

ZONING BOARD OF APPEALS
Tuesday, September 23, 2014

The City of Sturgeon Bay Zoning Board of Appeals meeting was called to order at 12:00 noon by Chairperson Bill Murrock in Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members Bill Murrock, Bill Chaudoir, Jack Gigstead, James Goodwin, and Alternate Richard Jennings were present. Excused: Member Andrew Starr. Also present were Community Development Director Marty Olejniczak and Community Development Secretary Cheryl Nault.

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

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 Road.
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 Road.
6. Adjourn.

Carried.

Approval of minutes from July 28, 2014: Moved by Mr. Gigstead, seconded by Mr. Jennings to approve the minutes from July 28, 2014. Carried.

Public hearing: Petition for a side yard variance from s. 20.27(2) of the Municipal Code for a deck, located at 1635 Cove Road: Chairperson Murrock opened the hearing at 12:04 p.m.

Linda LeClair, owner of the property at 1635 Cove Road, stated that the deck was not included in their handicap accessible house plan that they built in 2012. They thought they were taking care of erosion control by constructing the deck and didn't realize they had to be 10' from the lot line or that an additional permit was needed. They had used a 10' x 12' deck that was on their previous home that they resurfaced and built a frame around it, while increasing the area of the deck to 13' 4" x 24'. The LeClairs would like to keep the deck as it is, since it is a stable, continuous level surface.

Mr. Olejniczak stated that in 2012, the LeClair's petitioned for a variance from the Floodplain Code for fill requirements and the variance was granted.

No one spoke in favor of the variance. Mr. Goodwin read four letters in favor from Bill and Martha Beller, 1627 Cove Rd.; Collin Jeanquart, 1647 Cove Rd.; Steven Olsen and Colleen Schler, 1635 Cove Rd.; Jack and Cathy Keller, 1633 Cove Rd.

No one spoke in opposition of the variance. Mr. Goodwin read one letter in opposition from John Maclean and Kris Wagner-Maclean.

Mr. Olejniczak stated this is one of the smaller lots along Cove Rd. In 2012, the plans for the house included a covered patio in the area under the roof, but not extending beyond the

outer wall of the house. There were no setback issues. Recently there was an inquiry about a deck under construction and wondered if it complied with the setbacks. After checking into the deck, the LeClairs were informed that they needed a permit for that, as well as a variance for the minimum side yard. The required side yard is 10 feet. It is currently 4.25 feet at its closest point to the neighbor's property line. The lot lines are not parallel to each other. The reason for setbacks is to create some buffer space with adjoining lots, to allow for a landscaping area, and also allow a structure be maintained on all sides of it.

Mr. Murrock closed the public hearing at 12:42 p.m.

Consideration of: Petition for a side yard variance from s. 20.27(2) of the Municipal Code for a deck, located at 1635 Cove Road: Board members discussed the request. Mr. Gigstead mentioned that the LeClairs could have built an 8' x 24' deck, wrapping around the front of the house, and would not have had to come before the ZBA. They only would have needed to obtain a regular building permit.

Mr. Chaudoir was concerned about fire protection access by not being able to get around the house where the deck is located. It would create a hazard for fireman, as well as for the residents of the home.

Moved by Mr. Chaudoir, seconded by Mr. Gigstead to deny the request on the basis that public safety and fire protection would be negatively impacted; the standards for the variance have not been met since the deck could have been included in the plans for the recently constructed house; and an 8' x 24' deck can still be constructed on the side of the house, while accommodating handicap accessibility with access to the water, and would not extend into the required side yard. Roll call vote: Carried, with Mr. Jennings voting no. The variance was denied.

Adjourn: Moved by Mr. Chaudoir, seconded by Mr. Jennings to adjourn. Carried. Meeting adjourned at 12:49 p.m.

Respectfully submitted,

Cheryl Nault
Community Development Secretary