

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

Tuesday, August 25, 2020  
12:00 Noon  
Council Chambers, City Hall  
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from July 14, 2020.
4. Public Hearing:      Petition from Fincantieri Bay Shipbuilding Co. for variances from the minimum side yard and maximum building height requirements of the I-2 district for an addition to an existing building, located at a former address known as 273 N. 1<sup>st</sup> Avenue.
5. Consideration of:    Petition from Fincantieri Bay Shipbuilding Co. for variances from the minimum side yard and maximum building height requirements of the I-2 district for an addition to an existing building, located at a former address known as 273 N. 1<sup>st</sup> Avenue.
6. Public Hearing:      Petition from Fincantieri Bay Shipbuilding for a variance from the maximum building height requirement of the I-2 district for a building located in the south yard of Fincantieri Bay Shipbuilding Co. and westerly of the property at 341 N. 3<sup>rd</sup> Avenue.
7. Consideration of:    Petition from Fincantieri Bay Shipbuilding for a variance from the maximum building height requirement of the I-2 district for a building located in the south yard of Fincantieri Bay Shipbuilding Co. and westerly of the property at 341 N. 3<sup>rd</sup> Avenue.
8. Adjourn.

*NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.*

ZBA Board Members  
William Murrock, Chair  
Dave Augustson  
Wayne Spritka  
Bill Chaudoir  
Nancy Schopf  
Morgan Rusnak, 1<sup>st</sup> Alternate

8/20/20  
2:00 P.M.  
CSR

ZONING BOARD OF APPEALS  
Tuesday, July 14, 2020

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 12:00 Noon by Chairperson William Murrock in the Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members Wayne Spritka, William Murrock, Nancy Schopf, Dave Augustson, and Bill Chaudoir were present. Mr. Chaudoir appeared virtually via Zoom. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, and Community Development Secretary Cheryl Nault.

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from May 26, 2020.
4. Public hearing: Petition from Brian Hesprich to modify the northerly lot line creating a lot width of 66 feet measured at the front yard setback line, located at 526 N. Hudson Avenue.
5. Consideration of: Petition from Brian Hesprich to modify the northerly lot line creating a lot width of 66 feet measured at the front yard setback line, located at 526 N. Hudson Avenue.
6. Consideration of: Rules of Procedure.
7. Adjourn.

Carried.

**Approval of minutes from May 26, 2020:** Moved by Ms. Schopf, seconded by Mr. Augustson to approve the minutes from May 26, 2020. All ayes. Carried.

**Public hearing: Petition from Brian Hesprich to modify the northerly lot line creating a lot width of 66 feet measured at the front yard setback line, located at 526 N. Hudson Avenue:** Chairperson Murrock opened the public hearing at 12:03 p.m.

Mr. Sullivan-Robinson stated that Mr. Hesprich is seeking a variance from the minimum 70-foot lot width requirement. The certified survey map indicates a land swap which will alter the lot width equating to 66 feet at the front yard setback line. Staff is in favor of the land swap even with not meeting the width standard. The lot is not uniform and the CSM eliminates a remnant piece of land between two parcels. In addition, increasing the width more would encroach the neighboring driveway. They want to be able to maintain the driveway accessibility. He added that most of the lots on that side of the street are non-conforming lots.

Brian Hesprich, owner of the property at 526 N. Hudson Avenue, knew when he purchased it that there was a discrepancy on the piece of property on the bayside. Dufek's, the owners of the neighboring property, have been trying to resolve this for quite some time. The upper portion is the cut-out for them to access their driveway. With a land swap, it would make the property clean and neat. Mr. Hesprich would also end up gaining more shore frontage.

Jeanette Dufek, 536 N Hudson Avenue, spoke in favor of the request. She and her husband are the abutting property owners. They wanted to clean this up for a long time. They are unable to get to the shore frontage anyway.

There were no letters of correspondence in favor.

No one spoke in opposition of the variance and there was no correspondence in opposition.

Chairperson Murrock closed the public hearing at 12:11 p.m.

**Consideration of: Petition from Brian Hesprich to modify the northerly lot line creating a lot width of 66 feet measured at the front yard setback line, located at 526 N. Hudson Avenue:** The Board discussed the variance request. Moved by Ms. Schopf, seconded by Mr. Spritka to approve the variance request. The neighboring property owner is in favor of the variance and allows access to their driveway. The property line will be cleaned up. Granting the variance will resolve the existing lot discrepancy. Roll call vote: All ayes. Carried.

**Consideration of: Rules of Procedure:** Mr. Sullivan-Robinson stated that at the last meeting it was discussed that the secretary be removed from the list of officers and sections of the Rules of Procedure, since most items were handled by City staff.

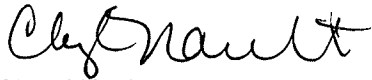
Mr. Chaudoir questioned Section 2, regarding one of the duties of the chair is to supervise the work of the Zoning Administrator. Mr. Olejniczak responded that in relation to the Board of Appeals tasks, there could be complicated cases, such as an appeal, where staff confers with the chair. There could be a case that the chair would review, approve, and sign off on.

Mr. Olejniczak added that years ago there used to be a secretary of the Board that did mailings, letters, etc., and now staff does the clerical duties.

After further discussion, it was moved by Mr. Chaudoir, seconded by Mr. Augustson to recommend to Council the amendments to the Rules of Procedure as proposed. Roll call vote. All ayes. Carried.

**Adjourn:** Moved by Mr. Augustson, seconded by Mr. Murrock to adjourn. Carried. Meeting adjourned at 12:21 p.m.

Respectfully submitted,



Cheryl Nault  
Community Development Secretary



July 29, 2020

City of Sturgeon Bay  
421 Michigan Street  
Sturgeon Bay, WI 54235

Re: Variance Requests

Fincantieri Marine Group, LLC d/b/a Fincantieri Bay Shipbuilding ("Fincantieri") is submitting the attached variance application to request a variance pursuant to Section 20.35(1)(b) of the Sturgeon Bay Code of Ordinances to allow it to build an addition on to Building (B420) to the height of 57 feet and Section 20.27.2 for the addition to Building B420 to match the existing side set back and south wall of the existing building on the south end of its property at 605 North Third Avenue.

### **BACKGROUND FOR THIS REQUEST**

These buildings are located at 605 North Third Ave in an industrial area zoned I-2. The area has historically been used for ship building purposes by Palmer Johnson Yachts, LLC ("Palmer Johnson") and Bay Shipbuilding. Fincantieri acquired the Bay Shipbuilding and Palmer Johnson properties including the B420 Building and the area proposed for Building B433. The current Sturgeon Bay Code of Ordinances Section 20.35(1)(b) which regulates building height does not adequately provide enough height allowance for the requirements of the industrial marine ship building industry.

The City previously granted variances for the Buildings B411, B420, and B422 to exceed the height limit and set back which has been proven factual as shown on **Exhibit A**. In 2006, Palmer Johnson obtained a variance to construct an addition to the 411 Building which permitted a five foot setback from Jefferson Street, a zero lot line setback from the properties abutting the west side of the building, and up to 65 feet in building height for the new addition. In 2007 Palmer Johnson Yachts was granted variances to build B420 to a height of 59 feet and for a 5 foot set back on south side, and to build B422 to a height of 57 feet. Then in 2008, Palmer Johnson received a variance for an addition to the B411 building which established a 13.4 foot setback from Jefferson Street and a 23 foot setback from First Avenue. Fincantieri received a variance in 2016 to raise the height of B411 to 75 feet.

With Fincantieri being awarded the FFG(X) Frigate contract there is the need for Fincantieri to add production capabilities and capacity at the Sturgeon Bay Facility. Fincantieri plans to incorporate the current B420 Building that was designed for construction of aluminum luxury yachts into the expansion to develop a steel processing center that includes enclosed steel storage, painting, and steel fabricating for use in Sturgeon Bay and Marinette as shown on **Exhibit B**.

**FINCANTIERI MARINE GROUP, LLC**  
Bay Shipbuilding  
605 North Third Avenue, P.O. Box 830  
Sturgeon Bay, Wisconsin 54235

P. 920-743-5524  
F. 920-743-2371  
[www.fincantierimarinegroup.com](http://www.fincantierimarinegroup.com)



Currently there isn't enough indoor building space at the Sturgeon Bay facility to accommodate these production requirements in the current buildings.

The proposed projects will include the following:

1. The expanded enclosed floor space for module production and steel storage;
2. New Equipment including a new blast and prime line, and new steel processing equipment;
3. Energy efficient heating, ventilation, and LED lighting.

Based on the previous variance granted in the area, the expanded B420 Building heights and set back will minimally affect views of the Bay.

If the variance is granted, Fincantieri will use the B420 Buildings to support the U.S. Navy contracts. This will protect the public interest with: state of the art blast and prime line, no increase in noise, a reduction in the dust from production, and a reduction in dust from the additional asphalt paving in the area required to support this building.

The variance for Building B420 is crucial for Fincantieri to expand its manufacturing capacity to handle increased the government work. Because of the size of the sheets of steel a straight through work flow is required. Raw materials will enter from the west, stored, blasted and primed, cut and processed, kitted, and shipped out to the east. In addition, the clearance between the existing buildings and the B420 addition is not sufficient to support ongoing production and the new workflow requirements.

Fincantieri's request for a variance meets all of the criteria under 20.35(1)(b) of the Sturgeon Bay Ordinances.

If a variance is not granted, Fincantieri will suffer an unnecessary hardship because it will not be able to meet the U.S. Navy construction delivery dates of the modules for the vessels.

Thank you for your consideration of this variance request.



---

Peter Glassen  
Facilities Manager  
Fincantieri Bay Shipbuilding

Exhibit A

**July 10, 2006**

Palmer Johnson Yachts was granted a variance on July 10, 2016 for 128 Kentucky Street. The variance was for the new addition on the eastern side of the main PJ's facility.

- 5' setback from Jefferson Street for a new addition to the main PJ building (128 Kentucky St)
- Zero lot line setback from the properties abutting on the West side of the parcel
- Up to 65' in building height for the new addition (50' easterly)

**February 26, 2007**

Palmer Johnson Yachts was granted variances on February 26, 2007 for a new 90' x 220' building at 273 N. First Ave (now known as Building 420). This is the building that is proposed for the addition.

- Variance for the building to be 59 feet high on the 1st Ave side.
- Variance for a 5-foot setback along the south lot line.
- Variance for a 10-foot setback along the street right-of-way. (no longer applies due to vacating N. 1st Ave).
- Variance for zero setback along the north lot line. (will not apply once lots are combined)

**March 29, 2007**

Palmer Johnson Yachts was granted a variance on March 29, 2007 for B422 on former North First Street.

- The variance was for a new building up to 57 feet in building height

**July 28, 2008**

Palmer Johnson Yachts was granted a variance on July 28, 2008 for 128 Kentucky Street. This was for a 29' 4" x 122' addition on the North side of the main PJ building (abutting Jefferson Street).

- 13.4' setback from Jefferson Street for the new addition to the main PJ building
- 23' setback from N 1<sup>st</sup> Avenue for the new addition to the main PJ building

**November 8, 2016**

Fincantieri Bay Shipbuilding was granted a variance on November 8, 2016 for 128 Kentucky Street.

- The variance was to increase the building height to 75 feet

# FINCANTIERI

## BAY SHIPBUILDING

STUDIED FOR MASSACHUSETTS  
DATE 29 JAN 2020  
UPDATED BY AARON SLEY  
DRAFT REVISION 1

FBS SOUTH YARD

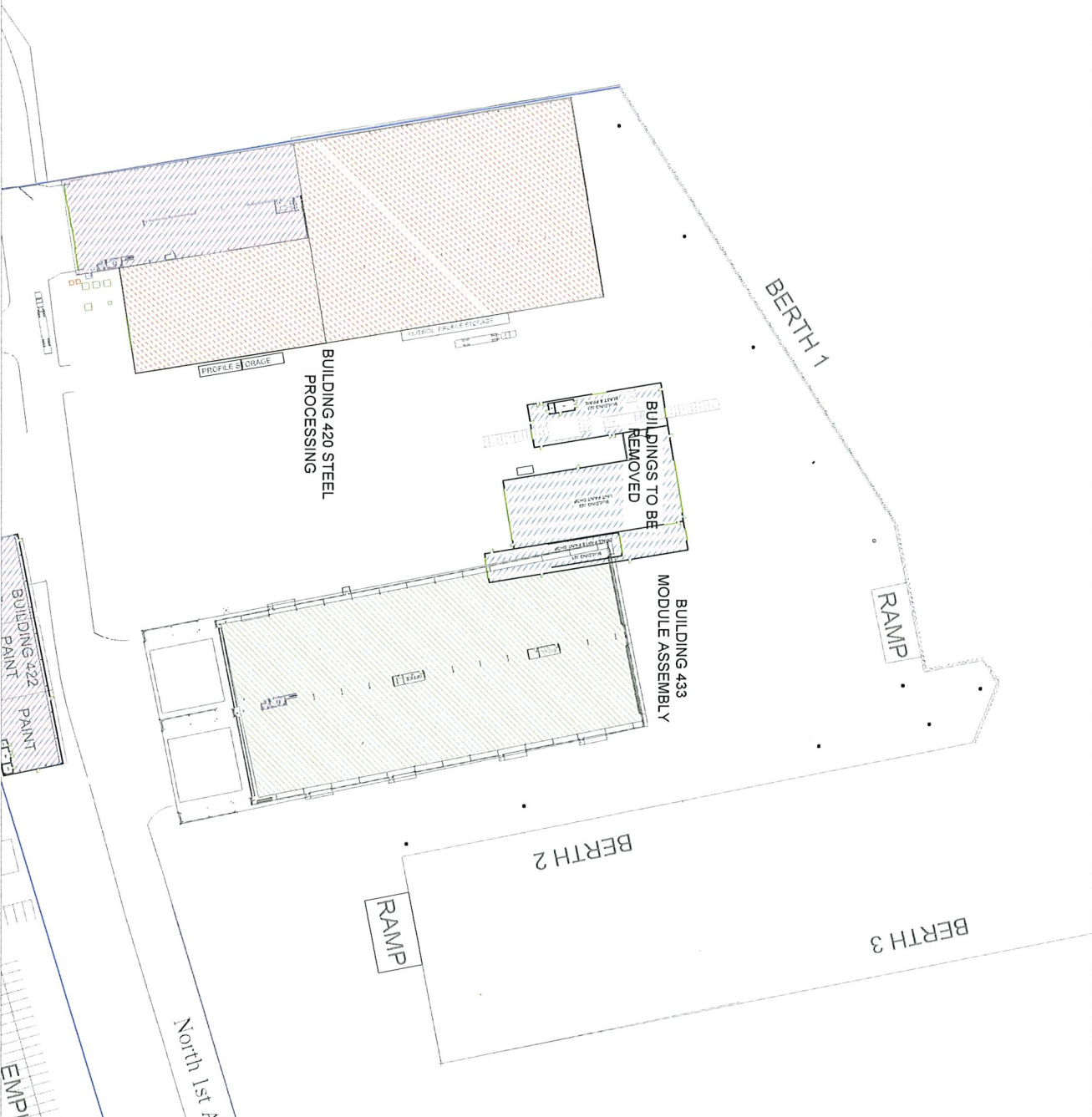
### EXHIBIT B

BUILDING TO BE REMOVED

EXISTING BUILDING

BUILDING ADDITION

NEW BUILDING





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

Date Received: 7-29-20  
Fee Paid \$ 350.00  
Received By: CSA/CN

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Peter Glassen	
Company	Fincantieri Bay Shipbuilding	
Street Address	605 N. Third Ave	
City/State/Zip	Sturgeon Bay WI 54235	
Daytime Telephone No.	920-746-3269	
Fax No.		

**STREET ADDRESS OF SUBJECT PROPERTY:** 605 N. Third Ave  
**Location if not assigned a common address:** \_\_\_\_\_

**TAX PARCEL NUMBER:** 281-10-853601C

**CURRENT ZONING CLASSIFICATION:** I-2 Heavy Industrial

**CURRENT USE AND IMPROVEMENTS:**  
Currently used for steel storage and paint/blasting processes. This will be changing to a  
production area for vessels such as LCS, MMSC, and the FFGX.

**IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM  
 BEING REQUESTED FOR REVIEW:** Section 20.27 (2) The maximum building height for I-2 zoning is 45'  
and Section 20.27.2 property line set-backs

**ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:**  
**North:** I-2 / Conservatory: Bay Shipbuilding, Sturgeon Bay City Park  
**South:** I-2 / C2: Bay Shipbuilding production, Office Building, Stone Harbor Condos  
**East:** I2 / C2 / R3: Bay Shipbuilding production, Bellin Health Clinic, Residential  
**West:** Sturgeon Bay waters

**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? YES IF YES, EXPLAIN: See Attached

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.

Peter Glasen  
Property Owner (Print Name)

Peter Glasen  
Signature

7-27-20  
Date

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

I, Peter Glasen, 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.

7-29-20  
Date of review meeting

Peter Glasen  
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

## NOTICE OF PUBLIC HEARING

The City of Sturgeon Bay Zoning Board of Appeals will hold a public hearing in the Council Chambers, 421 Michigan St, Sturgeon Bay, Wisconsin on Tuesday, August 25, 2020, at 12:00 Noon or shortly thereafter, regarding a request from Fincantieri Bay Shipbuilding Co. for variances from section 20.27(2) of the Municipal Code (Zoning Code), which requires principal buildings in the Heavy Industrial (I-2) zoning district to have a minimum 20-foot side yard and a maximum building height of 45 feet. The applicant is proposing to construct an approximately 68,200 square-foot addition to an existing building. The addition is proposed to match the building's existing side yard of 5 feet along the south lot line and match the height of the existing building, which is 57 feet. The subject property is part of the Fincantieri Bay Shipbuilding property at 605 N. Third Ave. The specific site formerly had an address of 273 N. First Ave. The site is located on parcel #281-10-85340109B and parcel #281-10-85360101C. The application is on file with the Community Development Department and may be viewed at 421 Michigan Street weekdays between 8:00 a.m. and 4:30 p.m. 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.

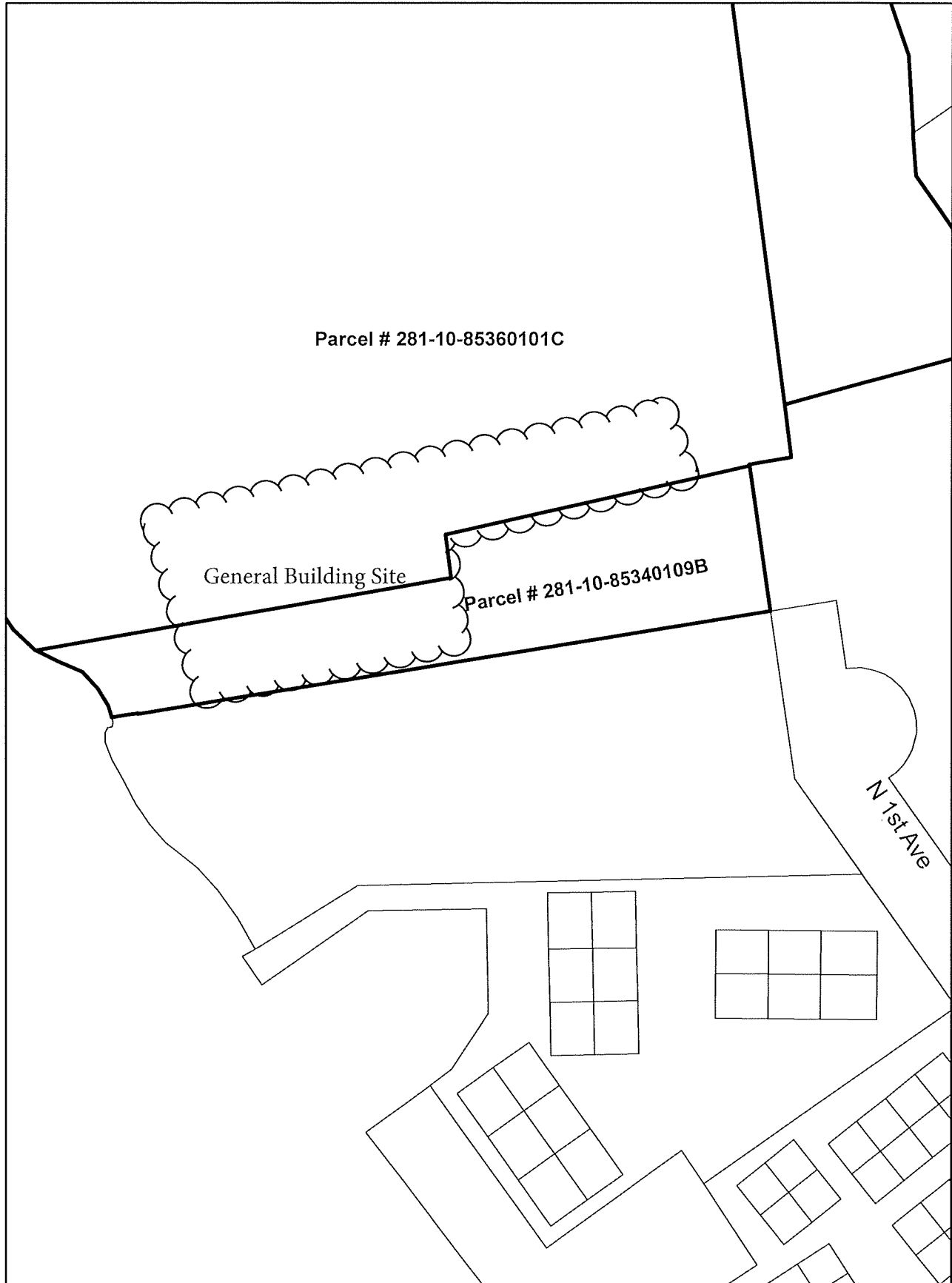
By order of:

The City of Sturgeon Bay Zoning Board of Appeals



# LOCATION MAP

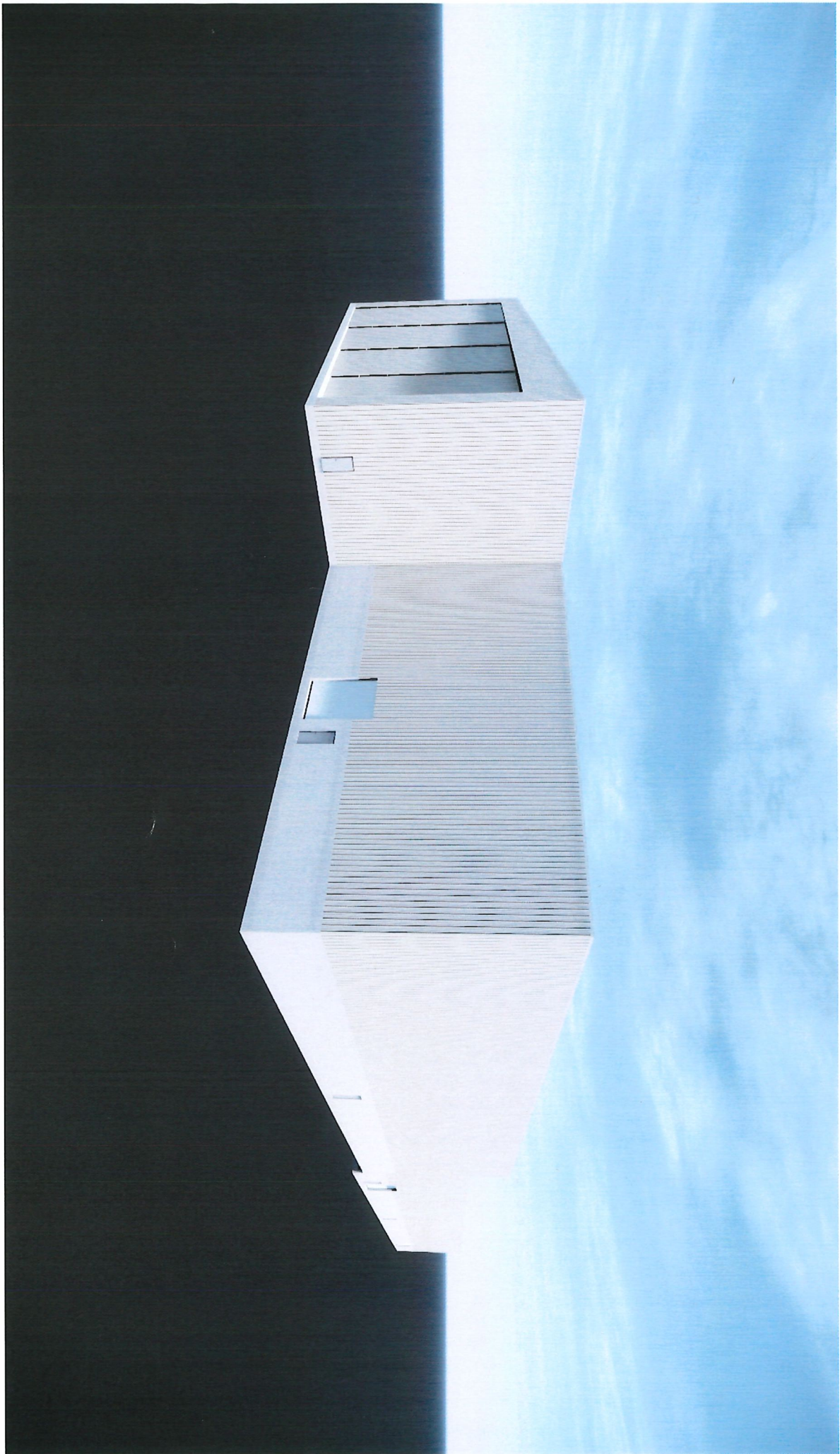
## Variance Request - Fincantieri Bay Shipbuilding Co.



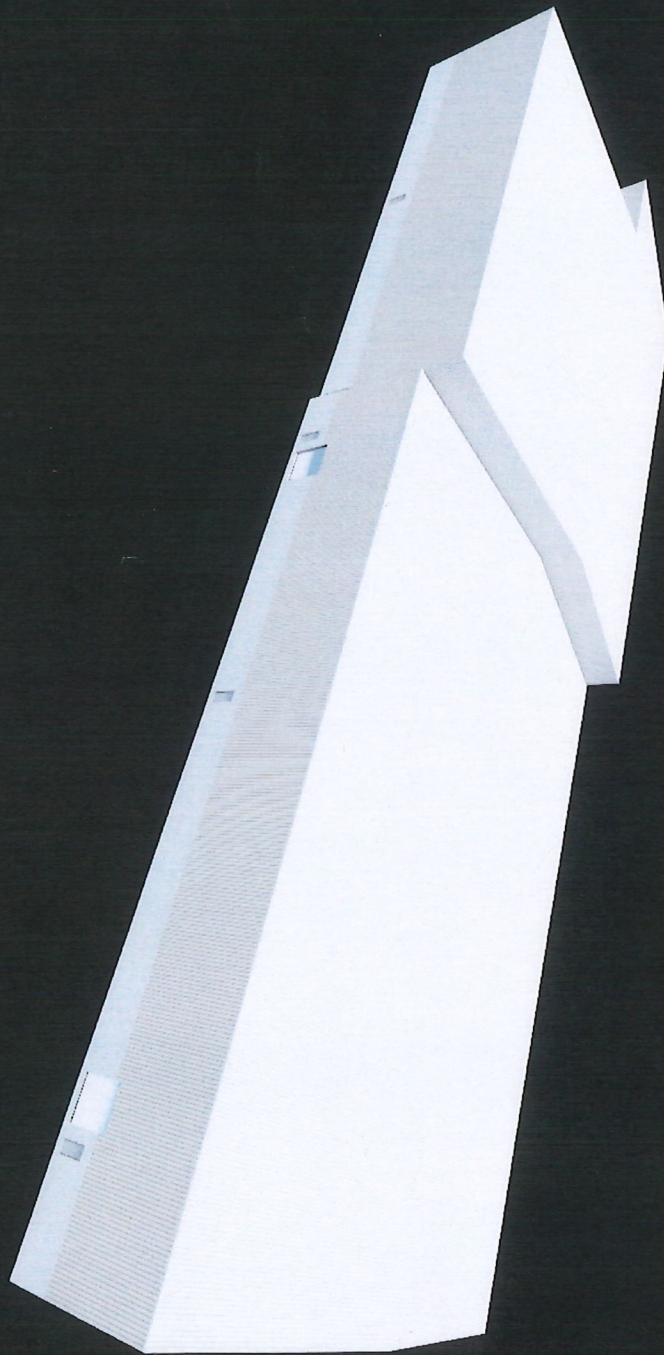
 Subject Property

NOTE: Public Hearing to be held on August 25, 2020









**GR2IEF**

275 West Wisconsin Avenue, Suite 300  
West Allis, WI 53225  
414.229.1200  
414.229.0077 fax

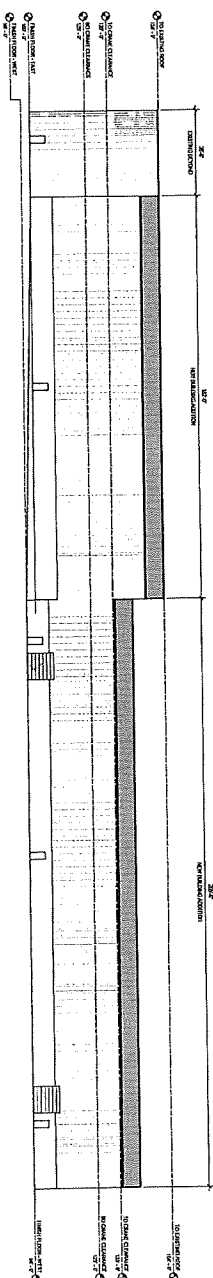
www.gr2ief.com

CLIENT:

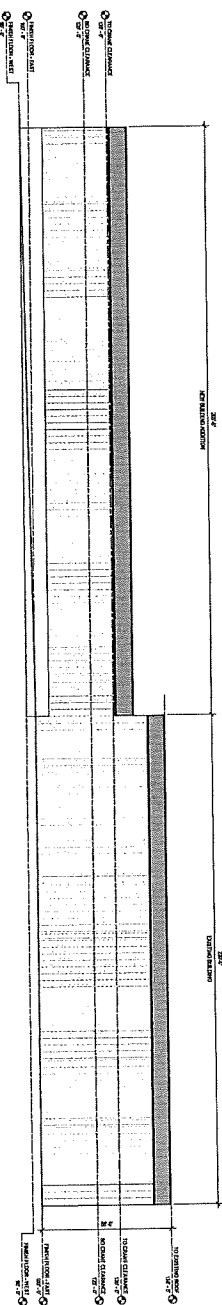
PROJECT TITLE:  
ENGINEERING & ARCHITECTURAL  
DESIGN FOR BUILDING 403

505 NORTH 3RD AVENUE  
STURGEON BAY, WI 54225  
ISSUE

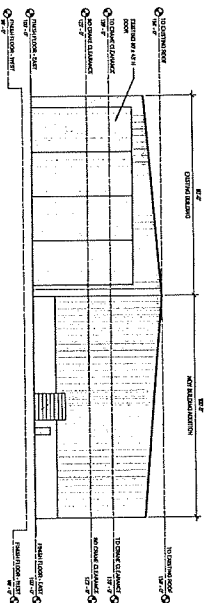
C1 NORTH ELEVATION  
1"=8'-0"



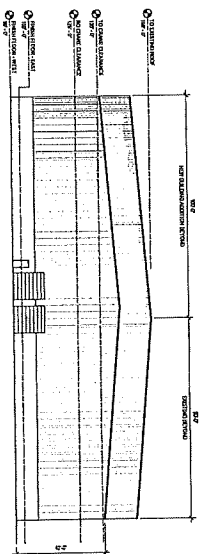
B1 SOUTH ELEVATION  
1"=8'-0"



A1 EAST ELEVATION  
1"=8'-0"



A2 WEST ELEVATION  
1"=8'-0"



PROJECT INFORMATION:

PROJECT NUMBER: 0914030

DATE: 01/14/2020

DRAWN BY: DJ

CHECKED BY:

APPROVED BY:

SCALE: AS NOTED

SHEET TITLE:

BUILDING 403 ELEVATIONS

SHEET NUMBER:

A-202



# Bay Shipbuilding Properties



Date: 7/28/2020



# MEMO

To: Zoning Board of Appeals

From: Christopher Sullivan-Robinson, Planner / Zoning Administrator

Date: August 20, 2020

Subject: Fincantieri Expansion

Fincantieri Bay Shipbuilding petitions for variances for their south yard expansion. The property is located within the I-2 (industrial) zoning district. The variances are for relief from section 20.27(2) General Area and Dimension Requirements for principal structures. This section of code identifies that principal buildings within the I-2 zone must be setback at least 50 feet from the street right-of-way, 20 feet from the side yard lines, 25 feet from the rear property line and not to exceed a height of 45 feet.

Fincantieri's petitions include the following:

**Building 420** is located northwest off of the dead end of N 1<sup>st</sup> Ave. The building is to be expanded approximately 68,000 SF, which is approximately 3.5 times the current size of the existing building. The building was originally constructed in 2007-08 and had received a variance from the ZBA to allow a height of 59' and to allow the building to encroach the setback along the east and south property lines. The proposed addition requires a variance to expand the building above 45' height (not to exceed 59') and to continue along the same setback lines.

**Building 433** is a new building approximately 84,000 SF is located north of Building 420 and situated parallel to Berth 2. The building is to be constructed with a height of 110' which is a 65' difference from what the zoning code allows.

**Variance Standards:** There are standards for granting a zoning variance which is defined by State Statute 62.23(7)(e)7.d. *A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.*



The applicant is responsible for proving an unnecessary hardship, identifying any property limitations, and the variance would not in turn negatively impact the public interest.

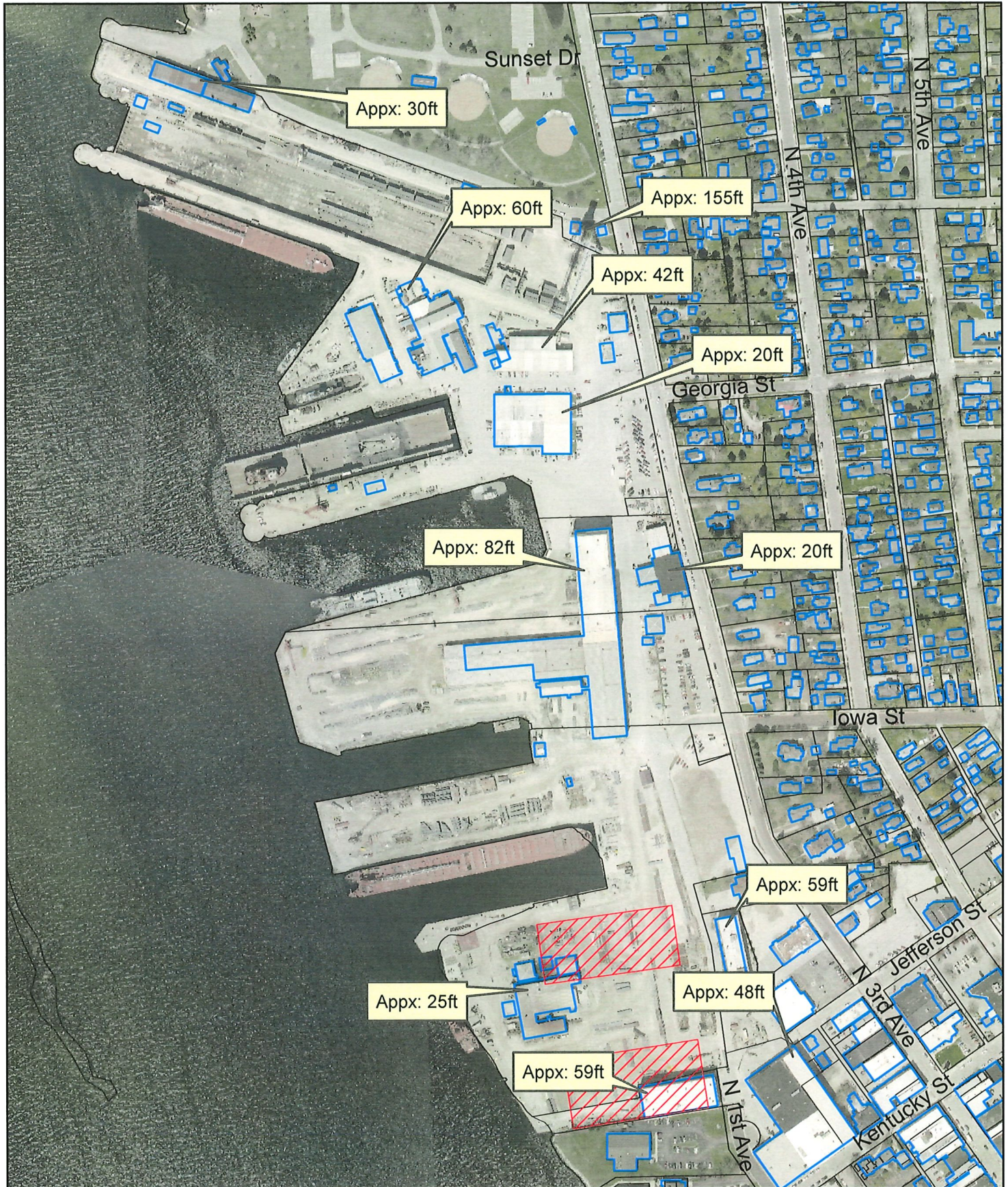
**Other Considerations:**

- (1) If the variances are granted the properties would need to be combined with a certified survey map prior to occupancy of the structures.
- (2) At the Plan Commission meeting held on August 19<sup>th</sup>, the decision was made to review the rules for building height in the I-2 Zoning District. Allowing taller structure with the approval from the Plan Commission.
- (3) Attachment 1 is a general overview map that identifies approximate heights of structures on the property.
- (4) Attached are the minutes of previous variances that were granted to structures owned by Fincantieri.

**Options:** The Zoning Board of Appeals has the ability to approve up to what is being requested. In addition, conditions can be added, which are relevant to the variance requests. If there are other considerations or additional information required the Board can push back their decision to the next meeting. The petitions can also be denied. Either way, the members should provide relevant reasoning for the decision.



# Attachment 1



 Building Outlines





## ZONING BOARD OF APPEALS

Monday, July 10, 2006

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 7:05 p.m. by Chairperson William Buechner in Room 1, City Hall, 36 S. Third Avenue.

Roll call: Members William Buechner, Amy Austad, James Goodwin, William Murrock, and Sandi Larson were present. Also present were Community Development Director Marty Olejniczak and Community Development Secretary Cheryl Nault.

Adoption of agenda: Moved by Mr. Goodwin, seconded by Mr. Murrock to approve the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from May 22, 2006.
4. Public hearing: Request from Palmer Johnson Yachts for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at 128 and 218 Kentucky Street, tax parcels #281-10-85340108C and #281-10-85340107.
5. Consideration of: Request from Palmer Johnson Yachts for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at 128 and 218 Kentucky Street, tax parcels #281-10-85340108C and #281-10-85340107.
6. Adjourn.

Carried.

Approval of minutes from May 22, 2006: Moved by Mr. Goodwin, seconded by Ms. Larson to approve the minutes from May 22, 2006. Carried.

Public hearing: Request from Palmer Johnson Yachts for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at 128 and 218 Kentucky Street, tax parcels #281-10-85340108C and #281-10-85340107: Chairperson Buechner opened the public hearing at 7:09 p.m. The public hearing was declared closed at 7:55 p.m.

Consideration of: Request from Palmer Johnson Yachts for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at 128 and 218 Kentucky Street, tax parcels #281-10-85340108C and #281-10-85340107: Members considered the testimony that was heard during the public hearing. This included the need for the expansion of Palmer Johnson Yachts, the lack of feasible alternatives, impact on the community, relationship of the proposal to the Sturgeon Bay Shipyard Cluster Plan and the Door County Economic Adjustment Plan, the \$2 million financial commitment of the State, and the concerns of the condo owners on First Avenue regarding the building height.

Architect Marc Isaksen explained that the plan contains two phases. The first phase is to extend the existing building out an extra 30' toward Jefferson Street. The second phase is a 50' addition, 65' high, on the easterly side of the building and extending the full length of the existing building. The fire chief had no concerns with fire department access. The 30' addition would be 15' off the right-of-way of Jefferson Street, with the 50' addition being 5' off the right-of-way. Kentucky Street would have a zero setback and would run flush with the existing building currently on Kentucky Street.

Mike Kelsey, President of Palmer Johnson=s Yachts, addressed the concerns of neighbors regarding the 65' proposed height for the second phase addition and if the height of the existing building would ever be raised. He said there are no plans to increase the height of the existing building. ZBA approval would also have to be obtained if that was ever proposed.

Mr. Olejniczak added that there was a variance previously granted for the addition on the east end of the property. It was conditioned that a deed restriction of a 20' setback be placed on the adjoining property. If the Board approved this request, a condition should be placed that the deed restriction be released. Also, the two parcels would also need to be combined, along with receiving state approved plans.

Mr. Olejniczak also pointed out that there is a considerable grade difference from 1st Avenue to 3rd Avenue.

After discussion, it was moved by Mr. Goodwin, seconded by Mr. Buechner to grant the request for the following reasons:

1. A hardship was acquired due to the global changes in sizes and construction of yachts.
2. The public interest would be served by improving the economic base by implementing the Sturgeon Bay Shipbuilding Cluster Master Plan and Door County Economic Adjustment Plan.
3. The property is unique due to its shape and street frontage on three sides, and status as an industrial property located within the Central Business District.
4. There appear to be no other feasible expansion options at this time.
5. The height of phase two will not have an adverse impact on properties and dwellings along 1st Avenue.

The granting of the variance also included the following conditions:

1. The two Palmer Johnsons parcels, located at 128 and 218 Kentucky Street, must be combined via certified survey map.

2. The deed restriction governing the 20' of the parcel at 218 Kentucky Street must be formally released.

3. The building additions must be state approved.

4. Any other building additions must comply with the normal height limitations unless another variance is granted.

Roll call vote. All ayes.

Adjourn: Moved by Ms. Larson, seconded by Mr. Buechner to adjourn. Carried.  
Meeting adjourned at 8:04 p.m.

Respectfully submitted,  
Cheryl Nault  
Community Development Secretary

## **ZONING BOARD OF APPEALS**

Monday, December 11, 2006

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 7:02 p.m. by Chairperson William Buechner in Council Chambers, City Hall, 421 Michigan Street.

**Roll call:** Members William Murrock, William Buechner, Sandi Larson, and Alternate Mary Mohr were present. Excused: Members James Goodwin and Amy La Bott. Also present were Tom Kuffel (Palmer Johnson's Yachts), Community Development Director Marty Olejniczak, and Community Development Secretary Cheryl Nault.

**Adoption of agenda:** Moved by Ms. Larson, seconded by Mr. Murrock to approve the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from November 27, 2006.
4. Public hearing: Request from Palmer Johnson Yachts LLC for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at 225 Jefferson Street.
5. Consideration of: Request from Palmer Johnson Yachts LLC for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at 225 Jefferson Street.
6. Adjourn.

Carried.

**Approval of minutes from November 27, 2006:** Moved by Ms. Larson, seconded by Ms. Mohr to approve the minutes from November 27, 2006. Carried.

**Public hearing: Request from Palmer Johnson Yachts LLC for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at 225 Jefferson Street:** Chairperson Buechner opened the public hearing at 7:05 p.m. The public hearing was declared closed at 7:28 p.m.



**Consideration of: Request from Palmer Johnson Yachts LLC for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at 225 Jefferson Street:** Tom Kuffel had presented the proposed plans for an approximate 4500 sq. ft. building to be constructed as part of Palmer Johnson's expansion project. The dimensions of the parcel are 85' x 65'. By having a 5' setback from Jefferson Street, it would coincide with the previously approved 5' setback obtained for the new expansion that is currently underway. A 10' setback was requested off the alleyway and a 0' setback from the rear yard. The intention is to use this building as a subassembly fabrication facility. There is presently an existing house on the property that would be demolished. The building would be 35' high, which is 10' lower than the other expansion project. On Jefferson Street, there is about a 4.5' grade increase, so the building on the alley side would end up to be approximately 30' high. A 25' x 20' overhead door would be placed on the Jefferson Street side, with another service door placed elsewhere in the building to comply with fire requirements. Presently, some pieces are being fabricated at the 1<sup>st</sup> Avenue and Oregon Street facility, which is leased until August, 2011. The pieces are then transported down 1<sup>st</sup> Avenue and across Michigan Street to the main facility.

Mr. Olejniczak explained that there are presently some buildings very tight to the alley that do not conform to the normal setback. There could be concern that this is a heavy industrial use and is very close to public areas. Since hulls will not be built in this facility, it won't be as noisy as other parts of the project.

Mr. Murrock expressed a safety concern regarding the door entering Jefferson Street, with forklifts carrying parts, etc. and felt a spotter should be available to watch for traffic.

Discussion continued. Moved by Mr. Buechner, seconded by Ms. Larson to grant the variances based on the following reasons and conditions:

1. The proposed addition would be consistent with the building on the adjacent property that is under construction that had already received variances.
2. The project will eliminate an existing non-conforming building and non-conforming use.
3. The proposed building will make good use of the property and improve the aesthetics of the property.
4. The alley side of the addition shall only contain a service door, not an overhead door in any future plans.
5. The site shall be subject to all other codes, including stormwater runoff.

Roll call vote: All ayes. Motion carried.

**Adjourn:** Moved by Ms. Larson, seconded by Mr. Murrock to adjourn. Carried.  
Meeting adjourned at 7:35 p.m.

Respectfully submitted,  
Cheryl Nault  
Community Development Secretary

## **ZONING BOARD OF APPEALS**

Monday, February 26, 2007

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 7:02 p.m. by Chairperson William Buechner in Council Chambers, City Hall, 421 Michigan Street.

**Roll call:** Members William Buechner, James Goodwin, Sandi Larson, and Alternate Mary Mohr were present. Excused: Members Amy La Bott and William Murrock. Also present were Tom Kuffel and Mike Kelsey (Palmer Johnson Yachts), Community Development Director Marty Olejniczak, and Community Development Secretary Cheryl Nault.

**Adoption of agenda:** Moved by Ms. Larson, seconded by Mr. Goodwin to approve the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from January 29, 2007.
4. Public hearing: Request from Palmer Johnson Yachts LLC for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at the northeast corner of North First Avenue and Jefferson Street.
5. Consideration of: Request from Palmer Johnson Yachts LLC for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at the northeast corner of North First Avenue and Jefferson Street.
6. Public hearing: Request from Palmer Johnson Yachts LLC for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located on the west side of North First Avenue and the foot of Jefferson Street (commonly known as the Lawrie parcel).
7. Consideration of: Request from Palmer Johnson Yachts LLC for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located on the west side of North First Avenue and the foot of Jefferson Street (commonly known as the Lawrie parcel).
8. Adjourn.

Carried.

**Approval of minutes from January 29, 2007:** Moved by Mr. Goodwin, seconded by Ms. Larson to approve the minutes from January 29, 2007. Carried.

**Public hearing: Request from Palmer Johnson Yachts LLC for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at the northeast corner of North First Avenue and Jefferson Street:** Chairperson William Buechner opened the public hearing at 7:06 p.m. The public hearing was declared closed at 7:35 p.m.

**Consideration of:** Request from Palmer Johnson Yachts LLC for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at the northeast corner of North First Avenue and Jefferson Street: Testimony was heard regarding variances pertaining to minimum street yard, minimum rear yard, and maximum height for a proposed painting and finishing facility for Palmer Johnson Yachts.

Tom Kuffel explained that they are in the process of purchasing the property from Sturgeon Bay Utilities. The proposal is to construct a building that would have no street yard from N. 1<sup>st</sup> Avenue at its closest point, have no rear yard at its closest point along the east property line, and have a height of 52'. The building would measure approximately 50' wide and 220' in length. The structure would include a bi-fold door, which requires a physical structure to support the door that goes beyond the roofline.

Mr. Goodwin questioned where the mechanical ventilation and trapping devices would be placed. Mr. Kuffel explained that the air-handling units would be placed on the roof. Mike Kelsey assured the Board that there will not be snorkels hanging off the top of the building. Mr. Goodwin was concerned with PJ's coming back and asking for a few more feet in height.

Mark Feld, a neighboring property owner, had concern with maintaining the 20' setback on the north end of the property and would like to see some vegetation planted.

Mr. Olejniczak stated that things like chimneys, antennas, and roof apparatus would not count against the height. He did not have much concern about placing some of the features on top of the building. There is an approximate 3-4' elevational drop from the winery, which is the property immediately behind it. If approved, it would be a modern and code compliant building, as there is a non-conforming situation at the present building. Also, if the variance is approved, they will need to go before the Waterfront Design Review Board.

Board members discussed the project. Moved by Mr. Buechner, seconded by Mr. Goodwin to grant the variances for the following reasons:

1. The rezoning of the property to allow the development has already been approved by the Plan Commission and Common Council.
2. The proposed building does not impact the closing of 1<sup>st</sup> Avenue.
3. The rooftop equipment will not be visible.
4. The narrowness of the lot does not allow for a usable industrial building without the yard variances.

5. The height of the building will be consistent with nearby industrial buildings.
6. The project has a public benefit by improving safety through the moving of Palmer Johnson's painting operations from a non-code compliant building to a modern facility meeting all building codes.

Roll call vote: All ayes. Motion carried. It was also encouraged to enhance the 20' setback area on the north side with vegetation.

Public hearing: Request from Palmer Johnson Yachts LLC for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located on the west side of North First Avenue and the foot of Jefferson Street (commonly known as the Lawrie parcel): Chairperson Buechner opened the public hearing at 7:38 p.m. The public hearing was declared closed at 8:36 p.m.

**Consideration of: Request from Palmer Johnson Yachts LLC for variances from Section 20.27(2) of the Municipal Code (Zoning Code) for property located on the west side of North First Avenue and the foot of Jefferson Street (commonly known as the Lawrie parcel):** During the public hearing Mr. Kuffel explained that Palmer Johnson Yachts is currently leasing the former PBI "Building 70", located at the corner of Oregon Street and 1<sup>st</sup> Avenue, in which sub-aluminum structure fabrication is done, along with sub-assemblies.

Mr. Kelsey stated that they are proposing to construct a new 90' x 220' building on the former Lawrie property, which would allow PJ's to fabricate the super structures of the vessels as they cut them down at Building 70, put them together, bring them over to the yacht, which will then get finished and into the paint shop. They do not plan to vacate Building 70, but utilize that facility as long as they can to cut their aluminum parts. This proposal would include variance requests for a 10-ft. street yard from N. 1<sup>st</sup> Avenue, a 5-ft. side yard along the south property line, have no side yard at its closest point along the north property line, and have a height of 59' above the curb height at N. 1<sup>st</sup> Avenue.

Mr. Kelsey mentioned that designed into the proposed building is the possibility of cutting in a taller door in back of the building and possibly putting in a marine railway in the future.

Ross Schmelzer, a neighboring property owner, expressed his concern regarding visual impact, dust, paint, and noise that the proposed building would have on his tenants. Parking and an easement was also a concern.

Mr. Olejniczak stated that based on the Baudhuin elevation survey, the rear of the property drops approximately 6'. The rear of the proposed building would overlap a few feet beyond the wall of the Harbor Business Center. He added that the fire department requires that there be vehicular access for emergency vehicles to within 150' of all points of a building, and that it can be accessible off of other properties.



Board members discussed the request. Moved by Mr. Goodwin, seconded by Mr. Buechner to grant the variances for the following reasons:

1. The building is needed for a combined plan of yacht construction to allow Palmer Johnson Yachts to operate in a manner which allows them to compete worldwide.
2. There are other large buildings in this vicinity.
3. There is a benefit to the community.
4. The proposed project puts to good use a narrow, odd-shaped "brownfield" parcel.
5. The same reasons as stated for the other grant of variances.

Roll call vote. All ayes. Motion carried. Members also requested that Palmer Johnson Yachts work with the adjoining property owners regarding landscaping.

**Adjourn:** Moved by Ms. Larson, seconded by Mr. Goodwin to adjourn. Carried. Meeting adjourned at 8:40 p.m.

Respectfully submitted,  
Cheryl Nault  
Community Development Secretary

### **ZONING BOARD OF APPEALS**

Monday, March 26, 2007

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 7:37 p.m. by Acting Chairperson James Goodwin in Council Chambers, City Hall, 421 Michigan Street.

**Roll call:** Members James Goodwin, Sandi Larson, Amy La Bott, and Alternate Mary Mohr were present. Excused: Member William Murrock. Absent: Chairperson William Buechner. Also present were Community Development Director Marty Olejniczak and Community Development Secretary Cheryl Nault.

**Adoption of agenda:** Moved by Ms. Larson, seconded by Ms. Mohr to approve the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from February 26, 2007.
4. Public hearing: Request from Palmer Johnson Yachts LLC for a variance from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at the northeast corner of North First Avenue and Jefferson Street.
5. Consideration of: Request from Palmer Johnson Yachts LLC for a variance from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at the northeast corner of North First Avenue and Jefferson Street.
6. Adjourn.



Carried.

**Approval of minutes from February 26, 2007:** Moved by Ms. Larson, seconded by Ms. Mohr to approve the minutes from February 26, 2007. Carried.

**Public hearing: Request from Palmer Johnson Yachts LLC for a variance from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at the northeast corner of North First Avenue and Jefferson Street:** Acting Chairperson Goodwin opened the public hearing at 7:40 p.m. The public hearing was declared closed at 8:07 p.m.

**Consideration of:** Request from Palmer Johnson Yachts LLC for a variance from Section 20.27(2) of the Municipal Code (Zoning Code) for property located at the northeast corner of North First Avenue and Jefferson Street: At the previous ZBA meeting, the request for a height variance was approved to 52'. Mr. Kuffel, Palmer Johnson Yachts, stated that Palmer Johnson Yachts was now required by State regulations to add a 30" parapet along the east side of the building that would increase the height of the wall on the proposed building to 57', along with the door opening on the south side. He had not expected to come back for another variance. The proposed plan has received State approval. The next step would be to go before the Waterfront Design Review Board for design approval. He added that air handlers, large rectangular units approximately 4.5' - 5' in height, 10' in length, and 6' - 7' in width, will be placed on the center of the rooftop, with exhaust extensions 6' in height. The parapet will provide some blocking of that equipment.

Ms. Mohr expressed concern of the roof slope and ice and snow sliding off the roof. She wondered what the purpose of the parapet was. Mr. Kuffel said that the roof slopes toward 1<sup>st</sup> Avenue. Mr. Olejniczak added that the parapet is added for fire protection.

Mr. Kuffel had discussed roof runoff water with the City Engineer. One option is to handle the roof runoff with rain gutters and downspouts being channeled into 1<sup>st</sup> Avenue. Another option is to channel internally into the building and go underground into the storm sewer. Details have not yet been finalized.

Mr. Olejniczak stated that the highest point of the roof is actually 54' 6". It is just the parapet on one side that rises to 57'.

A short discussion was held in regard to the request for variance. Moved by Ms. LaBott, seconded by Ms. Larson to grant the building height variance to 57' at its highest point for the following reasons:

1. The increase in height from the previously approved 52' to 57' is due to State imposed building code requirements.
2. The same reasons as for the previously approved height variance. [Note: These reasons are :
  - a. The rezoning of the property to allow the development has already been approved by the Plan Commission and Common Council.
  - b. The proposed building does not impact the closing of 1<sup>st</sup> Avenue.
  - c. The rooftop equipment will not be visible.
  - d. The height of the building will be consistent with nearby industrial buildings.
  - e. The project has a public benefit by improving safety through the moving of Palmer Johnson's painting operations from a non-code compliant building to

a modern facility meeting all building codes.]

Carried.

**Adjourn:** Moved by Ms. Larson, seconded by Ms. Mohr to adjourn. Carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,  
Cheryl Nault  
Community Development Secretary

## **ZONING BOARD OF APPEALS**

Monday, July 28, 2008

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 7:01 p.m. by Chairperson Mark Moeller in Council Chambers, City Hall, 421 Michigan Street.

**Roll call:** Members James Goodwin, William Buechner, Sandi Larson, and Mark Moeller were present. Excused: Member William Murrock. Also present were Community Development Director Marty Olejniczak and Community Development Secretary Cheryl Nault.

**Adoption of agenda:** Moved by Ms. Larson, seconded by Mr. Buechner to approve the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from July 14, 2008.
4. Consideration of: Variance for Palmer Johnson Yachts, LLC – street yard setback for building addition – 128 Kentucky Street.
5. Adjourn.

Carried.

**Approval of minutes from July 14, 2008:** Moved by Ms. Larson, seconded by Mr. Buechner to approve the minutes from July 14, 2008. After discussion it was moved by Ms. Larson, seconded by Mr. Buechner to amend the minutes regarding Hudson Towers and to add that the motion made by Mr. Moeller regarding tabling consideration of Hudson Towers until additional information was received also included waiting until Plan Commission meets and makes a decision. Roll call vote was taken on the amended motion. All ayes. Carried. Roll call vote was taken on the original motion. All ayes. Carried.

**Consideration of: Variance for Palmer Johnson Yachts, LLC – street yard setback for building addition – 128 Kentucky Street:** Commission members considered the proposed building addition. Mr. Olejniczak stated that a vision triangle is not a requirement in the Commercial and Industrial districts, although a condition could be placed on the approval. He mentioned that during testimony at the previous meeting the two concerns that were recurrent were vision and need for landscaping. Mr. Moeller added that doors were another concern, but Palmer Johnson would be reusing the doors that are currently on the existing building.

Moved by Mr. Buechner, seconded by Mr. Goodwin to grant the variance for the proposed addition, based upon the facts that the addition will not further impede the sight lines at the intersection, there will be no further obstruction of the view of the bay from the building, and the area was zoned Industrial before the downtown was upgraded and made a destination for tourists. The variance is subject to the vision clearance triangle being enforced on the north and south sides of the intersection of 1<sup>st</sup> Avenue and Jefferson Street, with a suggestion of low height plantings in those areas.

Moved by Mr. Goodwin, seconded by Mr. Moeller to amend the motion to add that the curb from the corner of the original building from the former apple processing plant to Palmer Johnson's building by the power pole where the road bends be made a no parking zone. Mr. Goodwin withdrew his amendment, along with the second.

Moved by Ms. Larson, seconded by Mr. Moeller to amend the motion to restrict parking on the west side of the Palmer Johnson property along 1<sup>st</sup> Avenue for the area between the overhead power line and street, and to add the same findings for approval for the variance approved in 2006 as follows:

1. The worldwide changes in yacht sizes in construction have created a hardship that is not caused by the applicant.
2. The proposed addition served the public interest in terms of implementing the adopted Sturgeon Bay Shipyard Cluster Master Plan and the Door County Economic Adjustment Plan.
3. The subject property is unique due to its shape, street frontage on three sides and its status as an industrial property located amidst the Central Business district parcels.
4. Despite significant efforts by the applicant, there appear to be no other feasible expansion options at this time.

There was discussion regarding the requirement for a vision clearance triangle on the north side of the intersection, since that area is a different parcel. Mr. Olejniczak will check with the City Attorney regarding the legality and enforceability of that condition.

Roll call vote was taken on the amended motions. All ayes. Carried. Roll call vote was taken on the original motion. All ayes. Carried.

**Adjourn:** Moved by Ms. Larson, seconded by Mr. Goodwin to adjourn. Carried. Meeting adjourned at 7:27 p.m.

Respectfully submitted,  
Cheryl Nault  
Community Development Secretary



ZONING BOARD OF APPEALS  
Tuesday, October 25, 2016

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 12:00 Noon by Chairperson Bill Murrock in Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members William Murrock, Bill Chaudoir, James Goodwin, Andrew Starr, and Wayne Spritka were present. Also present were Alternate Justin Kerwin, Fincantieri Bay Shipbuilding representatives Todd Thayse, Jerome Orsted, Peter Glassen, and Ryan Hoernke, Miron Construction representative Mike Ledvina, Alderpersons Kelly Catarozoli, Jerry Stults, and Stewart Fett, City Administrator Josh Van Lieshout, Mayor Thad Birmingham, Community Development Director Marty Olejniczak, Planner/Zoning Administrator Ryan Kernosky, and Community Development Secretary Cheryl Nault.

**Adoption of agenda:** Moved by Mr. Spritka, seconded by Mr. Chaudoir to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from July 26, 2016.
4. Public hearing: Petition for variance from Section 20.27(2) of the Zoning Code to increase the height of a portion of an existing manufacturing building to 75 feet for Fincantieri Bay Shipbuilding, 128 Kentucky Street.
5. Consideration of: Petition for variance from Section 20.27(2) of the Zoning Code to increase the height of a portion of an existing manufacturing building to 75 feet for Fincantieri Bay Shipbuilding, 128 Kentucky Street.
6. Adjourn.

Carried.

**Approval of minutes from July 26, 2016:** Moved by Mr. Chaudoir, seconded by Mr. Starr to approve the minutes from July 26, 2016. All ayes. Carried.

**Public hearing: Petition for variance from Section 20.27(2) of the Zoning Code to increase the height of a portion of an existing manufacturing building to 75 feet for Fincantieri Bay Shipbuilding, 128 Kentucky Street:** Chairperson Murrock opened the public hearing at 12:04 p.m.

Todd Thayse, Vice-President and General Manager of Fincantieri Bay Shipbuilding, presented the variance request to increase the height of an existing building, located at 128 Kentucky Street, formerly owned by Palmer Johnsons. They would like to make the building usable for current and future projects and asked for a height increase to 75 feet for approximately half of the building to have the ability to compete in the market with construction of large scale fishing boats, tug boats, and ferries. This will also assist Fincantieri in supplying year-round employment. Additional room is needed to install the mega high efficiency doors that allow light to come through.

Buildings 420 and 422 had gone through significant remodeling improvements, including new and additional windows, LED lighting, walls, etc. and became ADA compliant. All local contractors were used. These buildings are at a height of 58 feet and 60 feet respectively. The Bay Ship property contains a building that is 80 feet tall.

Mike Ledvina stated that the footprint will not be changing. The building structure will stay the same. There will be insulated 4 inch wall panels that will match the limestone color panels and precast concrete. They are hoping for a spring completion.

Mr. Kernosky added that in 2006 Bay Ship received a height variance to increase the building from 45 feet high to 65 feet high, but never acted upon it. If this variance is approved, they will have to go before the Waterfront Design Review Board for approval also. The Fire Chief had no concerns with the proposed height.

No one spoke in favor of the variance. There were no letters of correspondence in favor of the variance.

Hans Christian, 330 N. 3<sup>rd</sup> Avenue, stated he lives across from Building 422. He had a concern of impact around the area and the noise at night during production, as well as air pollution.

Carri Andersson, 920 Louisiana Street, stated her concern with all metal buildings and the noise. There will be an increase in traffic. She wondered if Fincantieri was utilizing existing space. She is opposed to the project.

Elliot Goettelman, 26 N. 3<sup>rd</sup> Avenue, stated that he is opposed to production closer to the downtown area. He thought production should stay in the 80-foot tall building.

Kelly Avenson, 26 N. 3<sup>rd</sup> Avenue, didn't agree that moving manufacturing toward the downtown was the best thing to do. Housing is also an issue.

Nissa Norton, 945 Bonnie View Dr., was opposed to raising the roof. It is too close to the downtown and the hotel. It will affect businesses and people will not come back.

Kelly Catarozoli, 344 N. 3<sup>rd</sup> Avenue, stated there was a feeling of deception in the neighborhood and that Fincantieri knew about the modifications that were needed with the building. A buffer should be created on the south end of the shipyard.

Mr. Goodwin read one letter in opposition from Mitchell Larson, On Deck Clothing Company, 265 N. 3<sup>rd</sup> Avenue. He also read an email in opposition from Mike and Liz Orlock.

Mr. Murrock offered Mr. Thayse rebuttal testimony, but he refused. Mr. Murrock then offered rebuttal testimony to the public.

Hans Christian asked that Fincantieri look for alternatives. Mr. Thayer responded that Fincantieri had looked at alternatives. Building 311 is for large tankers and will continue to operate at that location. There will be forklift activity, but no outdoor workstations are planned. It will not be any different than previously operated. Air pollution is heavily regulated with smoke exhaust systems.

Mr. Kernosky mentioned the concern with the use against the downtown area. There never was a buffer between the shipyard and the downtown when Palmer Johnson's used the facility.

Mr. Chaudoir added that shipbuilding is a tourist attraction. There is a lot of opportunity for viewing.

Hans Christian spoke again regarding the noise level. More cranes will be adding to the diesel fumes.

Carri Andersson stated that many times you cannot stand outside because of the fumes. Dust is a problem. More green space is needed. She wondered if any kind of panel could be put up.

Elliot Goettelman asked Fincantieri to be a good neighbor and pave the parking lot.

Kelly Catarozoli suggested if the variance was granted to add a condition that if Bay Ship moved, they would have to remove the building.

Mr. Murrock closed the public hearing at 1:17 p.m.

**Consideration of: Petition for variance from Section 20.27(2) of the Zoning Code to increase the height of a portion of an existing manufacturing building to 75 feet for Fincantieri Bay Shipbuilding, 128 Kentucky Street:** Board members discussed the request. Mr. Starr stated that based on approval, this would then go before the Waterfront Design Review Board. Some of the discussion that was heard is not in scope of this request. Mr. Spritka agreed. Bay Ship is a world class shipyard. The request was for the height of the building.

Mr. Kernosky gave three options. The request can be approved as presented, be denied, or approved with conditions. If the variance is denied, it is important to remember that they will still utilize the building for ship building.

After further discussion, it was moved by Mr. Chaudoir, seconded by Mr. Starr to grant the variance request for the height up to 75 feet, with reasons being that the impact is negligible to what is there today, there is no further blocking of water views or further restrictions of public viewing of the property. The hardship is that it is not a modern shipbuilding facility for the kind of shipbuilding that is proposed to be located there. It is making use of an empty building. Space is needed to have room for the trusses and

materials that need to go into the building in order to have a manufacturing facility. Roll call vote. All ayes. Carried.

Roll vote. All ayes. Carried.

**Adjourn:** Moved by Mr. Spritka, seconded by Mr. Starr to adjourn. All ayes. Carried. Meeting adjourned at 1:27 p.m.

Respectfully submitted,  
Cheryl Nault  
Community Development Secretary



Google Maps 416 N 8th Ave



Image capture: Aug 2019 © 2020 Google

Sturgeon Bay, Wisconsin



Street View





Google Maps 298 N 3rd Ave

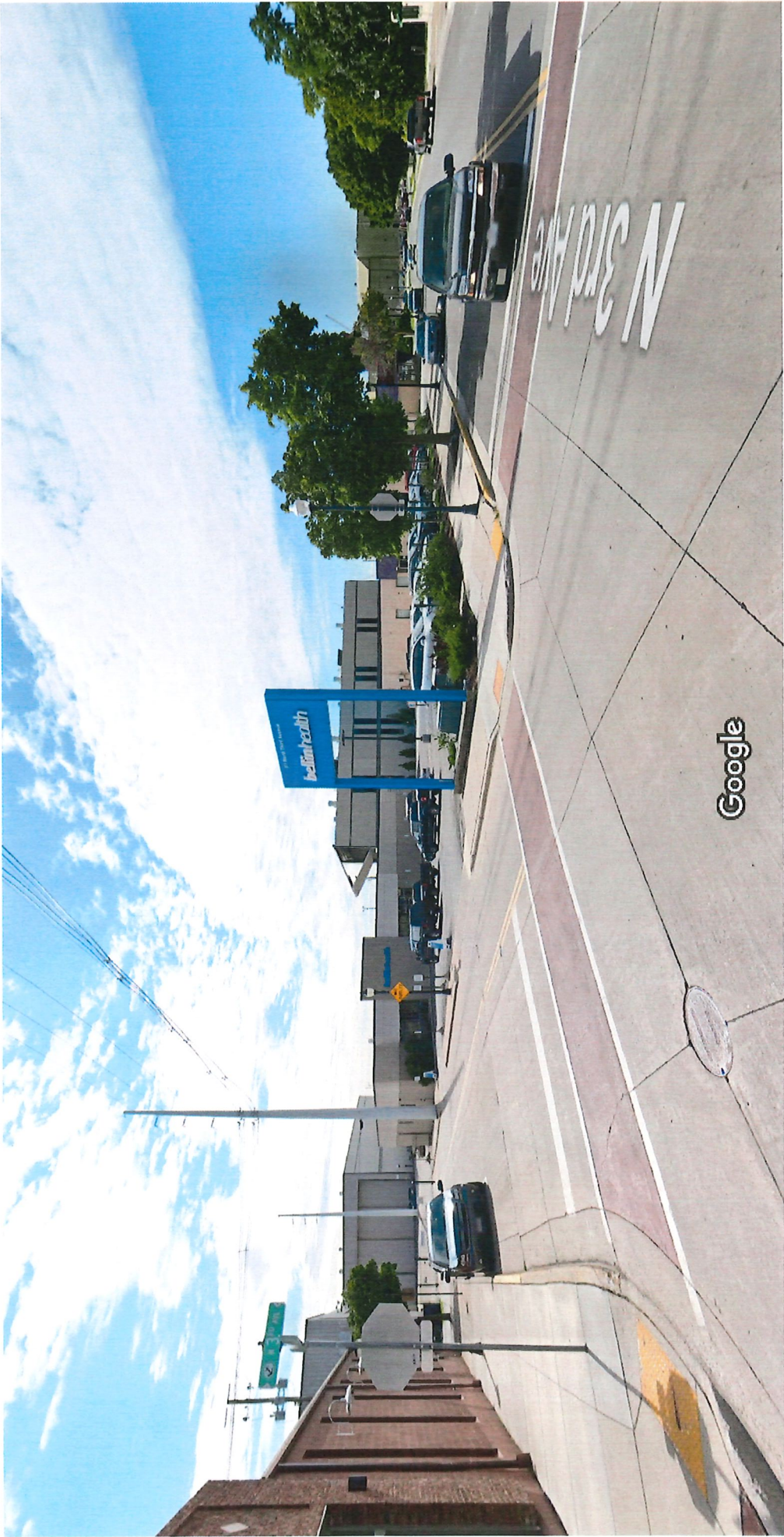


Image capture: Aug 2019 © 2020 Google

Sturgeon Bay, Wisconsin



Street View



Google Maps 330 N 3rd Ave



Image capture: Aug 2019 © 2020 Google

Sturgeon Bay, Wisconsin



Street View



Google Maps 341 N 3rd Ave



Image capture: Aug 2019 © 2020 Google

Sturgeon Bay, Wisconsin



Street View



Google Maps 358 N 3rd Ave



Image capture: Aug 2019 © 2020 Google

Sturgeon Bay, Wisconsin



Street View



Google Maps 376 N 3rd Ave



Image capture: Aug 2019 © 2020 Google

Sturgeon Bay, Wisconsin



Street View



Google Maps 401 N 3rd Ave



Image capture: Aug 2019 © 2020 Google

Sturgeon Bay, Wisconsin



Street View



Google Maps Michigan St



Image capture: Aug 2019 © 2020 Google

Sturgeon Bay, Wisconsin



Street View



[https://www.google.com/maps/@44.8318412,-87.3814829,3a,20.7y,358.37h,91.09t/data=!3m6!1e1!3m4!1suN1Lds9m\\_TiARBTBdiB8wi2e0!7!16384!8!8192](https://www.google.com/maps/@44.8318412,-87.3814829,3a,20.7y,358.37h,91.09t/data=!3m6!1e1!3m4!1suN1Lds9m_TiARBTBdiB8wi2e0!7!16384!8!8192)





July 29, 2020

City of Sturgeon Bay  
421 Michigan Street  
Sturgeon Bay, WI 54235

Re: Variance Requests

Fincantieri Marine Group, LLC d/b/a Fincantieri Bay Shipbuilding ("Fincantieri") is submitting the attached variance application to request a variance pursuant to Section 20.35(1)(b) of the Sturgeon Bay Code of Ordinances to allow it to build a new building (B433) to the height of 110 on the south end of its property at 605 North Third Avenue.

### **BACKGROUND FOR THIS REQUEST**

This buildings will be located at 605 North Third Ave. in an industrial area zoned I-2. The area has historically been used for shipbuilding purposes by Palmer Johnson Yachts, LLC ("Palmer Johnson") and Bay Shipbuilding. Fincantieri has acquired the Bay Shipbuilding and Palmer Johnson properties, including the area proposed for Building B433. The current Sturgeon Bay Code of Ordinances Section 20.35(1)(b), which regulates building height, does not adequately provide enough height allowance for the requirements of the industrial marine shipbuilding industry.

The City previously granted variances for the Buildings B411, B420, and B422 to exceed the height limit, which has been proven factual as shown on **Exhibit A**. In 2006, Palmer Johnson obtained a variance to construct an addition to the 411 Building, which permitted a five foot setback from Jefferson Street, a zero lot line setback from the properties abutting the west side of the building, and up to 65 feet in building height for the new addition. In 2007 Palmer Johnson Yachts was granted varenances to build B420 to a height of 59 feet and for a 5 foot set back on the south side, and to buildt B422 to a height of 57 feet. Then in 2008, Palmer Johnson received a variance for an addition to the B411 building which established a 13.4 foot setback from Jefferson Street and a 23 foot setback from First Avenue. Fincantieri received a variance in 2016 to raise the height of B411 to 75 feet.

With Fincantieri being awarded the FFG(X) Frigate contract, there is the need to increase production capabilities and capacity at the Sturgeon Bay Facility which includes the new B433 Building as shown on **Exhibit B**.

**FINCANTIERI MARINE GROUP, LLC**  
Bay Shipbuilding  
605 North Third Avenue, P.O. Box 830  
Sturgeon Bay, Wisconsin 54235

P. 920-743-5524  
F. 920-743-2371  
[www.fincantierimarinegroup.com](http://www.fincantierimarinegroup.com)

a FINCANTIERI company

The proposed project will include the following:

1. The additional enclosed floor space for vessel module production;
2. Large indoor cranes to support module movement;
3. Energy efficient heating, ventilation, and LED lighting.

Based on the previous variance granted in the area, the new B433 Building heights will minimally affect views of the Bay.

The variance for Building B433 is crucial for Fincantieri to expand its manufacturing capacity to handle increased government work.

If the variance is granted, Fincantieri will use the B433 Building to support the U.S. Navy contracts with enclosed operations. This will protect the public interest with: no increase in noise, a reduction in the dust from production, and a reduction in dust from the additional asphalt paving in the area required to support this building.

Fincantieri's request for a variance meets all of the criteria under 20.35(1)(b) of the Sturgeon Bay Ordinances.

If a variance is not granted, Fincantieri will suffer an unnecessary hardship because it will not be able to meet the U.S. Navy construction delivery dates of the modules for the vessels.

Thank you for your consideration of this variance request.



Peter Glassen  
Facilities Manager  
Fincantieri Bay Shipbuilding

Exhibit A

**July 10, 2006**

Palmer Johnson Yachts was granted a variance on July 10, 2016 for 128 Kentucky Street. The variance was for the new addition on the eastern side of the main PJ's facility.

- 5' setback from Jefferson Street for a new addition to the main PJ building (128 Kentucky St)
- Zero lot line setback from the properties abutting on the West side of the parcel
- Up to 65' in building height for the new addition (50' easterly)

**February 26, 2007**

Palmer Johnson Yachts was granted variances on February 26, 2007 for a new 90' x 220' building at 273 N. First Ave (now known as Building 420). This is the building that is proposed for the addition.

- Variance for the building to be 59 feet high on the 1st Ave side.
- Variance for a 5-foot setback along the south lot line.
- Variance for a 10-foot setback along the street right-of-way. (no longer applies due to vacating N. 1st Ave).
- Variance for zero setback along the north lot line. (will not apply once lots are combined)

**March 29, 2007**

Palmer Johnson Yachts was granted a variance on March 29, 2007 for B422 on former North First Street.

- The variance was for a new building up to 57 feet in building height

**July 28, 2008**

Palmer Johnson Yachts was granted a variance on July 28, 2008 for 128 Kentucky Street. This was for a 29' 4" x 122' addition on the North side of the main PJ building (abutting Jefferson Street).

- 13.4' setback from Jefferson Street for the new addition to the main PJ building
- 23' setback from N 1<sup>st</sup> Avenue for the new addition to the main PJ building

**November 8, 2016**

Fincantieri Bay Shipbuilding was granted a variance on November 8, 2016 for 128 Kentucky Street.

- The variance was to increase the building height to 75 feet



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

Date Received: 8/4/20  
Fee Paid \$ 300.00  
Received By: EN

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Peter Glassen	
Company	Fincantieri Bay Shipbuilding	
Street Address	605 N. Third Ave	
City/State/Zip	Sturgeon Bay WI 54235	
Daytime Telephone No.	920-746-3269	
Fax No.		
<b>STREET ADDRESS OF SUBJECT PROPERTY:</b> <u>605 N. Third Ave</u> <b>Location if not assigned a common address:</b> _____		
<b>TAX PARCEL NUMBER:</b> <u>281-10-853601C</u>		
<b>CURRENT ZONING CLASSIFICATION:</b> <u>I-2 Heavy Industrial</u>		
<b>CURRENT USE AND IMPROVEMENTS:</b> <u>Currently used for steel storage and paint/blasting processes. This will be changing to a</u> <u>production area for vessels such as LCS, MMSC, and the FFG(X).</u>		
<b>IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW:</b> <u>Section 20.27 (2) The maximum building height for I-2 zoning is 45'</u>		
<b>ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:</b> <b>North:</b> <u>I-2 / Conservatory: Bay Shipbuilding, Sturgeon Bay City Park</u> <b>South:</b> <u>I-2 / C2: Bay Shipbuilding production, Office Building, Stone Harbor Condos</u> <b>East:</b> <u>I2 / C2 / R3: Bay Shipbuilding production, Bellin Health Clinic, Residential</u> <b>West:</b> <u>Sturgeon Bay waters</u>		

## NOTICE OF PUBLIC HEARING

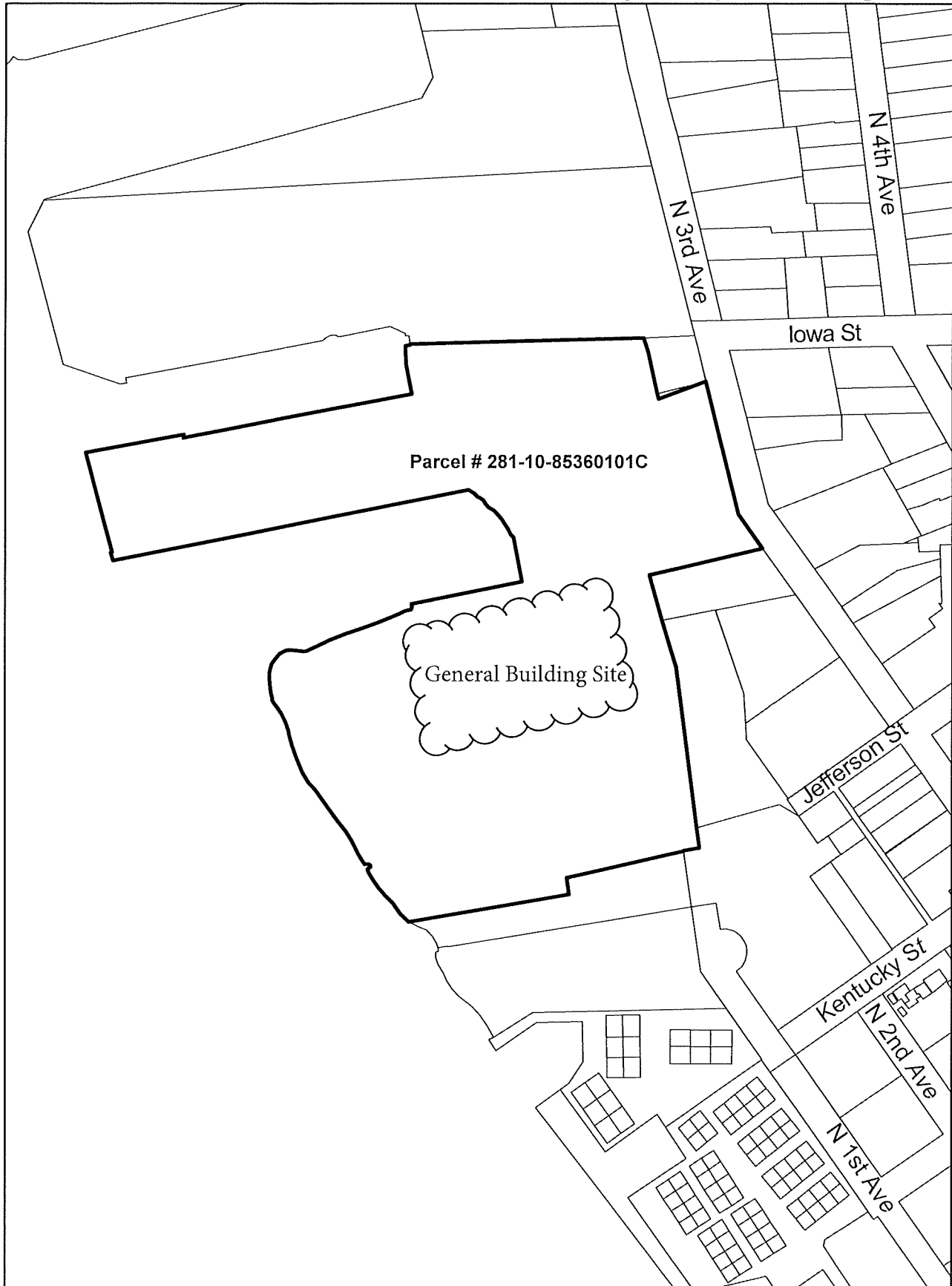
The City of Sturgeon Bay Zoning Board of Appeals will hold a public hearing in the Council Chambers, 421 Michigan St, Sturgeon Bay, Wisconsin on Tuesday, August 25, 2020, at 12:00 Noon or shortly thereafter, regarding a request from Fincantieri Bay Shipbuilding Co. for a variance from section 20.27(2) of the Municipal Code (Zoning Code), which requires principal buildings in the Heavy Industrial (I-2) zoning district to have a maximum building height of 45 feet. The applicant is proposing to construct an approximately 88,000 square-foot building with a maximum height of 110 feet. The subject property is part of the Fincantieri Bay Shipbuilding property at 605 N Third Avenue. The specific site is located westerly of the property at 341 N Third Avenue. The site is located on parcel #281-10-85360101C. The application is on file with the Community Development Department and may be viewed at 421 Michigan Street weekdays between 8:00 a.m. and 4:30 p.m. 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:

The City of Sturgeon Bay Zoning Board of Appeals

# LOCATION MAP

## Variance Request - Fincantieri Bay Shipbuilding Co.



 Subject Property

NOTE: Public Hearing to be held on August 25, 2020



EXHIBIT B

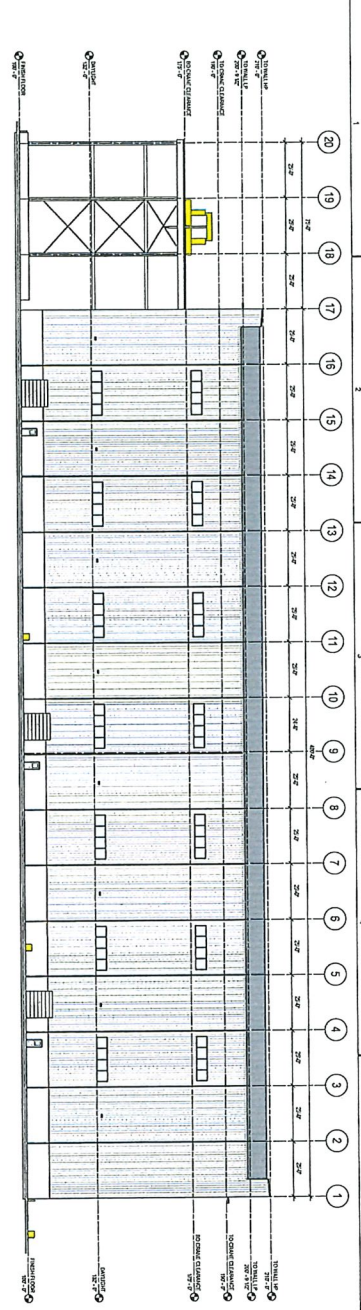
-  BUILDING TO BE REMOVED
-  EXISTING BUILDING
-  BUILDING ADDITION
-  NEW BUILDING



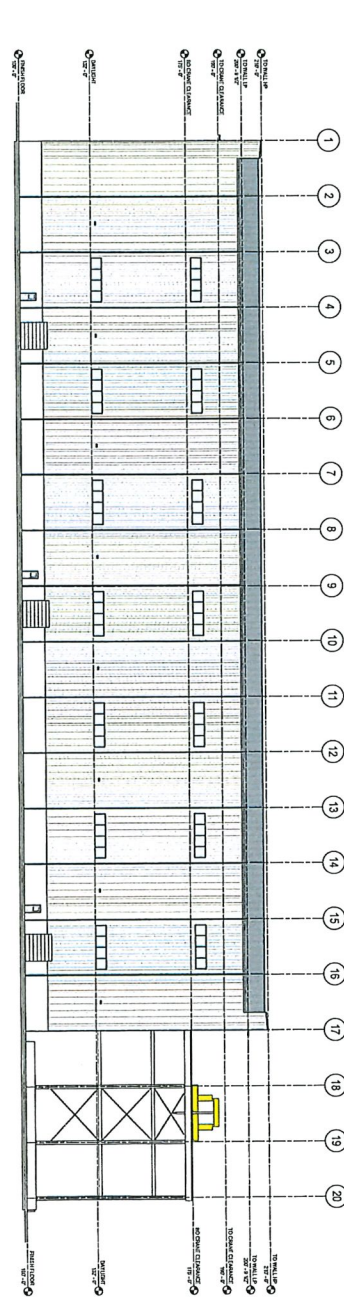




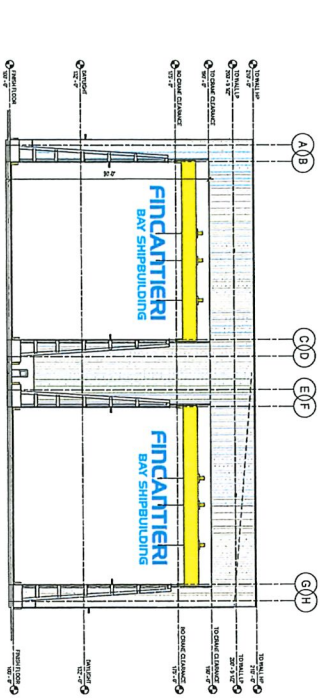




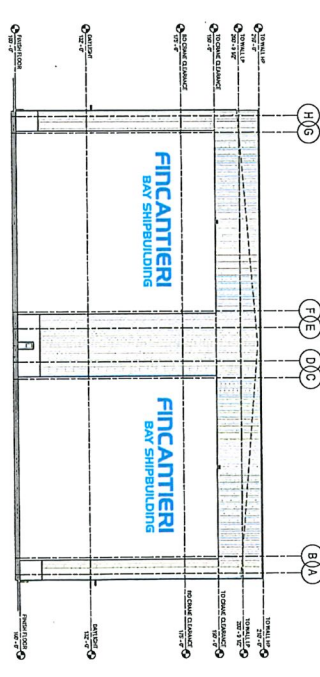
C1 NORTH ELEVATION  
1/8"=1'-0"



B1 SOUTH ELEVATION  
1/8"=1'-0"



A1 EAST ELEVATION  
1/8"=1'-0"



A2 WEST ELEVATION  
1/8"=1'-0"

**GR@EF**  
225 West Woodstock Avenue, Suite 300  
Chicago, IL 60604  
414 / 225 1200  
414 / 225 0237 fax  
www.gr@ef.com

CLIENT:

PROJECT TITLE  
ENGINEERING & ARCHITECTURAL  
DESIGN FOR BUILDING 433

605 NORTH 3RD AVENUE  
STURGEON BAY, WI 54225  
ISSUE

PROJECT INFORMATION  
PROJECT NUMBER  
DATE 08/10/2020  
DRAWN BY: JDI  
CHECKED BY:  
APPROVED BY:  
SCALE AS NOTED

SHEET TITLE  
ELEVATIONS

SHEET NUMBER  
A-201