

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

Tuesday, November 28, 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 November 1, 2023.
4. Public Hearing: Street yard variance from Section 20.29(2) of the municipal code for Steve Peterson located at 945 Georgia St.
5. Consideration of: Street yard variance from Section 20.29(2) of the municipal code for Steve Peterson located at 945 Georgia St.
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

11/22/2023
2:45 p.m.
CS

3

CITY OF STURGEON BAY
Zoning Board of Appeals
November 1, 2023

The City of Sturgeon Bay Zoning Board of Appeals was called to order at 12:01 p.m. by Chairperson William Murrock in Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members William Murrock, Nancy Schopf, Bill Chaudoir, Dave Augustson and Morgan Rusnak were present. 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 Mr. Chaudoir to adopt the following agenda:

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.
- All ayes. Carried.

Approval of minutes from October 24, 2023: Moved by Ms. Schopf, seconded by Ms. Rusnak to approve the minutes of October 24, 2023. All ayes. Motion carried.

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. Murrock indicated the public hearing for this matter was held at the last meeting, however the matter was postponed due to lack of members at the meeting to approve the variance. Ms. Servia gave a brief overview of the sign variance requested by Sunset View Apartments and indicated that the proposed sign is about 21 square feet, which is smaller than the existing sign but still larger than the municipal code allows.

Mr. Olejniczak noted that there was no opposition at the public hearing and the applicant was present to explain the project. He also indicated that this sign would be permitted in most of the other zoning districts and the City is working on updating the sign code. This sign would likely be permissible when the sign code is updated.

Mr. Chaudoir indicated that the members usually require some type of landscaping around the sign, however there are pine trees behind the proposed sign, and he doesn't feel additional landscaping is necessary. Ms. Servia stated that the existing sign has a bed of mulch around it and the new sign would be placed within the same mulch bed.

Ms. Schopf motioned to approve the variance as presented because it is smaller than the existing sign, as well as smaller than most other apartment signs in the City, and the old, larger sign has been there for many years. Mr. Chaudoir seconded motion with the same reasons. 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 12:07 p.m.

Respectfully submitted,


Cindy Sommer
Community Development Administrative Assistant

4+5

4+5

Staff Report: Variance Request for 945 Georgia St

Parcel #281-46-16120600

Background: Steve Peterson is petitioning for a variance from Chapter 20 (Zoning Code) of the Municipal Code to build a 10' x 12' shed on his property located at 945 Georgia Street closer to the street than the principal building. Per 20.29(2) of the Zoning Code, "There shall be a minimum setback from the street right-of-way line of 25 feet. In addition, except on waterfront lots abutting the waters of Sturgeon Bay, an accessory building shall be located no closer than the principal building to the street at its nearest point, except when the principal building is more than 60 feet from the street, the accessory building minimum setback shall be 60 feet." The principal building is set back approximately 63 feet from the street property line. The applicant is proposing to build the shed 46 feet from the street property line. If the principal building was closer to the street, the required setback for the accessory building would be 25 feet and there would be no concerns with the location of the proposed accessory building.

Considerations: The minimum yards (building setbacks) for accessory buildings are governed by section 20.29. The main purpose behind the yard requirements is so the accessory building does not detract from the principal building while softening the view of (typically) non-aesthetic buildings from the street.

Per the applicant, he claims hardship due to the small backyard and being unable to get the building set in the rear yard. The unique property limitations are that the principal building was set back too far on the lot to allow a bigger accessory building in the backyard. Finally, the protection of public interest will be that the shed will help the yard stay neater.

There is an existing 10'x 10' accessory building at the rear of the property. Unless the property owner wishes to remove some of the mature trees from the property, he would be unable to place the prefabricated building in the rear yard. Additionally, if the applicant could get the building in the backyard, he would still need a variance because of the required setbacks for the building. Accessory building setbacks are 6 feet from the rear and 5 feet from the building. The rear yard for this property is approximately 20 feet. Overall, there is nowhere on the property that the applicant could place an accessory building of this size without a variance.

The main concern is that the accessory building will be very visible from the street. The Board may choose to require some landscaping to screen the building from the street.

Surrounding Zoning/ Uses: To the east and south is zoned Planned Unit Development (PUD). The property to the south is vacant and owned by the City for use as parkland, the property to the east is used residentially and is a part of the Big Hill PUD. To the west and north is zoned Single-Family Residential (R-2) and used residentially. Mr. Peterson's property is also zoned R-2.

Options: The Board can:

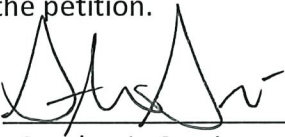
- 1) Approve the yard variance as proposed.

2) Approve a lesser variance for the yard variance.

3) Deny the yard variance.

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

11-22-2023

Date

\$300. Variance
\$50 sign
C231030-9

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

STAFF USE:
Date Received: 10/30/23
Fee Paid: \$ 350.00
Received By: CS

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Steve Peterson	
Company		
Street Address	N 8931 Hwy DK #11	
City/State/Zip	Dykesville, WI 54217	
Daytime Telephone #	920-680-6969	
Email		
STREET ADDRESS OF SUBJECT PROPERTY: <u>945 Georgia St.</u> Location if not assigned a common address: _____		
TAX PARCEL NUMBER: <u>281-46-16120600</u>		
CURRENT ZONING CLASSIFICATION: <u>R-2</u>		
CURRENT USE AND IMPROVEMENTS: <u>Single family home - new shed</u>		
IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEMS BEING REQUESTED FOR REVIEW: <u>20.29(2) - Accessory building</u> <u>closer to street than principal building. Closer than 60 ft.</u>		
ZONING AND USES OF ADJACEMENT SURROUND PROPERTIES: North: <u>R-2</u> South: <u>PUD/ Big Hill Regency house + Big Hill Park</u> East: <u>PUD/</u> West: <u>R-2</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: Small backyard, unable to get building set in backyard. Cannot go around building.
2. Unique physical property limitation: Primary building is set back too far on lot to allow building to go in backyard.
3. Protection of public interest: Allow the storage building to be used so the yard stays neat.

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.

Steve Peterson
Property Owner

10/30/2023
Date

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

Attachments:

Procedure & Check List

Agreement for Reimbursement of Expenses

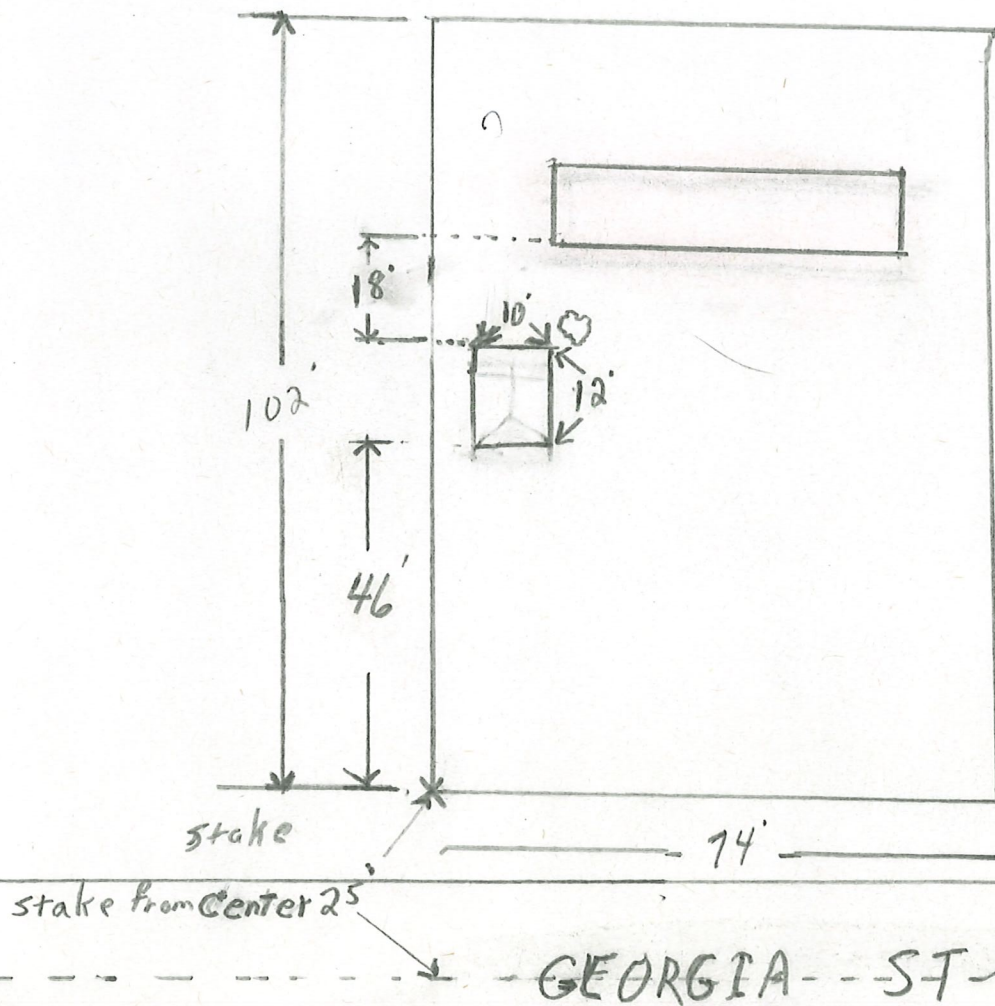
STAFF USE ONLY

Application conditions of approval or denial:

Date

Community Development Director

945 Georgia St.



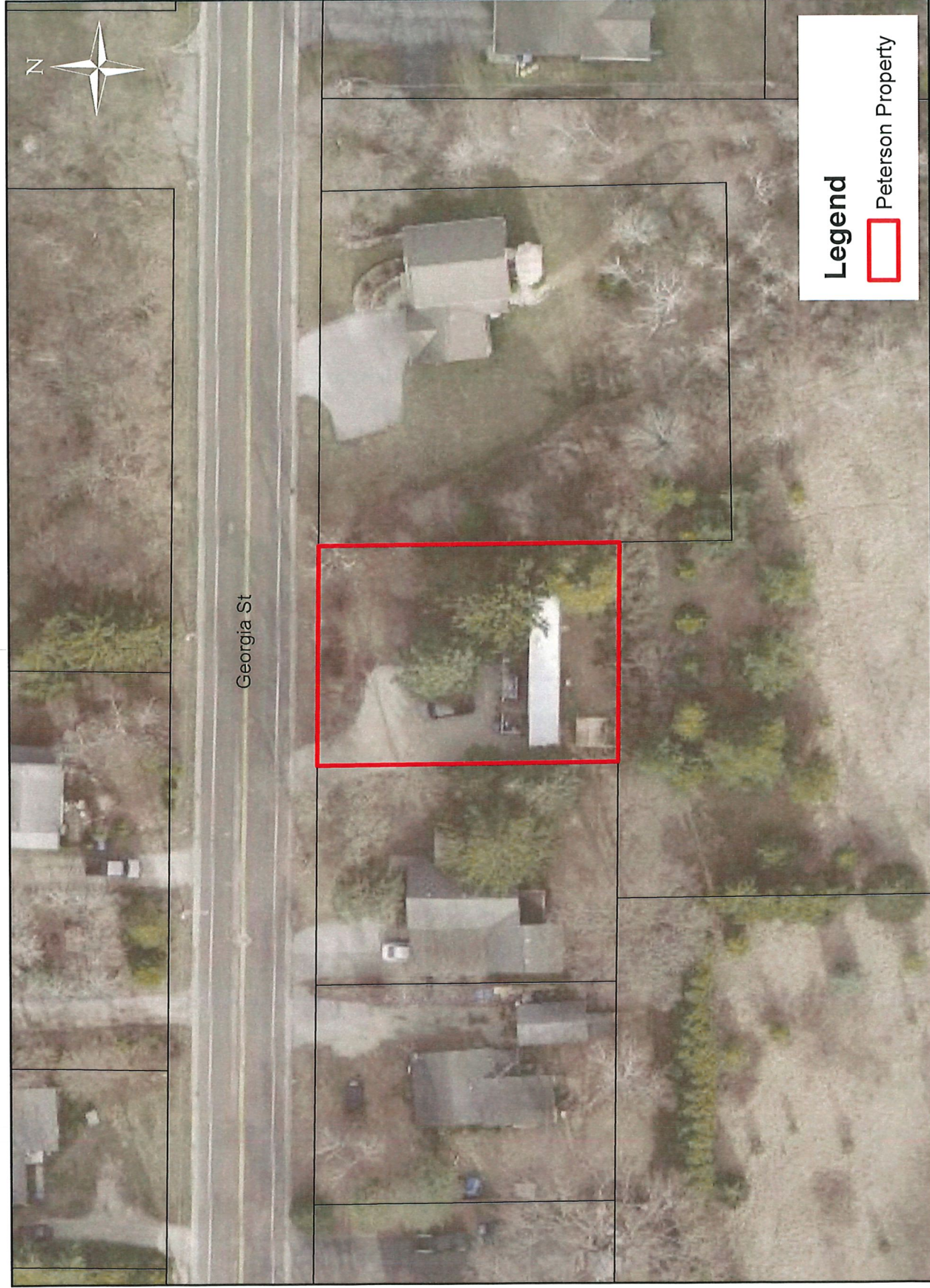
NOTICE OF PUBLIC HEARING

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, November 28, 2023, at 12:00 p.m. or shortly thereafter, in regard to a variance request from Steve Peterson, from section 20.29(2) of the Sturgeon Bay zoning code, which dictates that accessory buildings cannot be closer to the street than the principal building unless it is more than 60 feet from the street. The subject property is parcel #281-46-16120600 located at 945 Georgia St. The applicant proposes to place a 10' x 12' shed 46 feet from the street property line. 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

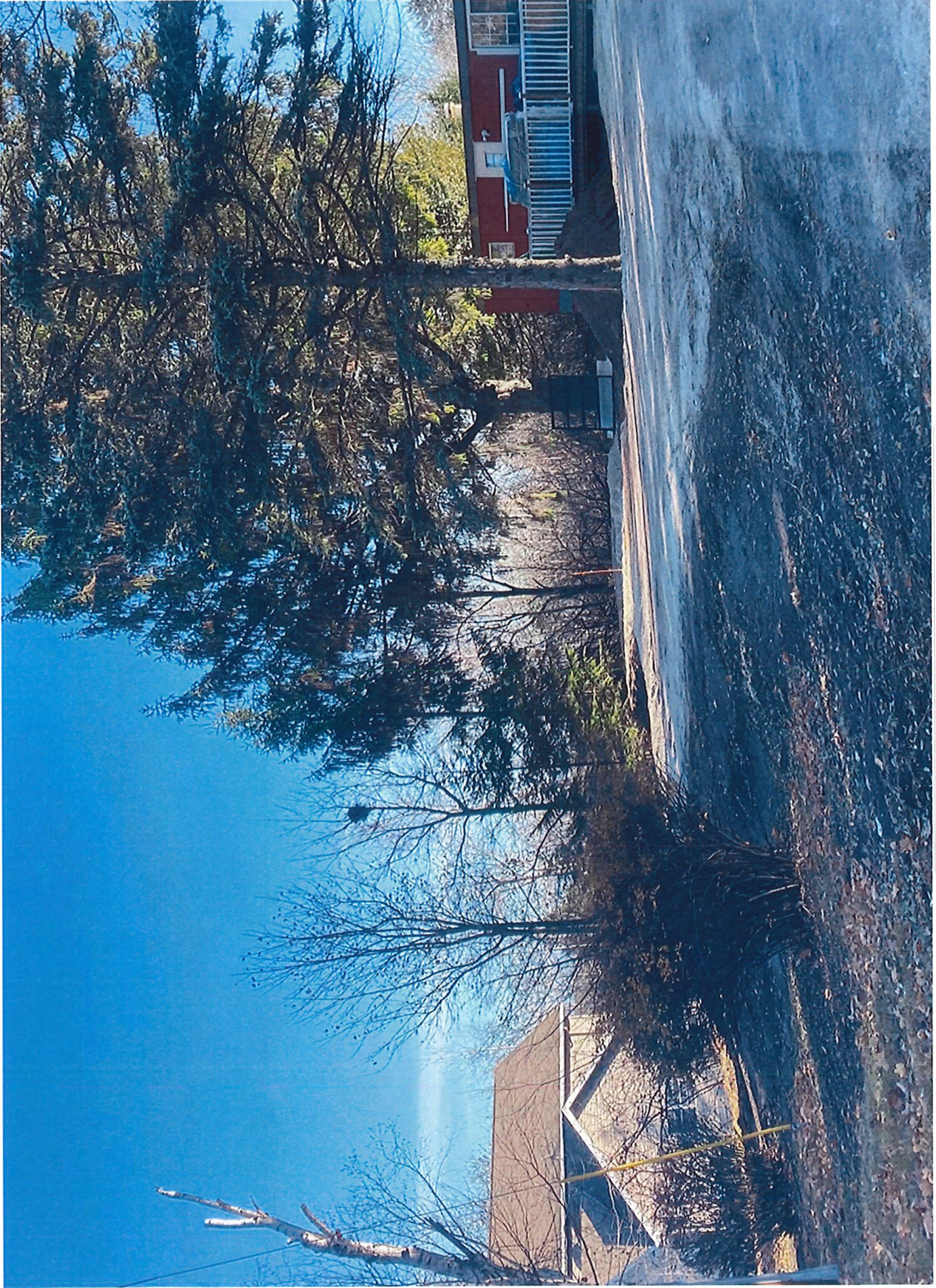
Subject Property
945 Georgia St



Parcel #281-46-16120600



View from Street



View from Street



Left: Front of Property- Facing proposed location of Shed



Right: View of proposed shed location facing street



Left: Southeast corner of property- showing space between building and trees



Right: View of existing shed in backyard facing west



Left: View of space between principal building and west side of yard- facing north

Right: View of existing shed in backyard- southwest corner of property