

ZONING BOARD OF APPEALS  
Monday, July 14, 2014

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 7:00 p.m. by Chairperson Bill Murrock in Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members Bill Murrock, Jack Gigstead, Andrew Starr, Bill Chaudoir, and Alternate Richard Jennings were present. Excused: Member James Goodwin. Also present were Community Development Director Marty Olejniczak 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 23, 2014.
4. Consideration of: Variance from sign code previously granted for ground sign located at 101 N. 4<sup>th</sup> Avenue.
5. Public hearing: Petition for rear yard variance and setback from navigable water to enclose an existing pavilion building, located at 77 S. 1<sup>st</sup> Avenue.
6. Consideration of: Petition for rear yard variance and setback from navigable water to enclose an existing pavilion building, located at 77 S. 1<sup>st</sup> Avenue.
7. Consideration of: Future meeting times.
8. Adjourn.

Carried.

**Approval of minutes from June 23, 2014:** Moved by Mr. Jennings, seconded by Mr. Starr to approve the minutes from June 23, 2014. Carried.

**Consideration of: Variance from sign code previously granted for ground sign located at 101 N. 4<sup>th</sup> Avenue:** Mr. Olejniczak stated that this was a previously granted variance in 2007, for a sign at the intersection of 4<sup>th</sup> Avenue and Louisiana Street, from the street right-of-way and also from signs that are close to an intersection need to be raised up with 8' of underclearance. At that time, the streets were one-way. A condition was placed on the approval of the variance that if the streets ever became two-way the variance would have to be reconsidered. He gave different options for the Board to consider.

Steve Jacobs, owner of the property, stated that moving the sign will not help visibility. It is the parked cars on the street that are the problem. There used to be large evergreens where the sign is located now. There are many other places where vision is a problem. He showed a video of a car coming up to the intersection and what other objects were causing a vision problem. He also shared a quote from United Sign that removing the sign would cost \$1500.00. To remove and reinstall the sign would be \$5,000.00.

Police Chief Arleigh Porter stated this was a unique situation that should be addressed. After sending an email to all the police officers, only one responded that it is a safety concern. There has been no crash evidence.

After further discussion, it was moved by Mr. Starr, seconded by Mr. Jennings to adhere to the previous variance. Any structural changes should come back to the Board. It is a concern, but not a safety hazard. It would cause an undue hardship if the sign were moved, as vision is still blocked from cars parked on the street. Roll call vote: Mr. Gigstead, Mr. Starr, and Mr. Jennings voting aye. Mr. Murrock and Mr. Chaudoir voting no. Discussion followed regarding whether the motion passed or whether 4 votes were required to uphold the variance, same as needed to approve the original variance. By consensus, Mr. Olejniczak was directed to check with the City Attorney in regard to the next step, and to confirm if the motion passed without a super majority vote or if it was denied.

**Public hearing: Petition for rear yard variance and setback from navigable water to enclose an existing pavilion building, located at 77 S. 1<sup>st</sup> Avenue:** Chairperson Murrock opened the public hearing at 7:35 p.m.

Peter Moede, owner of CenterPointe Yacht Services, stated that the existing pavilion building contains soft canvas sides that he would like to replace with insulated panels. The existing fascia will remain. The plan is to install glass on the corners of the building, as well as glass garage doors, and 2' x 8' accent panels. He added that this was approved by the WDRB for the design, with final materials and colors to be approved by the Chairperson of the WDRB. Fire protection will be added, as well as additional electrical and heating. The height of the building will allow storing of larger boats.

No one spoke during the hearing. There was no written correspondence.

Mr. Olejniczak stated that the existing pavilion was granted by a variance, with no side walls. The building has been there since 1989. It is located less than the required minimum 25 feet from the ordinary high water mark and has less than the minimum 25-foot rear yard.

Mr. Moede added that the existing building is not being moved. Their goal is to make it more attractive. They would like to begin in a couple of weeks in order to have it completed in September when winter boat storage begins.

The public hearing was declared closed at 7:50 p.m.

**Consideration of: Petition for rear yard variance and setback from navigable water to enclose an existing pavilion building, located at 77 S. 1<sup>st</sup> Avenue:** Board members discussed the variance request. Moved by Mr. Chaudoir, seconded by Mr. Starr to approve the variance request to enclose the existing pavilion building with permanent walls that is less than the minimum 25 feet from the ordinary high water mark and has less than the minimum rear yard. Enclosing the building will not increase the degree of nonconformity of the existing building. The proposed walls will enhance the aesthetics of the building compared to the existing temporary canvas sides. The enclosed building will allow additional services for the boating community to be conducted. Roll call vote: All ayes. Carried.

**Consideration of: Future meeting times:** Discussion was held regarding future meeting times. It was the consensus of the Board to change the meeting times to 12:00 noon on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of the month beginning in August.

**Adjourn:** Moved by Mr. Gigstead, seconded by Mr. Starr to adjourn. Carried. Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Cheryl Nault  
Community Development Secretary