# AGENDA CITY OF STURGEON BAY ZONING BOARD OF APPEALS

Tuesday, March 22, 2022 at 12:00 Noon Council Chambers, City Hall, 421 Michigan Street

- 1. Roll call.
- 2. Adoption of agenda.
- 3. Approval of minutes from December 14, 2022.
- 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.

NOTE: DEVIATIONS FROM THE AGENDA ORDER SHWON MAY OCCUR.

ZBA Board Members:
William Murrock, Chair
Bill Chaudoir
Dave Augustson
Nancy Schopf
Morgan Rusnak
Michael Marit – Alt 1

3/17/22 1:45 PM LS



#### **Zoning Board of Appeals December 14, 2021**

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, Dave Augustson, Nancy Schopf and Morgan Rusnak were present. Members Bill Chaudoir and Alternate Michael Marit were 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 Ms. Rusnak to adopt the following agenda:

- Roll call. 1.
- 2. Adoption of agenda.
- Approval of minutes from November 9, 2021. 3.
- Petition for variance from Section 20.27 (2) of the City of Sturgeon Public Hearing: 4.
  - Bay Zoning Code for Collin Jeanquart, located at 1642 Cove Road,
  - Parcel #281-34-65001101.
- 5. Consideration of:
- Petition for variance from Section 20.27 (2) of the City of Sturgeon
- Bay Zoning Code for Collin Jeanquart, located at 1642 Cove Road,
- Parcel #281-34-65001101.
- 6. Adjourn.

All ayes. Carried.

#### Approval of Minutes from November 9, 2021:

Moved by Mr. Murrock, seconded by Ms. Schopf to approve the minutes from November 9, 2021. All ayes. Carried.

Public hearing: Petition for variance from Section 20.29(2) of the City of Sturgeon Bay Zoning Code Collin Jeanquart, located at 1642 Cove Road, Parcel #281-34-65001101:

Chairperson Murrock opened the public hearing at 12:04 p.m.

Mr. Sullivan-Robinson introduced the item for public hearing. Mr. Jeanquart is looking for a variance from Section 20.27 (2) of the City of Sturgeon Bay Zoning Code. The current setbacks are 40 feet and requesting a variance of 15 feet to rebuild a single-family home with a 25 feet setback from the edge of Cove Road right-of-way. The subject property, as well as properties to the north and east are zoned agriculture, properties to the west are zoned single family. Wetlands surrounds the property on the north and east side, limiting the buildable area. The property owner petitioned the City to vacate undeveloped Ackerman Street right-of-way on the north side of the property back in September, which was successful, however the City required an easement for municipal vehicles and school buses to turn around. The vacated right-of-way was added to Mr. Jeanquart's property, however it has substantial wetlands restricting the buildable area of the property.

In the 1990's, there were two variances granted for this property. Agriculture zoned properties do not have design standards for single family homes, however the house design does meet design standards for single family homes zoned in Rural Residential areas.

Ms. Schopf asked why the property was zoned Agriculture.

Mr. Sullivan-Robinson responded that the property was zoned Agriculture years ago. Mr. Olejniczak added Cove Road does not have City sewer or water to the homes and many of the lots were subdivided before there was a modern zoning code.

Mr. Murrock inquired that City Council voted on vacated Ackerman Street.

Mr. Olejniczak replied the City suggested Mr. Jeanquart go through the street vacate process for Ackerman Street to gain additional buildable area for the new house. The current house on the property is not conforming, however the new house plan is more conforming.

Collin Jeanquart, 1647 Cove Road, stated that the current house is unsafe and full of mold and mildew. The house will be removed and replaced with one that is more conforming. They went through the street vacation process of Ackerman Street. If the street was not vacated, there would be less than 10 square feet of buildable area. Also limiting buildable area is a City owned culvert.

Mr. Murrock asked if the full house was to be demolished and inquired if there would be a crawl space or basement.

Mr. Jeanquart responded the current house would be removed. They are still fine tuning the elevation, so it is not yet decided if there will be a crawl space or basement.

Mr. Augustson questioned if the approximate square footage of the house living space is 1050 square feet.

Mr. Jeanquart confirmed that it was.

Mr. Murrock asked if there were any hurdles they had to overcome.

Mr. Jeanquart responded the street vacation, drainage ditch leading to a culvert on the north side of the property and buildable area because of the considerable area of wetlands on the property. He would like the new house to be more conforming and safer.

Ms. Rusnak inquired if the new home would be their primary residence.

Mr. Jeanquart stated that it would be a guest home or rental.

Michael LeClair, 1635 Cove Road spoke in favor of the variance request. All of the neighbors like the idea of the new home, which will make the neighborhood more attractive.

There was one letter of correspondence in favor of the variance request from William and Martha Beller, 1627 Cove Road.

No one spoke in opposition of the variance request.

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

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

Consideration of: Petition for variance from Section 20.29(2) of the City of Sturgeon Bay Zoning Code Collin Jeanquart, located at 1642 Cove Road, Parcel #281-34-65001101:

Mr. Murrock stated that the current house is in bad repair. It would be easier to tear down and rebuild, in which Ms. Schopf agreed.

Ms. Rusnak commented the property owner on the steps taken for the vacated street prior to requesting a variance.

Moved by Ms. Schopf, seconded by Ms. Rusnak to approve the variance as presented. Ms. Schopf's reasons are that the new home would be an improvement for the City and neighborhood. Ms. Rusnak's agreed, adding that the property would be more conforming and the property owner did due diligence of vacating Ackerman Street prior to requesting a variance. Roll call: all ayes. Carried.

Moved by Mr. Augustson, seconded Ms. Schopf to adjourn. All ayes. Carried. The meeting adjourned at 12:25 p.m.

Respectfully submitted,

Laurie Spittlemeister,

Deputy Clerk/Treasurer





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E-mail: csullivan-robinson@sturgeonbaywi.org
Website: www.sturgeonbaywi.org

### **MEMO**

To: Zoning Board of Appeals

From: Christopher Sullivan-Robinson

Date: March 16, 2022

Subject: Variance Request for Fincantieri Marine Group

**Petition:** Fincantieri Bay Shipbuilding is petitioning the Zoning Board of Appeals to grant two variances, which will allow for the construction of a 65' x 300' x 35'H machine shop building. The subject property is located at 605 N 3<sup>rd</sup> Avenue; parcel # 281-62-01000704C. The building is intended to be situated near the north east corner of the property. The short side end of the building will be 2 feet off of the north property line and the long side of the building 2 feet off the east property line (3<sup>rd</sup> Avenue). The property owner is currently working with the city to swap a section of property, owned by the City, adjacent to the well station. This will allow the property owner to shift the building further north. The related materials are provided in your packet for review.

**Zoning:** This property is located within the Heavy Industrial (I-2) zoning district. Under section 20.27(2) principle buildings must be located at least 50 feet from the street yard and 20 feet from the side yard property lines. Based on what is provided, there are no other conflicts with the Zoning Code. Per section 20.02(1) - The provisions of this chapter are 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 purpose of the street and side setbacks historically is to permit light and air to exist around the dwelling. This allows for a buffer from neighboring properties as well as space for recreation. There is also the consideration of providing separation from public infrastructure and safety from activities that occur around a property. Setback requirements are also used to create an aesthetic look for certain area.

The applicant identifies in their summary that the location of the new building is partially due to the desire to stay out of the FEMA floodplain. Chapter 23 (Floodplain Zoning Code) identifies that any portion of the property at or below the base flood elevation of 585 ft. to be located within the floodplain. This is determined to be a flood fringe area, and does allow construction of habitable buildings subject to meeting minimum floodproofing requirements when designing the building and surrounding site. When dealing with industrial properties, the code requires the property owner to utilize an engineering professional to provide a design that will protect the building against flooding.

Section 23.01(3) – This chapter is intended to regulate floodplain development to:

(a) Protect life, health and property;

(b) Minimize expenditures of public funds for flood control projects;

(c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

(d) Minimize business interruptions and other economic disruptions;

- (e) Minimize damage to public facilities in the floodplain;
- (f) Minimize the occurrence of future flood blight areas in the floodplain;

(g) Discourage the victimization of unwary land and homebuyers;

- (h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

**Surrounding Area:** Toward the north of this property is a City well station and Sunset Park. This area is zoned Conservancy. To the east is a combination of Single-Family (R-2) and Two-Family (R-3) zoned properties. This area has a combination of residential and lodging type uses.

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.

#### **Pro's Notes:**

- 1. The new building would replace an area that is currently used for outdoor storage and things that encroach into City right-of-way. The new layout would add additional green space along the street approximately 6 feet wide or more between the proposed building and the sidewalk. In the previous variance request, the Zoning Board of Appeals approved a variance subject to beautifying the frontage along 3<sup>rd</sup> Avenue. That could also be applicable in this case as well.
- 2. The height of the new building is only 35 feet which is substantially shorter than many of the other buildings on this property.
- 3. The exterior of the building uses a combination of material and colors for a better look as opposed to some existing building on this site.

#### Con's Notes:

1. A 2-foot separation from the street for an industrial building is not desirable. If there is any ability to provide more separation from the property line, then that should be

considered. The property owner has identified that there are clearance requirements for accessing the gantry crane and graving dock area; however, no information has been

provided.

2. There is an aesthetic argument to pushing the building closer to the street and how this will affect the aesthetics of this strip of 3<sup>rd</sup> Avenue. Generally, within the City, the buildings that are permitted closer to the street are located within the downtown area and those areas are required to have more architectural details.

**Staff Opinion:** There does appear to be merit for granting a variance as it allows the building to stay out of the floodplain. However, the Board should consider the following:

1. The amount variance needed from the north if the applicant gains additional property from the City along the north end.

2. The amount of variance needed from 3<sup>rd</sup> Ave based on the space needed to reasonably

access the graving dock / gantry crane area?

3. Where the floodplain boundary is in comparison to the building location.

4. Consider adding condition on the approval that addresses the aesthetics of the site such as continuing to beautify the frontage along 3<sup>rd</sup> Avenue. Or, some site cleanup items.

**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 POLO 220302 #3 SION PHN 100.00

## VARIANCE APPLICATION M ZONING BOARD OF APPEALS

Date Received:	
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Received By:	

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (If different)	
Name	Aaron Bley		
Company	Fincantieri Bay Shipbuilding		
Street Address	605 N. Third Ave		
City/State/Zip	Sturgeon Bay WI 54235		
Daytime Telephone No.	920-746-3237		
Fax No.		×	
STREET ADDRESS OF SUBJECT PROPERTY: 605 N. Third Ave Location if not assigned a common address:  TAX PARCEL NUMBER: 2816201000704C			
CURRENT ZONING CLASSIFICATION: I-2 Heavy Industrial  CURRENT USE AND IMPROVEMENTS:  Currently used for steel and pipe storage. This building will be used as a machine shop			
for commercial and military new construction and repair.			
IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: Section 20.27 (2) The minimum setback from street right-of-way 50' Section 20.27 (2) The minimum setback from side yard 20'			
ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:  North: I-2 / Conservatory: Bay Shipbuilding, Sturgeon Bay City Park  South: I-2 / C2: Bay Shipbuilding production, Office Building, Stone Harbor Condos  East: I2 / C2 / R3: Bay Shipbuilding production, Bellin Health Clinic, Residential  West: Sturgeon Bay waters			

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: Restriction of material flow into the gantry crane and large graving dock area
limit available building footprint. Increased work scope and size of vessels is hindering production,
efficiency, and safety.  2. Unique physical property limitation: Positioning and angle of the large graving dock creates a
bottleneck for material movement into the final stages of assembly. The flood plain elevation is 585.0
3. Protection of public interest: This building will displace work that is currently being performed outside
improving noise, dust, and debris. This project will be a continuation of our 3rd avenue beautification
effots, visually improving the site and updating it to current building standards. Proposed building
height is only required at 35', despite zoning allowance of 45'.  HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? YES IF YES, EXPLAIN: See Attached
Structures and buildings, proposed site improvements, signature of person who drew plan, etc.    Acon Ols   Z-25-27   Property Owner (Print Name) Signature Date
Applicant/Agent (Print Name) Signature Date
I, ARDW BLET, 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.  3-2-22
Date of review meeting Applicant Signature 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

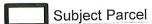
The City of Sturgeon Bay Zoning Board of Appeals will hold a public hearing in the Council Chambers, 421 Michigan Street, Sturgeon Bay, Wisconsin on Tuesday, March 22, 2022 at 12:00 Noon or shortly thereafter, in regard to a request from Fincantieri Bay Shipbuilding for a variance from section 20.27(2) of the Sturgeon Bay Municipal Code (Zoning Code). This section requires that principal structures be located at least 50 feet from the street right-of-way line and 20 feet from the side lot line for properties located within the Heavy Industrial (I-2) zoning district. The applicant is proposing to construct a 65' x 300' building that would encroach the setback from 3rd Avenue by 48 feet and the north (side) lot line by 18 feet. The subject property is located at 605 N 3rd Ave; parcel #281-62-01000704C. 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: <a href="www.sturgeonbaywi.org">www.sturgeonbaywi.org</a>. 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 605 N 3rd Ave

Variance Request from Fincantieri Bay Shipbuilding





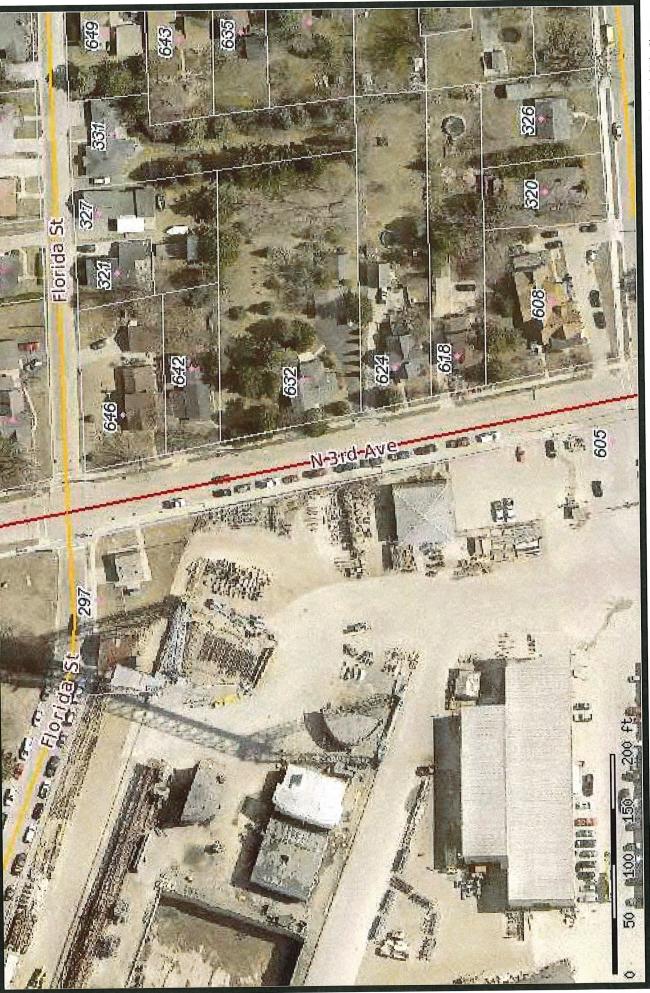
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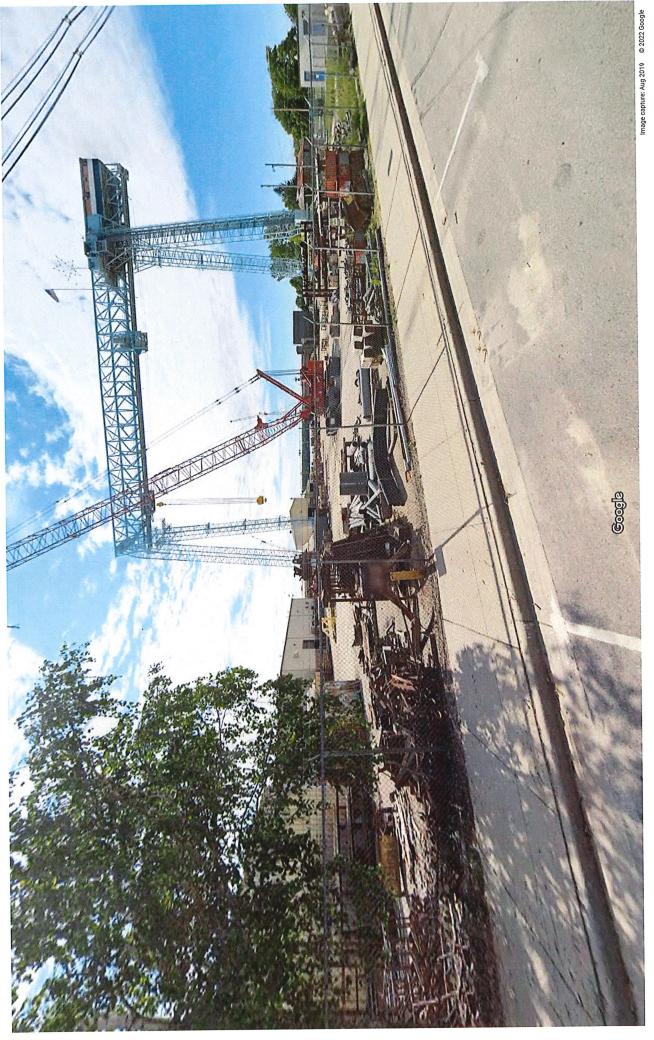


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632 N 3rd Ave - Google Maps 3/17/22, 12:49 PM

Google Maps 632 N 3rd Ave



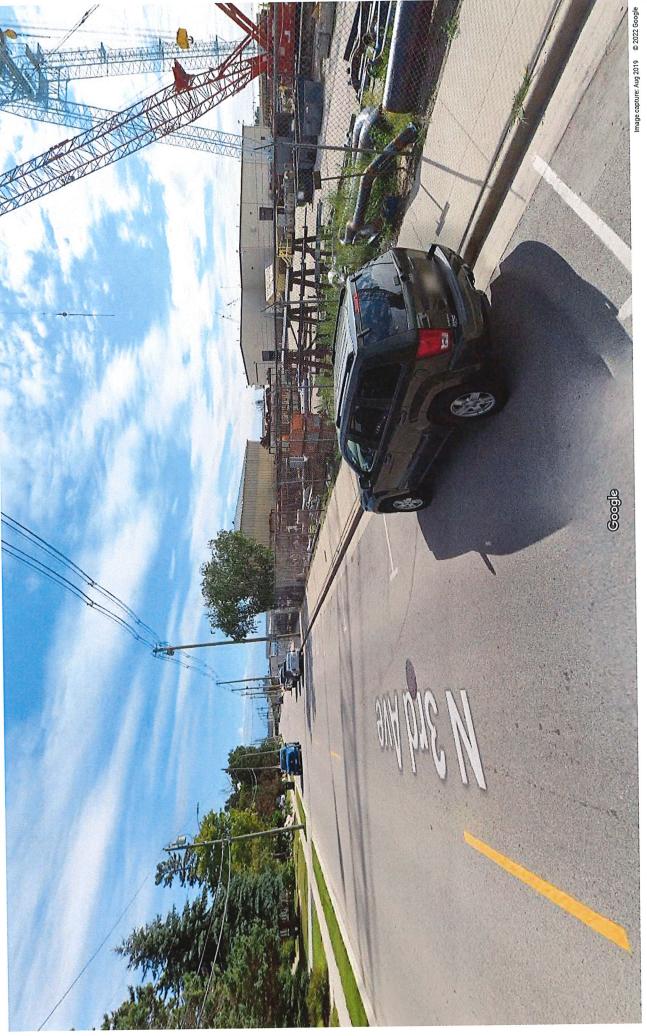
Sturgeon Bay, Wisconsin

Google

Street View - Aug 2019

642 N 3rd Ave - Google Maps 3/17/22, 12:50 PM

Google Maps 642 N 3rd Ave

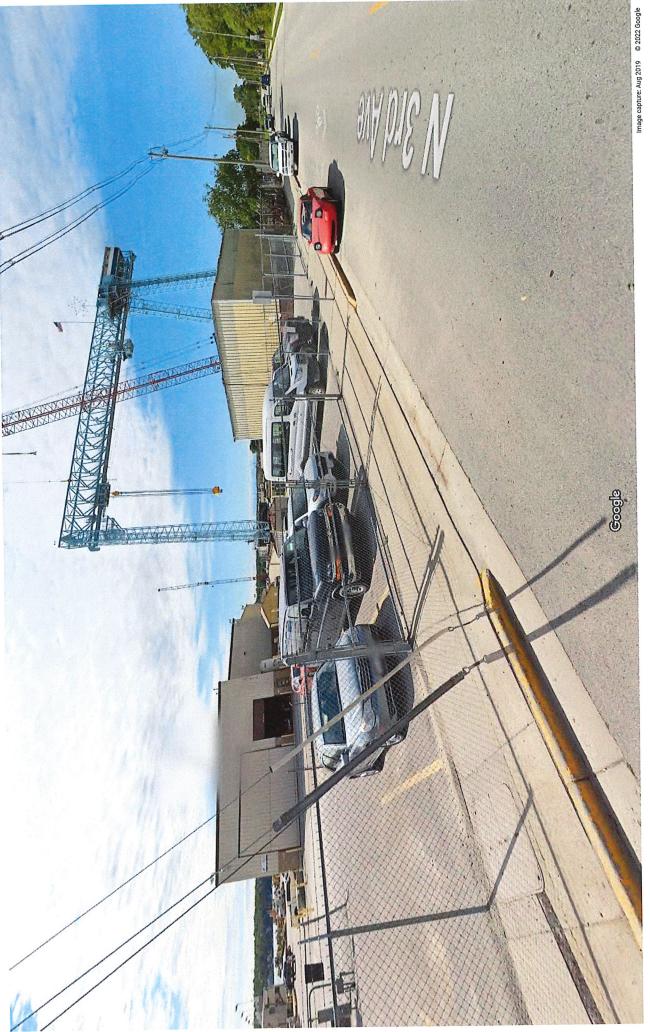


Sturgeon Bay, Wisconsin

Street View - Aug 2019

608 N 3rd Ave - Google Maps 3/17/22, 12:51 PM

Google Maps 608 N 3rd Ave



Sturgeon Bay, Wisconsin

Street View - Aug 2019



February 18, 2022

City of Sturgeon Bay 421 Michigan Street Sturgeon Bay, WI 54235

Re: Variance Requests

Fincantieri Marine Group, LLC d/b/a Fincantieri Bay Shipbuilding ("Fincantieri") is submitting the attached variance application to request a variance, pursuant to (Section 20.27(2)) of the Sturgeon Bay Code of Ordinances, to allow construction of a new building (B110) with zero setback off the west right-of-way of North 3rd Avenue / east Fincantieri property line.

Note that right-of-way / property line is located 4' off the back (west) edge of concrete sidewalk. The building footings (below grade) would extend east beyond face of building wall a few feet (to be determined), and all foundations will remain on Fincantieri property. As a result, combining these 2 dimensions would result in the face of building being approximately 6' or more from back edge of sidewalk.

#### **BACKGROUND FOR THIS REQUEST**

This building is located at 605 North Third Ave in an industrial area zoned I-2. The area was historically used for ship building purposes by Palmer Johnson Yachts, LLC ("Palmer Johnson") and Bay Shipbuilding.

The City previously granted variances for the Buildings B411, B420, B422, and B433 as shown on **Exhibit A**. In 2006, Palmer Johnson obtained a variance to construct an addition to the 411 Building which permitted a five foot setback from Jefferson Street, a zero lot line setback from the properties abutting the west side of the building, and up to 65 feet in building height for the new addition. Palmer Johnson Yachts was granted another variance in 2007 to build B422 to a height of 57 feet. Then in 2008, Palmer Johnson received a variance for an addition to the building which established a 13.4 foot setback from Jefferson Street and a 23 foot setback from First Avenue. Fincantieri received a variance in 2016 to raise the height of B411 to 75 feet.

With Fincantieri recently being awarded the FMM(X) Frigate contract there is the need for Fincantieri to add production capabilities and capacity at the Sturgeon Bay Facility. Fincantieri plans to use the B110 building for a machine shop and steel fabrication center for use in Sturgeon Bay and Marinette. Currently there is not enough building space at the Sturgeon Bay facility to accommodate these production requirements in the existing buildings.



The proposed project will include the following:

- 1. As shown on **Exhibit B**, Fincantieri plans to build B110 with similar design and aesthetic qualities as B433, B420, and B420 in the south yard.
- 2. The expanded floor space for machining, module production, steel storage, and new steel processing equipment.
- 3. Energy efficient heating, ventilation, and LED lighting.
- 4. ADA compliant toilet rooms, locker rooms and lunch room.
- 5. A new, more aesthetically appealing guard shack at the north gate. This will improve in-andout traffic and also provide better security for the yard, and for the guards themselves, due to the more durable construction material compared to the existing shack.

Based on the previous variance granted in the area, the new B110 Building heights and set back will minimally effect views of the bay.

Operations in this proposed building will replace many operations currently executed outside in the yard. Within the enclosed building, there will be a reduction in dust and noise to adjoining neighborhoods.

Current flood plain elevation is 585.0. At the proposed building location, the floor slab can be poured slightly above that elevation, yet maintain a relatively flat paved yard to the west. A flat yard is essential to transport product throughout the facility. If the proposed building is to be shifted west any distance, and the floor slab elevation remains just above that of flood plain, the pavement in the yard becomes steeper than what the transporters can safely navigate.

The variance is important for Fincantieri to expand its manufacturing capacity to handle increased government and commercial work, which requires a new Building B110. Fincantieri has made every effort possible to size and locate the proposed building within the zoning ordinance requirements. Customer demand has dictated the building area being proposed (size of building). The dry dock, gantry crane, and numerous other existing buildings on site result in only the one option to locate the building as is being proposed. All of these reasons along with a generous 50' setback requirement have resulted in a hardship for Fincantieri to expand as needed. If a variance is not granted, Fincantieri and its customers will suffer due to inability to meet predetermined delivery dates of the vessels.

Fincantieri's request for a variance meets all of the criteria under 20.27(2) of the Sturgeon Bay Ordinances.

Thank you for your consideration of this variance request.



#### Exhibit A

#### July 10, 2006

Palmer Johnson Yachts was granted a variance on July 10, 2016 for 128 Kentucky Street. The variance was for the new addition on the eastern side of the main PJ's facility.

- 5' setback from Jefferson Street for a new addition to the main PJ building (128 Kentucky St)
- Zero lot line setback from the properties abutting on the West side of the parcel
- Up to 65' in building height for the new addition (50' easterly)

#### March 29, 2007

Palmer Johnson Yachts was granted a variance on March 29, 2007 for B422 on former North First Street.

- The variance was for a new building up to 57 feet in building height

#### July 28, 2008

Palmer Johnson Yachts was granted a variance on July 28, 2008 for 128 Kentucky Street. This was for a 29' 4" x 122' addition on the North side of the main PJ building (abutting Jefferson Street).

- 13.4' setback from Jefferson Street for the new addition to the main PJ building
- 23' setback from N  $1^{st}$  Avenue for the new addition to the main PJ building

#### November 8, 2016

Fincantieri Bay Shipbuilding was granted a variance on November 8, 2016 for 128 Kentucky Street.

- The variance was to increase the building height to 75 feet

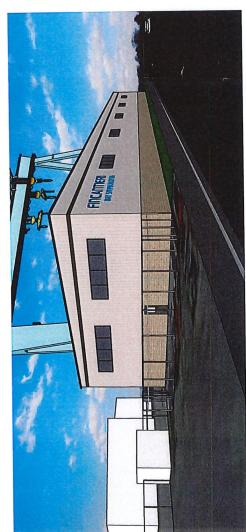
#### August 28, 2020

Fincantieri Bay Shipbuilding was granted a variance on August 28, 2020 for B420 and B433.

- The variance was to increase the building height to  $110\ \text{feet}$  on B433
- Also to allow the side yard variance on the S' property line for B420 expansion

## 2-1-21

# FINCANTIERI BAY SHIPBUILDING - N. 3rd AVENUE BUILDING 110 SCHEMATIC RENDERING





BUILDING SERVICE
OUR REPUTATION IS OUR FOUNDATION

FINCANTIERI BAY SHIPBUILDING



