

**Zoning Board of Appeals**  
**April 26, 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, Bill Chaudoir, Dave Augustson, Nancy Schopf and Alternate Michael Marit were present. Member Morgan Rusnak was excused. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson and Deputy Clerk/Treasurer Laurie Spittlemeister.

**Adoption of agenda:** Moved by Ms. Schopf, seconded by Mr. Augustson to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from March 22, 2022 and March 29, 2022.
4. Public Hearing: Petition for variance from Section 20.295 and 20.27 (2) of the City of Sturgeon Bay Zoning Code for Buster Crook, located at 59 E Oak Street, Parcel #281-46-65010201.
5. Consideration of: Petition for variance from Section 20.295 and 20.27 (2) of the City of Sturgeon Bay Zoning Code for Buster Crook, located at 59 E Oak Street, Parcel #281-46-65010201.
6. Adjourn.

All ayes. Carried.

**Approval of Minutes from March 22, 2022 and March 29, 2022:**

Moved by Ms. Schopf, seconded by Mr. Murrock to approve the minutes from March 22, 2022 and March 29, 2022. All ayes. Carried.

**Public hearing: Petition for variance from Section 20.295 and 20.27(2) of the City of Sturgeon Bay Zoning Code for Buster Crook, located at 59 E Oak Street, Parcel #281-46-65010201:**

Chairperson Murrock opened the public hearing at 12:01 p.m.

Zoning variance request read aloud by Ms. Spittlemeister.

Mr. Murrock explained the process for the public hearing.

Mr. Sullivan-Robinson introduced the item for public hearing. Mr. Crook would like to build a 52' by 30' tiki bar and are requesting a variance for a setback of 11 feet, however the plan provided with the application shows a setback of 15 feet. According to zoning code, accessory buildings for commercial lots must have a setback of 25 feet. Properties on the north side of the alley are zoned commercial, while properties on the south side are residential. The Board should consider the residential setback requirements versus the commercial. Also, consider the commercial property on the south side of the alley on Neenah Avenue which went through the PUD process to receive a variance with a 5' setback. Mr. Olejniczak added that the printout from the county has not been updated and may not be 100% accurate.

Mr. Murrock inquired is there was a minimum requirement between buildings.  
Mr. Sullivan-Robinson responded that minimum requirement is 10 feet.

Buster Crook, 727 Prairie Lane, is owner of Kitty O'Reilly's Irish Pub and property. They are requesting a variance to extend an existing building in the back. The idea started at first with a patio and has changed to a building with garage doors that can be opened when possible. The building will be ADA compliant and have two bathrooms. Neighbors in the area were concerned about parking, which will remain the same. They would also like to clean up their parking lot in the very near future.

Mr. Murrock asked if they were planning landscaping.

Mr. Crook replied they will. Their intention is not to do a lot as they want to keep as much parking as possible.

Mr. Murrock questioned if storm water runoff was addressed.

Mr. Crook responded they are working with City Engineer Shefchik, as most of that will be addressed when the alley behind them will be redone.

Mr. Murrock asked how many employees they currently have.

Mr. Crook stated they currently have 27 and up to 40 during the summer months.

Mr. Chaudoir asked what was their outdoor seating capacity.

Mr. Crook replied the current outdoor patio can seat 75-100 people and up to 60 more with the addition of the new building. The kitchen would not be able to handle more.

Mr. Chaudoir inquired if the new addition would be heated.

Mr. Crook mentioned that it would not, as it is a seasonal structure to be used between April-October. The bathrooms would be winterized and not used during the colder months. They may use propane heaters approved for outdoor venues.

Mr. Chaudoir questioned if the new building would provide an additional entrance to the bar.

Mr. Crook responded they would like to keep the current patio as the primary entrance to the establishment.

Mr. Chaudoir asked when the alleyway was scheduled to begin.

Mr. Crook stated that it will be starting within the next 30-45 days.

Mr. Chaudoir inquired if their parking lot would be paved.

Mr. Crook replied they would like to get that done within the next two years, but if possible this fall.

Joe, Gille, 5620 Old Country Circle, New Franken, builder for the project. The accessory building cannot move closer to the main structure for fire reasons. If the accessory building were closer than 20 feet, they would have to reengineered plans and combine to the main structure. The building will be a stud framed building with steel siding and roof, doors in between columns, cedar wainscoting on the inside. There will be ADA compliant men's and women's restrooms and storage area used for supplies.

Mr. Augustson questioned why the proposed building is situated 15 feet from the property line when there is ample area to place the building elsewhere on the property that would satisfy the 25 foot setback.

Mr. Crook responded that if the building was placed elsewhere, a good majority of their parking lot would be utilized for the new building.

Amy Crook, 727 Prairie Lane, owner of Kitty O'Reilly's mentioned when this process was started, the main thing they were interested in was getting additional bathrooms for their customers. The new addition would provide those restrooms and additional space for guests while they wait for their tables.

Mr. Murrock asked what the parking requirements were for employees.

Mr. Sullivan-Robinson stated that property is zoned C-2 Central Business District, which does not have any requirements for commercial use.

Tom Cofrin, 3334 Barrick Heights Road, spoke in favor of the project. He supports the new plan and stated they will make the addition look good.

Peter Hickey, 8606 Riley Bay Road, supports the project. Amy will do a fantastic job with landscaping for the new project, Kitty's is a tremendous addition to the westside and there are other buildings within the 15 feet of the alleyway.

Gary Nault, 711 Hickory Street, represents district as Alderperson. Their establishment is very tasteful and close to the waterfront. The commercial building on the south side of the alley off Neenah Avenue will be closer at 5 feet, feels 15 feet setback from the alley is better. Rain water runoff will run along curb in the alley and go into the storm sewer drainage on Neenah Avenue.

Jeff Tebon, 3343 Barrick Heights Road, spoke in favor. He owns and operates Culligan Water Conditioning of Sturgeon Bay next to Kitty's. Over the years, he has seen the property improve. Jeff has worked with the Crooks and with the PUD development on the south side of the alley. The expansion at Kitty's with the added restrooms will benefit him and his employees, as they are continually moving the porta potties back into place and picking up garbage. The expansion will also help with noise and keep people out of the alley. This alley may be the busiest one in the City. When fencing was put in, it helped with flow of people so they are not walking through Culligan's lot. There has always been an issue with parking. Jeff would like the parking lot to be done at the same time as the building.

There were no letters of correspondence in favor of the variance request.

No one spoke in opposition of the variance request.

There were no letters of correspondence in opposition of the variance request.

The public hearing was declared closed at 12:56 p.m.

**Consideration of: Petition for variance from Section 20.295 and 20.27(2) of the City of Sturgeon Bay Zoning Code for Buster Crook, located at 59 E Oak Street, Parcel #281-46-65010201:**

Committee members concurred there was support from neighbors and the expansion would be nicely done. There was concern in regards to the parking lot. Mr. Chaudoir would like documentation that the parking lot would be done within the next two years.

Mr. Crook responded that his goal is to get the parking lot paved as soon as possible, but by doing so needs to be cost prohibited.

The project at Kitty O'Reilly's will also be presented to the Aesthetic Board of Appeals in a couple weeks.

Moved by Ms. Schopf, seconded by Mr. Chaudoir to approve the variance from Sections 20.595 and 20.27(2) as presented. Ms. Schopf's reasons that it is a great improvement for customers and the community and will add aesthetics value. Mr. Chaudoir's reasons are that it is a great improvement, helps address the water problem, and setting the expansion closer to the main structure will bring up a lot of problems for the business. Roll call: all ayes. Carried.

Moved by Mr. Chaudoir, seconded Ms. Schopf to adjourn. All ayes. Carried. The meeting adjourned at 1:04 p.m.

Respectfully submitted,

Laurie Spittlemeister,  
Deputy Clerk/Treasurer