

AGENDA
CITY OF STURGEON BAY
ZONING BOARD OF APPEALS
Monday, April 28, 2014
7:00 p.m.
Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from November 25, 2013.
4. Public hearing: Petition for variance from Floodplain Zoning Code for fill requirements for floodfringe areas at 120 Alabama St.
5. Consideration of: Petition for variance from Floodplain Zoning Code for fill requirements for floodfringe areas at 120 Alabama St.
6. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

ZBA Board Members
William Murrock, Chair
James Goodwin
Andrew Starr
Jack Gigstead
Bill Chaudoir
Richard Jennings
Wayne Spritka

4/22/14
10:00 a.m.
CN

ZONING BOARD OF APPEALS
Monday, November 25, 2013

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

Roll call: Members William Murrock, Jack Gigstead, Bill Chaudoir, James Goodwin, and Alternate Wayne Spritka were present. Excused: Member Andrew Starr. Also present were City Administrator Steve McNeil and Community Development Secretary Cheryl Nault.

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from June 10, 2013.
4. Public hearing: Variance request from Pro-Products, Inc., 918 S. Lansing Ave., to allow a parking area less than the required minimum distance from the street right-of-way line.
5. Consideration of: Variance request from Pro-Products, Inc., 918 S. Lansing Ave., to allow a parking area less than the required minimum distance from the street right-of-way line.
6. Adjourn.

Carried.

Approval of minutes from June 10, 2013: Moved by Mr. Gigstead, seconded by Mr. Chaudoir to approve the minutes from June 10, 2013. Carried.

Public hearing: Variance request from Pro-Products, Inc., 918 S. Lansing Ave., to allow a parking area less than the required minimum distance from the street right-of-way line: Chairperson Murrock opened the public hearing at 7:09 p.m.

Pro-Products representative Steven Hurley stated that they are requesting a variance to allow the parking area to go up to the right-of-way line. Their business is growing and needs to expand the parking lot to allow for more employees. An addition is planned and will limit the geographic area as to where to put parking spaces. There would still be approximately 10-12 feet of grass area between the edge of the parking area and curb. An additional seven parking spaces would be added. They did attempt to purchase additional property across the street, but their request was denied.

Mr. Chaudoir explained that the design of the addition, building facade, and site plan was recently approved by the IPDRT, subject to planting four trees in the tree lawn between the curb and parking area. There are also power lines above the tree lawn, so the City Forester provided them with a list of trees appropriate for that area.

Mr. Hurley was not aware of the minimum 10-foot setback from the right-of-way line in the Industrial Park and has already paved the parking area to the right-of-way line.

Mr. McNeil referred to Mr. Olejniczak's zoning administrator's report. The request is to pave the parking area up to the property line, which leaves a buffer of 10-12 feet of green space to the edge of the asphalt. The 10-foot setback only pertains to the Industrial Park. The setback in other parts of the City is 5 feet. He pointed out that the 10-foot setback was not in place in older portions of the Industrial Park. Most of those businesses are constructed right up to the right-of-way. The City has offered, during the winter time, to plow Cherry Blossom Park so Pro-Products would have a place for employees to park and keep the cars off the street during snow plowing.

Mr. Hurley added that there are 29 proposed parking spaces, and the largest shift has 28 employees. Currently, cars are parked on the street during shift changing time. That would be eliminated when using Cherry Blossom Park.

Richard Wiesner, 47 S. Neenah Ave., Alderman for District 4, spoke on behalf of residents in his district. They are not against the variance. They are hoping to get vehicles off the road to clean up the area. Another concern was where the plowed snow would be placed.

Mr. Goodwin read two letters of correspondence. The first one was from Rick Wiesner, District 4 Alderman, with concerns of parking, snow storage, and addition of more vegetation/bushes planted around the dumpster to control noise pollution from the early morning dumpster emptying.

The second letter was from Leanne Schartner, 944 S. Lansing Ave., who stated that expansion is a great thing for the community, but was concerned about the safety issues and noise that continue to grow with every expansion of Pro-Products.

Mr. Hurley responded to a few of the comments that were read in the letters of correspondence, including having the option of hauling the snow away if the snow storage became a problem.

Mr. McNeil reminded Board members that the only thing they are to act on is the variance regarding the setback.

The public hearing was declared closed at 7:35 p.m.

Consideration of: Variance request from Pro-Products, Inc., 918 S. Lansing Ave., to allow a parking area less than the required minimum distance from the street right-of-way line: Mr. Gigstead stated he would like to see a few more trees than what is shown on the plan.

After further discussion, it was moved by Mr. Chaudoir, seconded by Mr. Goodwin to approve the request for the parking setback, subject to the installation of at least six trees along the tree lawn area, with the input and guidance of the City Forester; and to ensure that all parking spaces shown on the plan are maintained and available for parking on all normal workdays.

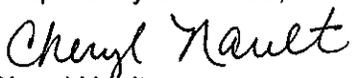
The reasons given for the approval include:

1. The business is growing and located on a site that is small and on the edge of the Industrial Park near residential uses. This creates issues of congestion, noise and on-street parking that are not prevalent in other areas of the Industrial Park.
2. To avoid on-street parking, the business needs to accommodate as much onsite parking as possible.

Roll call vote. All ayes. Carried.

Adjourn: Moved by Mr. Chaudoir, seconded by Mr. Gigstead to adjourn. Carried. Meeting adjourned at 7:25 p.m.

Respectfully submitted,


Cheryl Nault
Community Development Secretary

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

Date Received: 4/2/14
 Fee Paid \$ 300 + 50 sign dep.
 Received By: CN

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Virge Temme	David + Christine Kellems
Company	Virge Temme Architecture Inc	120 Alabama St.
Street Address	909 B Lime Kiln Rd	Sturgeon Bay, WI 54235
City/State/Zip	STURGEON BAY, WI 54235	
Daytime Telephone No.	920-824-5744	
Fax No.	N/A	

STREET ADDRESS OF SUBJECT PROPERTY: 120 ALABAMA ST.
 Location if not assigned a common address: _____

TAX PARCEL NUMBER: 2813205020500

CURRENT ZONING CLASSIFICATION: R-2

CURRENT USE AND IMPROVEMENTS:
SINGLE FAMILY RESIDENCE

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: CHAPTER 23 - FLOODPLAIN : 23.04 (3)(a).

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:
 North: (LAGOON)
 South: (LAGOON)
 East: SINGLE FAMILY RESIDENCE
 West: SINGLE FAMILY RESIDENCE

VARIANCE STANDARDS

Please address how the proposed variance meets each of the three required standards for authorizing variances. (Attach additional sheets, if necessary)

1. Unnecessary hardship: SEE ATTACHED SUBMITTAL "A"

2. Unique physical property limitation: SEE ATTACHED SUBMITTAL "A"

3. Protection of public interest: SEE ATTACHED SUBMITTAL "A"

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? NO IF YES, EXPLAIN: _____

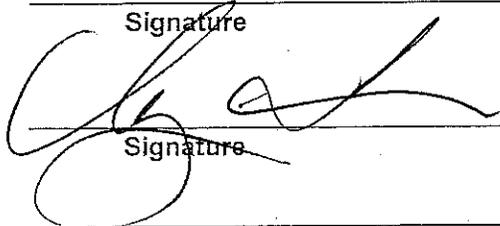
Attach an 8-1/2" X 11" detailed site plan (if site plan is larger than 8-1/2" x 11", also include 15 large sized copies), full legal description (preferably on disk), 8-1/2 x 11" location map, construction plans for the proposed project, and Agreement for Reimbursement of expenses. Site plan shall include dimensions of property, pertinent structures and buildings, proposed site improvements, signature of person who drew plan, etc.

Property Owner (Print Name)

Signature

Date

Virge Tenme



4/2/14

Applicant/Agent (Print Name)

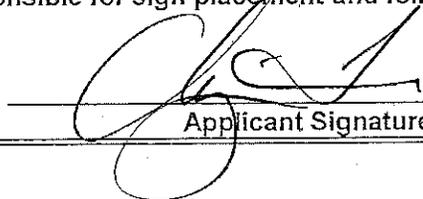
Signature

Date

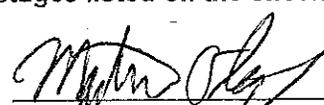
I, Virge Tenme, have attended a review meeting with at least one member of staff and understand that I am responsible for sign placement and following all stages listed on the check list in regard to the applicant.

4/2/14

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

SUBMITTAL "A"

1. Unnecessary Hardship: Existing property was created prior to current flood plane elevation regulations requiring 15' of level grade extending from building, at a level of 1' higher than flood plain. Existing grade is 582.8'. Existing first floor is at 583' ; flood plane is 585'. New first floor will be 587' (per code requirement). Required level grade around building is 586'. Property is too narrow to comply with the 15' requirement without causing probable flooding onto neighboring lots.
2. Unique physical property limitation: Property is too narrow to comply with the current 15' standard without compromising neighboring properties.
3. Protection of public interest: proposed side-yard design includes grade tapering from 586' , starting at 6.5' from building, down to existing grade, terminating in a shallow swale which will direct groundwater directly into the canal at the north end of the property. Under the proposal, the new dwelling raises the floor to the flood protection level thereby lessening the risk to property and residents from flooding.

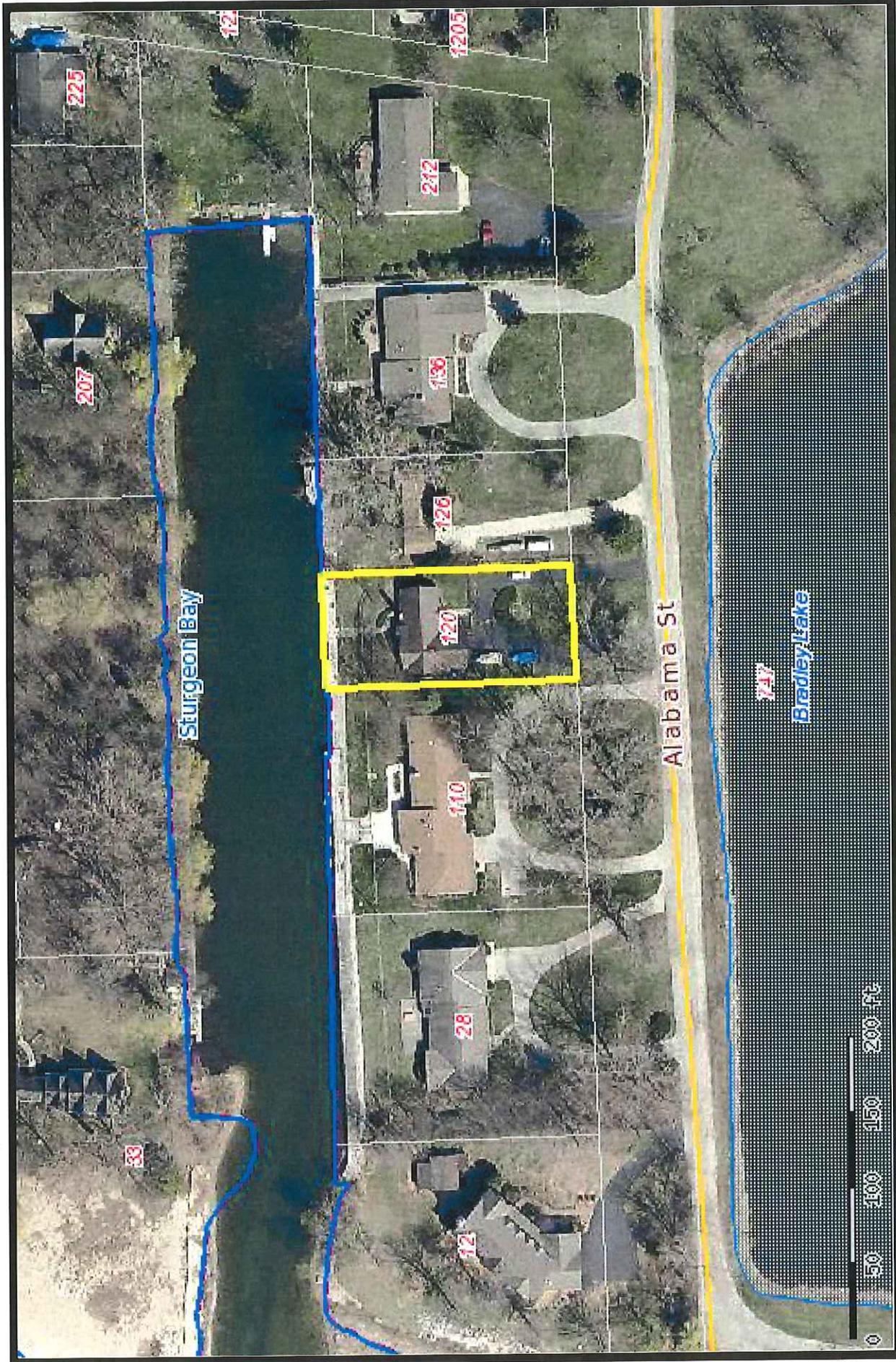
Map

Printed 04/02/2014 courtesy of Door County Land Information Office

... from the Web Map of ...
(//www.co.door.wi.gov)



Door County, Wisconsin
... for all seasons!



Door County can not and does not make any representation regarding the accuracy or completeness, nor the error-free nature, of information depicted on this map. This information is provided to users "as is". The user of this information assumes any and all risks associated with this information. Door County makes no warranty or representation, either express or implied, as to the accuracy, completeness, or fitness for a particular purpose of this information. The Web Map is only a compilation of information and is NOT to be considered a legally recorded map or a legal land survey to be relied upon.

DOOR COUNTY REAL PROPERTY LISTING

04/02/2014

LEGAL DESCRIPTION

281 3205020500 R 2014

KELLEMS, FAMILY LIVING TRUST

31 28 26 Acres: .00

LAMA WAMAH PARK LOT 5 BLK 2

DOC# 766363 TRST

DOC# 766362 QCD

DOC# 548039 V 584 P428

V 181 P 91 WD

V 155 P 10 WD

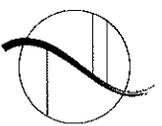
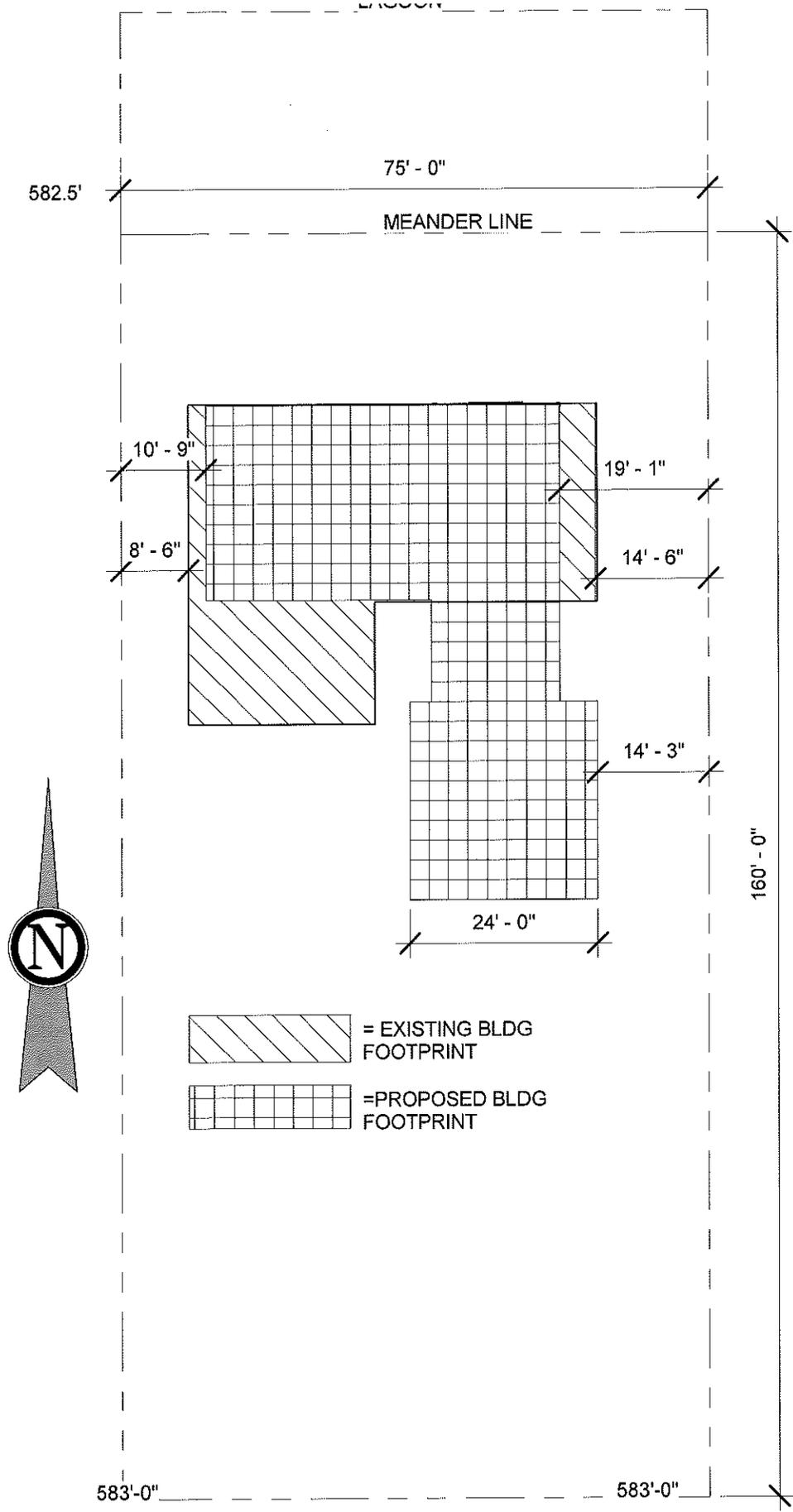
V 146 P 366

V 134 P 543

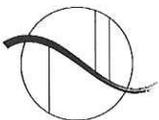
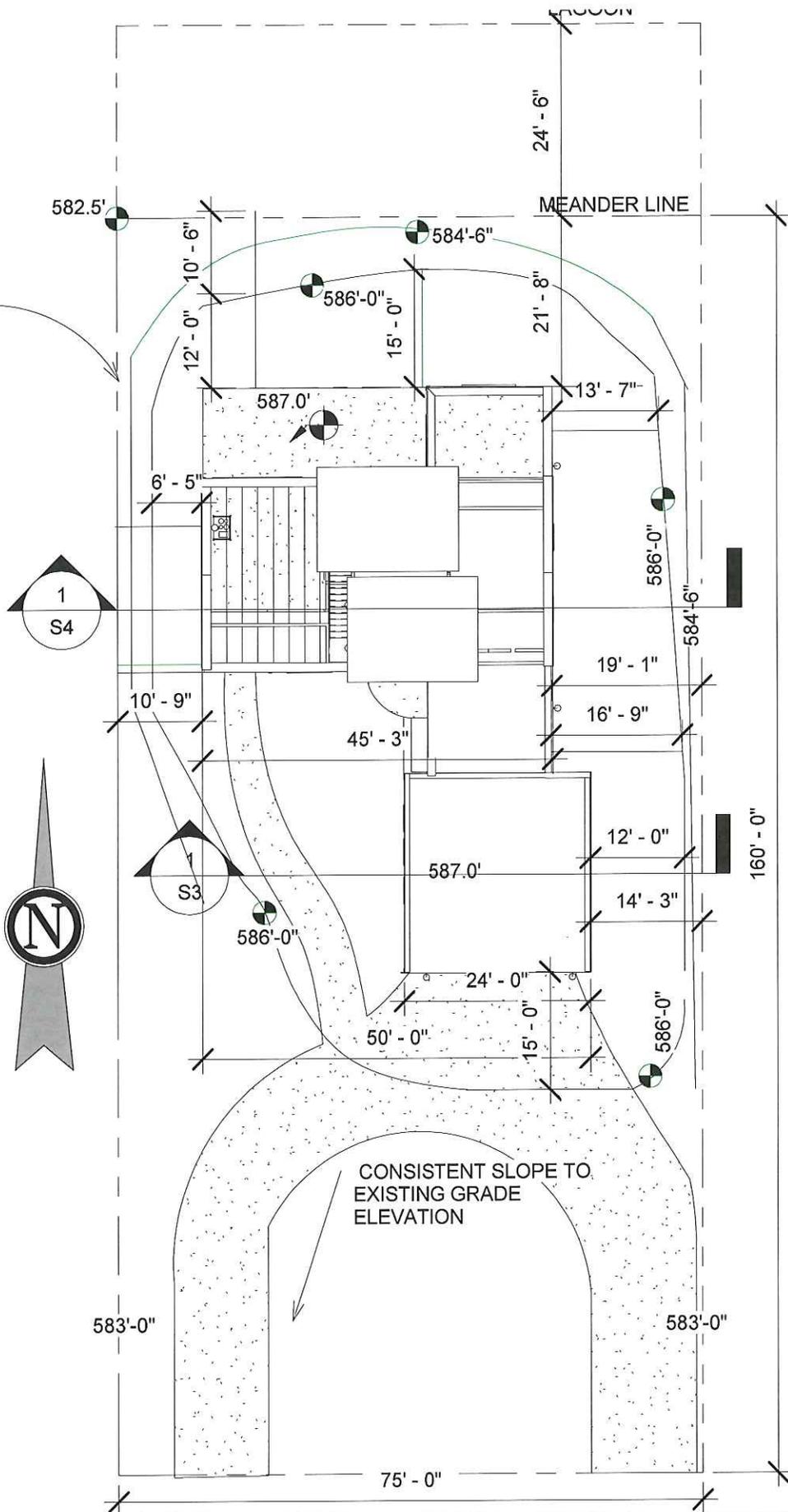
V 131 P 522

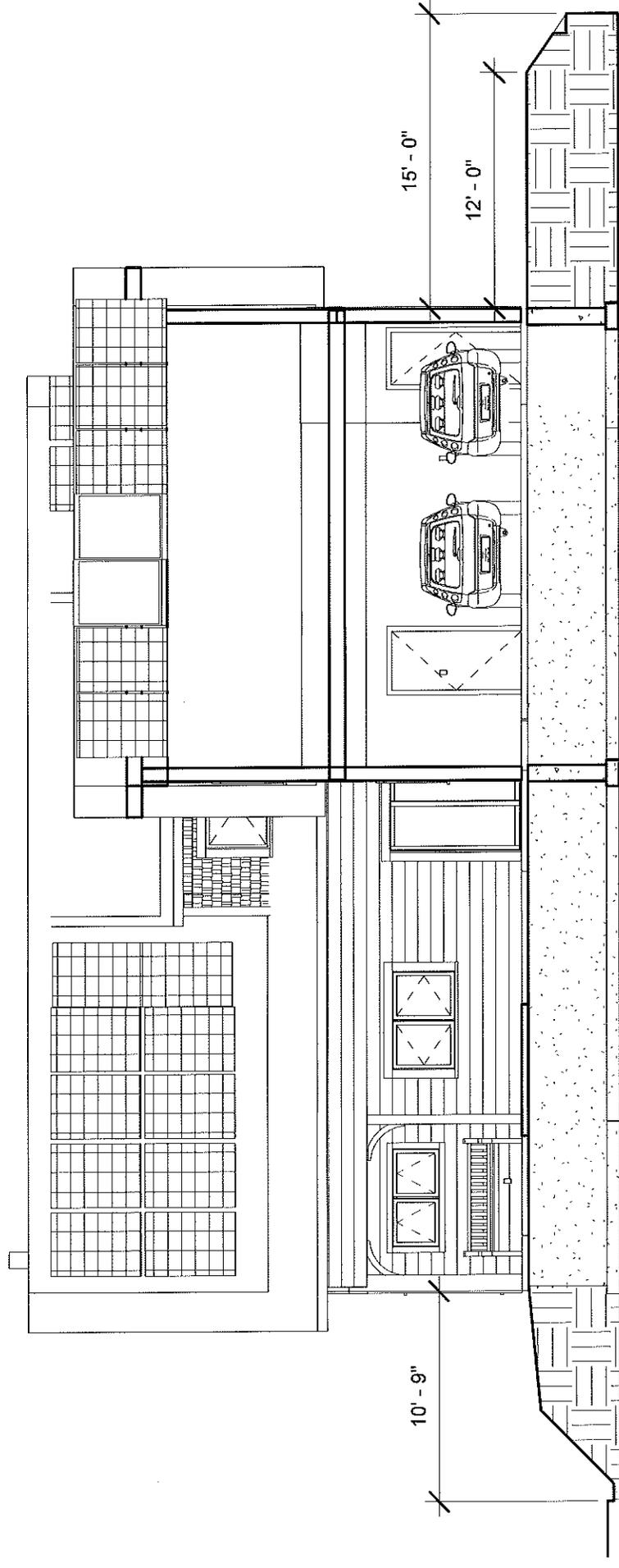
[CLOSE WINDOW](#)

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SWALE TO LAGOON

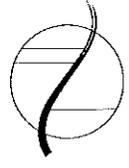




GRADE SECTION THROUGH GARAGE
 1/8" = 1'-0"

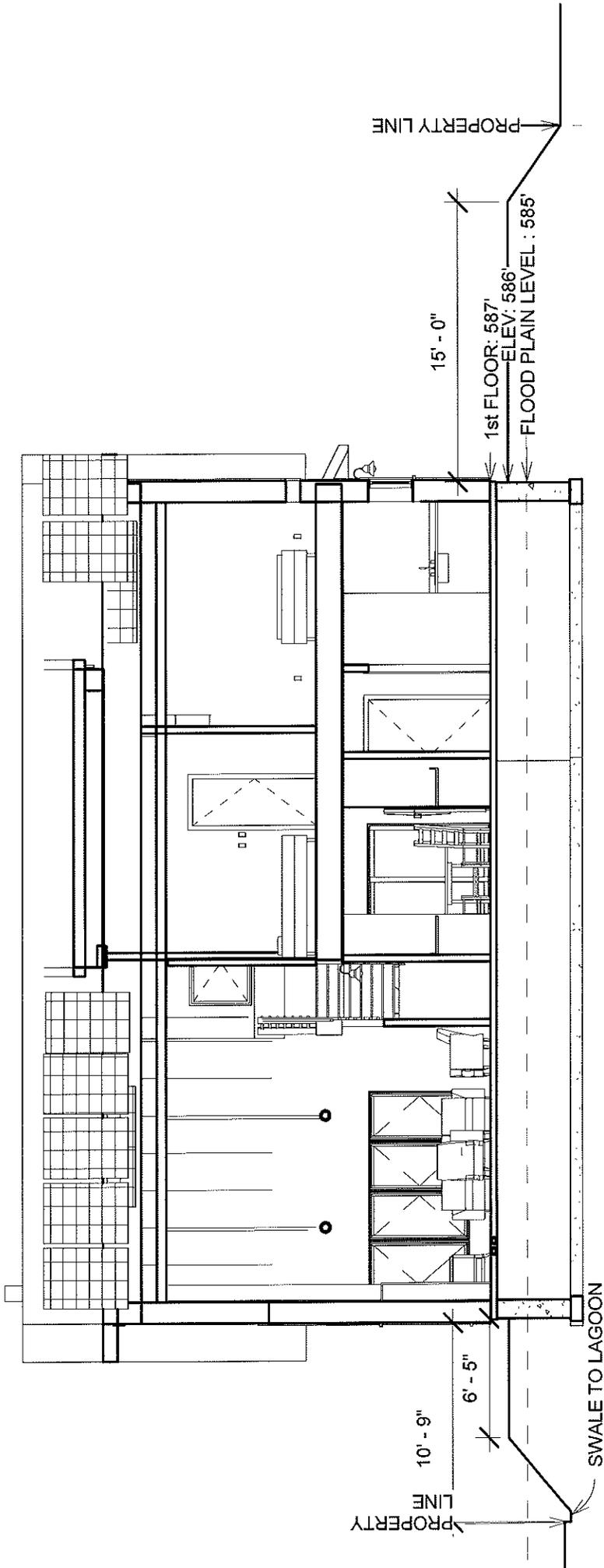
KELLEMS 4.2.14

VIRGE TEMME ARCHITECTURE
 Sturgeon Bay, WI
 virge@virgetemme.com



S3

SITE STUDY



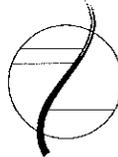
① GRADE SECTION THROUGH HOUSE
 1/8" = 1'-0"

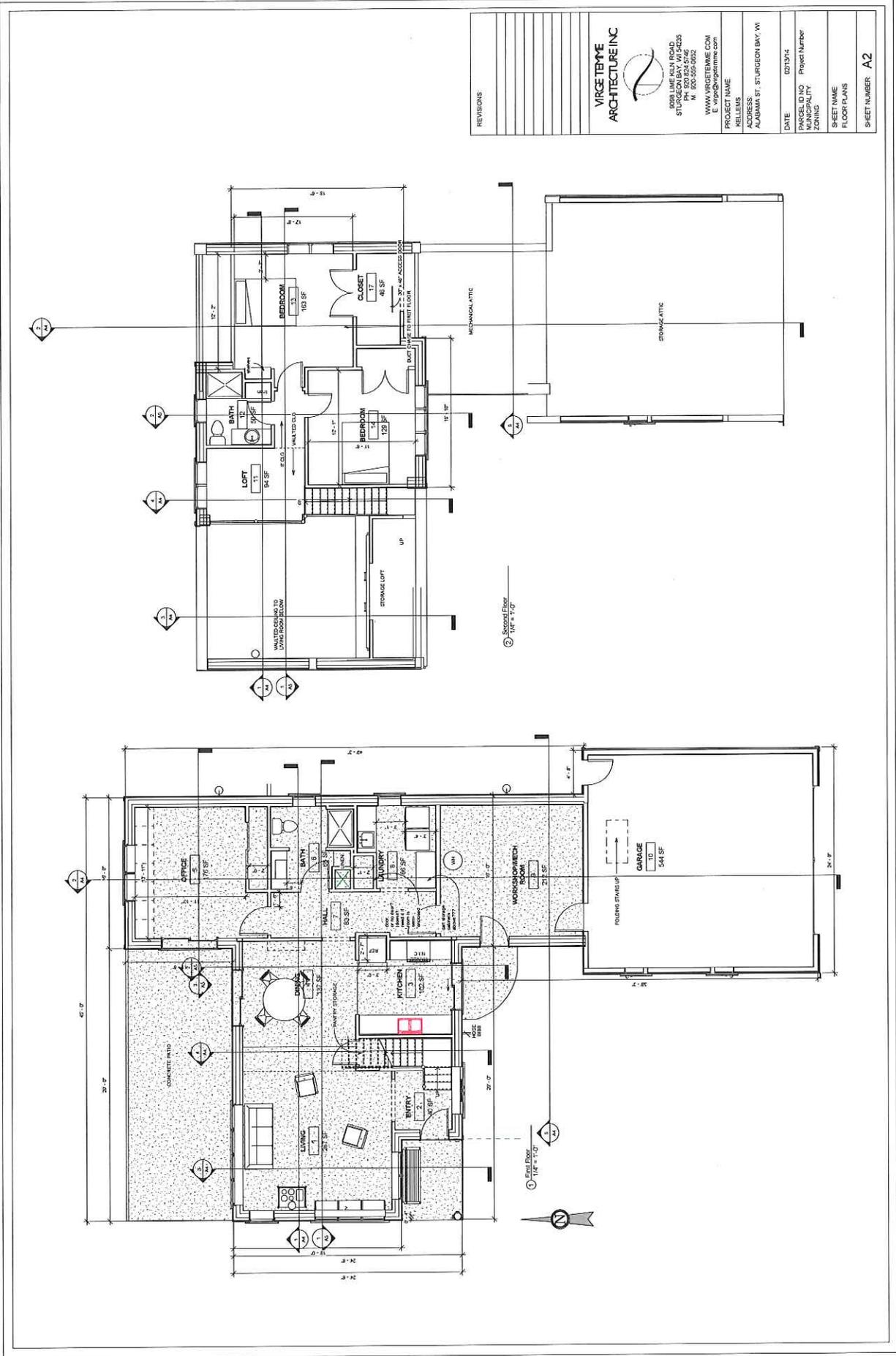
KELLEMS 4.2.14

S4

VIRGE TEMME ARCHITECTURE
 Sturgeon Bay, WI
 virge@virgetemme.com

SITE STUDY





VIRGE TEMPE ARCHITECTURE INC



9008 LIME KILN ROAD
STURGEON BAY, WI 54235
P: 920-559-0000
F: 920-559-0002

WWW.VIRGETEMPE.COM
E: virge@virgetempe.com

PROJECT NAME:
KELLEMS

ADDRESS:
AUNAMA ST, STURGEON BAY, WI

DATE: 02/13/14

PARCEL NO:
MUNICIPALITY:
ZONING:

SHEET NAME:
FLOOR PLANS

SHEET NUMBER: **A2**

REVISIONS:

NOTICE OF PUBLIC HEARING

The City of Sturgeon Bay Zoning Board of Appeals will hold a public hearing in the Council Chambers, 421 Michigan Street, Sturgeon Bay, Door County, Wisconsin on Monday, April 28, 2014, at 7:00 p.m. or shortly thereafter, regarding a request from David & Christine Kellems (Virge Temme, Agent) for a variance from Section 23.04(3)(a)1. of the Municipal Code (Floodplain Zoning Code), which requires a habitable structure in the floodfringe district to be surrounded by fill that is one foot or more above the regional flood elevation and extending at least 15 feet beyond the limits of the structure. The applicant proposes to construct a new single-family dwelling in the floodfringe district that has fill one foot above the regional flood elevation at the foundation line, but such fill does not extend out for 15 feet from the sides of the proposed dwelling. The subject property is located at 120 Alabama St., tax parcel #281-32-05020500. The variance application is on file with the Community Development Department and can be viewed at City Hall, 421 Michigan Street, weekdays between 8:00 a.m. and 4:30 p.m. The public is invited to attend the hearing and give testimony in favor or against the proposed variance either in person at the hearing or in writing (must be received by 4:00 p.m., April 28th).

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



120 Alabama St.



[sent via email on April 8, 2014]

Hi Marty

You can use this response as our formal comments. "The DNR has no objections to issuing the variance".

Thanks, Miles

 *Miles A. Winkler, PE*

Water Management Engineer

Northeast Region

Wisconsin Department of Natural Resources

(☎) phone: (920) 662-5195

(☎) fax: (920) 662-5413

(✉) e-mail: miles.winkler@wisconsin.gov

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Water Division Customer Service Survey

<https://www.surveymonkey.com/s/WDNRWater>

Olejniczak, Marty

From: Kathy Rowe <crow6_98@yahoo.com>
Sent: Monday, April 07, 2014 7:33 PM
To: Olejniczak, Marty
Subject: Variance for Kellems property

Dear Mr. Olejniczak,

I understand that there will be a hearing for a variance on my neighbor's property at 120 Alabama St on April 28th. They would like to build up out of the floodplain. Please grant this variance. It just makes sense.

Kathy Rowe
12 Alabama St
Sturgeon Bay, WI 54235

Sent from my iPad

APRIL 7, 2014

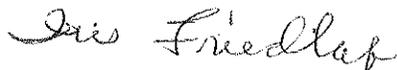
MR. MARTY OLEJNICZAK
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF STURGEON BAY, WISCONSIN

DEAR MARTY

I AM THE TRUSTEE FOR THE IRIS TRUST WHICH OWNS THE PROPERTY LOCATED AT 110 ALABAMA IN STURGEON BAY. I RECEIVED NOTICE OF A PUBLIC HEARING FOR THE KELLEMS FLOOD PLAIN VARIANCE REQUEST. 110 ALABAMA OCCUPIES THE LOT DIRECTLY TO THE WEST OF 120 ALABAMA.

I FULLY SUPPORT THE KELLEMS PLANS TO BUILD A NEW HOUSE AND AM IN FAVOR OF GRANTING THEM THE NECESSARY VARIANCE.

VERY TRULY YOURS

A handwritten signature in cursive script that reads "Iris Friedlieb".

IRIS FRIEDLIEB