

ZONING BOARD OF APPEALS
Tuesday, October 28, 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, Jack Gigstead, and Alternates Richard Jennings and Wayne Spritka were present. Excused: Members Andrew Starr, Bill Chaudoir, and 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. Jennings to adopt the following agenda:

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.

Carried.

Approval of minutes from September 23, 2014: Moved by Mr. Gigstead, seconded by Mr. Jennings to approve the minutes from September 23, 2014. Carried.

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: Chairperson Murrock opened the public hearing at 12:04 p.m.

Kurt Vandenhouten from Van's Builders presented the request on behalf of petitioner Beverly Patzer. He stated that they are trying to fit an appropriate house design on a lot that is very unique, with a curve on the street. In order for the 2 stall garage to fit, the house has to be located closer to the street. There is also a steep grade, with a walk-out type home. The house is approximately 1700 sq. ft. on the first floor, not including a screen porch and deck. The basement will have 890 sq. ft. of living space.

Mr. Gigstead asked if they considered removing the screen porch and deck and moving the house back closer to the water. Mr. VanDenhouten mentioned that because of the steep grade there is a fair amount of steps coming down from the house. If the house was pushed back, there would not be a deck to get from the first level to the backyard.

Beverly Patzer, owner of the property, stated she currently lives in Lake Geneva. Her plans are to move to Sturgeon Bay permanently.

No one spoke in favor of the variance. There was no correspondence in favor.

Leanne Michalske, 850 Circle Ridge Circle, who also submitted a letter ; Wayne Denil, 839 Circle Ridge Circle; Charles Oxenford, 845 Circle Ridge Circle, who read a letter that he had submitted and was signed by himself and Patricia Oxenford, as well as Rachel Pratt, 853 Circle Ridge Circle; and Jim Faugest all spoke in opposition. Ms. Nault read the letter in opposition from Lee Ann Michalske and also from Robert VanderKelen, 857 Bridgeview Lane.

Mr. Olejniczak stated that the setback is 25' from the right-of-way line. The right-of-way for Circle Ridge Circle makes a 90° bend. The north-south line it is only 5' from the garage portion of the dwelling. The

living space portion of the dwelling is about 15 feet from the east-west portion of the right-of-way. The dwelling meets the 25' right-of-way from the water and the side yard requirements of 10 feet. He stated the reasons for a minimum street setback. There were street yard variances granted for three neighboring properties, including the garage on the adjoining Pratt parcel, which is three feet from the right-of-way line. He also compared the different sizes of other homes in the area. The subject lot was created in 1995 as a buildable lot.

Mr. Olejniczak also discussed an option to adjust the right-of-way by having the curve follow a 50-ft. radius rather than having the outer lines come to a point. The leftover triangular area could be vacated. This would lessen the variance since the house portion would be about 17 feet from the line and garage portion about 11 feet from the line. However, that option would have to be approved by the Council.

Mr. Murrock closed the public hearing at 12:44 p.m.

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: Mr. Gigstead believed the plan could be reworked to have the dwelling further from the street. He also stated he would like to see the triangular shaped section vacated.

Mr. Olejniczak suggested that the Board request that the applicant redesign the house to be further from the street and at the same time the applicant can request the street vacation. Since a street vacation is a lengthy process, the new design could be reviewed as if the vacation occurred. If the Board approved the new design, it could be approved subject to the vacation being official.

After discussion, it was moved by Mr. Gigstead, seconded by Mr. Jennings to postpone consideration and request that the builder submit a revised design to move the house back as far as possible, seek to vacate the triangular corner of the right-of-way, subject to approval from the Common Council, and to indicate where the driveway will be located.

Roll call vote. All ayes. Carried.

Adjourn: Moved by Mr. Spritka, seconded by Mr. Jennings to adjourn. Carried. Meeting adjourned at 12:55 p.m.

Respectfully submitted,

Cheryl Nault
Community Development Secretary