

AGENDA
CITY OF STURGEON BAY
ZONING BOARD OF APPEALS
Tuesday, September 23, 2014
12:00 Noon
Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from July 28, 2014.
4. Public hearing: Petition for a side yard variance from s. 20.27(2) of the Municipal Code for a deck, located at 1635 Cove Rd.
5. Consideration of: Petition for a side yard variance from s. 20.27(2) of the Municipal Code for a deck, located at 1635 Cove Rd.
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, Alternate
Wayne Spritka, Alternate

9/17/14
2:00 p.m.
CN

ZONING BOARD OF APPEALS
Monday, July 28, 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, James Goodwin, and Alternates Wayne Spritka and Richard Jennings were present. Excused: Members Andrew Starr and Bill Chaudoir. Also present were Community Development Director Marty Olejniczak and Community Development Secretary Cheryl Nault.

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from July 14, 2014.
4. Public hearing: Petition for variance from s. 20.27(2) Front yard for proposed unenclosed porch, located at 523 Michigan St.
5. Consideration of: Petition for variance from s. 20.27(2) Front yard for proposed unenclosed porch, located at 523 Michigan St.
6. Adjourn.

Carried.

Approval of minutes from July 14, 2014: Moved by Mr. Jennings, seconded by Mr. Murrock to approve the minutes from July 14, 2014. Carried.

Public hearing: Petition for variance from s. 20.27(2) Front yard for proposed unenclosed porch, located at 523 Michigan St.: Chairperson Murrock opened the public hearing at 7:02 p.m.

Steven Link, owner of the property at 523 Michigan St., stated that the house was constructed in the late 1800's, before any municipal codes existed. The existing porch showed much deterioration and rotting. It was impacting the front of the house as it had started pulling the foundation down. The existing porch was approximately 4½ feet deep and setback from the sidewalk approximately 17½. He plans on rebuilding the exact porch, except extending it another 2½ feet to make the porch 7 feet deep, which would have a 15-ft. setback from the sidewalk. The side roof extension is proposed due to the ice conditions in the past that would shelter the sidewalk and make it safer.

Mr. Gigstead questioned why a 7-foot deep porch rather than the standard 6-foot depth. Mr. Link responded he originally misunderstood and thought that the setback was 15 feet, not 25 feet. He came up with 7 feet to equal a 15-foot setback. That is how the plans were drawn. It would also give the kids more room to move around on the deck, as his wife does babysitting in their home. He added that there is a mixture of commercial and residential homes that are closer to the street than his proposal.

There was no correspondence.

Under the City's zoning ordinance, Mr. Olejniczak stated that in the R-4 district the front yard is 25 feet. There are no exceptions for unenclosed structures. Most of the property in the area is zoned R-2 or C-5. The setback in those districts is 17 feet for unenclosed porches, decks, etc. The front setback requirement is generally for traffic safety, aesthetics, green space, etc. It is a single step porch and is not a very large structure. There is no change to the floor area of the house. Other lots in the vicinity have even lesser setbacks from the street yard. An overhang can protrude up to 2 feet into the setback.

Mr. Gigstead stressed that it was important to require the applicant to provide a site plan with a survey of the property.

The public hearing was declared closed at 7:24 p.m.

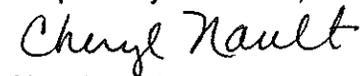
Consideration of: Petition for variance from s. 20.27(2) Front yard for proposed unenclosed porch, located at 523 Michigan St.: Members discussed the variance request. They agreed that the porch would not be out of character with the neighborhood, the property would be improved and more aesthetically pleasing, and it would be safer for children to maneuver on the porch.

Moved by Mr. Goodwin, seconded by Mr. Jennings to approve the variance, with the condition that the porch not be enclosed or will have to come back to the ZBA for another variance.

Mr. Gigstead amended the motion and added that the property pins be found and the porch must be constructed per plan. Mr. Goodwin and Mr. Jennings agreed with the amendment to their motion. Roll call vote. All ayes. Carried.

Adjourn: Moved by Mr. Gigstead, seconded by Mr. Goodwin to adjourn. Carried. Meeting adjourned at 8:35 p.m.

Respectfully submitted,



Cheryl Nault

Community Development Secretary

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

Date Received: 9-2-14
 Fee Paid \$ 300.00 + 50 sign dep.
 Received By: CN

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	MICHAEL N. + LINDA J.	
Company	LECLAIR	
Street Address	1635 COVE ROAD	
City/State/Zip	STURGEON BAY WI 54235	
Daytime Telephone No.	(920)901-4710	
Fax No.		

STREET ADDRESS OF SUBJECT PROPERTY: 1635 Cove Road
 Location if not assigned a common address: _____

TAX PARCEL NUMBER: 281-36-65000200

CURRENT ZONING CLASSIFICATION: R-1

CURRENT USE AND IMPROVEMENTS: Single family dwelling

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: Section 20.27(2) - minimum 10-foot side yard
Request is for a deck that is 10 feet from side property line.

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:

North: R-1 ; single family dwelling
 South: R-1 ; " "
 East: A Vacant lot
 West: Water of Sturgeon Bay

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: * PLEASE SEE ATTACHED SHEET: ITEMS # 1-3

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: Variance from floodplain zoning code was approved to allow new dwelling without having 15 feet of fill surrounding foundation at the foot above regional flood elevation

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.

MICHAEL N. LECLAIR Property Owner (Print Name) Michael N. Leclair Signature 8-24-2014 Date

LINDA J. LECLAIR Applicant/Agent (Print Name) Linda J. Leclair Signature 8-24-2014 Date

I, LINDA J. LECLAIR, 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.
8-18-14 Date of review meeting Linda J. Leclair 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

Michael N. & Linda J. LeClair

August 25, 2014

1635 Cove Road

Sturgeon Bay, WI 54235

VARIANCE APPLICATION FOR: 1635 COVE ROAD DECK

1) UNNECESSARY HARDSHIP:

-Our home was designed to be handicap accessible. My husband and I have had six knee and foot surgeries between the two of us already.

-The house is built on slab allowing direct wheel chair access from the driveway garage area into our home.

-The house was designed with a roof extending out over the deck area off of the sunroom patio door. Again, this area was also intended to be completely wheel chair handicap accessible. It was designed for the purpose of being able to roll directly out of the sunroom and onto the deck.

-Our home is also wired for an eventual elevator chair lift from the first to the second floor.

-The deck was always intended to keep the home handicap accessible on the bayside. Therefore, a deck is needed VS. steps down to a lower level patio area. It is simply a medical issue. **We designed our home so that we can continue to live and function independently within the house as we continue to age.**

-Placing a deck across the front of our sunroom between the bay and the sunroom is not viable. The view of the bay from our home would be blocked and extremely limited.

-Due to the narrowness of our property the actual bayside lawn area is also extremely limited. This tiny, postage stamp lawn area is the only place for recreation. (EX. And, an area for our future grandchildren to play.)

2) UNIQUE PHYSICAL PROPERTY LIMITATION:

-Our lot is very narrow ~50'. The shape of the lot is irregular and the lot lines are not completely parallel.

-The deck is also intended to **control and prevent the continual erosion** of the sand fill next to the house

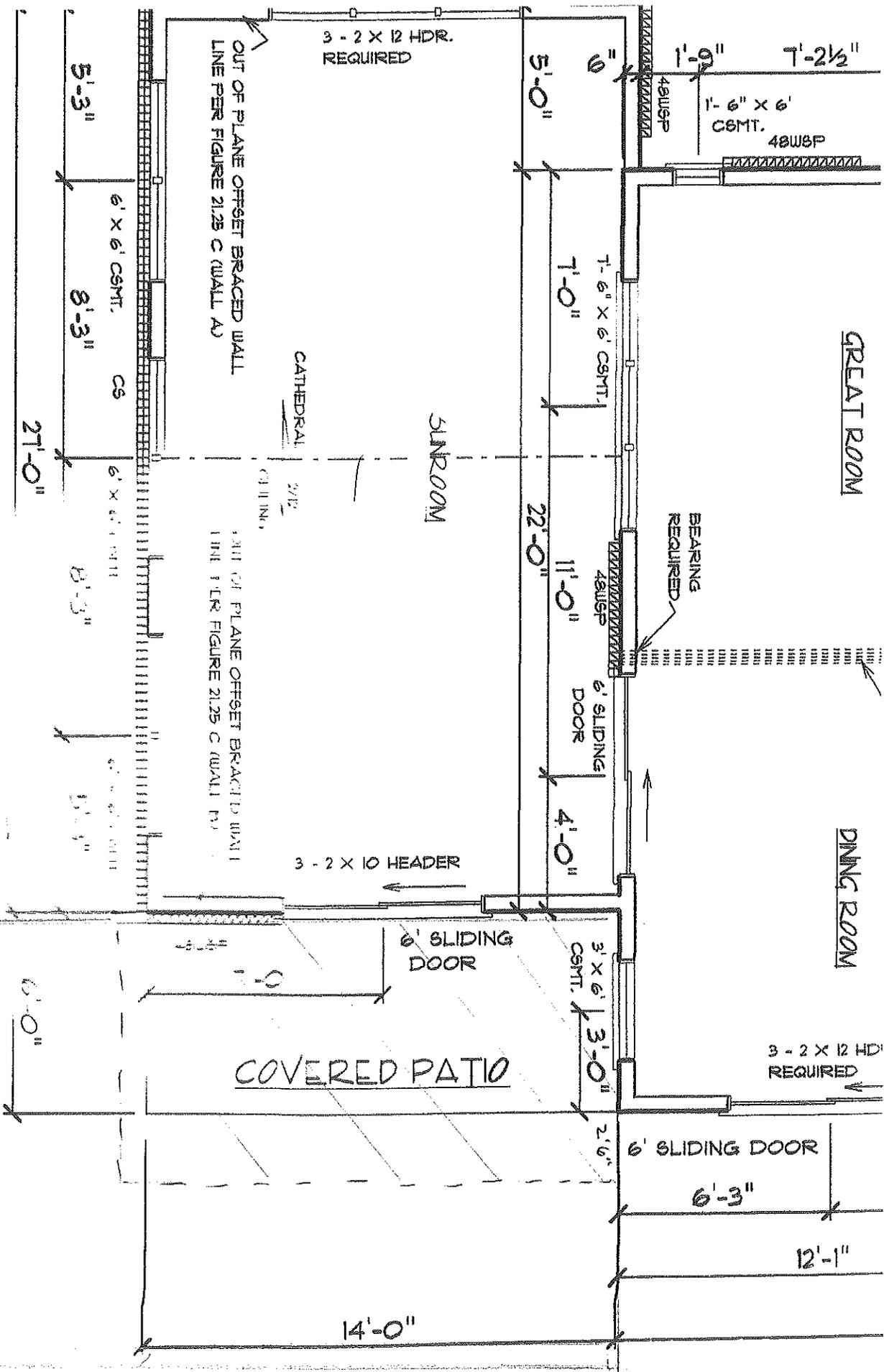
-A variance has been previously approved for our home as described on this application.

3) PROTECTION OF PUBLIC INTEREST:

-The proposed deck is far from Cove Road and the Bay of Sturgeon Bay.

-There is **no visual impact** to the public.

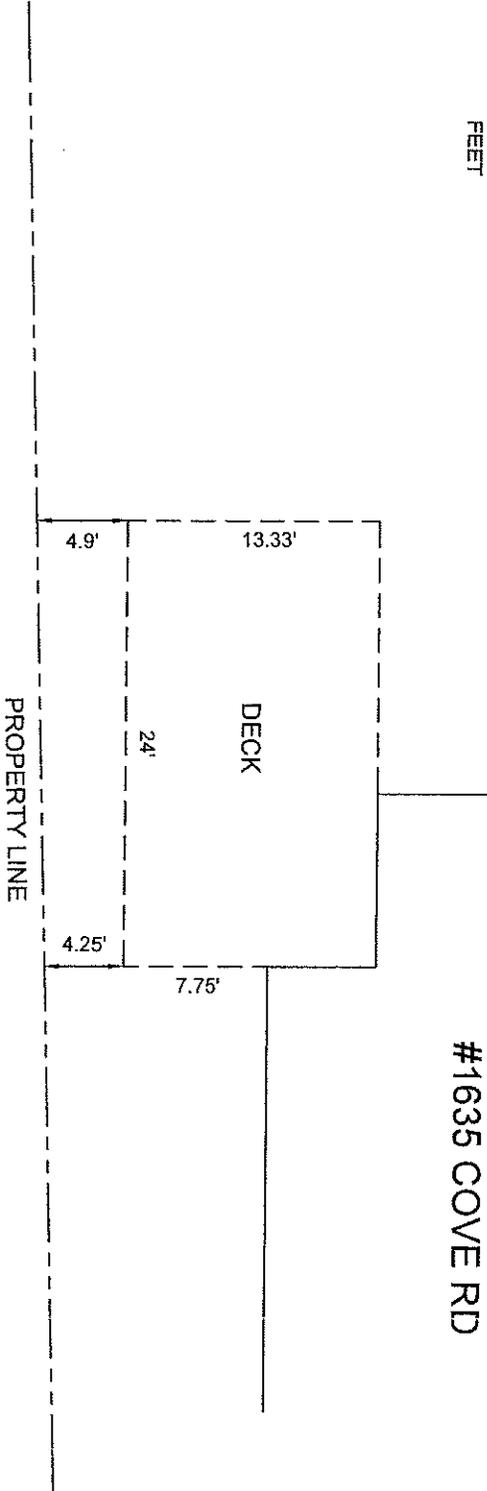
-A line of cedar trees 30-40' tall and 10-15' wide buffer the entire deck from the adjoining property.



24'

13'4"

VARIANCE REQUEST - LE CLAIR



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, Wisconsin on Tuesday, September 23, 2014, at 12:00 Noon or shortly thereafter, regarding a request from Michael and Linda LeClair, for a variance from Section 20.27(2) of the Municipal Code (Zoning Code), which requires a minimum side yard (setback) of 10 feet. The request is for a 13'4" x 24' deck that would be 4.25 feet from the side property line at its closest point. The subject property is located at 1635 Cove Road, tax parcel #281-36-65000200. 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.

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

Location Map Public Hearing - Le Clair Variance Request

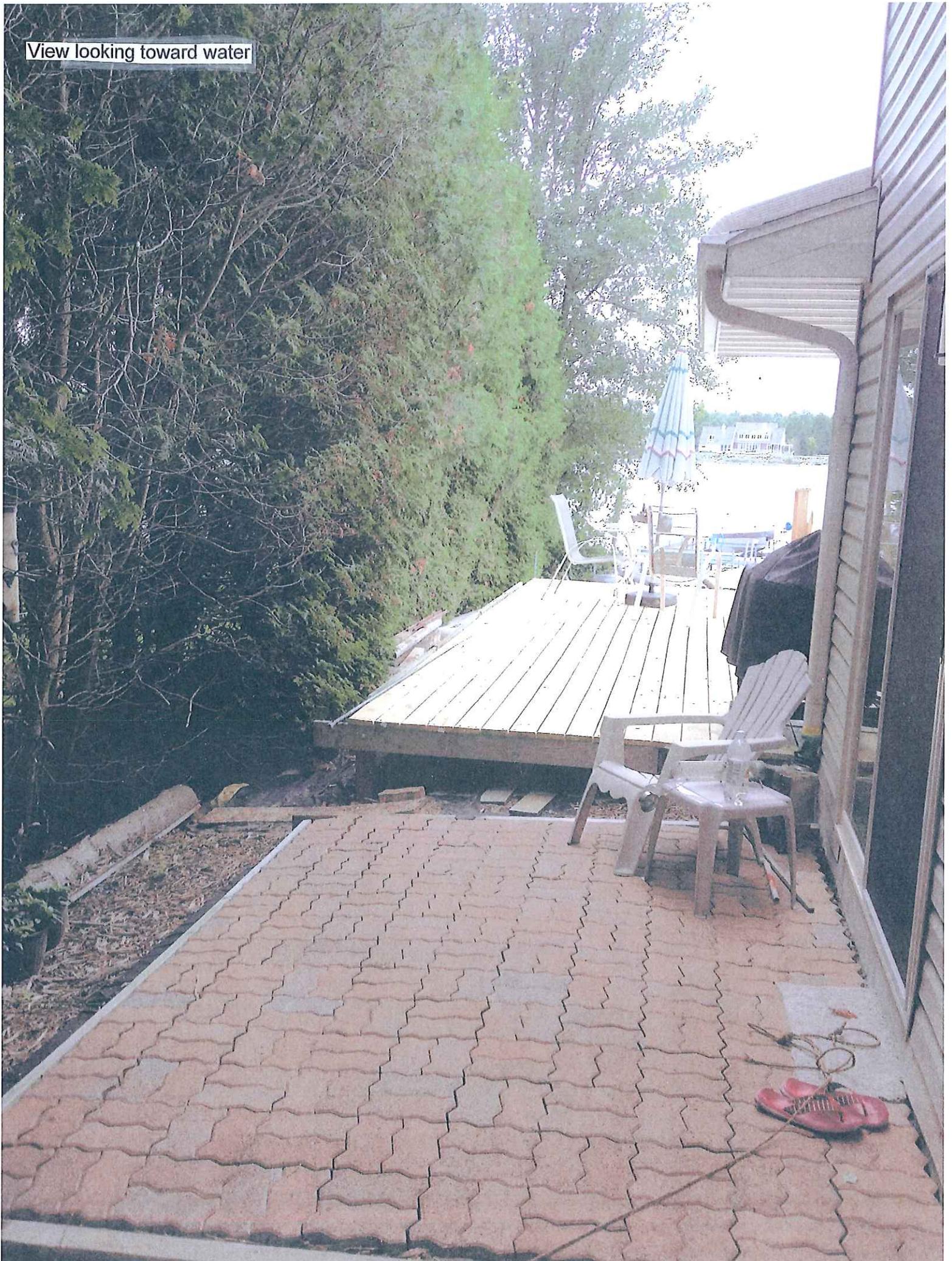


Subject Area



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

View looking toward water



View looking toward road



WILLIAM D. BELLER

September 9, 2014

City of Sturgeon Bay
Zoning Board of Appeals
421 Michigan St.
Sturgeon Bay WI 54235

Subject: Notice of Public Hearing – 1625 Cove Road – Minimum Side Yard Setback

Ladies and Gentlemen:

This letter is intended to convey to you our views regarding the Request For Variance scheduled for Tuesday, September 23. The purpose of the hearing is to determine the suitability of a yard deck that would be 4.25 feet from the side property line. It is our view that the variance be granted.

Our interest and understanding of the matter is a result of our proximity to the LeClairs. Due to the odd shape of the intervening lot, our residence is from 10 to 100 feet from the LeClairs. Our objective is for everyone to be happy.

A view of the LeClair/Mclean lot line shows an impenetrable line of cedar tree just over the lot line. These thick, mature cedar trees soar over the lot line nearly contacting the LeClair home. The trees cut off all sunlight south of the LeClair house, creating a cave-like yard where nothing can grow. The yard south of the LeClair house is dark year-round because of this thick line of trees.

A 13'-4" x 24' deck was constructed in this cave-like setting. We fully understand Mike and Linda's desire to have this small part of their southern yard rendered habitable. Following any variance, the thick, impenetrable line of cedar trees would remain on the Maclean's sides of the property line to provide any sought-after buffer.

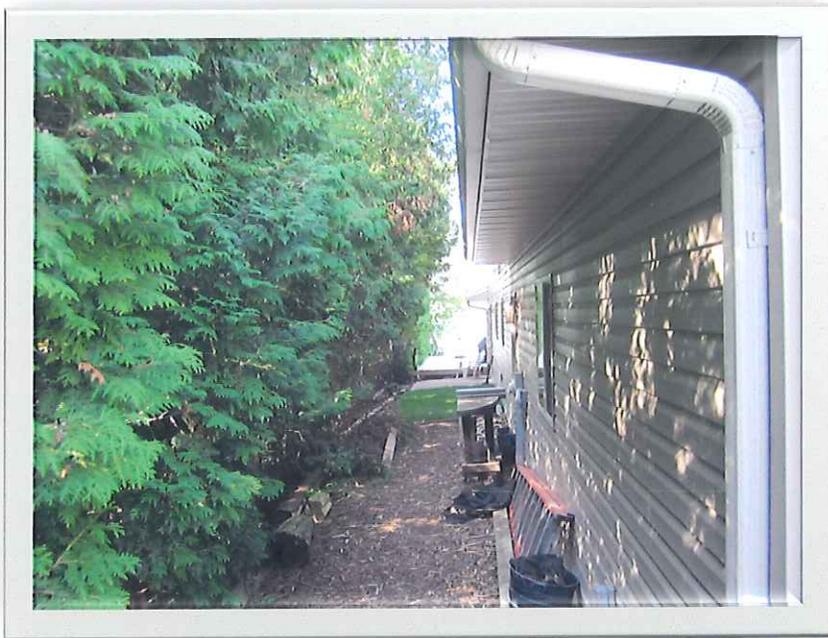
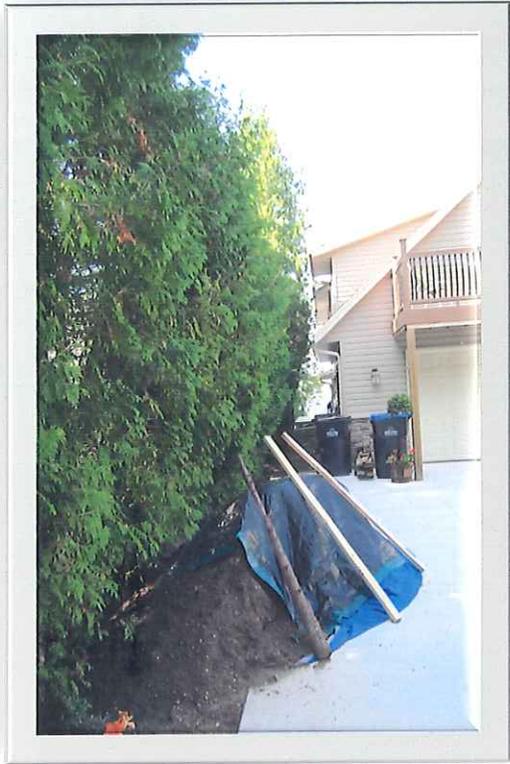
Approval of the variance will allow the neighborhood to remain in peaceful solitude for all. We therefore recommend that the Board grant the variance. Photographs are attached.

If you have any questions or require additional information, please contact me at (920)495-0096. Thank you for your attention to this matter.

Sincerely,



William and Martha Beller
1627 Cove Road



Date September 16, 2014

To: The City of Sturgeon Bay Zoning Board of Appeals

From: John Maclean & Kris Wagner-Maclean
 1639 Cove Road, Sturgeon Bay

Subject: Public Hearing - LeClair's Variance Request (tax parcel #281-36-65000200)

Dear Board of Appeals,

We are the next door neighbors of part-time residents Michael & Linda LeClair. Our home is located adjacent to the proposed variance request property and the constructed deck built by Mr. LeClair. We are long term, full time, employed residents of Sturgeon Bay. We built a new home in 2005 with the diligence to design our home within the City of Sturgeon Bay Zoning Codes. We planned our deck in front of our main windows as others and have an excellent view. LeClair's could have done the same and had the space to do so, however they claim that would have obstructed their view?? We did support LeClair's last variance request to build a new home on a nonconforming lot (50' wide) and building within the Zoning Code side yard setbacks (see attachment LeClair's Variance Application 8/7/2012 – Variance Standards, item #3). The past variance Zoning Code agreement included all the construction phases (with attached decks) to be constructed adhering to the minimal side yard setbacks. Mr. LeClair is now building/built the deck right up to our cedar hedge within 4' of the property line thus increased their deck size with no regard to us or the City Zoning Code of the 10' minimum setbacks. The LeClair's could have designed and built a deck that could wrap around in front of their sunporch with side grass, which is common of waterfront properties. If concerned of the unknown future, a deck could be modified to be handicapped accessible. At this time the LeClairs are not physically disabled.

The afterthought deck is crowded to the property line and within 4' of our property also next to the existing cedar hedge creating an extremely tight situation. Our other concern is safety as with this deck there is no room for fire protection to access around the deck and house (please see photos). The deck has a cooking grill, which is close to the cedar hedge and thus very close to our master bedroom. Cedars can go up in flames quickly. It is our understanding that one of the reasons for Zoning Codes are that they are written to stop residents from creating their own rules. It is unfortunate in this situation it feels like you give an inch and one takes a mile.

Therefore, we are writing against the proposed variance request to build a deck over the minimal 10' side yard setback.

Sincerely,
John Maclean and Kris Wagner-Maclean

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

Date Received: 8-21-12
 Fee Paid \$ 300 + 50 Sign dep.
 Received By: CN

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	JEFF PETERS	MIKE & LINDA LELLER
Company	NORTHERN BOULDERS.	
Street Address	125 FINDELL AVE CRITWITZ WI 54114	1708 E. ASSMAD RD MISCHIE CO7 WI 54228
City/State/Zip		
Daytime Telephone No.	920-373-5810	
Fax No.	715-854-3074	920-901-4710

STREET ADDRESS OF SUBJECT PROPERTY: 1635 LODGE ROAD
 Location if not assigned a common address: _____

TAX PARCEL NUMBER: 281 3465 000200

CURRENT ZONING CLASSIFICATION: R1

CURRENT USE AND IMPROVEMENTS:
SEASONAL HOME.

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: SECTION 23.04 SUB (3) (A) (1)
WAIVER OF 15' FILL REQUIREMENT AROUND STRUCTURE. SIDE LOT LINES ONLY.

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:
 North: R1, SINGLE FAMILY HOME
 South: " "
 East: AGRICULTURAL - VACANT LOT
 West: WATER.

2012 application Continued

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: THIS IS A VERY NARROW LOT THAT PREVENTS FILLING TO CODE WITHOUT INFRINGING ONTO NEIGHBORS.
2. Unique physical property limitation: THIS LOT HAS VERY LIMITED BUILDABLE AREA AND IS ONE OF THE SMALLER LOTS ON LOUE ROAD.
3. Protection of public interest: THE NEW HOME WILL BE FULLY FLOOD-PROOFED & ALL OTHER SETBACK & CODE REQUIREMENTS WILL BE MET WHEREAS THE EXISTING HOME DOES NEITHER.

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? YES IF YES, EXPLAIN: 1980 VARIANCE GRANTED FOR A COMBINED TOTAL SIDEYARD. THAT ZONING REVOLUTION IS NO LONGER IN EFFECT.

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.

LINDA J. LECLAIR
Property Owner (Print Name)

Linda J. Leclair
Signature

8-7-2012
Date

JEFFREY S. PETERS
Applicant/Agent (Print Name)

[Signature]
Signature

8-7-2012
Date

I, JEFFREY S PETERS, 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.

8/7/2012
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

