

AGENDA
CITY OF STURGEON BAY
ZONING BOARD OF APPEALS
Tuesday, October 28, 2014
12:00 Noon
Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from September 23, 2014.
4. Public hearing: Petition for a street yard variance from s. 20.27(2) of the Municipal Code for a new single-family dwelling to be located between 853 and 865 Circle Ridge Circle.
5. Consideration of: Petition for a street yard variance from s. 20.27(2) of the Municipal Code for a new single-family dwelling to be located between 853 and 865 Circle Ridge Circle.
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

10/22/14
11:00 a.m.
CN

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.

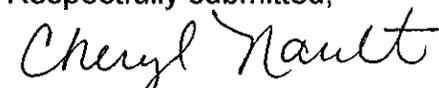
Consideration of: Petition for a side yard variance from s. 20.27(2) of the Municipal Code for a deck, located at 1635 Cove Road: Board members discussed the request. Mr. Gigstead mentioned that the LeClairs could have built an 8' x 24' deck, wrapping around the front of the house, and would not have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

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

Date Received: 10-1-14
 Fee Paid \$ 300.00
 Received By: CW

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Beverly Patzer	William R Patzer Trust
Company		
Street Address	N2438 Chapin Rd.	N2438 Chapin Rd
City/State/Zip	Lake Geneva, WI 53147	Lake Geneva WI 53147
Daytime Telephone No.	262-607-6070	
Fax No.		

STREET ADDRESS OF SUBJECT PROPERTY: 859 Circle Ridge Circle
 Location if not assigned a common address: _____

TAX PARCEL NUMBER: 281-64-91000202

CURRENT ZONING CLASSIFICATION: R-2 Single Family Residential

CURRENT USE AND IMPROVEMENTS: Vacant lot

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: Section 27.02(2) which requires 25-foot street yard. The request is for a home that is 5 feet from the street right-of-way at its closest point

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:
 North: Waters of Sturgeon Bay
 South: R-2 ; vacant lot
 East: R-2 ; single-family home
 West: R-2 ; single-family home

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.

BEVERLY PATZER
Property Owner (Print Name)

Beverly Patzer
Signature

9-29-14
Date

Applicant/Agent (Print Name)

Signature

Date

I, BEVERLY PATZER, 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.

9/29/14
Date of review meeting

Beverly Patzer
Applicant Signature

Martin Okech
Staff Signature

- Attachments:
- Procedure & Check List
 - Agreement For Reimbursement of Expenses

STAFF USE ONLY

Application conditions of approval or denial:

_____ Date

_____ Community Development Director

Beverly Patzer Variance Request
Proposed House within the Street Yard

Variance Standards

Unnecessary Hardship:

- The minimum 25-foot setback from the street right-of-way severely limits the amount of space upon which to build.
- The lot is on the curve of Circle Ridge Circle. Unlike many curves, the outer right-of-way lines come to a point with a 90-degree angle at their intersection rather than curving to follow the curve of the actual street. This creates a triangular area of unused right-of-way and the street yard is measured from that, which restricts the buildable area of the lot.
- Additional property cannot be purchased from neighbor because neighbor's driveway runs along property line to be able to enter their garage.

Unique Physical Property Limitation:

- The property is "L" shaped which limits the space to build due to the required setbacks. The street right-of-way for the curve juts into the lot and minimum street yard restricts the building area along two lot lines.
- There is a steep slope on the shore side of the lot. This furthers limits the buildable area because of the need to stay back from the edge.

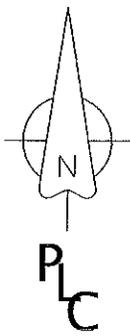
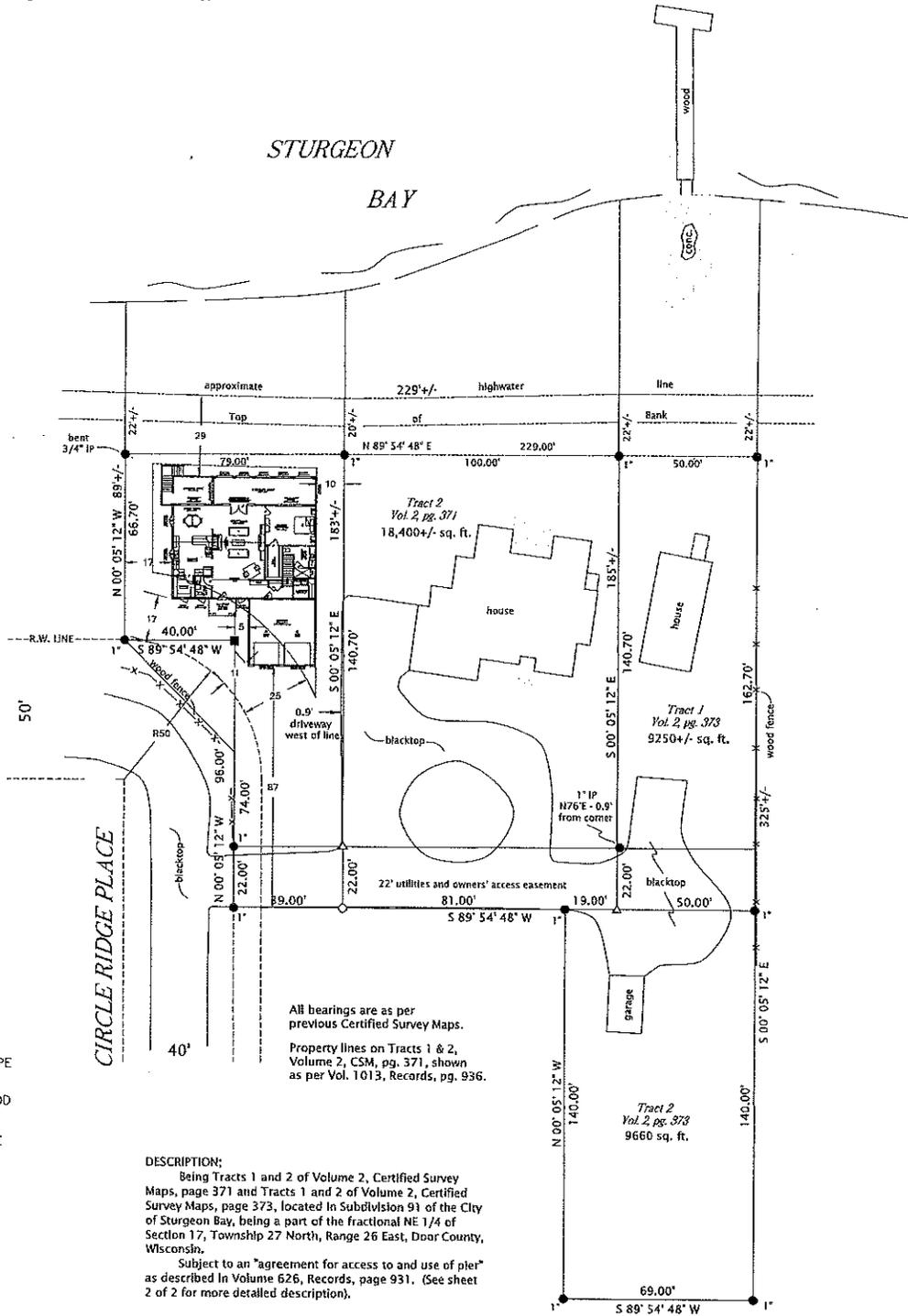
Protection of Public Interest:

- Street yard variances have already been granted for the neighbor's lot to the west and the neighbor's lot across the street and also for other homes in the vicinity. So the proposed variance would not disrupt the neighborhood.
- Circle Ridge Circle is lightly-traveled and slow speed road with only cars from neighborhood typically using it. So the variance would not have much of an impact on traffic safety.
- The street yard variance allows the house to be constructed with similar setback from the shore as neighbors so it keeps home from blocking views and, thus, will not negatively impact property values.

PLAT OF SURVEY

Located in Subdivision 91 of the City of Sturgeon Bay,
being a part of the fractional NE 1/4 of Section 17,
Township 27 North, Range 26 East, Door County, Wisconsin.

STURGEON
BAY



SCALE
1"=40'

KEY

- = EXISTING IRON PIPE (SIZE AS NOTED)
- = EXISTING 3/4" ROD
- △ = MAG NAIL SET
- = SET 1" IRON PIPE
- RIPARIAN ZONE LINE

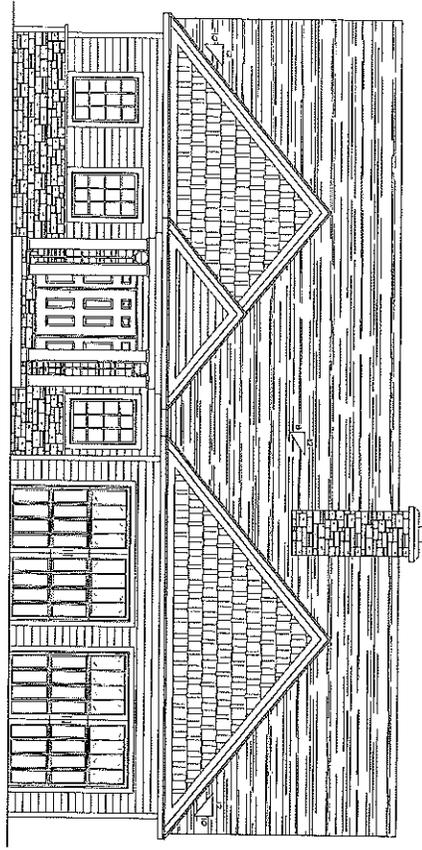
DESCRIPTION:
Being Tracts 1 and 2 of Volume 2, Certified Survey Maps, page 371 and Tracts 1 and 2 of Volume 2, Certified Survey Maps, page 373, located in Subdivision 91 of the City of Sturgeon Bay, being a part of the fractional NE 1/4 of Section 17, Township 27 North, Range 26 East, Door County, Wisconsin.
Subject to an "agreement for access to and use of pier" as described in Volume 626, Records, page 931. (See sheet 2 of 2 for more detailed description).

SURVEYOR'S CERTIFICATE:
I, Joseph Schroedl, Registered Land Surveyor for Peninsula Land Consultants, hereby certify that the above-described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all structures thereon, pertinent fences, apparent easements and roadways and visible encroachments, if any.
This survey is made for the exclusive use of the present owners of the property and also those who purchase, mortgage or insure the title thereto.
DATED THIS 8th DAY OF September, 2004 revised this 1st day of October, 2004.

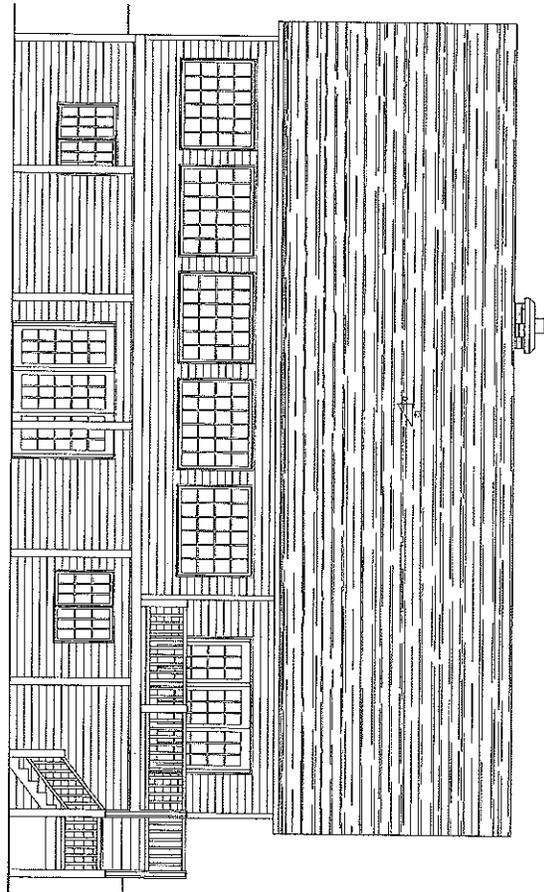
prepared for
THOMAS SEKEY ESTATE
865A CIRCLE RIDGE CIRCLE
STURGEON BAY, WI 54235

prepared by
PENINSULA LAND CONSULTANTS
824B EGG HARBOR ROAD
STURGEON BAY, WI 54235

JOSEPH SCHROEDL, RLS 1781



FRONT ELEVATION
SCALE: 1/8" = 1'-0"



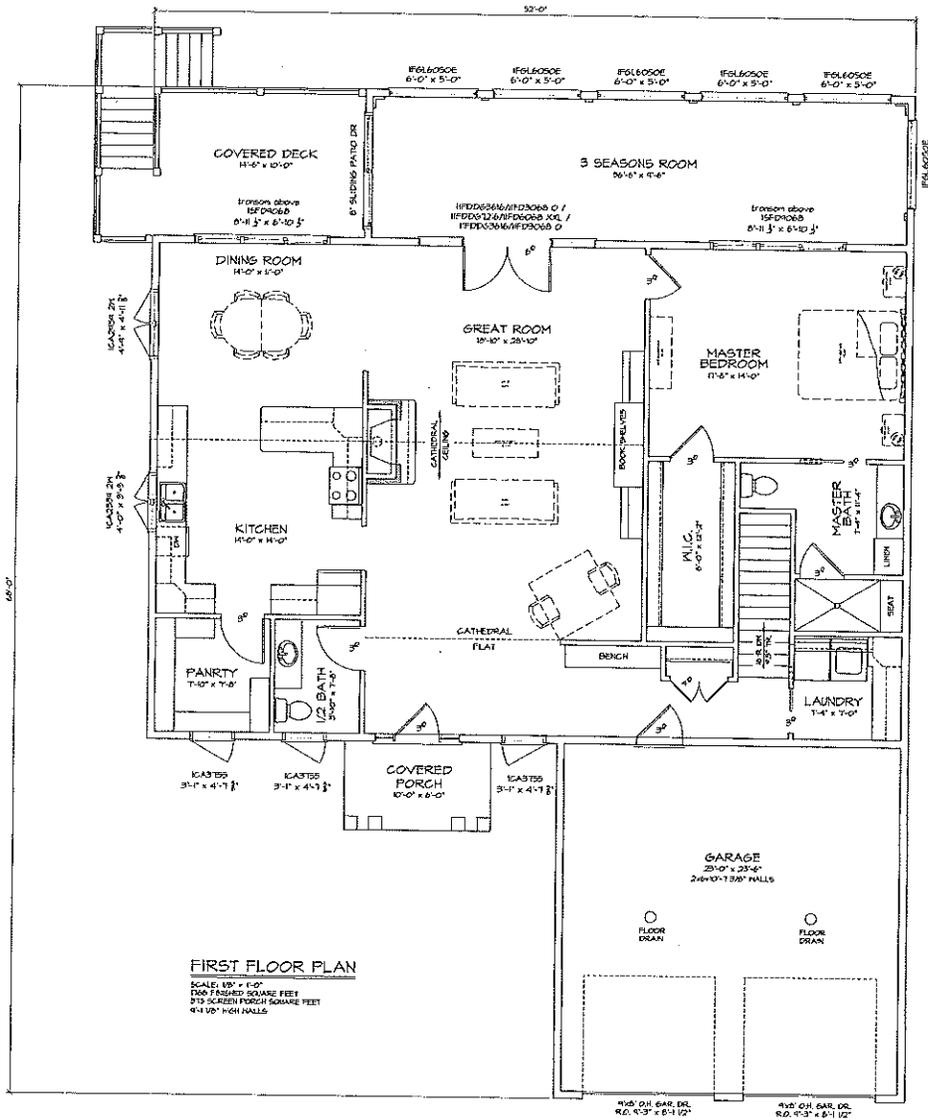
REAR ELEVATION
SCALE: 1/8" = 1'-0"

BEVERLY PATZER

VAN'S LUMBER &
CUSTOM BUILDERS INC.

SCALE: 1/8" = 1'-0"	2466 SQ. FT.	SALESMAN
DATE: 07/29/84		KURT VAN
ACCEPTED BY:		
DRAWN BY: KEVIN	REVISED:	REVISED:
REVISED: 08/05/84	REVISED:	REVISED:
REVISED: 08/05/84	REVISED:	REVISED:
REVISED:	REVISED:	REVISED:

ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THEM FOR ACCURACY, THE CONTRACTOR MUST CHECK ALL DETAILS, DIMENSIONS, NOTES, NOTES, AND STRUCTURAL MEMBERS. ALL FOUNDATION HEIGHTS, CHANGES IN HEIGHTS, AND HALL THICKNESS, MUST ALSO BE VERIFIED AND APPROVED BY THE CONTRACTOR.



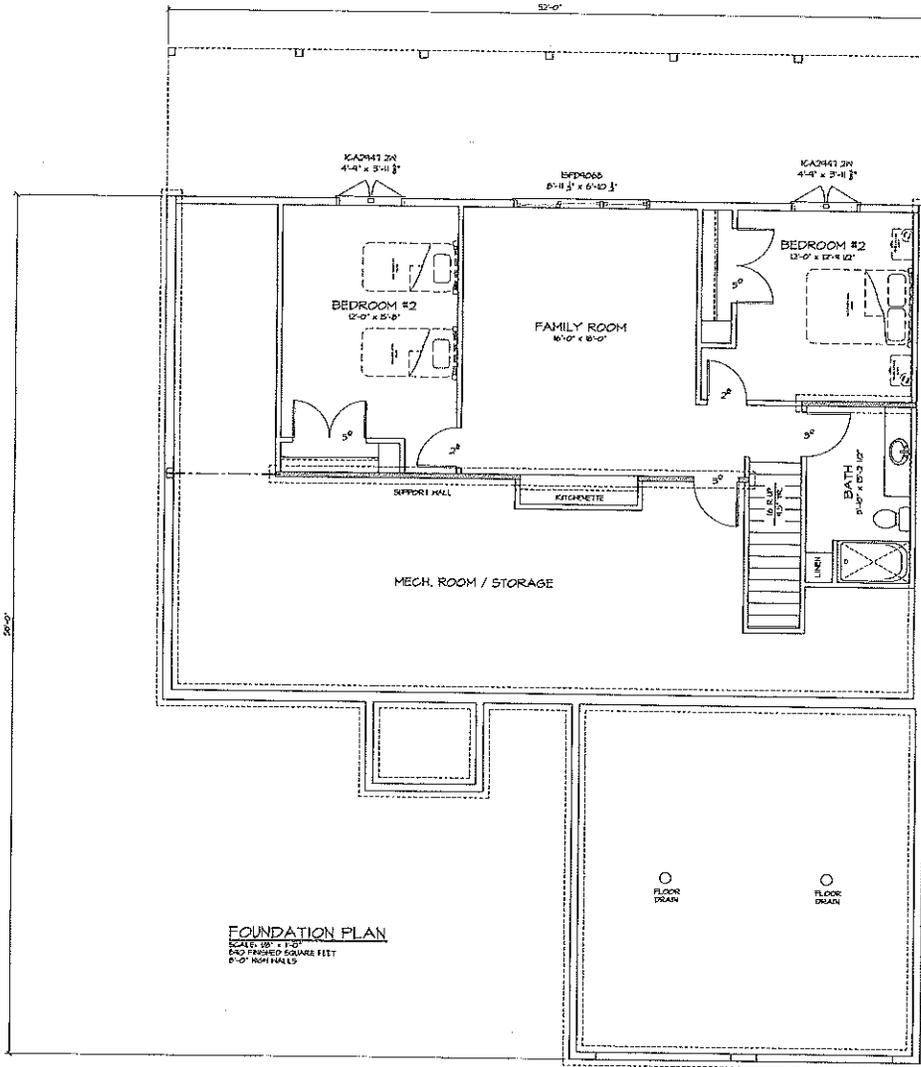
2 OF 3

BEVERLY PATZER

VAN'S LUMBER &
 CUSTOM BUILDERS INC.

SCALE: 1/8" = 1'-0"	20'x 50' FL.	SALESMAN:
DATE: 01/22/04		KURT VAN
ACCEPTED BY:		
DRAWN BY: SEVY	REVISED:	REVISED:
REVISED DESIGN	REVISED:	REVISED:
REVISED DESIGN	REVISED:	REVISED:
REVISED:	REVISED:	REVISED:

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3 OF 3

BEVERLY PATZER

VAN'S LUMBER &
CUSTOM BUILDERS INC.

SCALE: 1/8" = 1'-0"	2006 SQ. FT.	SALESMAN:
DATE: 07/26/04		KURT VAN
ACCEPTED BY:		
DRAWN BY: KENDR	REVISED:	REVISED:
REVISED: DANISH	REVISED:	REVISED:
REVISED: DANISH	REVISED:	REVISED:
REVISED:	REVISED:	REVISED:

ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THEM FOR ACCURACY, THE CONTRACTOR MUST CHECK ALL DETAILS, DIMENSIONS, NOTES, SECTIONS AND STRUCTURAL REQUIREMENTS. ALL FOUNDATION HEIGHTS, CHANGES IN HEIGHTS, AND WALL THICKNESS, MUST ALSO BE CHECKED AND APPROVED BY THE CONTRACTOR.

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, October 28, 2014, at 12:00 Noon or shortly thereafter, regarding a request from Beverly Patzer, for a variance from Section 20.27(2) of the Municipal Code (Zoning Code), which requires a 25-foot street yard. The request is for a home that is 5 feet from the street right-of-way at its closest point. The subject property is a vacant lot located between 853 and 865 Circle Ridge Circle, tax parcel #281-64-91000202. 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 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

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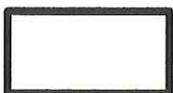
To: City of Sturgeon Bay Zoning Board
From: Robert J VanderKelen
857 Bridgeway Lane
Sturgeon Bay, WI

Please be advised that I am opposed to granting a variance to construct a new home within 5 feet of the street R/W. This creates a dangerous situation for vehicular passage on the roadway. It would also be unsightly. Please require adherence to existing municipal codes.

Thank you

Robert VanderKelen
857 Bridgeway Ln
Sturgeon Bay, WI

Location Map Public Hearing - Patzer Variance Request



Subject Area



Note: Public Hearing to be held on October 28, 2014