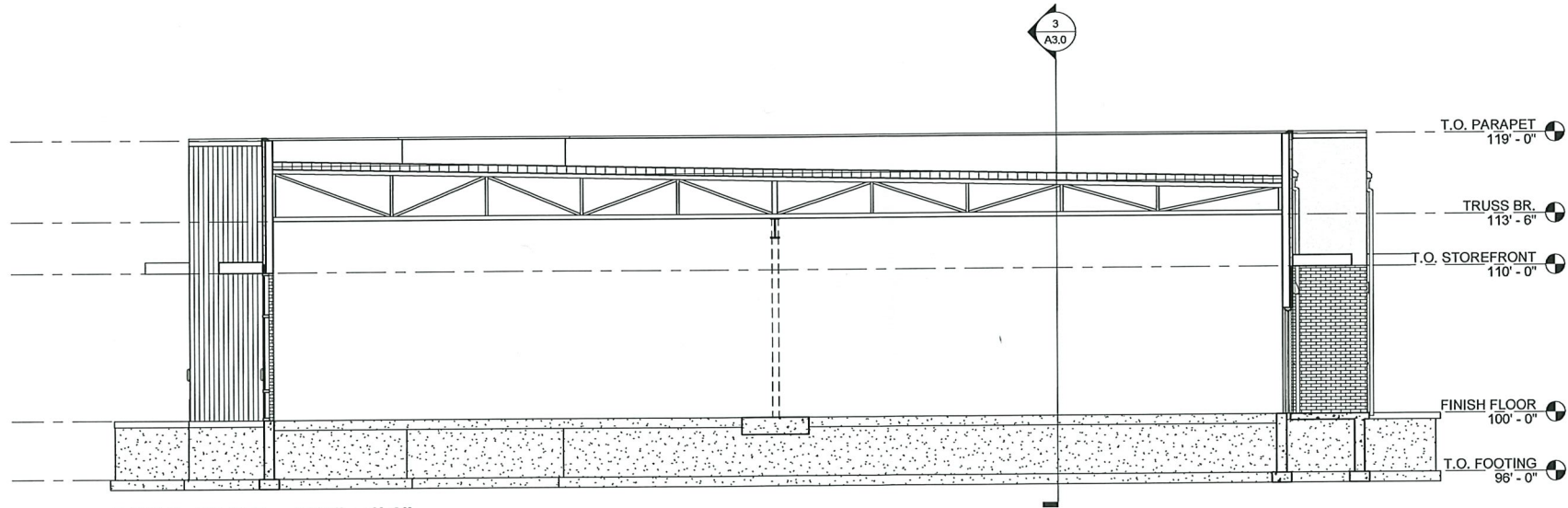
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- ☐ BID SET
- ☐ DESIGN REVIEW
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- ☐ CONSTRUCTION

EXTERIOR ELEVATIONS

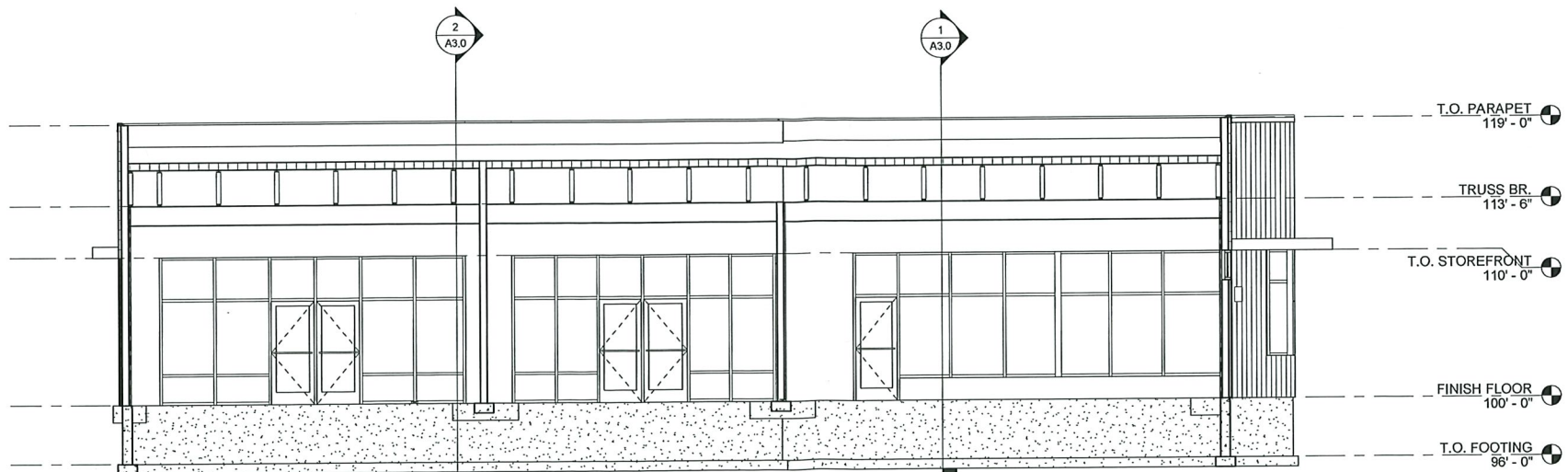
A2.1



1 / A3.0 SCALE = 3/16" = 1'-0"
SECTION 1



2 / A3.0 SCALE = 3/16" = 1'-0"
SECTION 2



3 / A3.0 SCALE = 3/16" = 1'-0"
SECTION 3

PROPOSED BUILDING FOR:

21-2128

CITY, WISCONSIN; COUNTY OF:

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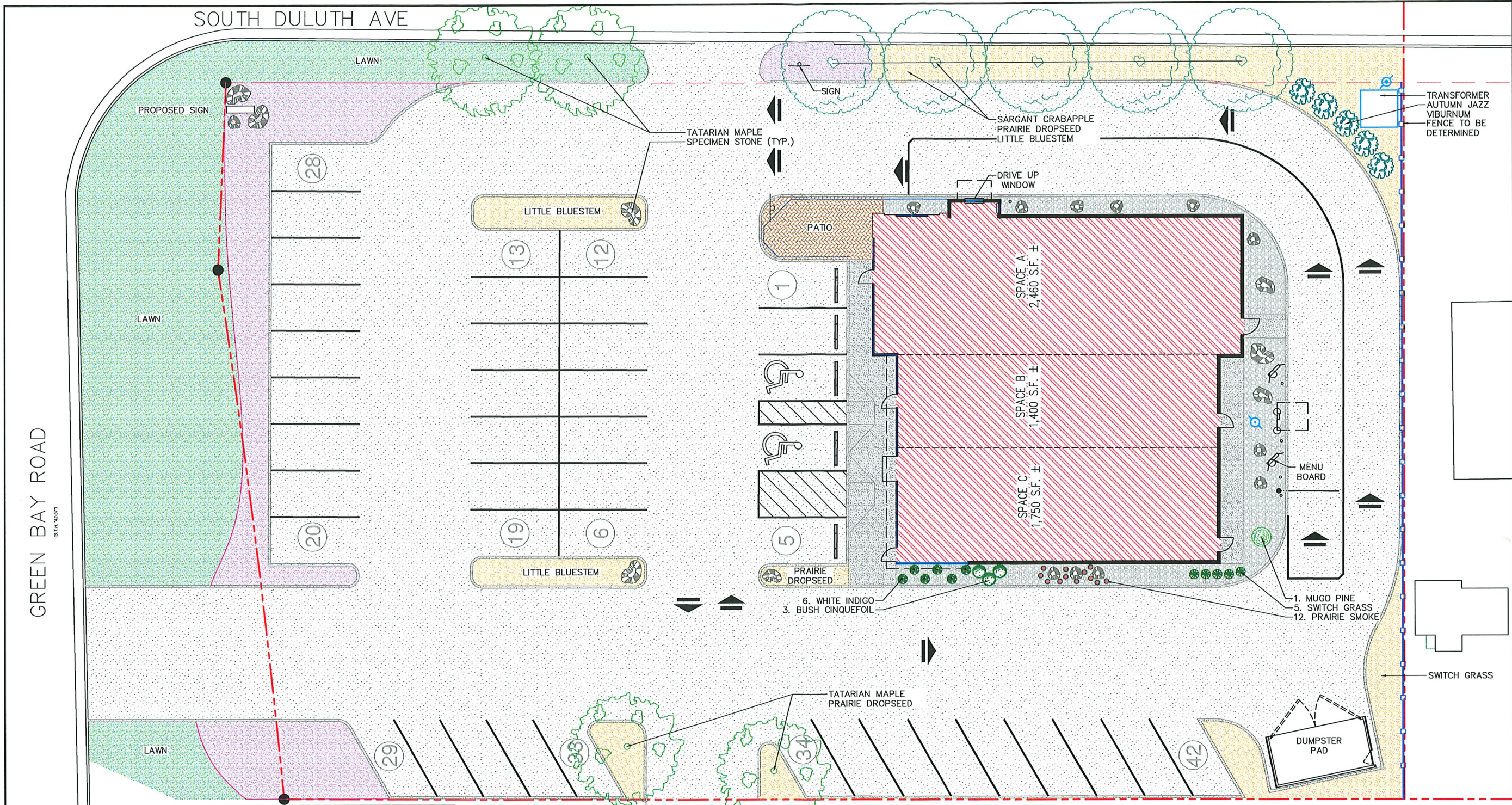
REVISIONS:

ISSUED FOR: CHECKED DATE:
BY:

- ☒ PRELIMINARY
☐ BID SET
☐ DESIGN REVIEW
☐ CHECKSET
☐ CONSTRUCTION

BUILDING SECTIONS

A3.0

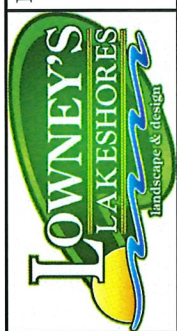


PRELIMINARY PLAN
NOT APPROVED
FOR CONSTRUCTION

COPYRIGHT © LOWNEY'S LAKESHORES
LANDSCAPE & DESIGN, INC.
THESE PLANS ARE THE PROPERTY OF
LANDSCAPE & DESIGN, INC. ANY REPRODUCTION OR
BUILDING OF THESE PLANS IS PROHIBITED WITHOUT THE
WRITTEN PERMISSION OF LANDSCAPE & DESIGN, INC.
SEE SHEETS, PATTERNS AND DETAILS OF THE PLAN
SPECIFICALLY STATED ON THE PLAN THESE ELEMENTS WILL
VARY IN ACTUAL INSTALLATION. THESE PLANS AND DETAILS
DO NOT CONSTITUTE A CONTRACT. THE INSTALLATION
INSTALLATION OF ANY ASPECT AT ANY OTHER LOCATION.

911 GREEN BAY ROAD DEVELOPMENT
CONTACT: FIRST & MAIN PROPERTIES
ADDRESS: 911 GREEN BAY ROAD
PHONE:
DATE CREATED: 2-11-22
DRAWING NAME: CONCEPT
DATE REVISED: 3-3-22
SHEET NUMBER: 1 - 1

LOWNEY'S LAKESHORES
LANDSCAPE & DESIGN
3865 STATE HWY 42
STURGEON BAY, WI 54235
PHONE: (920) 743-6005
JOHN D. MEREDITH
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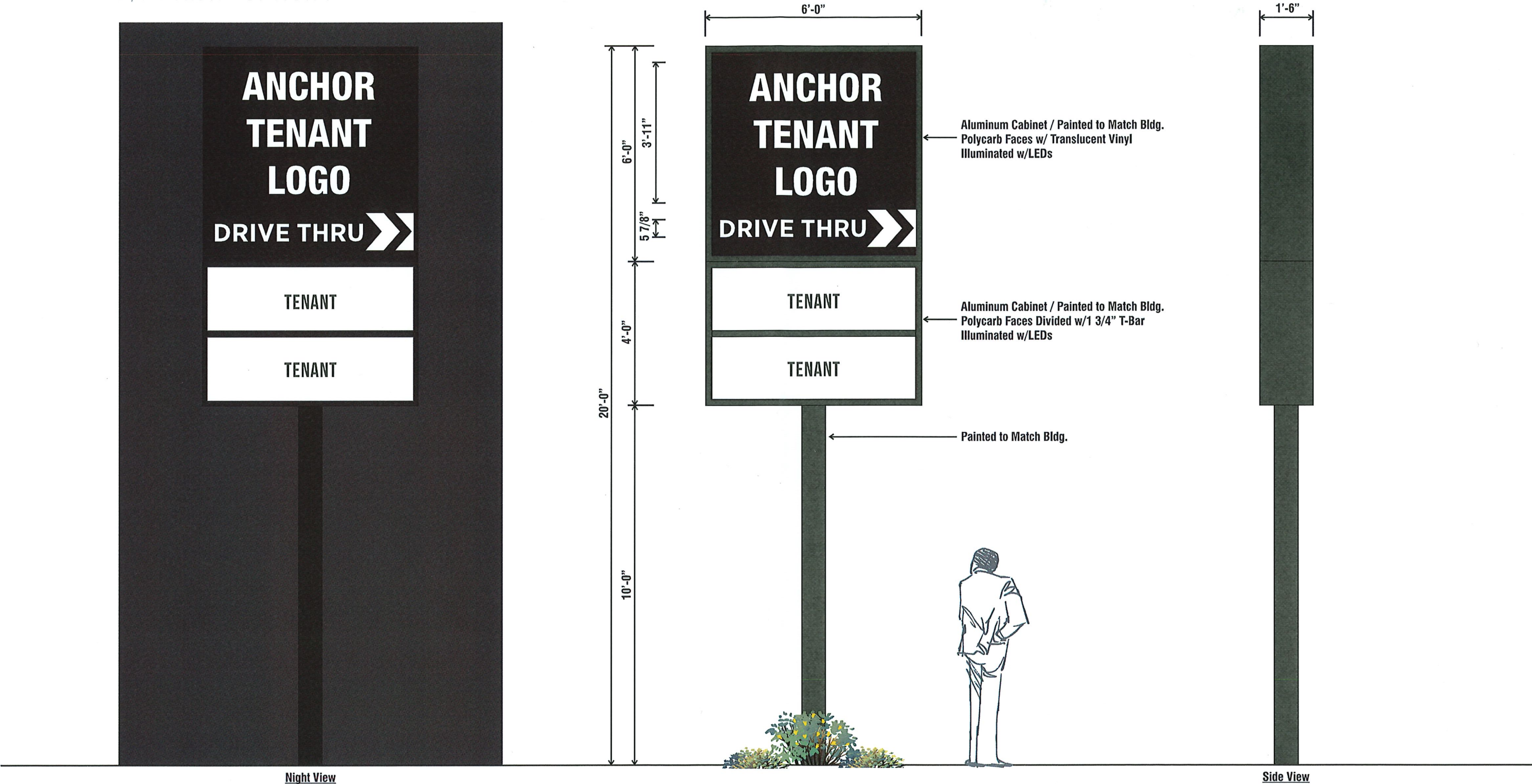


BIRD & BUTTERFLY PLUG MIX	
SCIENTIFIC NAME	COMMON NAME
Asclepias incarnata	RED MILKWEED
Aster novae-angliae	NEW ENGLAND ASTER
Echinacea purpurea	PURPLE CONEFLOWER
Eupatorium maculatum	SPOTTED JOE PYE WEED
Eupatorium perfoliatum	BONESET
Liatris ligulistylis	MEADOW BLAZING STAR
Liatris pycnostachya	PRAIRIE BLAZING STAR
Monarda fistulosa	WILD BERGAMOT
Pycnanthemum virginianum	MOUNTAIN MINT
Rudbeckia subtomentosa	SWEET BLACK-EYED SUSAN
Rudbeckia triloba	BROWN-EYED SUSAN
Solidago ohioensis	OHIO GOLDEN ROD
Sporobolus heterolepis	PRAIRIE DROPSEED
Zizia aurea	GOLDEN ALEXANDER

- | | | |
|----|----------------------|----------------------------------|
| 4 | TATARIAN MAPLE | Acer tataricum |
| 5 | SARGENT CRABAPPLE | Malus sargentii |
| 1 | MUGO PINE | Pinus mugo |
| 5 | SWITCH GRASS | Panicum virgatum |
| 12 | PRAIRIE SMOKE | Geum triflorum |
| 6 | WHITE INDIGO | Baptisia alba |
| 3 | BUSH CINQUEFOIL | Potentilla fruticosa |
| 5 | AUTUMN JAZZ VIBURNUM | Viburnum dentatum 'RALPH SENIOR' |


- NATIVE PLANTINGS
AS NOTED
- SWITCH GRASS Panicum virgatum
LITTLE BLUESTEM Schizachyrium scoparium
PRAIRIE DROPSEED Sporobolus heterolepis
- BIRD & BUTTERFLY PLUG MIX
- LAWN

*64 PLUGS / 100 SQ.FT.



Night View

Side View

 800-514-1119 ELEVATE97.COM	DESIGN #: 12210 PAGE: 1.1	DESIGN STAGE	APPROVALS	© COPYRIGHT 2022 BY ELEVATE 97
	CLIENT: FIRST & MAIN PROPERTIES ADDRESS: STURGEON BAY, WI DATE: FEBRUARY 14, 2022 SCALE: 3/8"=1'-0" A.C.: JILL ROELLIG DESIGNER: JM	<input checked="" type="checkbox"/> CONCEPTUAL <input type="checkbox"/> FINAL JOB #: S000000	WITH APPROVAL OF THIS DESIGN I HEREBY GIVE ELEVATE97 PERMISSION TO BEGIN PRODUCTION ON THE SIGNAGE ILLUSTRATED. I AGREE THAT ALL SPECIFICATIONS, SPELLING, COLORS AND ELEVATIONS LISTED ARE CORRECT AND APPROVED. ANY CHANGES MADE AFTER PRODUCTION HAS STARTED WILL RESULT IN ADDITIONAL CHARGES.	THE SUBMITTED DESIGN IS ORIGINAL AND PROTECTED UNDER COPYRIGHT LAWS OF THE UNITED STATES, TITLE 17 UNITED STATES CODE. YOU AGREE NOT TO COPY, PHOTOGRAPH OR MODIFY, DIRECTLY OR INDIRECTLY, ANY OF THE MATERIALS HELD BY YOU, NOR WILL ANY THIRD PARTY DO ANY OF THE FOREGOING WITHOUT WRITTEN CONSENT OF ELEVATE97 UNLESS PURCHASED BY PAYMENT. ANY VIOLATION SHALL CONSTITUTE A CHARGE OF INCURRED CONCEPTUAL/PRODUCTION EXPENSES.
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		<input type="checkbox"/> FIELD SURVEY / MEASUREMENTS REQUIRED <input type="checkbox"/> ELECTRONIC FILE OF LOGO REQUIRED <input checked="" type="checkbox"/> COLORS TO BE DETERMINED		