

**AGENDA**  
**CITY OF STURGEON BAY**  
**ZONING BOARD OF APPEALS**  
Tuesday, July 11, 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 May 23, 2023.
4. Public Hearing: Variance from Section 27.12(4) of the municipal code for Bay View Lutheran Church located at 340 W. Maple St, parcel #281-64-60050103A.
5. Consideration of: Variance from Section 27.12(4) of the municipal code for Bay View Lutheran Church located at 340 W. Maple St, parcel #281-64-60050103A.
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

7/6/2023  
3:30 p.m.  
CS

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**CITY OF STURGEON BAY  
Zoning Board of Appeals  
May 23, 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, Morgan Rusnak and Bill Chaudoir were present. Member Nancy Schopf was excused. Staff present were Planner/Zoning Administrator Stephanie Servia and Community Development Administrative Assistant Cindy Sommer.

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

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.

All ayes. Carried.

**Approval of minutes from February 14, 2023:** Moved by Mr. Augustson, seconded by Mr. Chaudoir to approve the minutes of February 14, 2023. All ayes. Motion carried.

**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:**

Chairperson Murrock opened the public hearing at 12:05 p.m.

Ms. Servia explained that the Baileys propose to construct a 15'x 30' addition to their existing garage and are requesting a variance of 13' from their rear yard. The property is located in the R-3 zoning district, which requires a 25' rear (south) yard. There is a 12' utility easement for overhead power lines along their rear property line which further hinders their property. The properties to the north, west and east are all in the R-3 zoning district, and the property to the south is zoned for agriculture use. The Baileys would like to make their existing garage larger in order to put both of their vehicles inside over the winter and still have room for storage. Their rear yard is the last lot on a corner with no other buildings to the south. The applicants submitted a petition signed by 14 of their neighbors in support of their plan. The Board has the option to approve their request as submitted, approve a modification of their request, or deny the request.

Mr. Chaudoir asked if the property to the south was likely to be developed and Ms. Servia explained there are no current plans to do so, although that could change in the future.

Lee Bailey explained that they have lived in this house that they built 25 years ago and the house is ready to be updated with new siding and they would like to add on to their garage and re-side the house at the same time. He indicated this is a very quiet area with only about a half dozen homes having been constructed since he built there. He stated that the property owners to the south intended to develop their land years ago but never followed through and Mr. Bailey even approached them about buying the lot next to his current one if they were to develop. Mr. Bailey indicated that he contacted every property owner within 300 feet and, with the exception of one, all property owners have responded and approve of his plan. He received no response from one property owner. He added that he doesn't intend to add onto his driveway and he just needs more storage space. He stated he wanted to make the addition larger but he was hindered by the utility easement.

No members of the public presented for the hearing. No letters were submitted other than those already provided. The public hearing was declared closed at 12:20 p.m.

**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:**

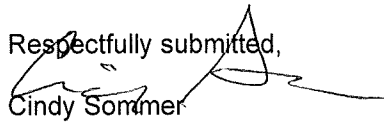
Mr. Augustson stated that, because the Baileys are on a corner lot, they essentially lose space for their rear yard and he would consider their rear yard to be the same as a normal side yard.

Mr. Augustson motioned to approve the variance request as presented with the reasoning that they have limited buildable space due being a corner lot. Mr. Chaudoir seconded the motion and added that the utility easement also creates an additional hardship. Roll call vote, all ayes. Motion carried.

Prior to adjournment, Mr. Murrock asked Ms. Servia to check on Sturgeon Bay Iron and Metal Works regarding painting their fence. He also commented that the landscaping in front of Bay Ship looks really nice and is very neat and clean.

Moved by Mr. Chaudoir, seconded by Ms. Rusnak to adjourn. All ayes. Motion carried. The meeting adjourned at 12:23 p.m.

Respectfully submitted,



Cindy Sommer  
Community Development Administrative Assistant

**Staff Report: Variance Request for 340 W Maple Street**

**Background:** Bay View Evangelical Lutheran Church (Bay View) is petitioning for a variance from Chapter 27 (signs) of the Municipal Code so they may add an electronic variable message (EVM) sign onto their property at 340 W Maple Street. The sign will be 24 square feet. According to 27.12(4), EVM signs are only allowed in commercial and industrial zoning districts. Bay View is located in the single-family residential (R-2) zoning district which is why a variance is required. The final design of the sign must also be approved by the Aesthetic Design and Site Plan Review Board. It is important to note that EVM signs have a set of operational and maintenance standards that limit the functional uses of these types of signs. These standards are also required by the sign code.

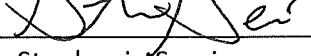
Sturgeon Bay United Methodist Church, located at 836 Michigan Street, was granted a sign variance for an EVM sign on August 10, 2021. This approval was granted with the conditions which would limit the interval of message changes to 30 seconds and include a planting bed with flowers around the sign to look more residential. The proposed sign for Bay View follows a similar design to the sign that was constructed there. St. Peter's Lutheran Church also requested a variance for an EVM sign on April 12, 2016. This was granted due to the subject property being located adjacent to commercial properties and verification of setbacks.

**Considerations:** The purpose of the sign code is to provide minimum standards to safeguard life, health, property, and public welfare and preserve and enhance aesthetic values by regulating and controlling the design and area, number, construction, illumination, installation, location and maintenance of all signs.

**Surrounding Zoning/ Uses:** The area surrounding the subject property is zoned R-2 with single-family homes.

**Options:** The Board can:

- 1) Approve the EVM sign variance as proposed.
- 2) Approve the EVM sign variance with conditions that are pertinent to the petition.
- 3) Deny the EVM sign variance.

Prepared By:   
Stephanie Servia  
Planner / Zoning Administrator

7/6/2023  
Date

Reviewed By:   
Martin Olejniczak  
Community Development Director

7/6/2023  
Date

C2306156

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

STAFF USE:

Date Received:

Fee Paid:

Received By:

6/15/2023

\$ 350.00

CS

|  | APPLICANT/AGENT          | LEGAL PROPERTY OWNER<br>(if different) |
|--|--------------------------|--|
| Name   | Kyle Baker               |  |
| Company  | Bay View Lutheran Church |  |
| Street Address   | 340 W Maple Ave St.      |  |
| City/State/Zip   | Sturgeon Bay WI 54235    |  |
| Daytime Telephone #  | 920.495-0484             |  |
| Email  | kaybaker1712@gmail.com   |  |
| STREET ADDRESS OF SUBJECT PROPERTY: 340 W Maple Ave.   |                          |  |
| Location if not assigned a common address:   |                          |  |
| TAX PARCEL NUMBER: 281.64.60050103 A   |                          |  |
| CURRENT ZONING CLASSIFICATION: Single family residential   |                          |  |
| CURRENT USE AND IMPROVEMENTS: Worship services, Christian education, community outreach.   |                          |  |
| IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEMS BEING REQUESTED FOR REVIEW: Section 27.12(4)<br>Requesting variable message sign in residential area. |                          |  |
| ZONING AND USES OF ADJACEMENT SURROUND PROPERTIES:   |                          |  |
| North:   | R-2                      | Single family dwellings                |
| South:   | R-2                      | ↓                                      |
| East:  | R-2                      | ↓                                      |
| West:  | R-2                      | ↓                                      |

**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: BVL C mission: As followers of Jesus, we live, learn, share, and celebrate our faith through worship and ministry.
2. Unique physical property limitation: Our worship sign at present require a driver to slow drastically or stop to view.
3. Protection of public interest: The only resident that will be in direct full view of the signage is not opposed.

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

1977 Approval of Bell Tower

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.

Property Owner

Kay Baker

Date

6.15.23

Applicant/Agent

Date

I, Kay Baker, 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.

6/15/2023  
Date of review meeting

Kay Baker  
Applicant signature

Steph  
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 Standards continued:

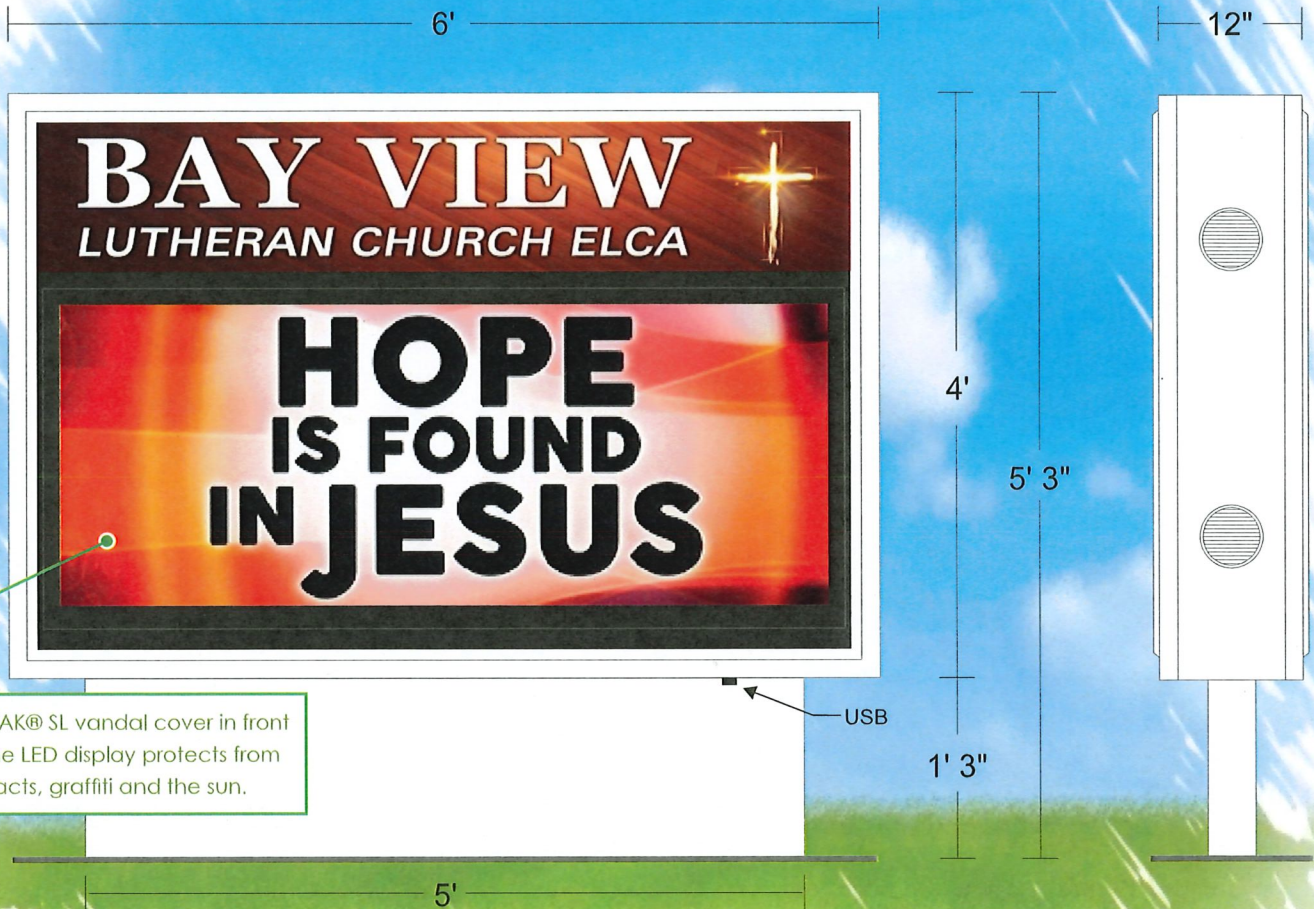
① The city sign ordinance restricts EVMS technology in residential areas. Church membership and visitor attendance nationally and locally is lacking. We predict the signage will increase visitors and membership involvement. To promote growth, visual communication is necessary to reach new members and convey our many community outreach programs.

② We currently have ~~to~~<sup>no</sup> method to display worship time changes or community outreach meetings and programs. Signage would better communicate safely to passing vehicles without disruption of traffic flow.

③ Our sign will have the ability to adjust brightness. Operation hours will be 5am to 11pm. Location is six feet from sidewalk. Placement assures visibility and safety precaution to accommodate a vision triangle. We will honor all of the requirements of sign ordinance to keep our residential neighbors happy.

(Bay View)





**Stewart Signs**  
ONE SIGN, ONE COMPANY

1-800-237-3928 [stewartsigns.com](http://stewartsigns.com)

**TekStar 10mm 64x160**

Cabinet Size: 4'x6'

Sk: 1012020-1g Cust: 2005753

6/8/2023 FjArena PROPOSAL

Scale: 3/4"=1' Cabinet Color: White

Signature \_\_\_\_\_

Date \_\_\_\_\_







## 27.12(4) Special Signs- Electronic Variable Message Signs

(4) *Electronic variable message signs (EVMS)*. The sign inspector may issue a special sign permit for a EVMS in the commercial and industrial zoning districts. The sign inspector shall apply the following standards in reviewing the proposed sign:

### (a) *Dimensional standards.*

1. EVMS shall meet the sign setback regulations for the appropriate zoning district.
2. EVMS shall not be permitted where they attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device. EVMS shall not be permitted where they prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
3. The illuminated or message display area of the EVMS shall be included within the area to be regulated as the maximum area of a sign for the site. The message display area shall not exceed 32 square feet.

### (b) *Operational standards.*

1. The EVMS shall only display static messages and such displays shall not have movement, animation or scrolling, or the appearance or illusion of movement.
2. EVMS shall not be used as flashing signs or lights.
3. Each message displayed by the EVMS shall remain for a minimum of 6 seconds.
4. Each change of message must be accomplished within one second.
5. All EVMS must be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illuminations.
6. Commercial messages displayed by a EVMS may promote only goods or services provided by companies occupying the site on which the sign is erected.
7. EVMS must be maintained in safe and orderly condition, and so as to be able to display messages in a complete and legible manner.
8. All EVMS shall comply with the minimum operational standards for EVMS contained in this section.
9. For electronic variable message signs in existence before August 18, 2009, subsections 1, 3, and 4 of section 27.12(4)(b) shall not be effective until May 1, 2020.



# Map

Printed 06/27/2023 courtesy of Door County Land Information Office



... from the Web Map of ...  
( //www.co.door.wi.gov )  
**Door County, Wisconsin**  
**... for all seasons!**



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## 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, Door County, Wisconsin on Tuesday, July 11, 2023, at 12:00 Noon or shortly thereafter, regarding a request from Bay View Lutheran Church for a variance under Section 27.12(4) of the Municipal Code, which does not allow electronic variable message signs in the Single-Family Residential (R-2) district. The proposal is for an electronic variable message sign to be installed on the church property, which is zoned R-2.

The subject property is located at 340 W. Maple Street, parcel #281-64-60050103A. The application is on file with the Community Development Department, located at 421 Michigan Street, and can be viewed weekdays between 8:00 a.m. and 4:30 p.m. or online at [www.sturgeonbaywi.org](http://www.sturgeonbaywi.org). The public is invited to attend the hearing and give testimony in favor or against the proposed variance either in person at the hearing or in writing.

By order of:  
City of Sturgeon Bay Zoning Board of Appeals