

**AGENDA**  
**CITY OF STURGEON BAY**  
**ZONING BOARD OF APPEALS**  
Tuesday, May 23, 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 February 14, 2023.
4. Public Hearing: Rear yard variance from Section 20.27(2) of the municipal code for Lee and Theresa Bailey located at 509 E. Compass Place, parcel #281-46-05001401.
5. Consideration of: Rear yard variance from Section 20.27(2) of the municipal code for Lee and Theresa Bailey located at 509 E. Compass Place, parcel #281-46-05001401.
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

5/18/2023  
1:30 p.m.  
CS

**CITY OF STURGEON BAY  
Zoning Board of Appeals  
February 14, 2023**

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, Dave Augustson, Nancy Schopf and Morgan Rusnak were present. Member Bill Chaudoir was excused. Staff present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Stephanie Servia 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 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.

All ayes. Carried.

**Approval of minutes from December 13, 2022:** Moved by Mr. Augustson, seconded by Ms. Schopf to approve the minutes of December 13, 2022. All ayes. Motion carried.

**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:**

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

Mr. Olejniczak explained that the zoning code allows existing non-conforming buildings that encroach on the street, side and rear yards to be reconstructed at the present location. But if there is a substantial change to the building footprint or building location, the reconstructed building must conform to the required yards, or a variance must be granted. The zoning code dictates that the street and rear yards be 25 feet and the side yards be 10 feet. There is a recommendation before Council at this time that would reduce the side yards to 8 feet and the street yard to 20 feet, which, if approved, will take effect in a few weeks. The existing dwelling encroaches over the west property line by an inch or two and the front of the home is about 11 feet from the street. The applicant is proposing to demolish the existing dwelling on the property and replace it with a manufactured home on a concrete slab. He is proposing to set the home three feet from the west lot line and 11 feet from the street (front) lot line. Mr. Olejniczak also noted that this is the smallest lot on the block and the second smallest in the neighborhood, which limits the buildable area.

Mr. Murrock asked if the neighbors to the west have had any concerns. Mr. Olejniczak indicated they expressed concern about the height of the new structure but were happy to learn it will be a single story. He further indicated there is no known historic value to the home and it is not in an historic district.

Ms. Servia explained that the Board has the options of approving one or both of the variances as presented, approve a lesser variance for one or both of the requests, or deny one or both of the yard variances.

Karl Seitz of 309 N. Joliet Avenue explained that he would like to remove the existing dwelling that dates back to 1864 due to its age and state of disrepair. The foundation and roof are both failing and the costs to make the necessary repairs is extensive. He feels a new dwelling would be a better value and improve the appearance of the lot. The proposal is to keep a similar footprint but lessen the current encroachments. He

would also remove the existing one car garage and the back porch, thereby cleaning up the appearance and opening up space on the lot. His request for a 3-foot west side yard variance would allow for a 15-foot wide driveway on the east side. He has no intention to add a garage. The requested 11-foot front yard is to keep the house in line with the others on the block and to allow for a back yard without encroachment. He is open to moving the house if the Board sees fit to limit his request, or he may reconsider repairing the existing structure if his request is denied.

Alisa Landman of 330 N. Joliet Avenue spoke in support of the proposal and indicated that the Seitz's have wonderful taste and a beautiful home and she is fully supportive of their project.

One letter of support was read by the recording secretary from Jeff Kanzelberger. A second letter was read from Russell and Jill Kelley indicating they welcome the improvement to the neighborhood but requested that any demolition or construction be done outside of tourist season and that the side yard be at least 7 feet rather than the proposed 3 feet.

The public hearing was declared closed at 12:28 p.m.

**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:**

The members discussed the advantages of having a larger backyard and wider driveway, as well as the ability to do future maintenance on the new dwelling without encroaching on the neighbor. An 8-foot side yard would reduce the width of the driveway and a 3-foot side yard would not allow much access for maintenance.

Mr. Augustson moved to approve an 11-foot street yard with the reasoning that it will allow for a nice size backyard and the front of the dwelling will be in line with the neighbor, and to approve a 5-foot side (west) yard with the reasoning that it will allow for future maintenance to the new dwelling without encroaching on the neighbor and will also allow for a wide enough driveway to accommodate two vehicles. Ms. Schopf seconded the motion with the same reasoning. Roll call vote, all ayes. Motion carried.

Moved by Ms. Schopf, seconded by Ms. Rusnak to adjourn. All ayes. Motion carried. The meeting adjourned at 12:33 p.m.

Respectfully submitted,

  
Cindy Sommer  
Community Development Administrative Assistant

4,5

4,5

## Staff Report: Variance Request for 509 E Compass Place

**Background:** Lee and Terry Bailey are petitioning for a variance from Chapter 20 (Zoning) of the Municipal Code so they may add a 15-foot by 30-foot addition onto their garage for their property at 509 E Compass Place. The property is located in the R-3 zoning district with street setbacks of 20 feet, side yard setbacks of 8 feet, and rear yard setbacks of 25 feet. The Bailey's are requesting a setback of 13-feet from the rear property line so that they may build an additional stall on their existing garage. Their property is located on a corner lot, so they have less buildable area on their property due to street setback requirements from two streets. Additionally, the proposed addition may not exceed too far into their rear lot because there is a 12-foot utility easement on the back of their property that nothing can be built in.

**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 lot being on the corner of south Ridgeway Ave and east Compass place this makes it difficult for the Bailey's to comply with the setback requirements for their addition. Without a variance, the Bailey's would only be able to extend their garage by three feet before they would hit the 25-foot rear yard setback line.


**Surrounding Zoning/ Uses:** To the north, west, and east are other R-3 zoned homes. To the south of the Bailey's property is vacant land zoned agricultural.

**Options:** The Board can:

- 1) Approve the rear yard variance as proposed.
- 2) Approve a lesser variance the yard variances.
- 3) Deny the yard variances.

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

Prepared By:

  
Stephanie Servia

5/15/2023  
Date

Planner / Zoning Administrator

Reviewed By:   
Martin Olejniczak  
Community Development Director

May 17, 2023  
Date

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

STAFF USE: 4/24/2023  
Date Received: \_\_\_\_\_  
Fee Paid: \$ 350.00  
Received By: S. Servia

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Lee + Theresa Bailey	Bailey Trust, Lee + Theresa E.
Company		
Street Address	509 E. Compass Place	
City/State/Zip	Sturgeon Bay WI 54235	
Daytime Telephone #	920-493-5128	
Email	tbailey509@charter.net	
STREET ADDRESS OF SUBJECT PROPERTY: <u>509 E. Compass Place, Sturgeon Bay WI</u> Location if not assigned a common address: _____		
TAX PARCEL NUMBER: <u>2814605001401</u>		
CURRENT ZONING CLASSIFICATION: <u>Residential</u>		
CURRENT USE AND IMPROVEMENTS: <u>Primary Residence</u>		
IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEMS BEING REQUESTED FOR REVIEW: <u>We are building an addition onto our existing garage to accommodate an extra stall. We have adjusted our plans per the recommendation of Stephanie Servia.</u>		
ZONING AND USES OF ADJACEMENT SURROUND PROPERTIES:		
North:	<u>Empty city lot</u>	
South:	<u>Empty field - old apple orchard</u>	
East:	<u>Residential Home</u>	
West:	<u>Residential Home</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: See Attached

2. Unique physical property limitation: See Attached

3. Protection of public interest: See Attached

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY  
FOR THIS PROPERTY? Yes or No (Circle One) IF YES, EXPLAIN: \_\_\_\_\_

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 digital), 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.

Theresa E. Bailey  
Property Owner

4-24-2023  
Date

\_\_\_\_\_  
Applicant/Agent

\_\_\_\_\_  
Date

I, Theresa E. Bailey, 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.

4-24-2023  
Date of review meeting

Theresa E. Bailey  
Applicant signature

[Signature]  
Staff signature

**Attachments:**

Procedure & Check List

Agreement for Reimbursement of Expenses

**STAFF USE ONLY**

Application conditions of approval or denial:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Date

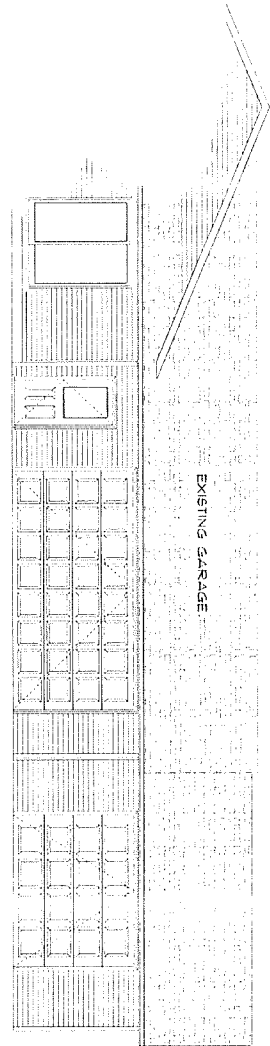
\_\_\_\_\_  
Community Development Director

## Variance Application

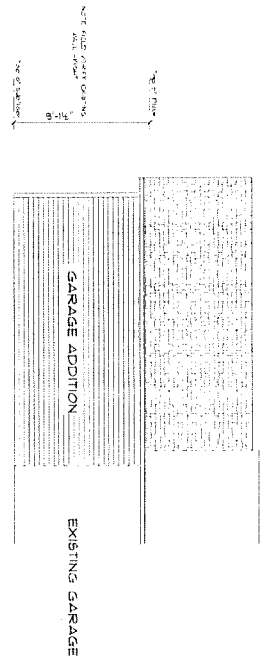
Lee & Theresa (Terry) Bailey

### Variance Standards:

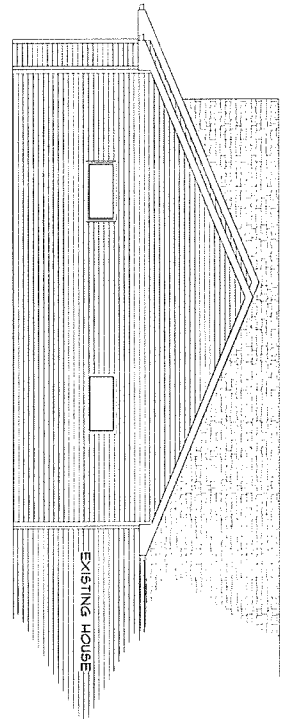
1. Unnecessary hardship: We are getting older and would like to have all our vehicles in a garage during the winter. We just don't have enough room in our present garage for lawn mowers, snow blowers, garbage cans, etc.
2. Unique physical property limitation: Being a corner lot with larger road setbacks than side yard setbacks the lot is more restrictive.
3. Protection of public interest: The south side of the addition is next to an empty field, so there are no neighbors on that side of the addition. We have talked to our neighbors, and no one is opposed to the addition. We are looking to improve the appearance of our home by putting on this addition and residing the entire home.



FRONT ELEVATION  
SCALE 1/4" = 1'-0"



REAR ELEVATION  
SCALE 1/4" = 1'-0"



RIGHT ELEVATION  
SCALE 1/4" = 1'-0"

This plan is the sole property of the designer. Any reproduction or duplication without the written permission of the owner will be held liable to legal action under the infringement laws.

NOTE: CONTRACTOR TO VERIFY ALL DIMENSIONS FOR CODE COMPLIANCE.

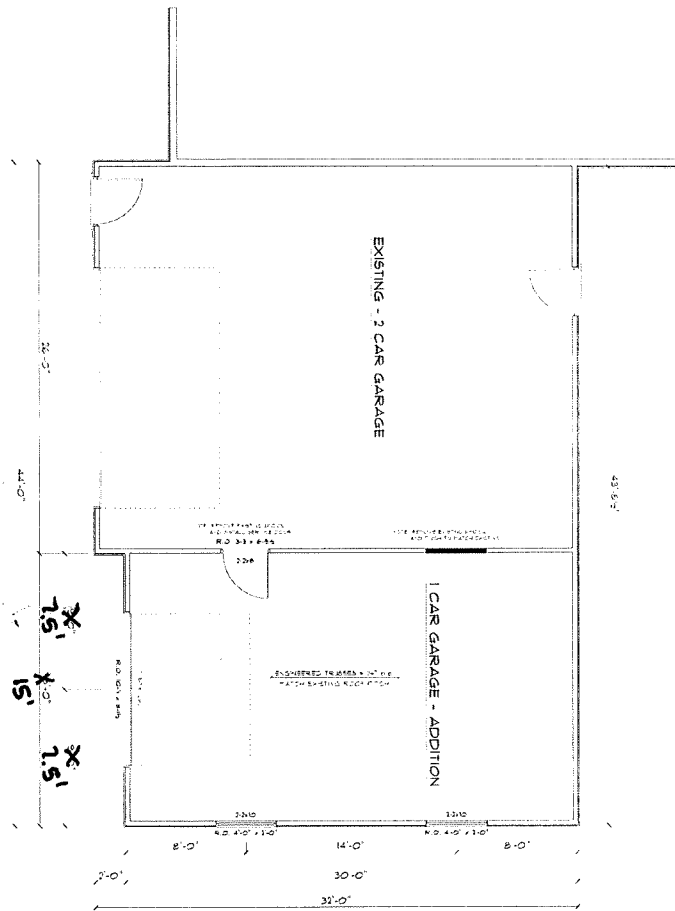
ALL OPENING SIZES TO BE CONFIRMED BY CUSTOMER. ALL DOOR THRESH TO BE VERIFIED BY CUSTOMER AND CONTRACTOR AND ROOM AND WALL ADJUSTMENTS MADE TO COMPLY.

Advanced Home Bldrs. Phone : 920-493-0108	Customer :	Date :
	Type :	

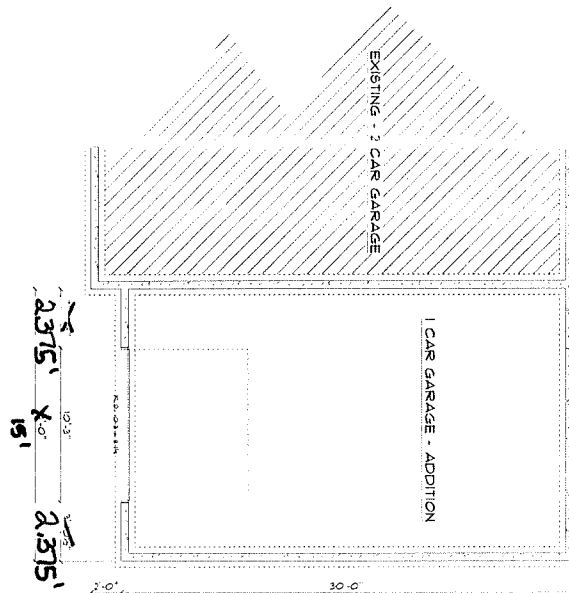
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NOTE: CONTRACTOR TO VERIFY ALL ENGINEERING FOR  
 CODE COMPLIANCE.  
 ALL DIMENSIONS TO BE VERIFIED BY CUSTOMER AND CONTRACTOR.  
 ALL DOOR KITS TO BE VERIFIED BY CUSTOMER AND CONTRACTOR.  
 AND ROOM AND WALL ADJUSTMENTS MADE TO COMPLY.

MAIN FLOOR LAYOUT  
 SCALE 1/4" = 1'-0"



FOUNDATION LAYOUT  
 SCALE 1/4" = 1'-0"



Advanced Home Bldrs.  
 Phone : 920-493-0108

Customer : Lee Bailey

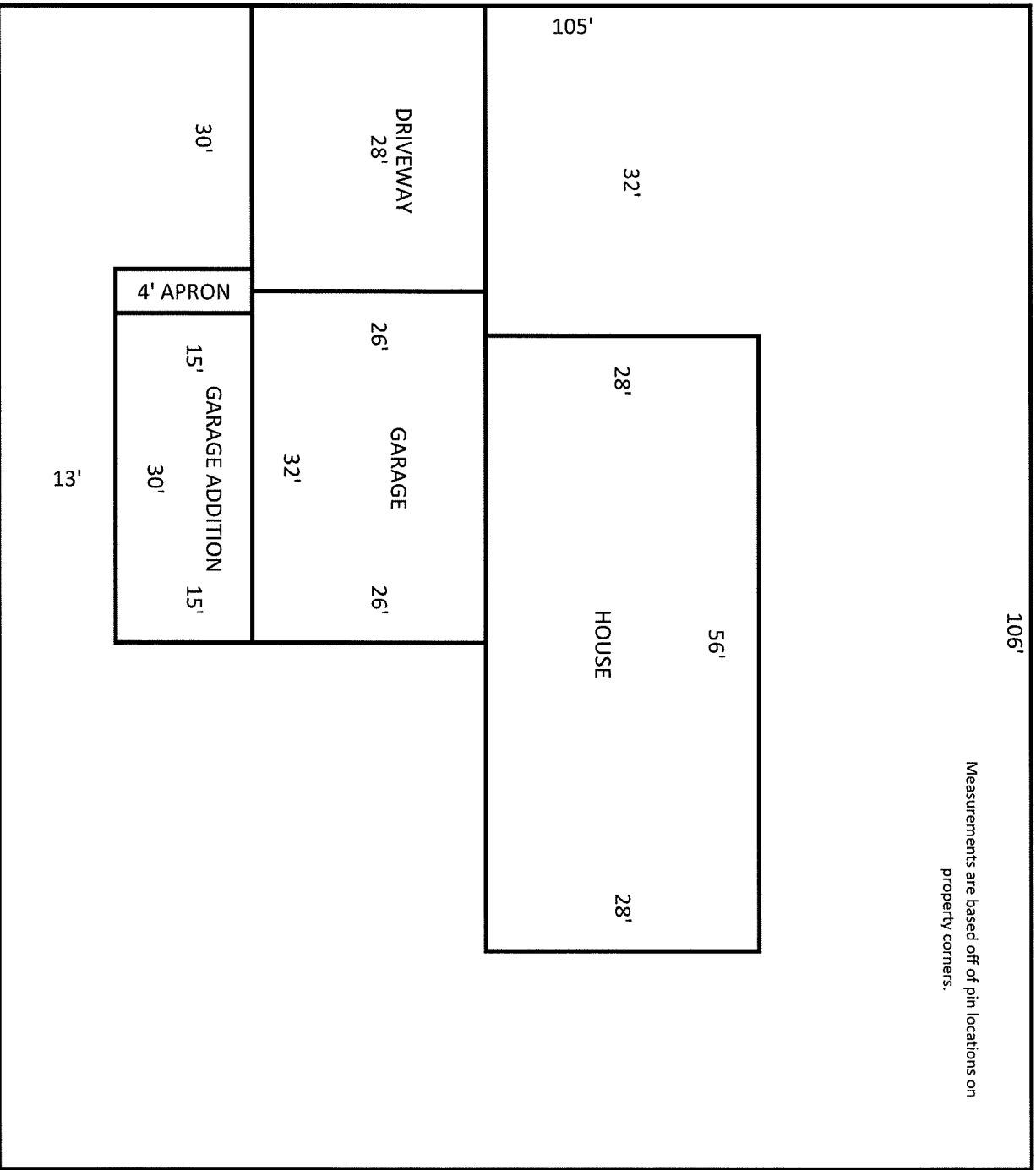
Date :

Type :

LEE & TERRY BAILEY  
GARAGE ADDITION

E COMPASS PLACE

S RIDGEWAY AVE



LOT LINE

LOT LINE

# Lee Bailey Property



03/29/2021

## 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, May 23, 2023 at 12:00 Noon or shortly thereafter, in regard to a variance request from Lee and Theresa Bailey from section 20.27(2) of the Sturgeon Bay Zoning Code, which requires single-family dwellings to have a minimum rear yard of 25 feet. The applicants propose to put a 15' x 30' addition onto their existing attached garage for their single-family dwelling, which would be located 13 feet from the rear lot line.

The subject property is located at 509 E. Compass Place; parcel #281-46-05001401. 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. 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

# Map

Printed 05/08/2023 courtesy of Door County Land Information Office



... from the Web Map of ...

( [//www.co.door.wi.gov](http://www.co.door.wi.gov) )

**Door County, Wisconsin**

**... for all seasons!**



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