

AGENDA
CITY OF STURGEON BAY
ZONING BOARD OF APPEALS
Monday, June 23, 2014
7:00 p.m.
Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from April 28, 2014.
4. Public hearing: Petition for variance for an addition to a nonconforming structure at 1212 Memorial Drive.
5. Consideration of: Petition for variance for an addition to a nonconforming structure at 1212 Memorial Drive.
6. Consideration of: Variance from sign code previously granted for ground sign located at 101 N. 4th Avenue.
7. 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

6/18/14
11:00 a.m.
CN

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

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

Date Received: 6-2-14
 Fee Paid \$ \$300 + \$50
 Received By: CN

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Heidi Neubauer	Same
Company		}
Street Address	1212 Memorial Drive	
City/State/Zip	Sturgeon Bay WI 54235	
Daytime Telephone No.	920-493-6289	
Fax No. email	heidi.neubauer@aerq.com	

STREET ADDRESS OF SUBJECT PROPERTY: 1212 Memorial Drive
 Location if not assigned a common address: _____

TAX PARCEL NUMBER: 281-62-31000401

CURRENT ZONING CLASSIFICATION: R-1

CURRENT USE AND IMPROVEMENTS:
Single family dwelling and detached garage

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: S.20.26(2)(a) which limits additions to nonconforming structures to 50% of floor area. Request is for addition of 704 sq.ft., but code only allow 592 sq.ft. addition

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:
 North: R-1 ; single-family dwelling
 South: Water of Sturgeon Bay
 East: R-1 ; single family dwelling
 West: R-1 ; single family dwelling

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 sheet
- 2. Unique physical property limitation: _____
- 3. Protection of public interest: _____

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.

Heidi Neubauer
Property Owner (Print Name)

[Signature]
Signature

6/27/2014
Date

Applicant/Agent (Print Name)

Signature

Date

I, Heidi Neubauer, 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.

6-2-14
Date of review meeting

[Signature]
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

Variance Standards for Heidi Neubauer proposed addition at 1212 Memorial Drive

1. **Unnecessary hardship:** The original home had only 1307 sq. ft. which is much less than most homes on Memorial Drive. Therefore the 50% floor area restriction for additions restricts my property much greater than most Memorial Drive properties.

2. **Unique physical property limitation:** The lot is only 50' wide and both the lot and the home pre-date the zoning code.

Also, due to the home being built on bedrock it has seepage a good part of the year. This wet basement makes for very limited storage in the home. Therefore, the attached garage would give needed storage above ground.

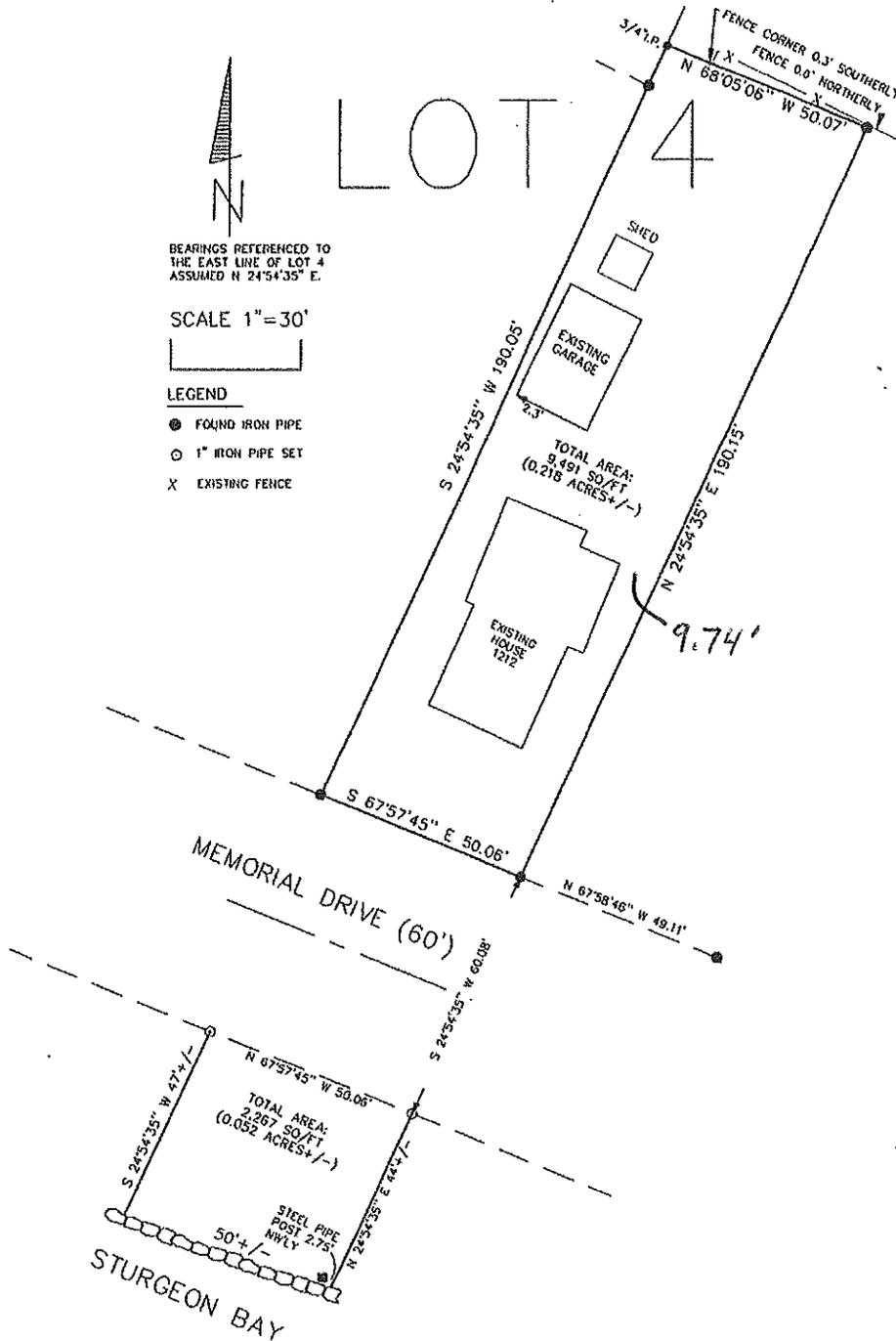
3. **Protection of public interest:** The addition nearly complies with the required setbacks - with the exception of one corner being just 3" into the required side yard. In addition, the existing nonconforming detached garage will be removed by this project. That garage is just 2 feet from the lot line. Therefore, if the variance is approved, the subject property will become more conforming than it is currently once the project is complete.

PLAT OF SURVEY

OF THE EAST 50 FEET OF LOT 4, EXCEPTING THEREFROM THE NORTHERLY 90 FEET AND ROAD RIGHT OF WAY OF SUBDIVISION 31 IN THE CITY OF STURGEON BAY, DOOR COUNTY, WISCONSIN.

FOR: HEIDI NEUBAUER

DATE: 6-02-14



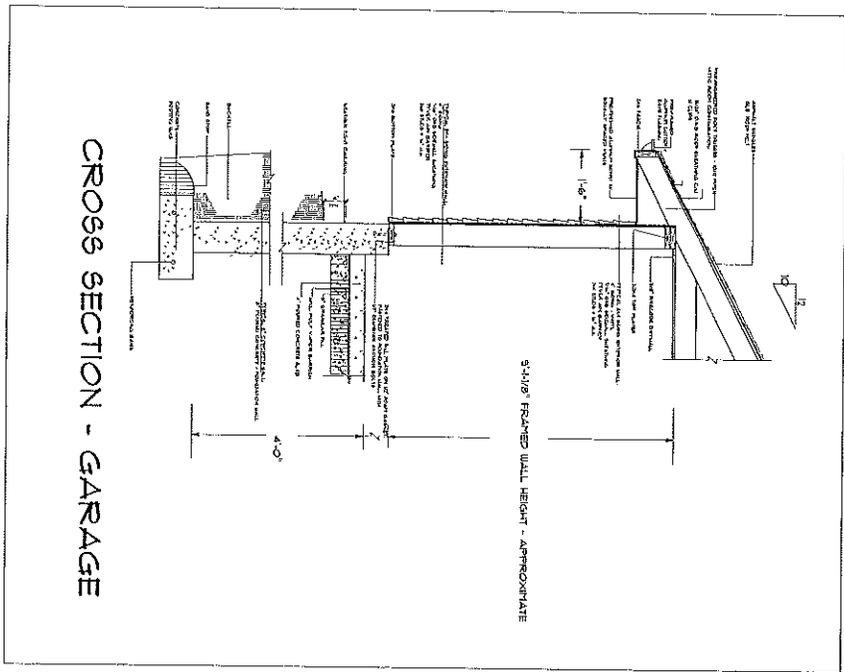
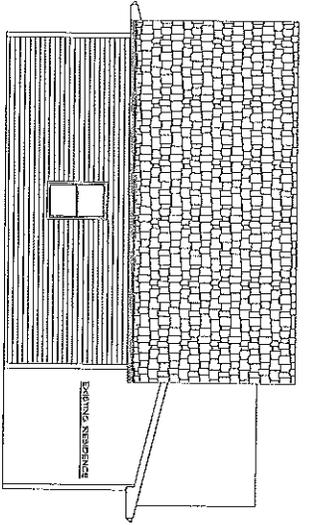
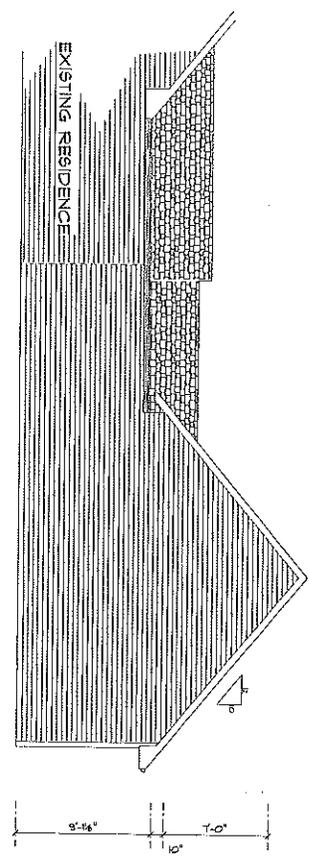
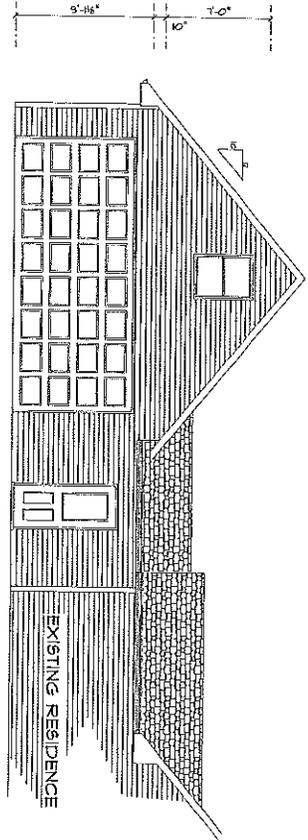
SURVEYOR'S CERTIFICATE
 THE ABOVE MAP IS A TRUE REPRESENTATION OF THE PROPERTY SURVEYED AND SHOWS THE EXTERIOR BOUNDARIES, IMPROVEMENTS, FENCES, APPARENT EASEMENTS, ROADWAYS, AND VISIBLE ENCROACHMENTS, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE RIGHTS OF THE PRESENT OWNERS OF THE PROPERTY AND THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE TITLE THEREBY WITHIN ONE (1) YEAR FROM THIS DATE.

DRAFTED BY TERENCE J. McNULTY P.L.S. 2339

McNULTY SURVEYING & MAPPING
 300 E. PARK STREET
 FORESTVILLE, WI 54213
 (920) 858-6711





Ahnapee Construction

327 4th. Street
 Algoma Wis. 54201
 Phone : 1 - 920 - 487 - 3033

Customer :

Date :

Type :

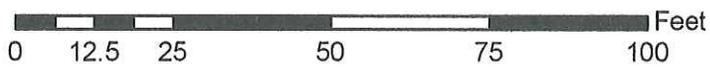
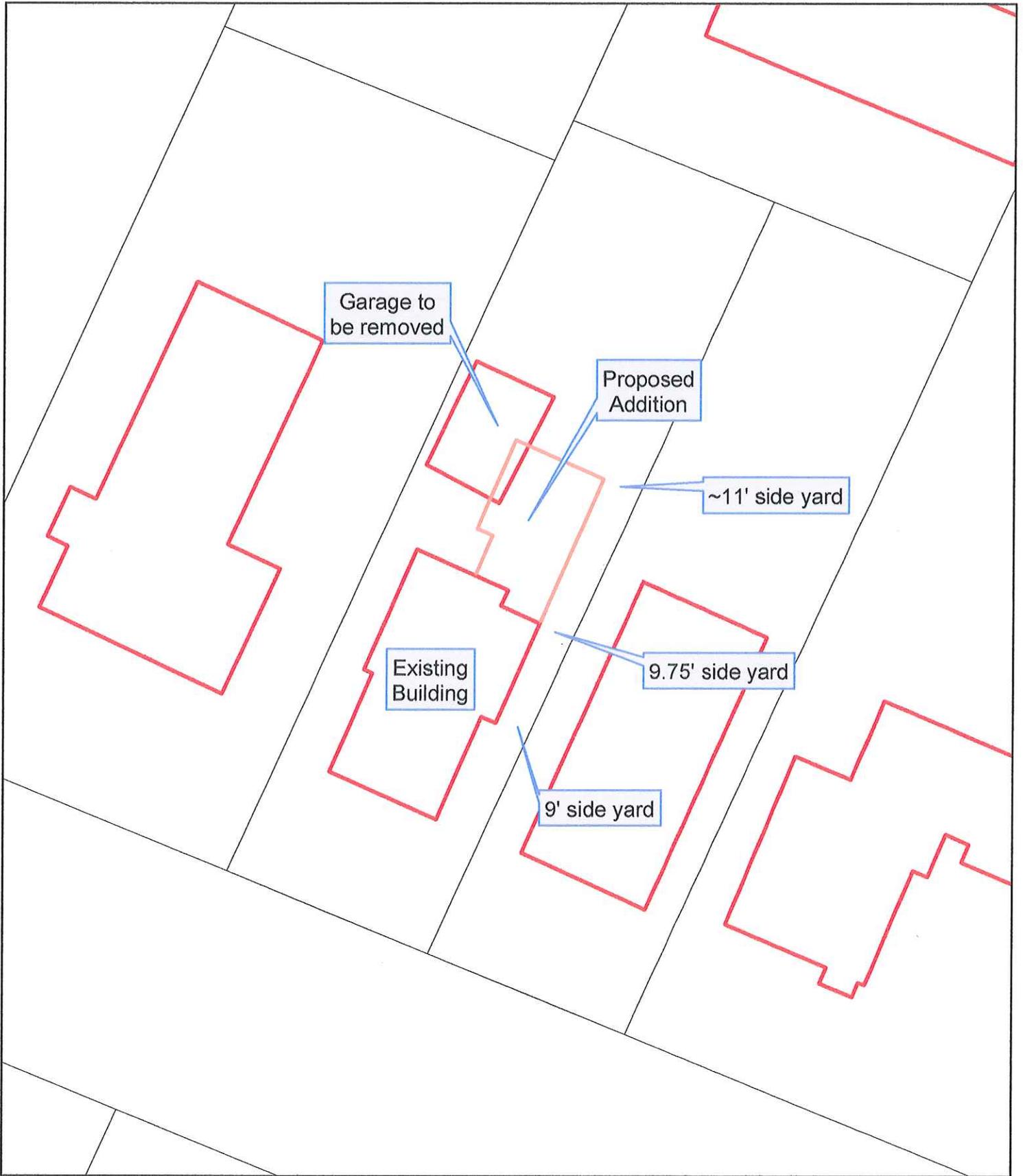
Drwg. # :

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, June 23, 2014, at 7:00 p.m. or shortly thereafter, regarding a request from Heidi Neubauer for a variance from Section 20.26(2)(a) of the Municipal Code (Zoning Code), which limits additions to nonconforming structures to 50% of the floor area of the original nonconforming building. The request is for a 704 square-foot addition to an existing single-family dwelling, but the zoning code only allows a 592 sq. ft. addition. The subject property is located at 1212 Memorial Drive, tax parcel #281-62-31000401. 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., June 23rd).

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

1212 Memorial Drive



Location Map Public Hearing - Neubauer Variance Request



Subject Area



Note: Public Hearing to be held on June 23, 2014



CITY of STURGEON BAY



Martin J. Olejniczak, AICP
Community Development Director
421 Michigan Street
Sturgeon Bay, WI 54235

920-746-2910
920-746-2905 FAX

May 21, 2007

Steve Jacobs
49 N. Madison Avenue
Sturgeon Bay, WI 54235

Re: Petition for variances from Sections 27.13(4)(c)5. and 27.11 of the Municipal Code (Sign Code).

Dear Mr. Jacobs:

At the May 14, 2007 meeting of the Zoning Board of Appeals, your variance requests were heard in order to install a tenant panel ground sign on your property on the corner of 4th Avenue and Louisiana Street. The Board granted your variances, subject to the following conditions:

1. If the traffic pattern were to change, the variances would need to be reconsidered by the ZBA.
2. The sign must be installed in the location as proposed.
3. The total height cannot exceed 10 ft.

The variance was granted for the following reasons:

1. Property is unique due to the setback of the building from the street.
2. Signs attached to the building would not be visible.
3. The sign will not hinder traffic visibility due to the one-way street pattern.

You may now apply for your sign permit. Our office hours are 8:00 a.m. to 4:30 p.m. Monday thru Friday. If you have any questions, please feel free to call. Be advised the grant of variance will lapse if the sign is not installed within one year (by May 14, 2008).

Sincerely,

Martin Olejniczak, AICP
Community Development Director

MO/cn

ZONING BOARD OF APPEALS

Monday, May 14, 2007

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 7:05 p.m. by Chairperson Mark Moeller in Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members Mark Moeller, James Goodwin, Sandi Larson, and Alternate Dennis Van Bramer were present. Excused: Members Amy La Bott and 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. Goodwin to approve the following amended agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from April 9, 2007.
4. Public hearing: Request from Steve Jacobs for variances from Section 27.13(4)(c)5. and Section 27.11(1) of the Municipal Code (Sign Code) for property located at 101 N. 4th Avenue.
5. Consideration of: Request from Steve Jacobs for variances from Section 27.13(4)(c)5. and Section 27.11(1) of the Municipal Code (Sign Code) for property located at 101 N. 4th Avenue.
6. Public hearing: Request from Thomas Van Den Bogart for a variance from Section 20.26(1)(a) of the Municipal Code(Zoning Code) for property located at 1567 Egg Harbor Road.
7. Consideration of: Request from Thomas Van Den Bogart for a variance from Section 20.26(1)(a) of the Municipal Code(Zoning Code) for property located at 1567 Egg Harbor Road.
8. Election of Vice-Chairperson and Secretary.
9. Adjourn.

Carried.

Approval of minutes from April 9, 2007: Moved by Ms. Larson, seconded by Mr. Goodwin to approve the minutes from April 9, 2007. Carried.

Public hearing: Request from Steve Jacobs for variances from Section 27.13(4)(c)5. and Section 27.11(1) of the Municipal Code (Sign Code) for property located at 101 N. 4th Avenue: Chairperson Moeller opened the public hearing at 7:09 p.m. The public hearing was declared closed at 7:18 p.m.

Consideration of: Request from Steve Jacobs for variances from Section 27.13(4)(c)5. and Section 27.11(1) of the Municipal Code (Sign Code) for property located at 101 N. 4th Avenue: Steve Jacobs had presented the plans for a proposed sign to be located at the corner of 4th Avenue and Louisiana Street. His building is set back farther from the street than other businesses and would like his signage to be equal with everyone else. Vision would not be blocked.

Mr. Olejniczak stated that Mr. Jacobs is asking for a double variance. According to the sign code, the setback requirement for the sign is 5' from the street right-of-way line. Mr. Jacobs is asking for a 2' setback at its closest point. The code also states that any ground sign within 25' of an intersection shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of eight feet or shall not be more than 2½' in height. The proposal is for a total height up to 10'. He added that the Public Works Superintendent and City Engineer had no objections to this proposal. The design received approval from the Waterfront Design Review Board with the condition of receiving the variances from the ZBA. The Board approved an overall height not to exceed 10'. He felt that if the ZBA members approve the variances, a condition should be placed that if the one-way streets become two-way

streets, the Board would have to reconsider the sign.

A short discussion was held. Moved by Mr. Goodwin, seconded by Ms. Larson to grant the variances, with the condition that should the traffic pattern be changed, the variances would need to be reconsidered by the Board, that the permanent sign be located in the same position as the temporary sign, and that the total height shall not exceed 10' as approved by the WDRB. Roll call vote: All ayes. Carried.

Public hearing: Request from Thomas Van Den Bogart for a variance from Section 20.26(1)(a) of the Municipal Code (Zoning Code) for property located at 1567 Egg Harbor Road: Chairperson Moeller opened the public hearing at 7:21 p.m. The public hearing was declared closed at 7:29 p.m.

Consideration of: Request from Thomas Van Den Bogart for a variance from Section 20.26(1)(a) of the Municipal Code (Zoning Code) for property located at 1567 Egg Harbor Road: Tom Van Den Bogart presented his proposed plans for a 24' 9" x 22' sq. ft. addition, which includes a living room, bedroom, and bathroom in order for his elderly father to move in with him. Also proposed is a 168 sq. ft. porch and an approximate 168 sq. ft. deck. He added that he and his brother own the business next door.

Mr. Olejniczak mentioned that because of the C-1 zoning regulations, the residence is a legal non-conforming use. A variance is needed because non-conforming uses can continue with no expansions.

Members discussed the project. Moved by Mr. Van Bramer, seconded by Ms. Larson to grant the variance request, as the addition will not be blocking any views and a hardship was being brought on with laws. Roll call vote. All ayes. Carried.

Election of Vice-Chairperson and Secretary: Nominations were opened for vice-chairperson. Moved by Ms. Larson, seconded by Mr. Moeller to nominate James Goodwin for vice-chairperson. Ms. Larson moved to close nominations. Carried.

Moved by Mr. Goodwin, seconded by Mr. Van Bramer to nominate Sandi Larson for secretary. Mr. Moeller moved to close nominations. Carried.

Adjourn: Moved by Ms. Larson, seconded by Mr. Van Bramer to adjourn. Carried. Meeting adjourned at 7:29 p.m.

Respectfully submitted,


Cheryl Nault
Community Development Secretary

CITY OF STURGEON BAY

WATERFRONT DESIGN REVIEW BOARD

CERTIFICATE OF APPROPRIATENESS

NAME: Downtown on Fourth (Steve Jacobs)

ADDRESS: 101 N. 4th Ave.

STATEMENT OF SPECIFIC ITEM APPROVED:

Maximum height of sign not to exceed 10 feet.
Three standard wood signs measuring 30" x 10' + one
to be placed above the entrance doors. 30" x 7'

CERTIFICATE NO. W-09-07

DATE: 5-7-07

William Chaligan
Chairperson

DATE: 5-7-07

Maureen O'Connell
Community Development Director

WATERFRONT DESIGN REVIEW BOARD

Monday, May 7, 2007

The Waterfront Design Review Board meeting was called to order at 12:10 p.m. by Chairperson William Galligan in Room 122, City Hall, 421 Michigan Street.

Roll call: Members Eric Paulsen, Dennis Statz, and William Galligan were present. Excused: Member James Goodwin. Absent: Mark Felhofer. Also present were Steve Jacobs, Community Development Director Marty Olejniczak, and Community Development Secretary Cheryl Nault.

Adoption of agenda: Moved by Mr. Paulsen, seconded by Mr. Statz to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from April 2, 2007.
4. Consideration of: Proposed signage for 101 N. 4th Avenue.
5. Adjourn.

Carried.

Approval of minutes from April 2, 2007: Moved by Mr. Paulsen, seconded by Mr. Statz to approve the minutes from April 2, 2007.

Consideration of: Proposed signage for 101 N. 4th Avenue: Steve Jacobs presented the proposed plans for a 10½' wide by 8½' high tenant panel ground sign to be placed on the corner of Fourth Avenue and Louisiana Street. The green background and aluminum with vinyl material will match the awnings installed on the building. It will also have a brick base to match the brick on the building. It was not shown on the proposed drawing, but he would also like to add the street address below the lettering "Downtown on Fourth". That would increase the height to 9 ½'. The sign itself would be approximately 7' high, including a foundation of approximately 2-3'.

Discussion took place regarding the possibility of 4th Avenue becoming a two-way street. Mr. Jacobs said he would have to compromise with some other type of sign if that ever happened.

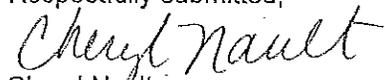
Moved by Mr. Statz, seconded by Mr. Paulsen to grant a certificate of appropriateness for a maximum height of the sign not to exceed 10 feet. Carried.

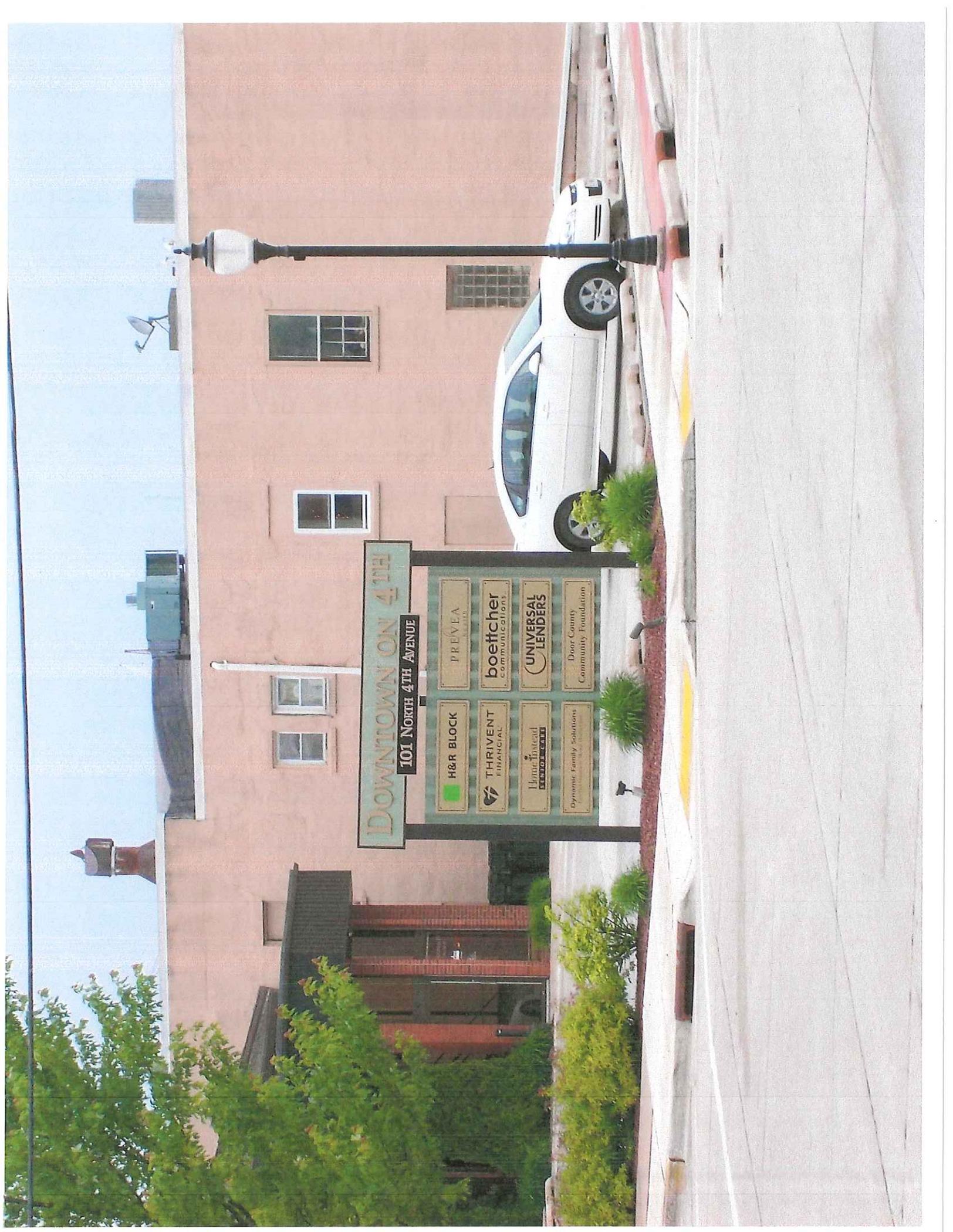
Mr. Jacobs also presented plans for signage to be placed above the entrance doors of the newly remodeled building. Three of the standard wood signs would measure 30" x 10' and one sign to be placed above the door that was not known at the last WDRB meeting to be an entrance door, would be 30" x 7'. No signage would be placed on the taller entrance to the building.

After discussion, it was moved by Mr. Statz, seconded by Mr. Paulsen to grant a certificate of appropriateness for the placing of signs above the four entrance doors as presented. Carried.

Adjourn: Moved by Mr. Paulsen, seconded by Mr. Statz to adjourn. Carried. Meeting adjourned at 12:33 p.m.

Respectfully submitted,


Cheryl Nault
Community Development Secretary



DOWNTOWN ON 4TH
101 NORTH 4TH AVENUE

- H&R BLOCK
- THRIVENT FINANCIAL
- Honor Financial
- PREVEA HEALTH
- boettcher COMMUNICATIONS
- UNIVERSAL LENDERS
- Door County Community Foundation



DOWNTOWN ON 4TH

101 NORTH 4TH AVENUE

- PREVEA HEALTH
- boettcher communications
- UNIVERSAL LEADERS
- Door County Community Foundation
- H&R BLOCK
- THRIVENT FINANCIAL
- Home Instead SENIOR CARE
- Dynamic Family Solutions

Fun & Culture Crossing

5TH



UNPUBLISHED STATISTICS OFFICE WISCONSIN
STATISTICAL BUREAU OF WISCONSIN

715-MIK