

ZONING BOARD OF APPEALS
Monday, April 28, 2014

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 7:20 p.m. by Chairperson William Murrock in Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members William Murrock, Bill Chaudoir, and Alternates Wayne Spritka and Richard Jennings were present. Excused: Members Jack Gigstead and James Goodwin. Absent: Member Andrew Starr. Also present were City Engineer Tony Depies and Community Development Secretary Cheryl Nault.

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

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.

Carried.

Approval of minutes from November 25, 2013: Moved by Mr. Jennings, seconded by Mr. Spritka to approve the minutes from November 25, 2013. Carried.

Public hearing: Petition for variance from Floodplain Zoning Code for fill requirements for floodfringe areas at 120 Alabama St.: Chairperson Murrock opened the public hearing at 7:21 p.m.

Architect Virge Temme, agent for David and Christine Kellems, stated that the Kellems home at 120 Alabama St. would be demolished and will be rebuilding a new home of similar size in the floodplain zone. The current grade is 2 feet below the floodplain level. The floodplain zoning code requires that the new home be built 2 feet above the floodplain level and extend the grade to one foot above the floodplain level. There was concern from the owners regarding access to the electrical pole on the lagoon side of the property and the desire to mitigate any flood damage potential to the neighbors. The west side of the property would be maintained at the existing grade level in order to have access to the lagoon. The east side of the proposed home will be shifted to the right side of the property as much as possible to allow for the 15' required grade level. There will also be a swale created to collect any rainwater and diverted to the lagoon, so there will not be any rainwater runoff on the neighboring properties.

The house will be built on approximately 36 piers that will be going down 20-22 feet to bedrock. It will be a slab on grade construction, with soil being brought in on the south, north, and east side of the house. The project has been engineered by Rice Engineering.

The rainwater will be captured in gutters and downspouts with part of it being diverted into a 1,000 gallon or possibly two 1,000 gallon tank rainwater catchment systems embedded underneath the fill for watering the garden, lawns, etc. In addition, anything on the north side will be diverted directly into the lagoon by way of underground piping.

The footprint of the proposed living space is actually smaller than it is currently. The garage will be larger than the existing.

The regulation requires that if you are in the floodplain zone the grade has to be one foot above the flood plain for 15' surrounding the building. Because the lot is narrow, there is not enough room on both sides of the house to make the 15'. The east side will have 12' of elevation and the west side will be exposed 4' above grade. The elevation will be 583' along the west side.

Mr. Depies stated the variance is for floodplain protection for the building and the owners are doing things over and above to make sure the neighbors are not impacted by this. The building will be brought up above the floodplain level, so there will be plenty of clearance and protection for the building and the owners.

No one spoke in favor of the variance. Ms. Nault read an email from Miles Winkler who stated that the DNR had no objection to the variance. There were also three other letters of correspondence from Kathy Rowe, Iris Friedlieb, and Jerry and Lucy Richter stating they had no objections to the variance request.

Ann Thenell, owner of the property at 126 Alabama St., stated she wanted to see more detail of the project and clarification of the subdivision restrictions. She didn't want to see a forced flood with the Kellems house being at a higher elevation, and water running into the lagoon with contaminants.

There were no letters in opposition.

Ms. Temme responded to Ms. Thenell's concerns. Water collected from the roof is rain water that would not contain contaminants. The Kellems are also considering applying for LEED certification.

Mr. Depies added that the project meets all other zoning requirements. He was not aware of any covenants the subdivision would have. The variance is to not fill 15' away from the building and allow the runoff to be handled in a narrower portion. Any other homes in that area that would need to be rebuilt would also have to meet the floodplain elevations before they can be reconstructed. There is no crawl space or lower level that would have to be protected with extra fill.

The public hearing was closed at 7:55 p.m.

Consideration of: Petition for variance from Floodplain Zoning Code for fill requirements for Floodfringe areas at 120 Alabama St.: The Board discussed the variance request. Mr. Murrock commented that the swale would absorb the water into the soil before it reaches the lagoon.

Mr. Spritka added that through his past experience, the pilings are the right engineering technique to use in this situation and will get the building on a solid platform. The water would have to go through riparian buffers before it gets to the lagoon.

After further discussion, it was moved by Mr. Chaudoir, seconded by Mr. Jennings to approve the variance request, with reasons being the existing lot is narrow and would not be possible to meet the requirement for fill at elevation 595 or greater for a distance of 15' around the structure, without causing undue impact on the neighbors.

Roll call vote: All ayes. Carried.

Adjourn: Moved by Mr. Spritka, seconded by Mr. Jennings to adjourn. Carried. Meeting adjourned at 8:01p.m.

Respectfully submitted,

Cheryl Nault
Community Development Secretary