

**AGENDA
CITY OF STURGEON BAY
ZONING BOARD OF APPEALS**

Wednesday, November 1, 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 October 24, 2023.
4. Consideration of: Variance from Section 27.13(3)(c)2 of the municipal code for Sunset View Apartments located at 709-725-737 N 7th Ave.
5. 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.

10/26/2023
1:45 p.m.
CS

Committee Members:
Bill Murrock
Bill Chaudoir
Dave Augustson
Nancy Schopf
Morgan Rusnak
Alt. 2: Ronald Vandertie

3

CITY OF STURGEON BAY
Zoning Board of Appeals
October 24, 2023

3

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, Nancy Schopf and Bill Chaudoir were present. Members Dave Augustson and Morgan Rusnak were excused. Alternate Ron Vandertie was absent. Staff present were Community Development Director Marty Olejniczak, and Community Development Administrative Assistant Cindy Sommer.

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from July 11, 2023.
4. Public Hearing: Variance from Section 27.13(3)(c)2 of the municipal code for Sunset View Apartments located at 709-725-737 N 7th Ave.
5. Consideration of: Variance from Section 27.13(3)(c)2 of the municipal code for Sunset View Apartments located at 709-725-737 N 7th Ave.
6. ~~Public Hearing: Variance from Section 20.27(2) of the municipal code for Greg Frankov located at the west end of E Vine Ct, parcel #281-64-77000508.~~
7. ~~Consideration of: Variance from Section 20.27(2) of the municipal code for Greg Frankov located at the west end of E Vine Ct, parcel #281-64-77000508.~~
8. Adjourn.

All ayes. Carried.

Approval of minutes from July 11, 2023: Moved by Mr. Chaudoir, seconded by Mr. Augustson to approve the minutes of July 11, 2023. All ayes. Motion carried.

Public Hearing: Variance from Section 27.13(3)(c)2 of the municipal code for Sunset View Apartments located at 709-725-737 N 7th Ave: Chairperson Murrock opened the public hearing at 12:04 p.m. Mr. Olejniczak explained that Sunset View Apartments is requesting a variance from the sign code to replace their sign. The existing sign is larger than the sign code allows and is non-conforming. The new sign is smaller but still larger than the code allows for the R-4 zoning district. The city is working on updating the sign code and proposed changes to the code would allow this sign, however a variance is required at this time. The new sign will be in the same location on the southwest corner of the property and it conforms to all other aspects of the code.

Jared Fink, owner and general manager of Sunset View Apartments, requests the variance to allow the removal and replacement of their sign, which will serve some very important purposes: the new sign will update the contact information, adding the address and the website information, as well as have an updated design that is much more attractive. They will replace the existing posts and no landscape changes are proposed around the sign.

There were no letters regarding the variance and no members of the public presented for comment. The public hearing was closed at 12:12 p.m.

Consideration of: Variance from Section 27.13(3)(c)2 of the municipal code for Sunset View Apartments located at 709-725-737 N 7th Ave: Mr. Olejniczak explained that four concurring votes are required to approve a variance so another meeting will be needed before a vote can be taken. The members had no concerns with the sign proposal. Mr. Chaudoir moved to postpone consideration at this time. Motion seconded by Ms. Schopf. All ayes, motion carried. Another meeting will be scheduled as soon as possible.

Mr. Murrock noted that items 6 and 7 were removed from the agenda because the applicant withdrew and is reworking his building plans.

Moved by Mr. Chaudoir, seconded by Ms. Schopf to adjourn. All ayes. Motion carried. The meeting adjourned at 12:15 p.m.

Respectfully submitted,


Cindy Sommer
Community Development Administrative Assistant

4

4

Staff Report: Variance Request for Sunset View Apartments

Background: Sunset View Apartments is petitioning for a variance from Chapter 27 (signs) of the Municipal Code so they may replace their ground sign on their property at 709, 725, 737, and 741 N 7th Avenue. The sign will be ~21 square feet. According to 27.13(3)(c)(2), ground signs shall not exceed 15 square feet in area. Sunset View Apartments is located in the Planned Unit Development (PUD) zoning district with underlying zoning of multi-family residential (R-4) 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. The proposed sign is only 6 square feet more than the maximum of 15 square feet. It should be noted that the PUD has no stipulations regarding the size of a sign so it follows the underlying zoning requirements.

Surrounding Zoning/ Uses: To the south are single family homes zoned R-2, to the east are homes zoned R-2 and a multi-family development zoned PUD. To the North is a mix of PUD and R-3 zoning, and to the west is R-2.

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.

The existing sign is 26.9 square feet and is nonconforming to the code. Even though the proposed sign is smaller than the existing sign, when the sign is removed and replaced it loses its legal nonconforming status, which is why a variance is required for the size.

In the other residential zoning districts, the maximum area of the sign would be 32 square feet. Also, if the use was office, medical, or educational, the sign could be up to 100 square feet in the R-4 district. But, the allowed signage is limited to 15 square feet for multiple-family dwellings in the R-4 district. Staff believes this limitation is not intentional and will likely ask the Common Council to consider an amendment to the sign code to address this discrepancy.

Options: The Board can:

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

Prepared By:


Stephanie Servia
Planner / Zoning Administrator

10-19-2023
Date

Reviewed By:


Martin Olejniczak
Community Development Director

10-19-2023
Date

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

STAFF USE:
Date Received: _____
Fee Paid: \$ _____
Received By: _____

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Greg Holz	WHPC-NIBP Portfolio, LLC
Company	Westphal	Wisconsin Housing Preservation Corp
Street Address	921 Kings Drive	150 E. Gilman St., Suite 1500
City/State/Zip	Brownsville WI 53006	Madison WI 53703
Daytime Telephone #		
Email	greg@westphals.com	ameyer@whpc.com
STREET ADDRESS OF SUBJECT PROPERTY: <u>709-725-737 N 7th Ave</u> Location if not assigned a common address: _____		
TAX PARCEL NUMBER: <u>281 2430030104</u>		
CURRENT ZONING CLASSIFICATION: <u>G2 - Commercial</u>		
CURRENT USE AND IMPROVEMENTS: <u>Multi Family Housing</u>		
IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEMS BEING REQUESTED FOR REVIEW: _____ _____		
ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES: North: _____ South: _____ East: _____ West: _____		

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: The current sign is weathered and outdated with inaccurate info.
Zoning codes have changed and therefore we are replacing with a different sized sign.
2. Unique physical property limitation: Property is located on the entire city block. We are not
requesting signage for all 4 city corners just what is necessary for emergency personnel, residents and visitors to locate the building.
3. Protection of public interest: The new sign would beautify the area and provide accurate contact
information for Sturgeon Bay residents that are seeking affordable housing.

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

Attach an 8-½"x 11" detailed site plan (if site plan is larger than 8-½"x 11", also include 15 large sized copies), full legal description (preferably digital), 8-½"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.

WHPC-NIBP Portfolio, LLC	7-19-2023
Property Owner	Date
Greg Holz	7-19-2023
Applicant/Agent	Date

I, _____, 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.

Date of review meeting	Applicant signature	Staff signature
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Attachments:

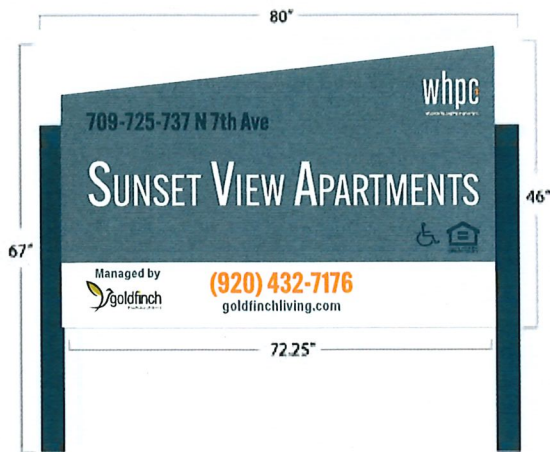
Procedure & Check List

Agreement for Reimbursement of Expenses

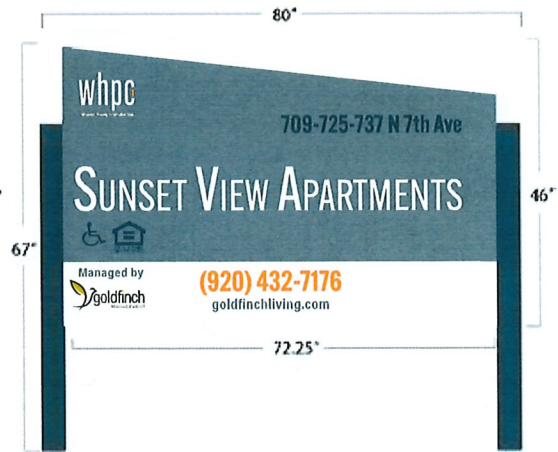
STAFF USE ONLY

Application conditions of approval or denial:

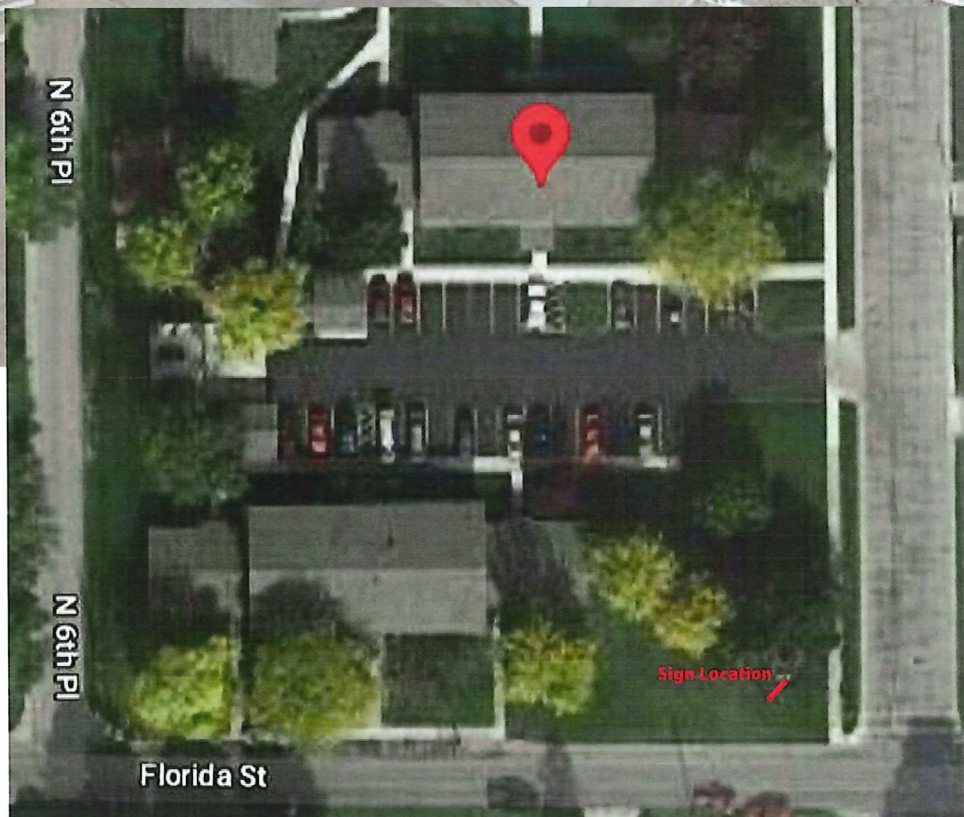
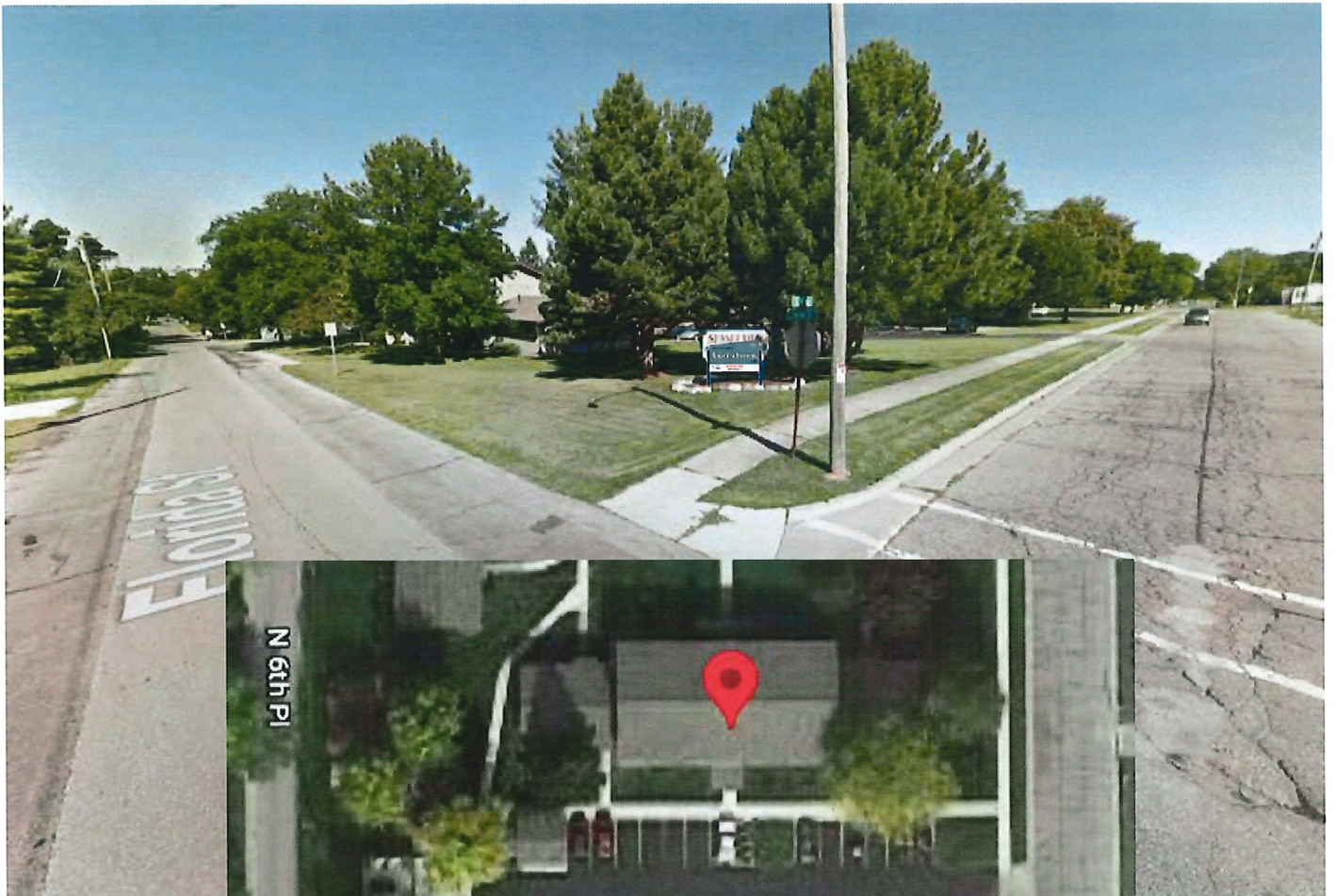
Date _____ Community Development Director _____



FRONT



BACK



NOTICE OF PUBLIC HEARING

The City of Sturgeon Bay Zoning Board of Appeals will conduct a public hearing in the Council Chambers, 421 Michigan Street, Sturgeon Bay, Wisconsin on Tuesday, October 24, 2023, at 12:00 p.m. or shortly thereafter, in regard to a variance request from Greg Holz, from section 27.13(3)(c)2 of the Sturgeon Bay sign code, which dictates that the maximum size for a ground sign in the R-4 zoning district is 15 square feet. The subject property is parcel #281-24-30030104 located at 709-725-737 N 7th Ave. The applicant wishes to replace their current ground sign with a sign that is approximately 21 square feet in size. The application materials are 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. The public is invited to give testimony in regard to the proposed variance request, either in person at the hearing or in writing.

By order of:

City of Sturgeon Bay Zoning Board of Appeals

Subject Property
Parcel #281-24-30030104



CITY OF STURGEON BAY
Public Hearing Portion of Transcript of
Zoning Board of Appeals Meeting of
October 24, 2023

WM = Chairperson William Murrock
NS = Member Nancy Schopf
WC = Member William Chadoir
MO = Community Development Director Marty Olejniczak
JF = Applicant representative Jared Fink

WM: Okay, I'm going to open the public hearing, can we have the public hearing notice please?

(Recording secretary read public hearing notice)

WM: All right, thank you. Marty, I'm going to turn to you to explain the administrative side.

MO: So the city has a sign ordinance that specifies things like setbacks, height, location and size of signs. This property is zoned R-4. In the R-4 rules ground signs, which is what we're talking about here, is limited to 15 square feet. There is an existing sign that is desired to be replaced that exceeds that. It's legal, non-conforming, but as soon as they replace the sign then you need to get it into conformance. They're proposing, I think it's 21 square feet or so, so the sign is actually smaller than what's there now but still more than what the code would normally allow. If you read the report from Stephanie, you can see that there's a bit of what I would call like a hole in our ordinance. Most signs in the R-4 district are allowed to follow non-residential rules and there you can be allowed bigger, up to 100 square feet in fact, and in the other residential districts, R-1, R-2, R-3, we recently updated the code to allow 16 square feet on small parcels and 32 square feet on larger parcels. The subject site, Sunset View Apartments, is a larger parcel so they would qualify for 32 square feet and wouldn't need the variance. So, basically what we're saying is, if this was in a different zoning district, it wouldn't need a variance. Or if it was a use other than residential, it wouldn't need a variance. It seems odd that...why are we restricting this particular use so much? I think what it is, when we updated the other residential districts, we didn't realize that we still had a problem with R-4 and didn't do it. So, I've talked to Stephanie, we are in the process of updating our sign code using Bay Lake Regional Planning Commission. It'll probably take several months, you know, longer than the applicant wants to wait, but that is one of the things that we're going to recommend gets updated so that they would be able to follow those same rules. 16 square feet on small parcels, 32 square feet on large parcels. So, staff has no problems with it. I believe Greg, or Jared, is here to represent the applicant and, unless there's questions of me, that's basically the report. It's in the same location, the southwest corner of the property along, I think that's Florida and 7th Avenue. The sign conforms in all other aspects, setbacks, height and all that stuff, it's just the size that's at issue. Okay.

WM: So this new sign code that's a couple months away, is it a process that you have to follow?

MO: Yeah, we have to, we would likely have a public hearing on the whole changes, go through committee and then council. Bay Lake Regional Planning Commission is going to help with it but they're short-staffed right now so they're hoping to do it first quarter of 2024, I guess that is, so it'll probably be a little bit. There's a lot of other things that we're trying to change in that code as well.

WM: Okay. Any other questions of Marty? Will the applicant please come forward, state your name and address for our records please.

JF: Good afternoon, my name is Jared Fink. I'm the owner and vice president of Goldfinch, Inc., the property management agent for the subject property, which is Sunset View Apartments, located at 709, 725, 737 N 7th Avenue. I'm in support of the variance that is being requested and ask that the Board approves the sign variance as proposed. I understand we can't do that in full today. As mentioned earlier, the proposed variance is to remove the current sign that's there and replace it with a new sign. The new

sign will serve two purposes, two important purposes I'd say, the first one being the most. First, it'll update the contact information, place the owner's information directly on the sign so you'll know who owns the property for the first time ever, and add address numbers, and a website or URL for interested prospects, none of which is currently on the existing sign and this poses an issue for emergency personnel and community members that are trying to find affordable housing. The second issue that it solves is the new sign will beautify the corner. The current sign is weathered and well past its use of life. It's important to note that the proposed replacement sign is smaller in size than what's currently there, as was stated. It's shorter, it's skinnier and it's less square footage than the current sign. And that's all I really have. I'm here to answer questions if you have any but thank you for your time and I hope this approval goes through with the variance as submitted and we're able to complete this beautification process this year.

WM: Do we have in our packet, what I'm looking at, is this what the new sign is going to look like?

JF: Correct

WM: This is it?

JF: That is it.

WM: Any landscaping changes, any upgrades, anything that'll be switched around?

JF: We continue to update landscaping as funds are available to do so. At the property we've had a lot of trees that have died over the years, so we've had to take out a lot of trees and those are expensive, unfortunately. But no, right now this would just be taking out the sign, putting a new sign in. If there's rocks or mulch that needs to be replaced in the springtime, we'll do that in the springtime.

WM: So basically, just plug it in, right?

JF: Yeah, take out the posts that are there cause the new signs require certain posts so there are metal posts already there. We just want it to look continuous, or new, all of it.

WM: Any other questions? Okay, all right. Thank you. Have a seat and we'll be back to you.
Discussion?

MO: We have no letters, right?

WM: Oh, I'm sorry, no letters in opposition? No letters, nothing?

RC: No letters at all.

MO: And nobody's here so I think it's safe to close the hearing.

WM: All right, well discussion, discussion on what we have?

WC: It's a no brainer.

NS: Yeah, I see no problem.

WM: Okay.

MO: So to me that's an indication of, in favor of it. Unfortunately, because our rules state you need four votes to approve a variance, what we've done in the past, this does happen every now and again. This is recorded so we'll get the recording to the missing members and try to schedule another meeting as soon as possible. Hopefully within like a week or so if you guys are available to take care of the action item.

WM: Okay. So far as I go here, do I close the public hearing for now?

MO: Yes, you're safe to close the public hearing.

WM: And then table this?

MO: I think that's what you should do, yes.

WM: All right. Well, I'm going to close the public hearing and table the request and then bring it once we have another meeting.

Transcript prepared by:
Cindy Sommer
Community Development Administrative Assistant