

**AGENDA**  
**CITY OF STURGEON BAY**  
**ZONING BOARD OF APPEALS**  
Tuesday, February 14, 2023 @ 12:00 Noon  
Council Chambers, City Hall  
421 Michigan Street, Sturgeon Bay, WI

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from December 13, 2022.
4. Public Hearing: Side yard and street yard variances from Section 20.27(2) of the municipal code for Karl and Kay Seitz located at 406 W. Ironwood St, parcel #281-64-61000201.
5. Consideration of: Side yard and street yard variances from Section 20.27(2) of the municipal code for Karl and Kay Seitz located at 406 W. Ironwood St, parcel #281-64-61000201.
6. 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  
Bill Chaudoir  
Dave Augustson  
Nancy Schopf  
Morgan Rusnak  
Alt. 2: Ronald Vandertie

2/9/2023  
3:00 p.m.  
CS

3

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**CITY OF STURGEON BAY  
Zoning Board of Appeals  
December 13, 2022**

The City of Sturgeon Bay Zoning Board of Appeals was called to order at 12:02 p.m. by Chairperson William Murrock in Council Chambers, City Hall, 421 Michigan Street.

**Roll call:** Members William Murrock, William Chaudoir, Dave Augustson, Nancy Schopf and Morgan Rusnak were present. Staff present were Community Development Director Marty Olejniczak and Community Development Administrative Assistant Cindy Sommer.

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from November 8, 2022.
4. Public Hearing: Variance from Section 27.13(4)(c)5 of the municipal code regarding minimum setback of a ground sign for JT Petroleum located at 154 N. 4<sup>th</sup> Avenue, parcel #281-10-85270801.
5. Consideration of: Variance from Section 27.13(4)(c)5 of the municipal code regarding minimum setback of a ground sign for JT Petroleum located at 154 N. 4<sup>th</sup> Avenue, parcel #281-10-85270801.
6. Consideration of: Request to extend the time limit to initiate previously granted variance for property at 1642 Cove Rd, parcel #281-34-65001101.
7. Adjourn.

All ayes. Carried.

**Approval of minutes from November 8, 2022:** Moved by Mr. Chaudoir, seconded by Ms. Schopf to approve the minutes of November 8, 2022. All ayes. Motion carried.

**Public Hearing: Variance from Section 27.13(4)(c)5 of the municipal code regarding minimum setback of a ground sign for JT Petroleum located at 154 N. 4<sup>th</sup> Avenue, parcel #281-10-85270801:**

Chairperson Murrock opened the public hearing at 12:03 p.m.

Mr. Olejniczak explained this is a request for a variance from the five foot street right of way requirement to reface an existing ground sign. A previous variance was approved in 1979 for a 0 foot street right of way, however the replacement sign is larger, which causes the under-clearance to be reduced from about 10 feet to about 6.5 feet. The proposal is to use the existing sign post. The overall height would remain the same, however the new sign is longer. About a foot of the existing sign hangs over the sidewalk, which could create a clearance issue for pedestrians on the sidewalk. The proposed sign differs slightly from what is in the agenda packet in that only the logo will be lit, rather than the entire sign being backlit.

Tim Stephan of Canopy Refresh explained that in order for the logo to look proportionate, the sign had to be enlarged. There is no other appropriate location on the property to move the sign. The sign would use the same footprint but have a more modern, upgraded appearance. Mr. Stephan explained that he is unsure of the overall height of sign but it may be possible to raise the sign about 6" to raise the under-clearance. Another possible option would be to eliminate one of the prices, which would also increase the clearance.

Mr. Olejniczak explained that the previous variance restricted the overall height to 20', so if the sign were to be raised above that, another public hearing would be required and this would delay the project another month.

No members of the public presented for the hearing and there were no letters regarding the variance request. The public hearing was declared closed at 12:22 p.m.

**Consideration of: Variance from Section 27.13(4)(c)5 of the municipal code regarding minimum setback of a ground sign for JT Petroleum located at 154 N. 4<sup>th</sup> Avenue, parcel #281-10-85270801:**

The members discussed if the under-clearance would cause a problem for snow removal and Mr. Olejniczak explained that the property owners are responsible for clearing the sidewalks and the city has no involvement.

Motion by Mr. Chaudoir to approve the variance request as presented but with the condition that the sign must have a minimum of 7 feet of clearance above the sidewalk. The reasoning is that it is a nice looking, updated sign that fits in with the neighborhood. Motion seconded by Ms. Rusnak for the same reasons. Roll call vote, all ayes. Motion carried.

**Consideration of: Request to extend the time limit to initiate previously granted variance for property at 1642 Cove Rd, parcel #281-34-65001101:**

Mr. Olejniczak explained that Collin Jeanquart is requesting an extension of the one year time limit to begin construction of a home at 1642 Cove Road. It is within the parameters of the Zoning Board of Appeals Rules of Procedure to extend the time limit without a public hearing.

Mr. Collin Jeanquart explained that the architect he was working with delayed the project for several months and then became non-responsive, which forced Mr. Jeanquart to hire a new architect who had to redraw the plans from scratch, causing further delays. He still intends to move forward with the construction and is requesting an additional year to begin construction. He further explained that the plans are fundamentally the same as approved previously with only small changes that were suggested at the time of the approval and fall within the scope of approval.

Mr. Chaudoir motioned to approve a one year extension as requested with the reasoning that the delay was not caused by the applicant and outside of his control. Motion seconded by Ms. Rusnak for the same reasons. Roll call vote, all ayes. Motion carried.

Moved by Mr. Auguston, seconded by Mr. Chaudoir to adjourn. All ayes. Motion carried. The meeting adjourned at 12:32 p.m.

Respectfully submitted,



Cindy Sommer  
Community Development Administrative Assistant

**Staff Report: Variance Request for 406 Ironwood Street**

**Background:** Karl and Kay Seitz are petitioning for a variance from Chapter 20 (Zoning Code) of the Municipal Code to replace their nonconforming dwelling located at 406 Ironwood Street with a new dwelling, which also would not comply with the minimum yards under the zoning code. Based on the October, 2022 survey of the property, the existing home encroaches on the required setbacks and even crosses the lot line in the Southwest corner. The current setbacks are: Street: ~9ft, left, 0.1 ft encroachment, right: ~8 ft, and rear: ~17ft. They wish to demolish the home and replace it with a new dwelling, but the proposed footprint would encroach on the required side and street yards for a R-2 zoned property per §20.27(2). The required setbacks are 25 ft for the street yard and 10 ft for the side yard. The petition is for a 11-foot street yard and a 3-foot side yard.

**Considerations:** The minimum yards (building setbacks) are governed by section 20.27(2). There are several purposes behind the yard requirements, including:

- Provide light and air for surrounding properties.
- Ensure that all sides of a building can be reasonably maintained.
- Limit the spread of fire and provide emergency access to the rear of properties.
- Provide recreational space on residential properties.
- Provide space for stormwater to drain/infiltrate.
- Provide space for utility lines.
- Provide space for expansion of street right-of-way without having to acquire/demolish buildings (street yard only)

Because of the small lot size (50 feet wide and 73.8 feet deep) this makes it difficult for the Seitz to comply with the setback requirements. The subject parcel is the smallest lot on this block and the second smallest lot in the neighborhood (one block radius surrounding the subject parcel).

Under the Zoning Code’s nonconforming building rules, the existing nonconforming building could be reconstructed at its current location. According to §20.6(2)(a),

*“Where existing buildings have been constructed with setbacks less than required elsewhere in this chapter, additions to, repairs to, or reconstruction of such buildings using the existing building setback lines shall be permitted, provided no such setback line shall be further diminished and provided the combined floor area of all additions does not exceed 50 percent of the floor area of the original nonconforming building.”*

The property owner, rather than reconstruct the current building desires to erect a different building with different footprint. Hence, the variances are required.

Other variances granted nearby:

- 330 N Joliet- 19’ Front yard variance (attached garage)

- 335 N Hudson Ave- 14'5" street side variance (porch)
- 410 W Ironwood- 15' front yard variance
- 406 N Joliet- 200 sq. ft size variance (garage)

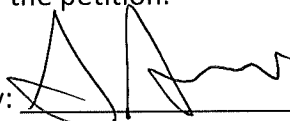
**Surrounding Zoning/ Uses:** To the north, west, south, and east of the property are R-2 Single-Family residential properties. The property to the East the Seitz's own as well.

**Options:** The Board can:

- 1) Approve one or both of the yard variances as proposed.
- 2) Approve a lesser variance for one or both of the yard variances, such that the footprint of the building would be adjusted to increase setback distance from the left and/or street sides of the property.
- 3) Deny one or both of the yard variances.

It is noted that the Board can also attach conditions to the grant of a variance if the condition is pertinent to the petition.

Prepared By:

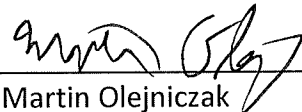


Stephanie Servia  
Planner / Zoning Administrator

2-6-2023

Date

Reviewed By:



Martin Olejniczak  
Community Development Director

2-6-2023

Date

C230105-3

**CITY OF STURGEON BAY  
VARIANCE APPLICATION  
ZONING BOARD OF APPEALS**

Date Received: 1/5/2023  
Fee Paid \$ 350.<sup>00</sup>  
Received By: CS

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Karl J + Kaye Seitz	
Company	Karl + Kay Seitz TRUST	
Street Address	309 N JOLIET	
City/State/Zip	Sturgeon Bay WI 54235	
Daytime Telephone No.	920-493-1684	
Email:	Karl.seitz@sbcglobal.net	
STREET ADDRESS OF SUBJECT PROPERTY: Location if not assigned a common address:		406 Ironwood Sturgeon Bay WI 54235
TAX PARCEL NUMBER: <u>2816461000201</u>		
CURRENT ZONING CLASSIFICATION: <u>Residential R2</u>		
CURRENT USE AND IMPROVEMENTS:		
<u>Rental Home</u>		
IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: <u>Sec. 20.27(2)</u>		
<u>Replace existing home on the land with new</u>		
<u>BUILD Home per Sanited Plane</u>		
ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:		
North:	<u>Residential</u>	
South:	<u>Residential</u>	
East:	<u>Residential</u>	
West:	<u>Residential</u>	

### 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:

2. Unique physical property limitation:

3. Protection of public interest:

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? IF YES, EXPLAIN:

NO

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.

KARL J SEITZ  
Property Owner (Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant/Agent (Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

I, KARL J. SEITZ 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.

11-7-22  
Date of review meeting

Karl J. Seitz  
Applicant Signature

Mark G. [Signature]  
Staff Signature

### Attachments:

Procedure & Check List

Agreement for Reimbursement of Expenses

### STAFF USE ONLY

Application conditions of approval or denial:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planner / Zoning Administrator

## Request for Variance

Karl J. and Kay F. Seitz  
406 W. Ironwood St.  
Sturgeon Bay, WI 54235

Unnecessary Hardship: Lot width is only 50 feet; lot depth is only 73.8 feet, which makes it very difficult to comply with setbacks. The lot is one of the smallest in the neighborhood and was created prior to the zoning code.

Unique physical property limitations: The existing house is non-conforming, is very old with a bad foundation and there is a power pole on the lot.

Protection of public interest: The new home would be more conforming than the old home and would improve the appearance of the neighborhood.



# Site Plan for Seitz - 406 W. Ironwood St.

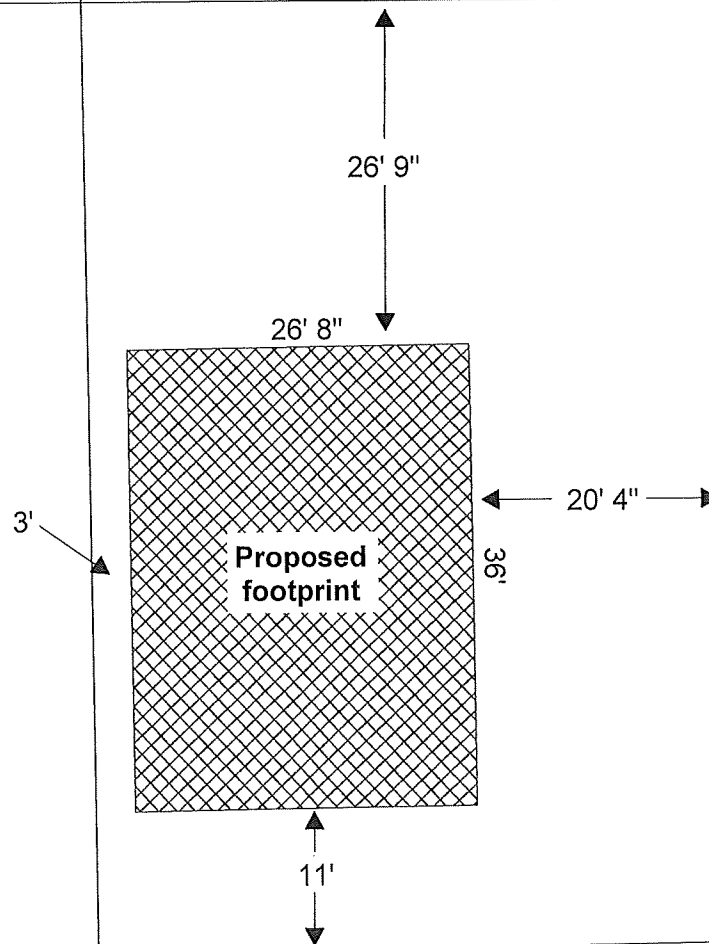
Note: Based upon the October, 2022 survey,  
the setbacks for the existing house are:

Street = ~9 ft

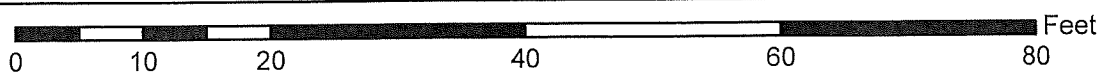
Left Side = 0.1' encroachment

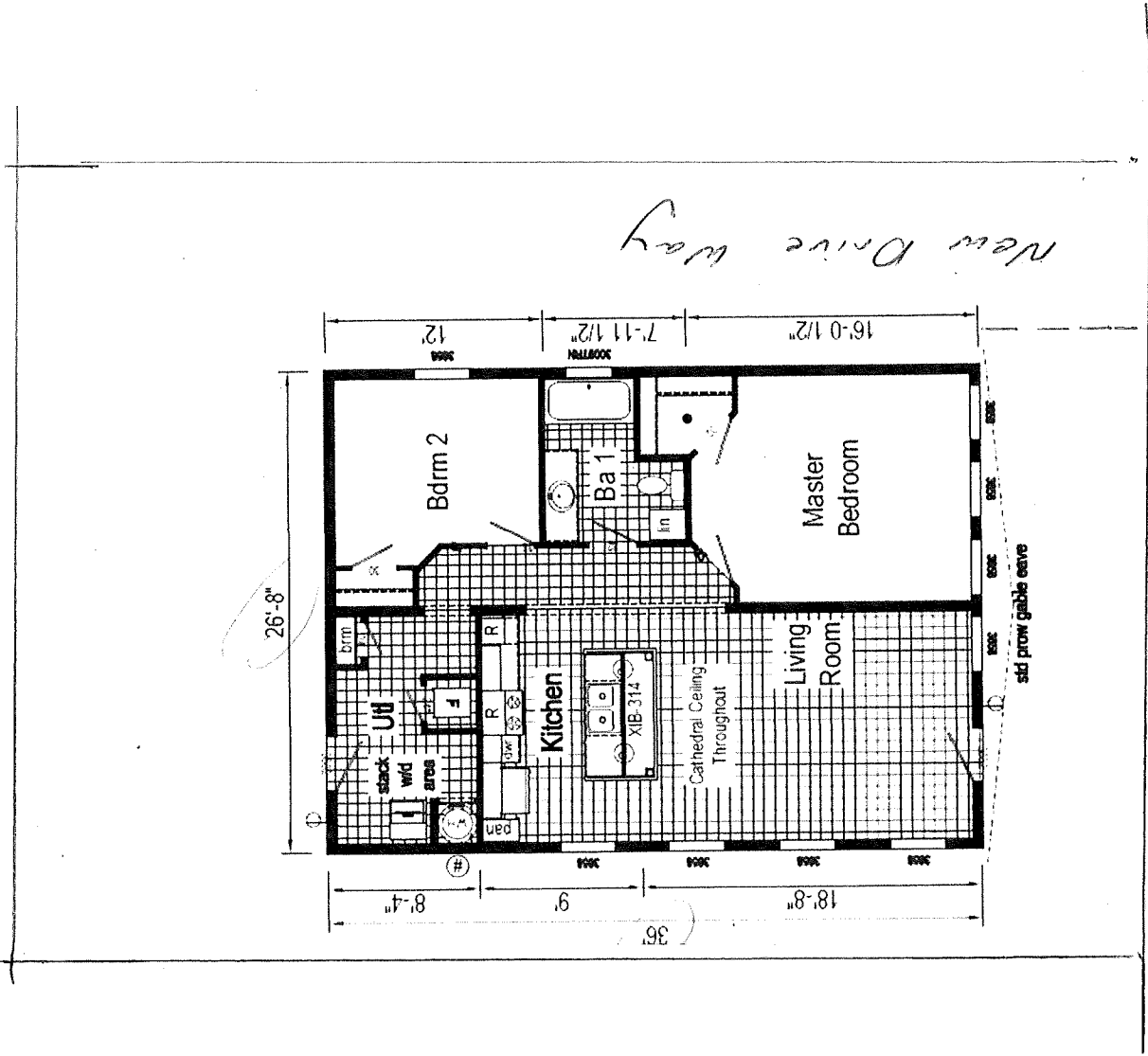
Right Side = ~8 ft

Rear = ~17 ft



W Ironwood St



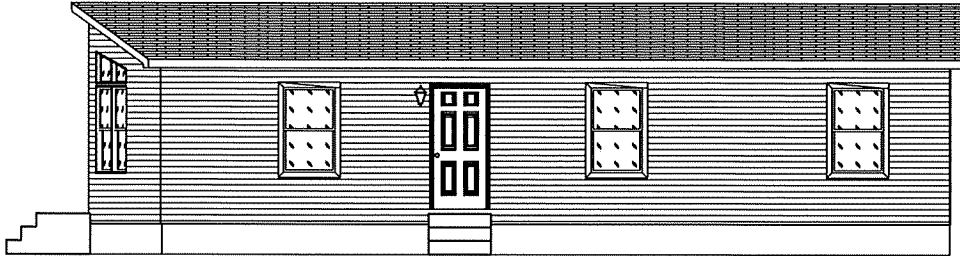


26' x 36'  
48 Sq. Ft.

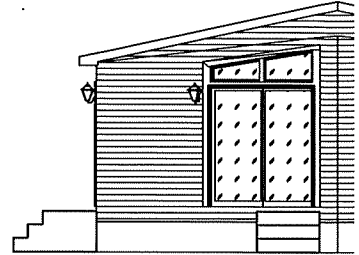
STREET SIDE

FRONT WOOD

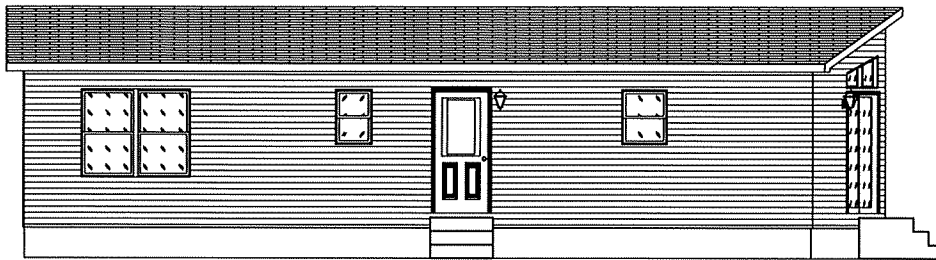
406 W. Ironwood St.  
15' from foundation to roof  
5/12 roof pitch



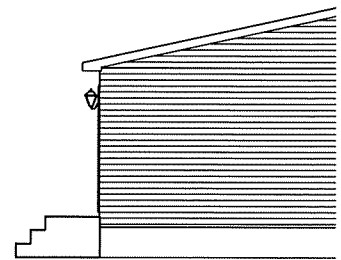
FRONT VIEW



LEFT VIEW



REAR VIEW



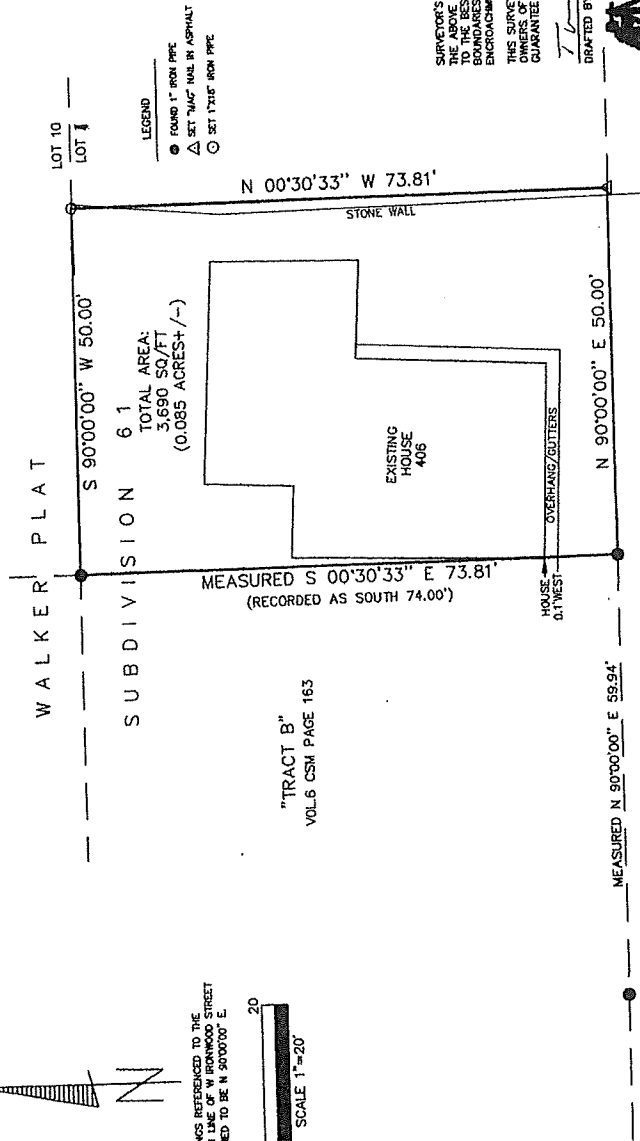
RIGHT VIEW

NOTE: This is an artistic rendering. building materials may be optional or differ from what is shown.

Builder: midcountry homes		Callout: 2844	Revisions		Scale: N.T.S.	Date: 06/03/2022	Cust: Stock
Title: Elevations					Drawn By: JSCHULTZ	Reference: 3W1602-P	Dir: North Country Homes
							S/N 10900

Current Home

THE WEST 50 FEET OF LOT 2 OF SUBDIVISION 61 LOCATED IN SUBDIVISION 61 OF SECTION 7, TOWNSHIP 27 NORTH, RANGE 26 EAST, CITY OF STURGEON BAY, DOOR COUNTY, WISCONSIN.



COASTON BY TERRANCE A. MURPHY P.I. S. 2338

PARCEL # 281 8461000201

W. IRONWOOD STREET (50')

022716

## NOTICE OF PUBLIC HEARING

The City of Sturgeon Bay Zoning Board of Appeals will hold a public hearing in the Council Chambers at City Hall, 421 Michigan Street, Sturgeon Bay, Wisconsin on Tuesday, February 14, 2023 at 12:00 Noon or shortly thereafter, in regard to a variance request from Karl and Kay Seitz from section 20.27(2) of the Sturgeon Bay Zoning Code, which requires single-family dwellings have a minimum street yard of 25 feet and a minimum side yard of 10 feet. The Seitz' propose to demolish the current dwelling and replace it with a 26'8" x 36' single-family dwelling, which would be located 11 feet from the street right-of-way and 3 feet from the side (west) lot line.

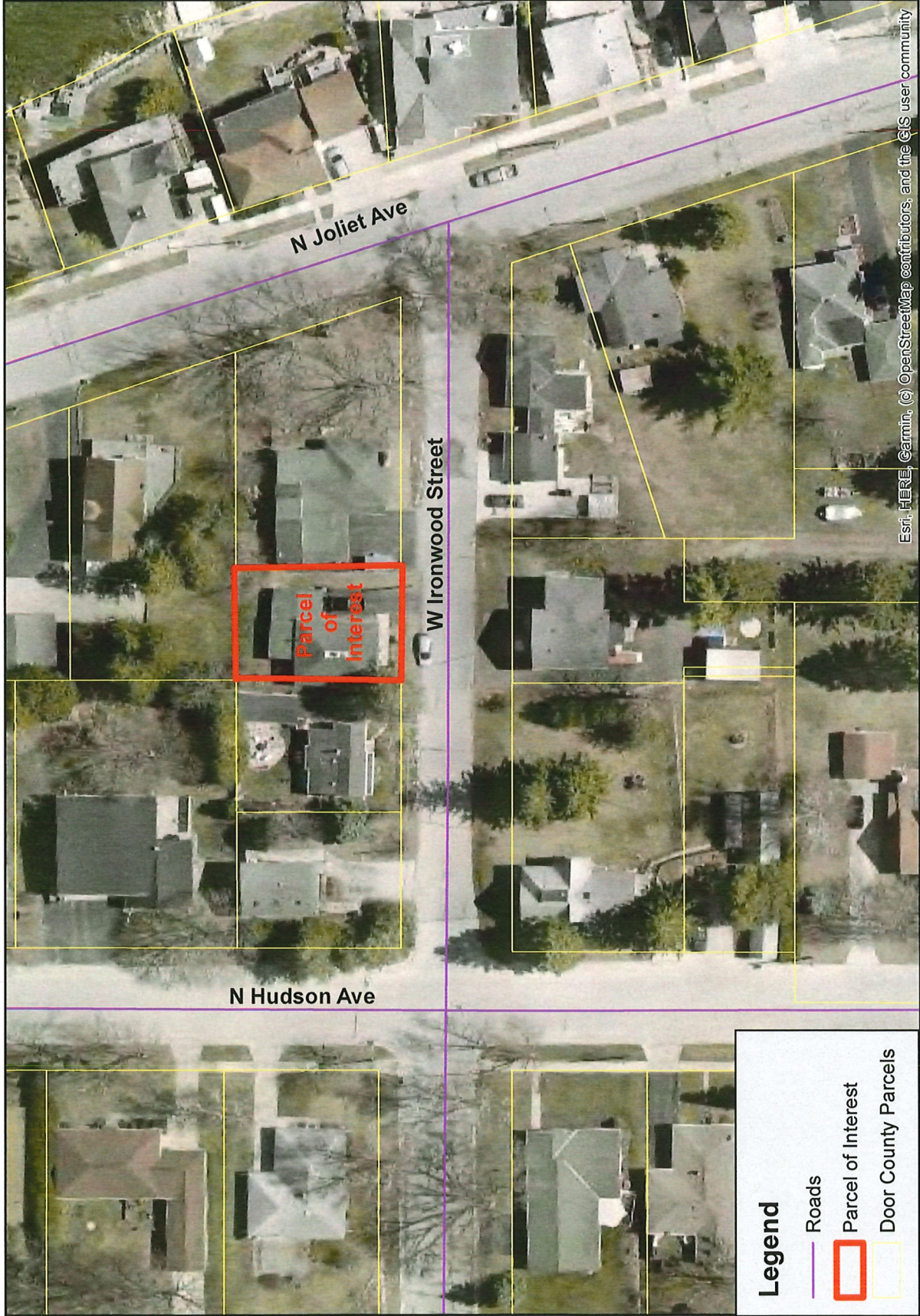
The subject property is located at 406 W. Ironwood Street; parcel #281-64-61000201. The variance application is on file with the Community Development Department and can be viewed at City Hall, 421 Michigan Street, weekdays between 8:00 a.m. and 4:30 p.m., or on the City website: [www.sturgeonbaywi.org](http://www.sturgeonbaywi.org). 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.



Variance Application: 406 W Ironwood St.

Tax Parcel Number: 2816461000201



## Olejniczak, Marty

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**From:** Jill Kelley <kelly.jill@ymail.com>  
**Sent:** Saturday, February 4, 2023 6:47 PM  
**To:** Olejniczak, Marty  
**Cc:** Russell Kelley  
**Subject:** Fwd: 406 West Ironwood Street/Parcel #281-64-6100201

>  
> Mr. Marty Olejniczak  
> City Of Sturgeon Bay Zoning Board Of Appeals  
> 421 Michigan Street  
> Sturgeon Bay, WI  
>  
> Dear Mr. Olienjniczak:  
>  
> We are in receipt of the notice of variance application for 406 Ironwood in Sturgeon Bay ("Subject Property"). We own the home at 410 West Ironwood, which is immediately to the west of the Subject Property.  
>  
> Our home is used as a tourist rooming house and we are requesting that any demolition/construction of the Subject Property occurs before June 1st or after October 31st ("tourist season") in order to avoid any financial hardship to us. We are also requesting that all demolition and construction activities take place on the the Seitz's properties and that equipment, materials, or debris are not placed on our property at 410 West Ironwood.  
>  
> We do not object to the 11 foot set back variance from the street that has been requested by the Seitz's, but ask that variance on the Subject Property's west lot line line be increased from 3 feet to 7 feet.  
>  
> We have spoken to Kay and Carl Seitz and understand that their plans are to demolish the existing home and build a single family, manufactured home with a slab foundation. We welcome the improvement to the neighborhood, but wanted to share some of our concerns regarding the impact to our home at 410 West Ironwood.  
>  
> Thank you for your consideration.  
>  
> Sincerely,  
>  
> Russ and Jill Kelley  
>  
> Sent from my iPad