

AGENDA
CITY OF STURGEON BAY
ZONING BOARD OF APPEALS
Tuesday, January 12, 2016
12:00 Noon
Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from December 8, 2015.
4. Consideration of: Petition for variance from the minimum lot width for a residential lot for Robert Vogel, located at 930 N 4th Avenue.
5. Public hearing: Petition for variance to exceed the impervious surface ratio for Jim Olson Chrysler, located at 812 Green Bay Rd.
6. Consideration of: Petition for variance to exceed the impervious surface ratio for Jim Olson Chrysler, located at 812 Green Bay Rd.
7. 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

01/07/16
2:00 p.m.
CN

ZONING BOARD OF APPEALS
Tuesday, December 8, 2015

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 Chaudoir, Bill Murrock, Jack Gigstead, James Goodwin, and Alternate Wayne Spritka were present. Excused: Member Andrew Starr. Also present were Robert Vogel, Planner/Zoning Administrator Ryan Kernosky, Community Development Director Marty Olejniczak, and Community Development Secretary Cheryl Nault.

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from October 27, 2015.
4. Public hearing: Petition for variance from the minimum lot width for a residential lot for Robert Vogel, located at 930 N. 4th Avenue.
5. Consideration of: Petition for variance from the minimum lot width for a residential lot for Robert Vogel, located at 930 N. 4th Avenue.
6. Adjourn.

Carried.

Approval of minutes from October 27, 2015: Moved by Mr. Chaudoir, seconded by Mr. Gigstead to approve the minutes from October 27, 2015. Carried.

Public hearing: Petition for variance from the minimum lot width for a residential lot for Robert Vogel, located at 930 N. 4th Avenue: Chairperson Murrock opened the meeting at 12:05 p.m.

Robert Vogel, 921 Alabama Ct., presented his request for a variance to divide an approximately 130-foot wide lot into two 65-foot wide lots. According to the Sturgeon Bay Zoning Code, the minimum lot width in the R-2 zoning district is 70 feet. There is an existing house located on the lot. If the lot can be divided, he would like to construct another small, affordable, energy efficient home in the future.

There is also an existing garage located on the lot. Mr. Gigstead was concerned with the possibility of problems with setbacks for the garage if the lot was split.

Board members discussed unnecessary hardship, which is one of the required standards for authorizing a variance. They did not feel there was any unnecessary hardship related to this variance request.

Mr. Gigstead thought that splitting the lot in half to 65 feet wide is not anything unusual in this neighborhood.

Mr. Vogel added that the existing house is currently a rental. The property is located on top of bedrock on and he would prefer to build on a slab rather than digging a basement. He noted that in the R-2 district an 800 square-foot home is allowed.

Mr. Kernosky discussed similar-sized lots and characteristics of the neighborhood. Staff recommended approval of the variance. There were no concerns regarding any detriment to the surrounding properties.

Kent Harrison, 420 Delaware Street, stated that he was in opposition to granting the variance. Properties should comply with the ordinance. There is a nice oak tree on the property.

Judy Matheny, 920 N. 4th Avenue, stated that she was opposed to building right next to her property. She didn't want a driveway put alongside of hers.

Mike Galmitte, 920 N. 4th Avenue, stated that Mr. Vogel's property is a rental property. He didn't want the zoning changed and didn't want their property messed with.

Mr. Kernosky mentioned that the property is currently zoned single-family residential (R-2). It is intended for smaller lots, smaller homes, and a traditional neighborhood with higher density. He clarified that the variance request is not for rezoning, but to approve a variance to go below the minimum standards of the current zoning district.

Robert Dietz, 406 Delaware Street, stated that he opposed the variance. He loves the existing green space and trees on it. He does not want any more development.

Yvonne Dietz, 406 Delaware Street, said that renters could ruin the neighborhood for the other home owners.

Mr. Vogel said there seemed to be a lot of misinterpretations. He was looking at doing something positive. He has no specific plans to create a rental and doesn't want to break any laws.

Ms. Matheny spoke again and was concerned because the location of a new home would be so close to her home. Also, it would be wrong to take down the old oak tree.

There were no letters in favor or in opposition. The public hearing was declared closed at 12:30 p.m.

Consideration of: Petition for variance from the minimum lot width for a residential lot for Robert Vogel, located at 930 N. 4th Avenue: Mr. Goodwin felt that it would be illegal to approve this since there has been no hardship demonstrated and is not up to the Board to demonstrate the hardship.

Mr. Gigstead added that splitting a lot has been approved in the past. His concern was with the existing garage and didn't know the size of it and how far off the lot line it would be after the lot is split. A new home would increase the value of the other houses in the neighborhood.

Mr. Spritka said that this appears to be one neighbor disagreeing with another. Nothing says that the driveway would be located right next to the neighboring property owner. The properties may need to get resurveyed.

Mr. Olejniczak stated that a current survey had been completed by Frisque Surveying.

Mr. Chaudoir commented that there are always concerns in the neighborhood regarding rental properties. What was discussed has nothing to do with whether or not it is owner occupied or rental property. There has been no presentation regarding the hardship.

After further discussion, it was moved by Mr. Gigstead, seconded by Mr. Chaudoir to table consideration of the request until the applicant comes back to the Board with a hardship to split the lot in half and also provides documentation on what size the existing garage is and how far off the lot line it will be if the lot is split. This is to be submitted by January, 2016. Also, the site plan is to be reviewed by staff that had been submitted by the applicant, as well as any other site plans relevant to this case to determine if there is any conflict. Roll call vote: All ayes. Carried.

Adjourn: Moved by Mr. Gigstead, seconded by Mr. Chaudoir to adjourn. Carried. Meeting adjourned at 12:41 p.m.

Respectfully submitted,
Cheryl Nault
Community Development Secretary

Robert J Vogel
921 Alabama Court
Sturgeon Bay, WI 54235

Phone 920.495.3343
E-mail rob@edgelinellc.com

4.

12.18.15

City of Sturgeon Bay Zoning Board of Appeals

Dear Board Members:

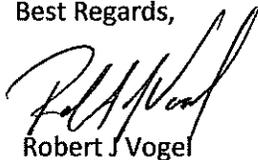
Thank you for your time regarding the public hearing held Tuesday, December 8th involving my property at 930 N 4th Avenue in Sturgeon Bay (tax parcel number 281-54-05020102). I found the hearing informative and helpful.

At the hearing my application was tabled due to an unanswered question on the original application. I would like to answer that question at this time. The question was "what is the unnecessary hardship"? The answer is that the lot is oversized when compared to the rest of the neighborhood. Furthermore, I would like to build a very small house on the newly created lot. This is an R2 zoning district which allows for a minimum home size to be 800 square feet. There are very few if any lots available that allow for this small of a house to be built. Most available lots in the city require a home to be built much larger than I can afford.

There was one other item that needed clarification. There was a question regarding the size of the current garage on the property. The size of the garage is 40' by 24' which is under the allowed 1,000 square foot maximum.

I look forward to your decision regarding my application. Please feel free to contact me anytime with questions or further clarification.

Best Regards,



Robert J Vogel

Site Sketch

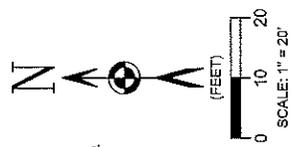
LOCATED IN:
 BLOCK 2, WAGNER'S ADDITION,
 THE NE 1/4 OF THE NE 1/4 OF SECTION 6, T. 27 N., R. 26 E.,
 CITY OF STURGEON BAY, DOOR COUNTY, WISCONSIN

PREPARED FOR:
 CURRENT OWNER:
 ROBERT J & BRENDA S VOGEL
 930 NORTH 4TH AVENUE
 STURGEON BAY, WI 54235

PREPARED BY:
 BRIAN FRISQUE SURVEYS INC.
 BRIAN D. FRISQUE
 PROFESSIONAL LAND SURVEYOR
 3121 MATHIEY ROAD
 STURGEON BAY, WI 54235
 (920) 743-7183

SURVEYOR'S NOTE:
 BEARINGS BASED FROM A. JERRY D.
 SLAVA SURVEY, MAP #019667,
 DATED APRIL 17, 1998.

VOGEL
 DOC. #765831
 21,812 SQ. FT.
 0.501 AC.
 TAX PARCEL NO.
 281-64-05020102



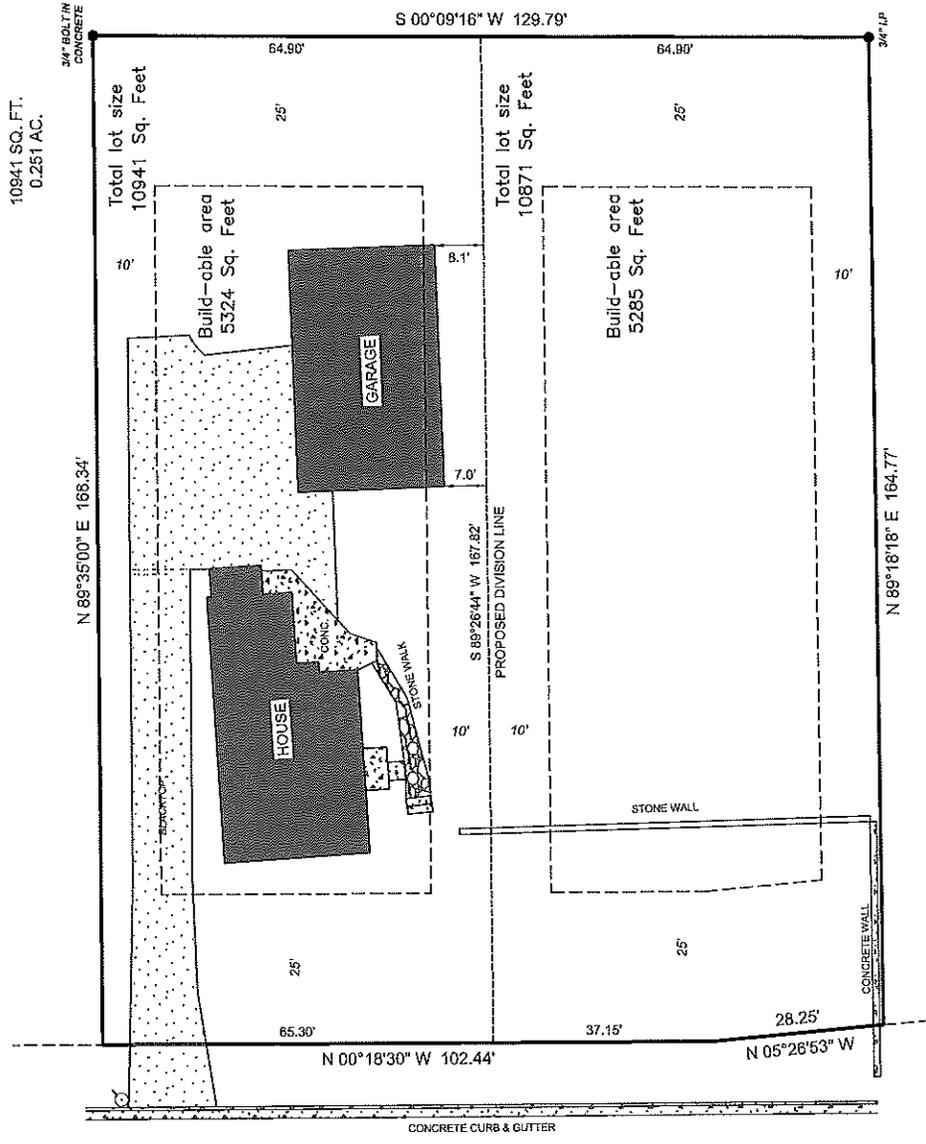
LEGEND

- = EXISTING IRON PIN AS NOTED
- ⊗ = UTILITY POLE

BUILDING ZONE = [---]
 25' RIGHT-OF-WAY SETBACK
 25' REAR-YARD SETBACK
 10' SIDE-YARD SETBACK

Caution:
 Building zones depicted are based on zoning setbacks in effect at the time this map was produced and should not be relied upon without first obtaining written verification thereof from the Door County Planning Department and/or any other local zoning authorities.

10-30-15
 D-033115-SS.dwg
 Drawn By: D.F.H. II
JOB#: D-033115



North 4th Avenue (60')

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

Date Received: 11-19-15
 Fee Paid \$ 300 + 50 Sign
 Received By: CW *dep.*

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	<u>Robert J Vogel</u>	
Company		
Street Address	<u>921 Alabama Court</u>	
City/State/Zip	<u>Sturgeon Bay, WI 54035</u>	
Daytime Telephone No.	<u>920-495-3343</u>	
Fax No.		
STREET ADDRESS OF SUBJECT PROPERTY: <u>930 N 4th AV Sturgeon Bay</u> Location if not assigned a common address: _____		
TAX PARCEL NUMBER: <u>2815405020102</u>		
CURRENT ZONING CLASSIFICATION: <u>R2</u>		
CURRENT USE AND IMPROVEMENTS: <u>1 Residential Home</u>		
IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW; <u>Section 20.027 Sub 2 I would like to</u> <u>split the current lot into 2 65' wide lots. The code states that</u> <u>they need to be 70' wide.</u>		
ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES: North: <u>R2 Residential home</u> South: <u>R2 Residential home</u> East: <u>R2 Residential home</u> West: <u>R2 Residential home</u>		

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: N/A
- 2. Unique physical property limitation: The lot is oversized. The proposed change would bring it closer to the size of the surrounding lots.
- 3. Protection of public interest: only asking for lot size variance, not home size. the new home would conform to all set backs and building codes.

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.

Robert J Vogel _____ Date
Property Owner (Print Name) Signature

Applicant/Agent (Print Name) Signature Date

I, Robert J Vogel, 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.
11/19/15 _____
Date of review meeting Applicant 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

Location Map Vogel Variance Request



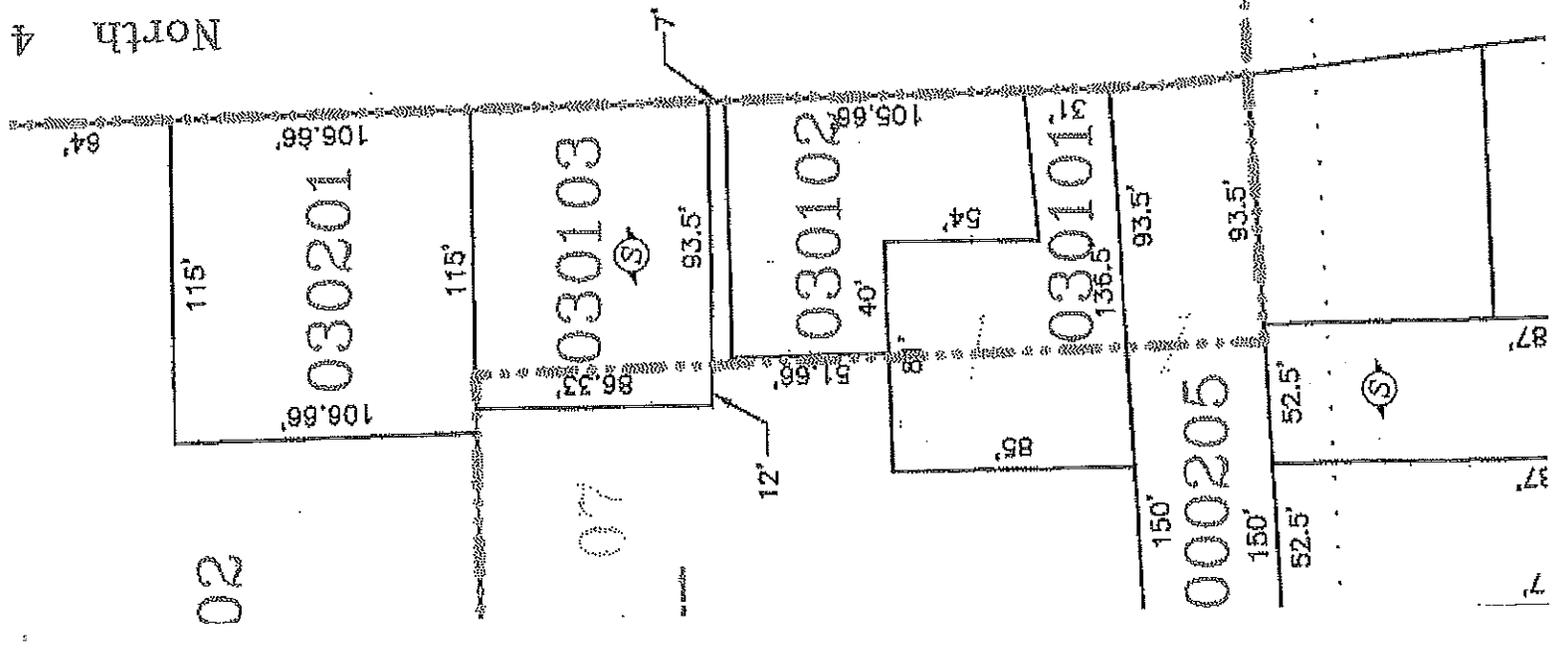
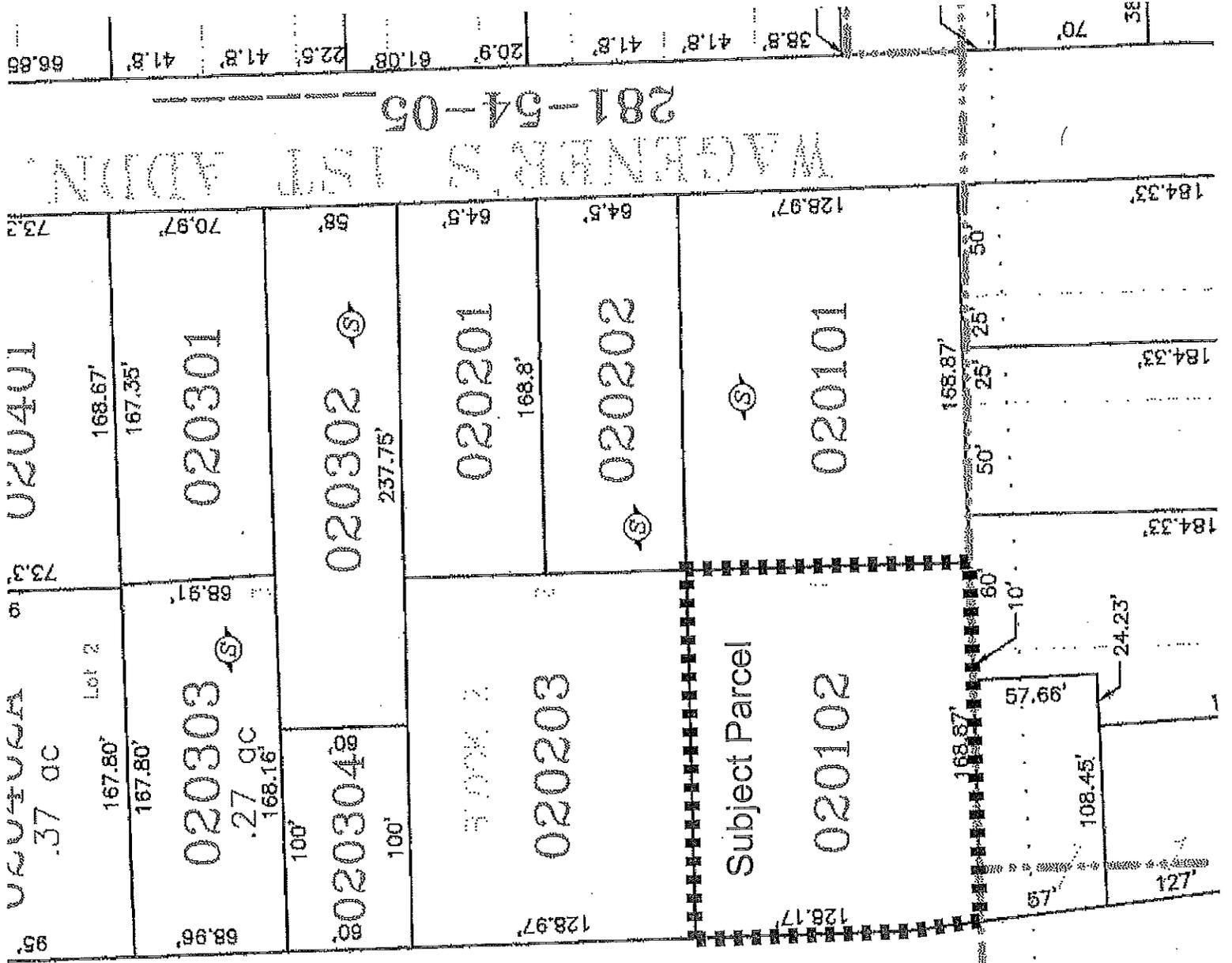
4th Ave

5th Ave

Parcel No.
281-54-05020102
930 N 4th Ave

Delaware Street





WAGNER'S 1ST ADDN
 281-54-05

66.88 41.8' 22.5' 61.08' 20.9' 41.8' 38.8' 41.8' 70' 38'

North 4

02
 07
 115' 106.66' 106.66' 115' 93.5' 86.33' 86.33' 12' 40' 105.66' 51.66' 51.66' 8' 57.4' 8' 85' 136.5' 93.5' 93.5' 93.5' 150' 150' 52.5' 52.5' 87' 37' 7'



Ryan J. Kernosky
Planner/Zoning Administrator
421 Michigan Street
Sturgeon Bay, WI 54235



Phone: 920-746-2907
Fax: 920-746-2905
E-mail: rkernosky@sturgeonbaywi.org
Website: www.sturgeonbaywi.org

January 4, 2016

Petition for Variance
Jim Olson Motors
812 Green Bay Road
Parcel #281-58-0727260001

RE: Summary for Jim Olson Motor's Variance Request

Jim Olson Motors (David Phillips, Agent) is currently in the process of preparing to construct a new Ford Dealership to be located off of South Duluth Ave, behind the current Chrysler Dealership. Under s. 20.27(1) of the Sturgeon Bay Zoning Code, the impervious surface from these lots may not exceed 70%:

(1) For each lot in the R-4, C-1, C-3, C-4, and C-5 districts, the combined area of all roofed, paved, and other impervious surfaces shall not exceed 70 percent of the total area of the lot. Existing lots with impervious surfaces that exceeded 70 percent prior to adoption of this section shall be exempted from this provision provided that there shall be no further net increase of impervious surfaces on such lots.

Jim Olson Motors is requesting a variance from s. 20.27(1) of the Sturgeon Bay Zoning Code. The proposed Ford Dealership has an impervious surface ratio (ISR) of 71.34%. If the lot would be divided into two parcels as planned, the Chrysler Dealership would have an ISR of 78%. Approving the variance would grant both requests.

The ISR requirement was put into place in the mid 1990's as a way to control and ensure that land was available for storm water management, and to ensure green space and landscaping for aesthetics. Previously, in 2006, the Zoning Board of Appeals granted an ISR variance petition from the Door County Cooperative to increase their ISR from 81.4% to 92%.

Furthermore, many surrounding commercial businesses either meet or exceed the 70% ISR (Lamperts Lumber (98.6%), Sherwin Williams (77.9%), Jim Olson Chevrolet (82.6%), and Door County Auto Sales and Storage(76.7%)) these businesses were developed prior to the ISR being implemented.

Submitted,

Ryan Kernosky
Planner and Zoning Administrator

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

Date Received: 12-21-15
 Fee Paid \$ 300 + 50 sign
 Received By: CD

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	JIM OLSON	
Company	JIM OLSON FORD	
Street Address	632 GREEN BAY RD	
City/State/Zip	STURGEON BAY, WI 54235	
Daytime Telephone No.		
Fax No.		

STREET ADDRESS OF SUBJECT PROPERTY: 812 Green Bay Rd
 Location if not assigned a common address: _____

TAX PARCEL NUMBER: 281-58-0727260001

CURRENT ZONING CLASSIFICATION: C-1

CURRENT USE AND IMPROVEMENTS: Current Chrysler Dealership

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: s. 20-27 (1) - Requires Improvements 5-faces not to exceed 70% request is to split lot resulting in a ISR of for Chrysler and for the proposed Ford dealership

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:
 North: R-4 Single Family Homes
 South: C-1 Commercial (Walgreen / Sherwin Williams / Multiple family dwell.)
 East: C-1 Jim Olson Chevy
 West: C-1 Door County Auto / Unzoned (Township)

VARIANCE STANDARDS

Please address how the proposed variance meets each of the three required standards for authorizing variances. (Attach additional sheets, if necessary)

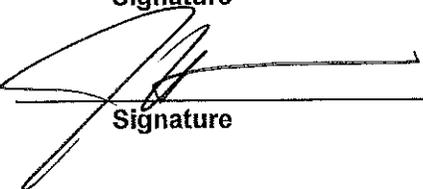
1. Unnecessary hardship: See attached

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.

Property Owner (Print Name)	Signature	Date
<u>JAMES OLSON</u>		<u>12-21-15</u>
Applicant/Agent (Print Name)	Signature	Date

I, DAVE PHILLIPS, 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.

<u>12-21-15</u>		
Date of review meeting	Applicant 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

JIM OLSON CHRYSLER VARIANCE

1. Unnecessary Hardship: The Chrysler dealership was built in 1970. The zoning requirement that limits the impervious surface on the parcel to 70% wasn't adopted until 1995, some 25 years later. The zoning requirement severely limits additional development on this property, which originally developed long before the requirement.

The adjoining commercial developments exceed the 70% impervious surface ratio, so requiring the Ford/Chrysler project to meet that ratio puts this parcel at a disadvantage.

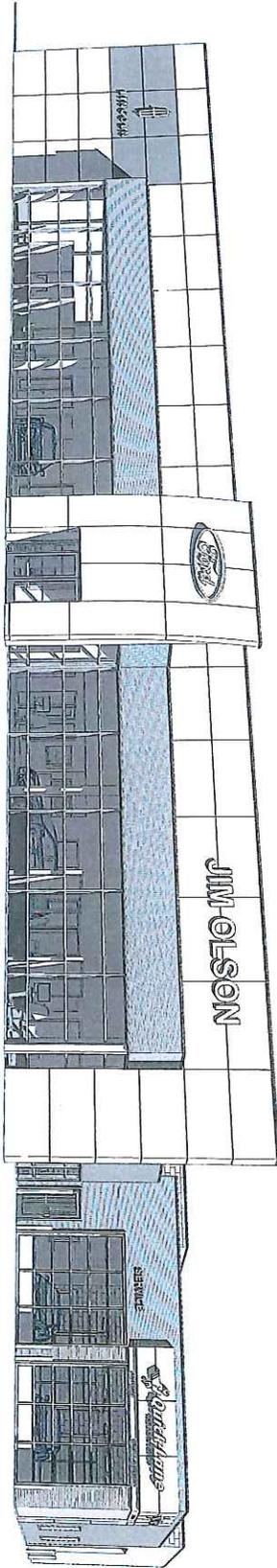
2. Unique Physical Property Limitation: The current parcel is unique in that it is simply too large for a single car dealership. But, if the parcel were to be split it would cause the Chrysler dealership to exceed the 70% impervious surface ratio. Based upon its size and the large undeveloped portion of the property, it was clearly intended for additional future development.

In addition, auto dealerships are unique land uses because they require more impervious surface than most uses. The need for display spaces plus customer parking makes it very difficult to comply with the 70% impervious surface rule.

3. Protection of Public Interest: The impervious surface ratio for the proposed development would be similar to or less than the adjoining developments. The closest commercial companies (Lamperts, Sherwin Williams, Jim Olson Chevrolet, and Door County Auto Sales and Storage) all exceed the 70% impervious surface ratio. Therefore, the development would not be out of character from the public's perspective.

Despite the increase in impervious surface, the property will comply with all storm water management requirements. Management plans have been prepared by Baudhuin, Inc. to handle the storm water. So there will be no impacts on adjoining property due to runoff.

Jim Olson Ford will still have landscaping on the property, including a vegetative screen along the north end of the property facing the residences. So the dealership will still contain green space and not be unattractive to the neighboring residential district or to the general public.



BAYLAND BUILDINGS
 P.O. BOX 18211 GREEN BAY, WI 53007
 (920) 488-2010 FAX (920) 488-2013
 www.baylandbuildings.com
 DESIGN & BUILD GENERAL CONTRACTOR

PROPOSED BUILDING FOR:

JIM OLSON FORD

STURGEON BAY, WISCONSIN; COUNTY OF: DOOR

SCALE VERIFICATION



NOT TO SCALE
 THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE DESIGNER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED. THE CLIENT'S USE OF THIS DRAWING IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY OTHER USE IS PROHIBITED. THE DESIGNER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED. THE CLIENT'S USE OF THIS DRAWING IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY OTHER USE IS PROHIBITED.

JOB NUMBER: 15-2015

SALES REP: DAVE PHILLIPS (920) 300-8280

JIM THYERS (920) 371-2011

DRAWN BY: BSV

DATE: 01-05-2015

REVISIONS:

ISSUED FOR:

PRELIMINARY

BID SET

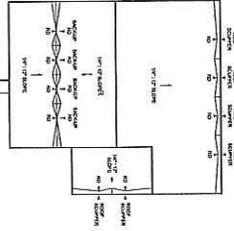
CONSTRUCTION

SHEET

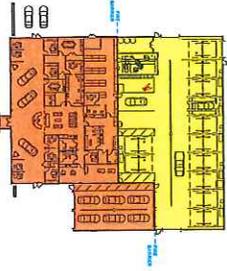
TO.1



LINCOLN



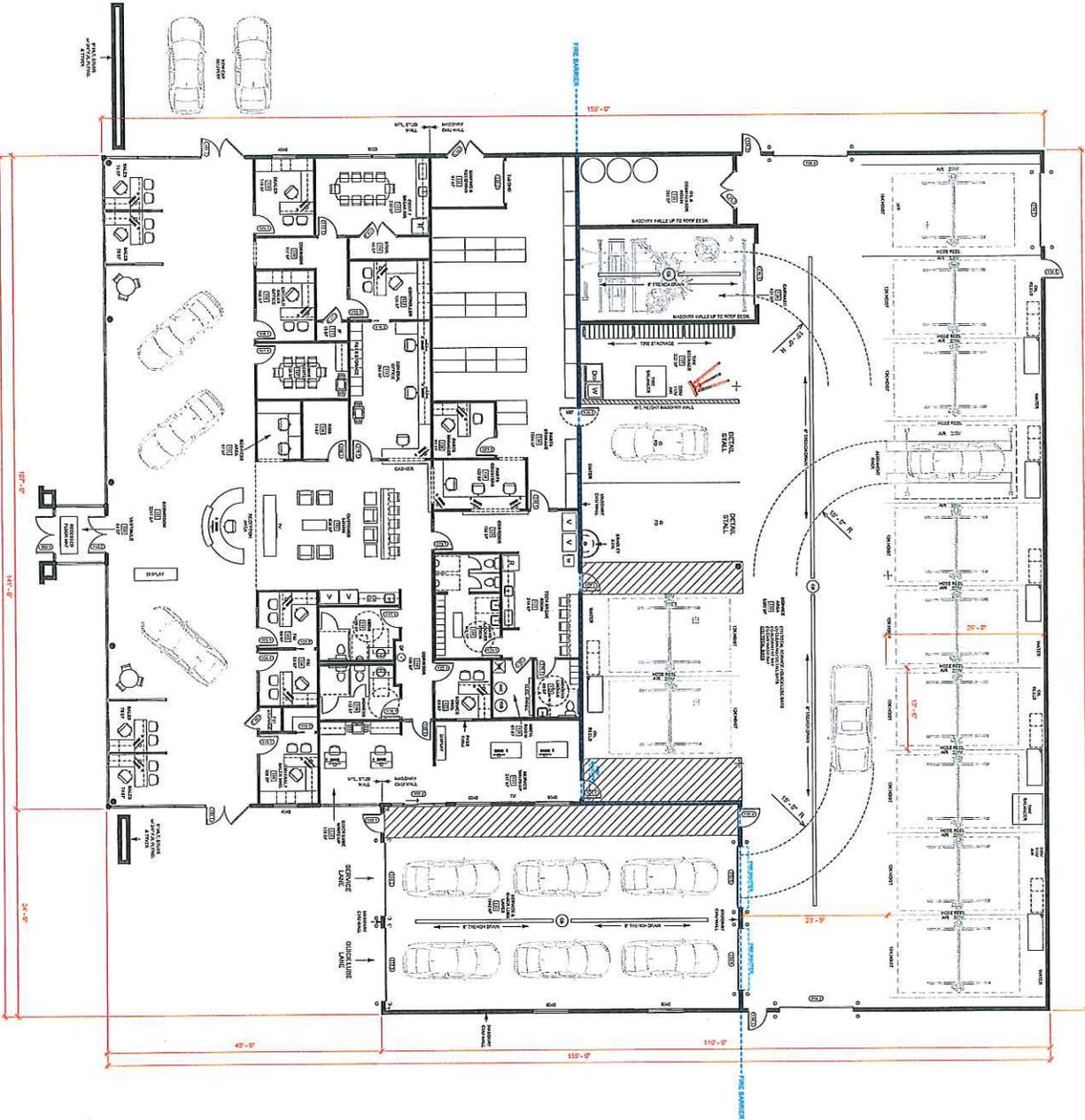
ROOF PLAN



TOTAL BUILDING SF = 234,411 SQ. FT.

- FIRE AREA #1 = 4,500 SF
- FIRE AREA #2 = 10,000 SF
- FIRE DAMPERS

FLOOR PLAN



BAYLAND

BAYLAND BUILDINGS

P.O. BOX 13371 GREEN BAY, WI 53007
 (920) 498-5300 FAX (920) 466-5333
 DESIGN & BUILD GENERAL CONTRACTOR

PROPOSED BUILDING FOR:

JIM OLSON FORD

STURGEON BAY, WISCONSIN, COUNTY OF: DOOR

SCALE VERIFICATION



DATE OF SCALE VERIFICATION: 01-26-2015

SCALE: AS SHOWN

ISSUED FOR: PRELIMINARY

ISSUED FOR: BID SET

ISSUED FOR: CONSTRUCTION

ISSUED FOR: SHEET

DATE: 01-26-2015

REVISIONS:

JOB NUMBER: 14-2815

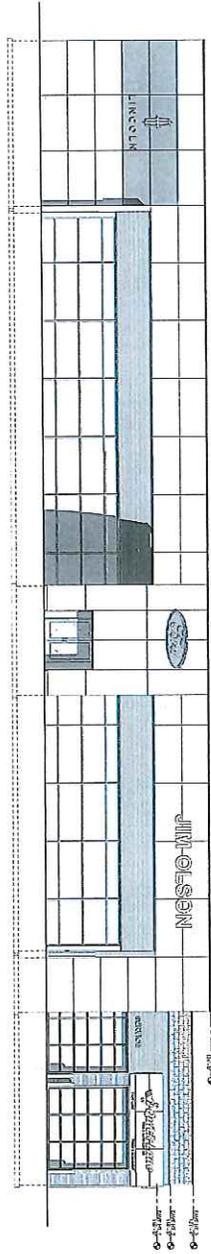
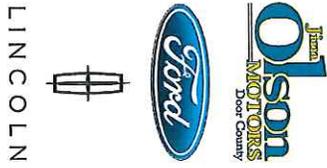
SCALE REP: DAVE PHILLIPS

SCALE REP: JIM THYRES

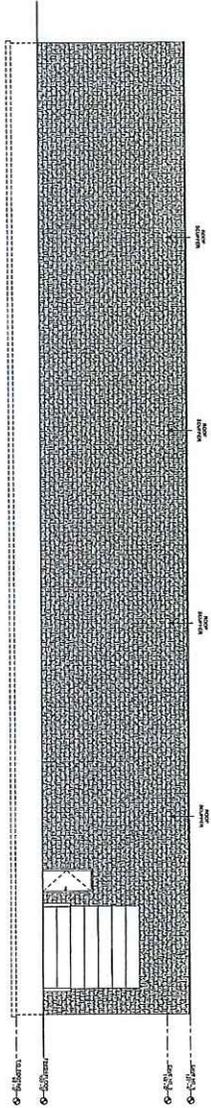
SCALE REP: (920) 371-5211

SCALE REP: DBV

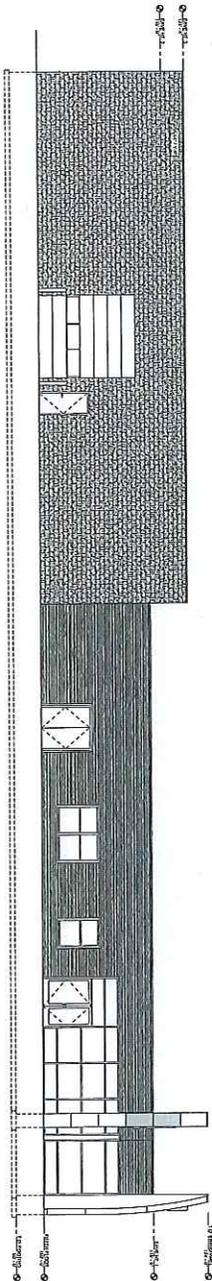
A1.0



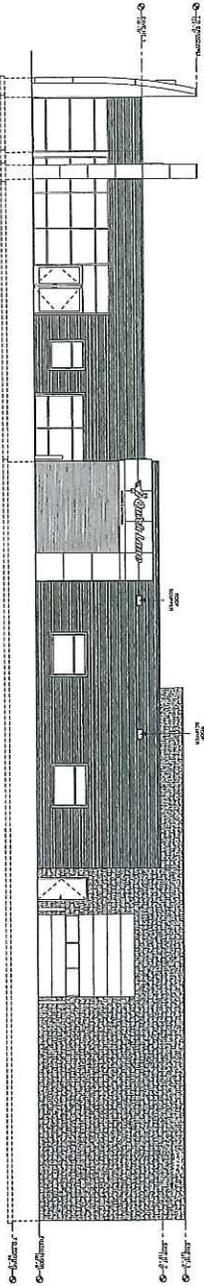
2 WEST ELEVATION
1/8" = 1'-0"



1 EAST ELEVATION
1/8" = 1'-0"



3 NORTH ELEVATION
1/8" = 1'-0"



4 SOUTH ELEVATION
1/8" = 1'-0"

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 P.O. BOX 1831 GREEN BAY, WI 53007
 (920) 871-2511
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PROPOSED BUILDING FOR:
JIM OLSON FORD
 STURGEON BAY, WISCONSIN; COUNTY OF: DOOR

SCALE VERIFICATION



1" = 1'-0"

DATE: 01-15-2015

JOB NUMBER: 15-2815

SALES REP: DAVE PHILLIPS

DRAWN BY: JIM TYESS

DATE: 01-15-2015

REVISIONS:

ISSUED FOR:

PRELIMINARY

BID SET

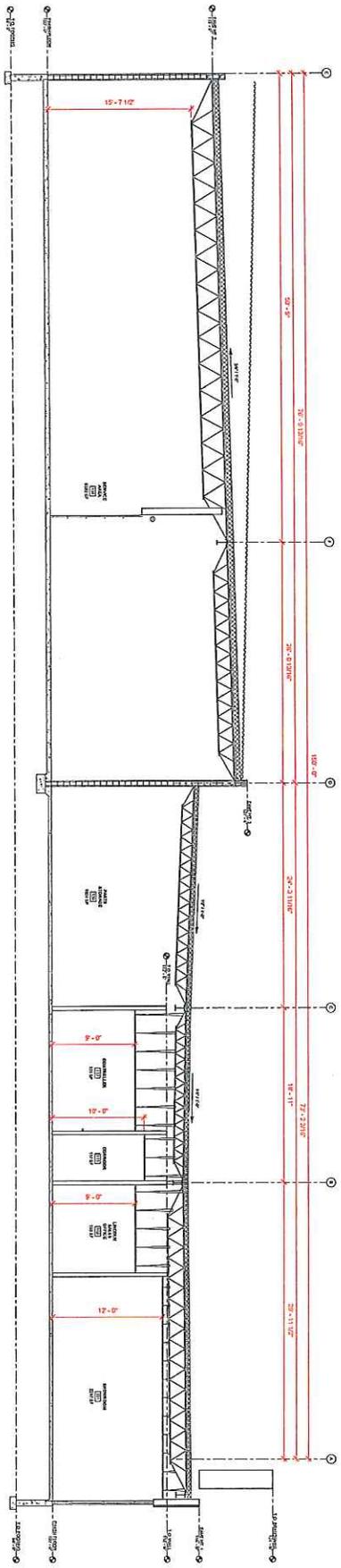
CONSTRUCTION

SHEET

A2.0



LINCOLN



1 BUILDING SECTION
AND 3/16\"/>

BAYLAND
BAYLAND BUILDINGS
 P.O. BOX 12871 GREEN BAY, WI 54307
 (920) 484-3000 FAX (920) 484-3013
 WWW.BAYLANDBUILDINGS.COM
 DESIGN & BUILD GENERAL CONTRACTOR

PROPOSED BUILDING FOR:
JIM OLSON FORD
 STURGEON BAY, WISCONSIN; COUNTY OF: DOOR

SCALE VERIFICATION

VERIFIED BY: [Signature]
 DATE: [Date]

JOB NUMBER: 15-2915

SALES REP: DAVE PHILLIPS
 (920) 392-2580

DRAWN BY: DBV

DATE: 01-05-2015

REVISIONS:

ISSUED FOR:
 PRELIMINARY
 BID SET
 CONSTRUCTION
 SHEET

A3.0

Nault, Cheryl

From: Kernosky, Ryan
Sent: Monday, January 04, 2016 12:07 PM
To: Nault, Cheryl
Subject: FW: Jim Olson pictures

For ZBA

From: David Phillips [<mailto:DPhillips@baylandbuildings.com>]
Sent: Monday, January 04, 2016 12:05 PM
To: Kernosky, Ryan
Subject: Jim Olson pictures









David Phillips | Sales Representative
Bayland Buildings, Inc.

P.O. Box 13571 | Green Bay, WI 54307-3571

Work 920.498.9300 | **Mobile** 262.308.2580 | **Fax** 920.498.3033

Email dphillips@baylandbuildings.com | **Web** baylandbuildings.com

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, January 12, 2016, at 12:00 Noon or shortly thereafter, regarding a request from Jim Olson Chrysler for a variance from Section 20.27(1) of the Municipal Code (Zoning Code), which requires impervious surfaces not to exceed 70% of the total lot area. The request is to divide the parcel into two separate lots for future development of a Ford Dealership. By dividing the lot, Jim Olson Chrysler would have an impervious surface ratio of 78%, and the proposed Jim Olson Ford Dealership Parcel would have an impervious surface ratio of 71.34%. The subject property is located at 812 Green Bay Rd., tax parcel #281-58-0727260001. 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 - Jim Olson Motors

Impervious Surface Ratio Variance Request



Note: Public Hearing to be held on January 12, 2016 at Noon in the City Council Chambers (City Hall, 421 Michigan Street)

Looking East - Jim Olson Variance Request



Looking North - Jim Olson Variance Request



Stormwater Summary

I. Site Description

The approximate 3 acres of developable upland is located north end of the existing Jim Olson Dodge-Jeep dealership located along Duluth Ave in the City of Sturgeon Bay, Wisconsin. The site will be developed into a Ford dealership.

II. Existing (Pre-developed) Conditions

A portion of the existing site is currently paved and used as overflow parking for the Doge dealership to the south. The site drain from west to east with 0.66 acres currently draining off the northeast corner of the site and the remaining 2.40 acres draining to the existing un-named stream located off-site to the southeast.

No wetlands exist on the development site. Bedrock depths range between 6 and 26 inches. Duluth Avenue borders the property to the west. Duluth Avenue has curb and gutter and storm sewer. There is no off-site contributing watershed draining through this site.

All on-site soils are predominantly sandy loams. Bedrock depths exempt this site from infiltration requirements. Soils act as hydrologic group B soils due to underlying bedrock.

Site slopes vary between 1 and 7 percent. Average slope is approximately 3 percent from west to east.

III. Proposed (Post-developed) Conditions

The site is being proposed as a car dealership. Much of the lot will be paved to allow vehicle display. Portions of the site will remain green space.

The entire development will be directed to a storm water management pond located along the east side of the lot. The storm pond will be equipped with an outlet structure as well as an emergency spillway.

The proposed storm pond will reduce peak flow rates and remove total suspended solids prior to discharge to the wetland/channel. Two bio-retention areas will be placed to allow treatment prior to flows reaching the peak rate control dry pond.

The pond will likely require rock blasting which will make a synthetic or clay liner necessary.

This site is exempt from infiltration requirements due to the underlying bedrock. Curb and gutter, storm sewer and grass swales will be used to convey water to the proposed storm pond.

Storm water from the majority of the parcel will be treated/managed with grassy swales, the bio-retention forebays and dry pond. This is considered infill development therefore requiring 40% suspended solids removal. SLAMM program analyzed the proposed

stormwater measures to accomplish 75% suspended solids reduction and provide peak flow reductions in accordance with DNR requirements as well as the City of Sturgeon Bay storm water requirements. Peak flow reductions will be provided such that the peak flow leaving the site after development during all events will not exceed current peak flows leaving the site in its undeveloped state during like event.

No external drainage basins from off-site lands drain through this site. Therefore the on-site pond will handle this site independently.

IV. Stormwater Pond

The storm pond has been designed to meet water quality and peak flow guidelines per City's requirements. The storm pond will treat storm water from the proposed development prior to allowing discharge to the off-site channel.

A DNR type B liner will be placed in the base of the pond in rock blasted areas to seal the pond and provide separation to the underlying bedrock.

An outlet structure has been designed to reduce peak flows and promote settling out of pollutants. Spillway will be provided to pass events above the 100 year storm event.

Peak flows have been modeled to analyze net impact leaving the site.

A safety ledge or safety fence will be installed in accordance with DNR guidelines.

V. Design Methodology

Aspects of the stormwater management system have been designed using the following design methods:

- Stormwater ponds – US-SCS TR-55 Hydrology (Hydraflow program)
- Storm sewer/culverts – Rational Method and Haestad Methods Culvertmaster Program (Manning's formula)
- Ditches & swales – Haestad Methods Flowmaster program (Manning's formula)

VI. Erosion Control

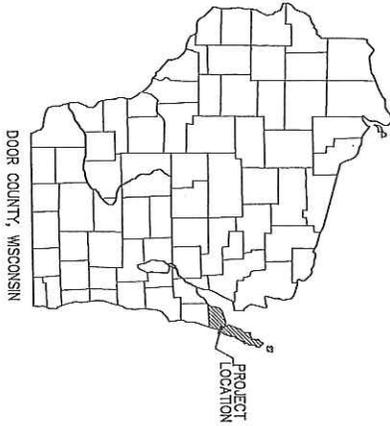
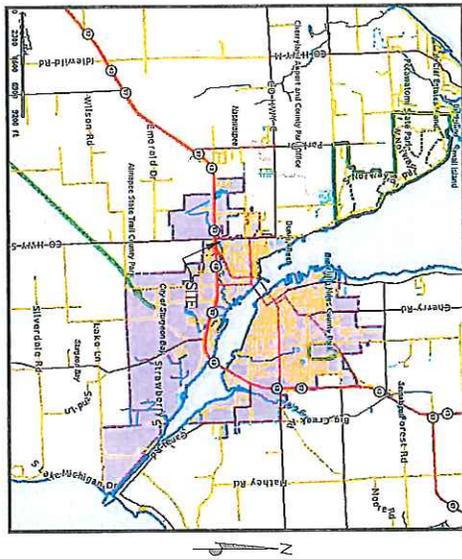
The erosion control for this site has been designed in conformance with requirements set forth by the City of Sturgeon Bay and DNR Technical Standards. Maintenance and installation of erosion control shall follow City requirements as well as the DNR Technical Standards.

VII. Conclusion

Implementation of the designed stormwater pond and erosion control practices will provide a stormwater system that will minimize any negative impacts of this development to the downstream waterways and meet DNR/City goals for water quality and peak flow management prior to leaving the site.

Bayland Buildings - Jim Olson Motors Proposed Ford Dealership Building Grading, Drainage, & Erosion Control Plans

JOB NUMBER
22429



- INDEX OF SHEETS
- 1 of 5 COVER & INDEX SHEET
 - 2 of 5 GRADING, DRAINAGE, & EROSION CONTROL PLAN
 - 3 of 5 CONSTRUCTION DETAILS
 - 4 of 5 CONSTRUCTION DETAILS
 - 5 of 5 CONSTRUCTION DETAILS

PREPARED FOR:
JIM OLSON MOTORS
632 GREEN BAY ROAD
STURGEON BAY, WI.

PREPARED BY:
BAUDHUIN INCORPORATED
55 S. 3RD AVENUE
STURGEON BAY, WI 54235
(920) 743-8211
www.baudhuin.com
DRAWN BY: D.P.V.B.

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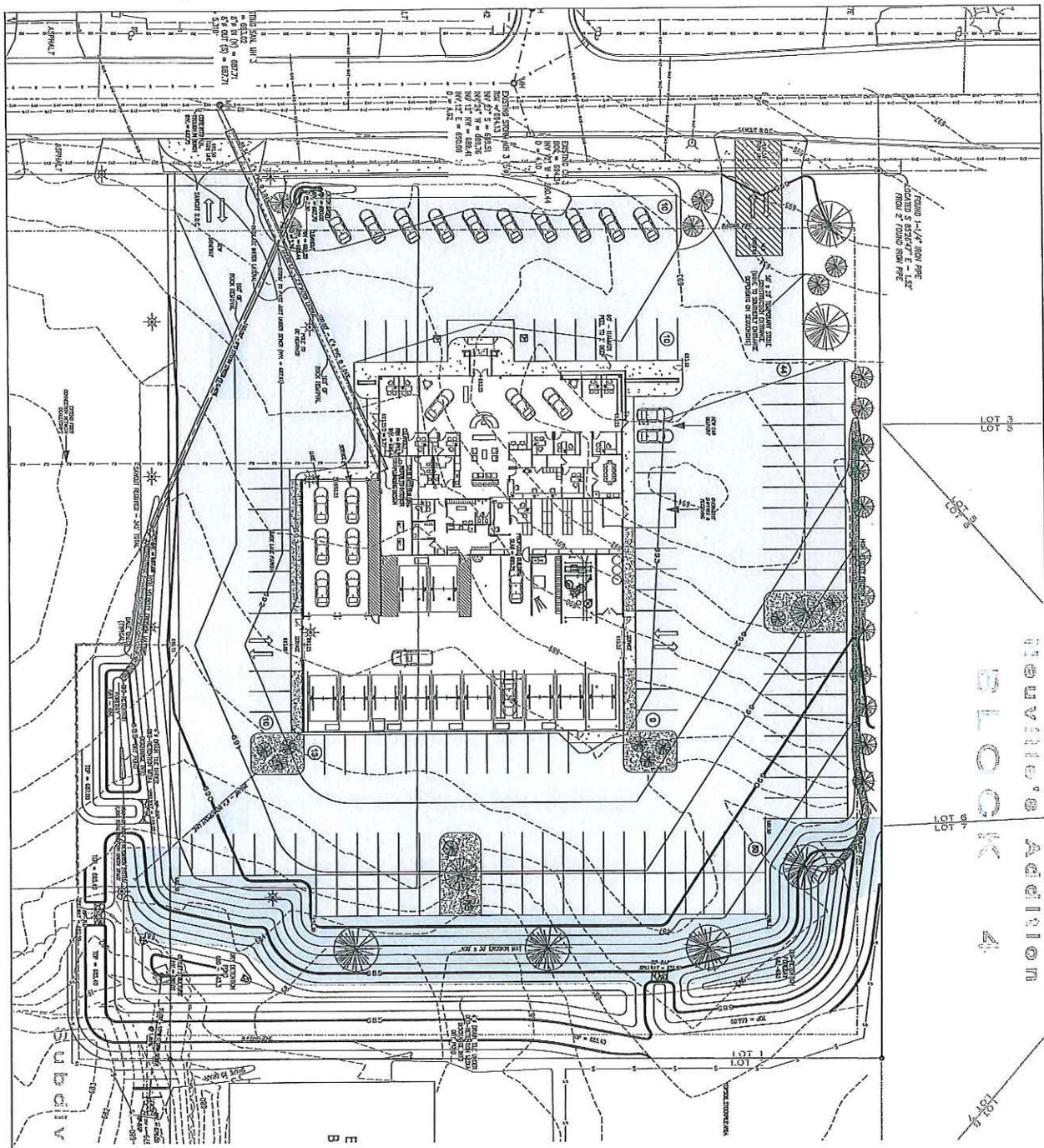
COVER &
INDEX SHEET

Jim Olson Motors

Baudhuin Incorporated
Site Engineering • Surveying • Soil Science

55 S. 3RD AVENUE
P.O. BOX 68
STURGEON BAY, WI
54235
PHONE: 920-743-8211
FAX: 920-743-8217

DATE	PROJECT DESCRIPTION	DRAWN BY
WORKSHEET	IN BAY AREA	BAUDHUIN
PLAN SHEET		BAUDHUIN
AS-BUILT		BAUDHUIN
REVISION DATE:		BAUDHUIN
SCALE:		BAUDHUIN
NOTE:		BAUDHUIN



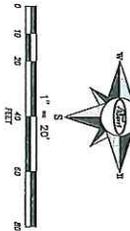
Houville's Addition
BLOCK 4

PARKING COUNT

DESIGNATION	REQ.	PROVIDED
CUSTOMER PARKING STALLS	5	20 (2 ADA)
EMPLOYEE PARKING STALLS	20	22
INVENTORY PARKING STALLS	118	146
TOTAL PARKING STALLS	143	168

GREEN SPACE
 81,820 SF OF NEW ASPHALT PAVING
 3,800 SF OF NEW CONCRETE PAVING
 34,988 SF OF NEW GREEN SPACE
 116,628 SF TOTAL OF LOT CON. = 30,028 SF

- ⊙ - 2" FOUND IRON PIPE
 - - 1" FOUND IRON PIPE
 - - 3/4" FOUND IRON PIPE
 - ⊕ - POWER POLE
 - ⊙ - LIGHT POLE
- NOTES**
 - CONTROL INTERVAL = 1 FOOT.
 - CONTRACTOR HAS THE OPTION TO RE-LOCATE STOCKPILE AREA AS SHOWN ON THE FENCE SURROUNDINGS.



LOT 1 OF RECTOR'S PLAN
 THE SW 1/4 OF COR. 13 N. 1/4 OF SECTION 7
 TOWNSHIP 27 NORTH, RANGE 20 EAST,
 CO. DODGE COUNTY,
 WISCONSIN.

REVISIONS
 2 of 5

GRADING, DRAINAGE, &
 EROSION CONTROL PLAN

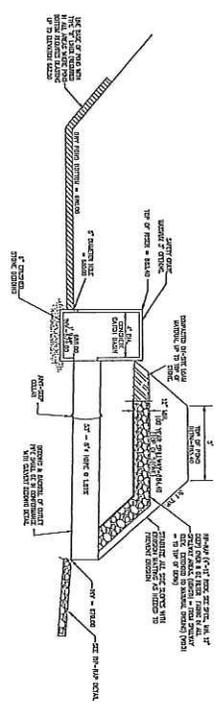
Jim Olson Motors

Baudhuin Incorporated
 Site Engineering • Surveying • Soil Science

55 S. 3RD AVENUE
 P.O. BOX 105
 STURZENEGGER, WI. 54235
 PHONE: 920-743-8211
 FAX: 920-743-8217

DATE	PROJECT DIRECTOR	DRAWN BY
11/15/05	DAVID WOODRUFF	DAVID WOODRUFF
11/15/05	DAVID WOODRUFF	DAVID WOODRUFF
11/15/05	DAVID WOODRUFF	DAVID WOODRUFF
11/15/05	DAVID WOODRUFF	DAVID WOODRUFF
11/15/05	DAVID WOODRUFF	DAVID WOODRUFF

Pond Outlet Structure Detail
NO SCALE



Clay Liner Criteria
BASED ON VARIOUS RESEARCH FROM TECHNICAL STAFF AND
INDUSTRY PRACTICES. (QMS, TYPE B LINS)

1. TO BE INSTALLED ON A SUBSTRATE OF 1/2\"/>

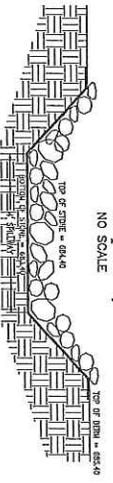
Bio-Retention Pond Detail
NO SCALE



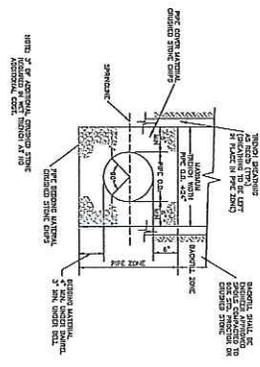
Bio-Retention Detail
NO SCALE



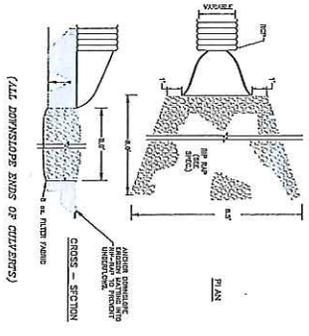
Storm Pond Spillway Detail
NO SCALE



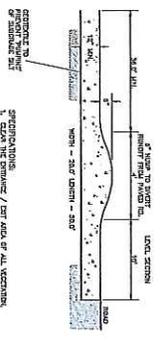
Culvert & Storm Sewer Bedding Detail
NO SCALE



Culvert Rip-rap Detail
NO SCALE

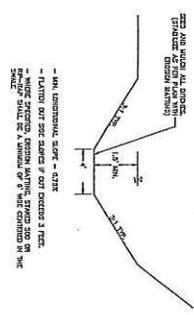


Temporary Stone Construction Entrance Detail
NO SCALE

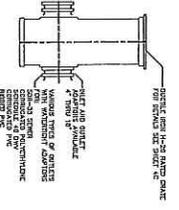


- CONSTRUCTION NOTES:**
1. CLEAN THE ENTRANCE / EXIT AREA OF ALL OBSTRUCTIONS.
 2. GRADE THE ROAD PAVEMENT TO MATCH THE ENTRANCE / EXIT AREA.
 3. PLACE STONE TO THE SUBGRADE, MAKE AAS CANTHUS.
 4. USE WEDGED STONE 2\"/>

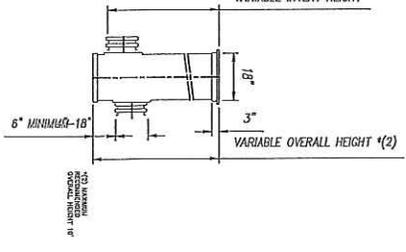
Non-roadway Swale Detail
NO SCALE



18\"/>



VARIABLE INVERT HEIGHT



VARIABLE OVERALL HEIGHT (2)

DATE	11-15-16
SCALE	AS SHOWN
REVISION	
PROJECT & SHEET	AS SHOWN
DATE	11-15-16
DESIGNER	AS SHOWN
DRAWN BY	AS SHOWN

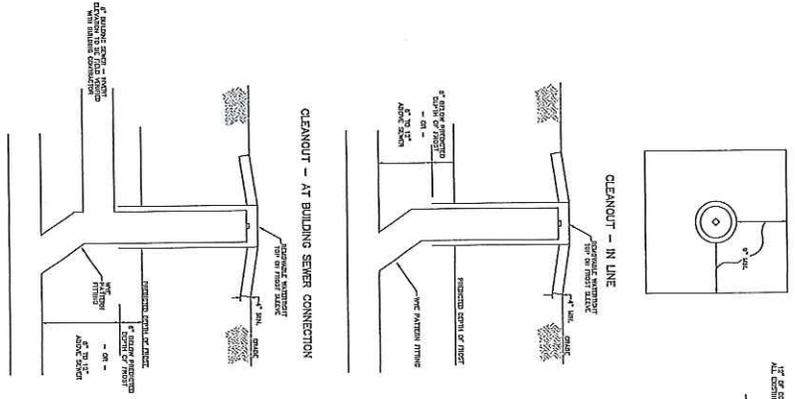
Baudhuin Incorporated
Site Engineering • Surveying • Soil Sciences
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P.O. BOX 105
STURZEN BECK, WI
54235
PHONE: 920-743-8211
FAX: 920-743-8217

Jim Olson Motors

CONSTRUCTION DETAILS

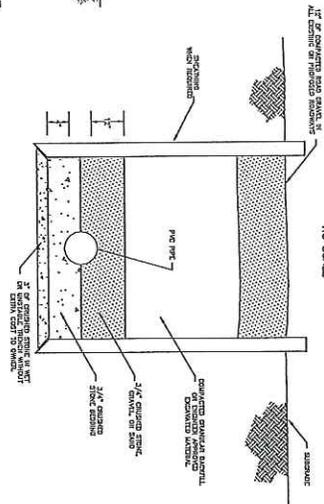
Cleanout Detail

NO SCALE



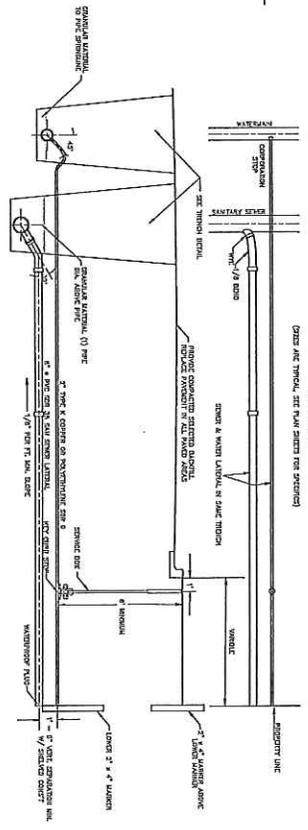
Standard Trench Section

NO SCALE



Typical Sewer & Water Connection

NO SCALE



5015
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CONSTRUCTION
 DETAILS

Jim Olson Motors

Baudhuin Incorporated
 Site Engineering - Surveying - Soil Science

55 S. 3RD AVENUE
 P.O. BOX 105
 STURGEN, MI, MI
 48435
 PHONE: 920-743-8211
 FAX: 920-743-8217

DATE	PROJECT SHEET NO.	DATE
WITH	BY	DATE
DATE	DATE	DATE
SCALE	SCALE	SCALE
SCALE	SCALE	SCALE

HILGENBERG REALTY

REAL ESTATE SOLUTIONS SINCE 1963

January 4, 2016

City of Sturgeon Bay Zoning Board of Appeals
421 Michigan Street
Sturgeon Bay, WI 54235

To Whom It May Concern:

As the owner of 601 S. Duluth Avenue, Sturgeon Bay, WI, we are writing in support of Jim Olson Chrysler's requested variance to allow more impervious surface to enable the planned Ford Dealership development. The development will provide additional tax base, quality commercial activity and service and enhance the immediate area's vitality.

Your support is requested.
Thank you for your consideration.

Sincerely,



Philip J. Hilgenberg, Manager
HAI-I, LLC



Petition to Sturgeon Bay Zoning Board

Petition to the Sturgeon Bay Zoning Board to **reject the variance requests** for the proposed development and expansion at Jim Olson Motors 812 Green Bay Road, Sturgeon Bay, WI 54235 based on the failure to meet the three required variance standards set forth by the City of Sturgeon Bay Zoning Board of Appeals. It is our View as outlined below that the requirements for **unnecessary hardship, unique physical property limitations, and protection of public interest** have not been met. The municipal code zoning sections in question were designed to prevent this type of development from hindering the health, safety, comfort, prosperity, general welfare, taxable value of the land and buildings surrounding this site as well as to ensure aesthetic compatibility with neighboring property. Zoning variances should be the exception and not the rule, granting a variance should be done so consistent with the objectives stated in the zoning ordinances and this request does not meet those objectives. Please find our detailed position addressing each of the aforementioned items as well as other municipal code sections that would be substantially impacted by allowing increased impervious surfaces to affirm our **opposition to this project**.

Unnecessary Hardship: The Wisconsin Supreme Court has ruled that unnecessary hardship only exists when the zoning ordinance denies ALL reasonable use of a property. The Board members must consider whether the parcel as a WHOLE provides reasonable use to the owner, NOT JUST WHETHER A PORTION OF THE PROPERTY CAN BE USED AS THE APPLICANT WANTS. A variance is NOT warranted if the physical character of the property would allow a landowner to develop or build in compliance with a zoning ordinance which this parcel clearly allows as proved by the Jim Olson dealership currently being operated on the parcel. Loss of Profit is not a hardship, nor is additional expense incurred to comply with a zoning ordinance. For instance, limiting the number of units which can be built on a parcel (in this case the number of parking spaces and buildings used to sell cars) may reduce potential profits, but is not an unnecessary hardship. Another dealership may mean more cars sold if more space is allowed through this variance however this is NOT an unnecessary hardship and considering it so would be doing the neighboring community a damaging injustice to their properties. The current parcel is reasonably being used to house the Jim Olson Chrysler building and parking spaces and is being used to near its potential permitted by section 20.27 of the zoning code, while not allowing Jim Olson to expand to the degree they are hoping may not be ideal in their business plan, this certainly does not constitute an unnecessary hardship as decided by the WI Supreme court in several cases. Splitting this parcel into two parcels to accommodate the new dealership and bringing the impervious surface to above the 70% on the existing building and parcel would be as much or more damaging than allowing the new building parcel to exceed 70% and as such we adamantly oppose both variance requests. By splitting this property the owner would be creating a self-imposed hardship which is not grounds for a variance. This property is unique for several reasons that make comparing it to neighboring properties, which were built PRIOR to the area ordinance being instituted, with over 70% impervious surfaces invalid. This parcel, unlike Lampert Lumber, the

Door County Cooperative and similar properties located in this C-1 zoned area, directly adjoins residential occupancy's unlike the properties used in comparison by the applicant. This parcel also has a direct and open path for nonpoint pollution into waters of the state. The stream that flows above ground between the two existing parcels (Unnamed Stream Number 2) is currently a major source of non-point pollution into waters of the state and granting a variance to either of the split properties would substantially increase this pollution. The impervious surfaces on the existing property is non-conforming to chapter 33.303 where groundwater is at the surface creating a "protective area" where impervious surfaces are not allowed within 50' of the high water mark. This stream notably has springs, and other geological features that allow pollution to pass directly into waters of the state and potentially require stricter setbacks. Proper research has not been done to indicate the implications that this stream has on waters of the state. Prior to splitting this parcel and creating a non-conforming parcel, this stream and protection of the groundwater needs to be addressed. (Photos of existing site conditions polluting waters of the state are attached in exhibit A)

Unique Property Limitations: This property does not contain unique property limitations that warrant a variance approval. A unique property limitation must prevent compliance with ordinance requirements which this site clearly does not. The circumstances of an applicant, in this case wishing to expand a business, exceeding ordinances should not be a factor in deciding variances. Nearby ordinance violations and prior variances do not provide a basis for granting a variance. As previously discussed this site has substantial dissimilarities to neighboring properties that make using them in comparison insupportable. Even if we were comparing two parcels, 100% similar, which we are not as this parcel directly adjoins residential parcels, this board should not use other variance or ordinance violations in making a decision on this parcel. The new parcel if split is suitable for development, and can be done so within the ordinance without any unique property features hindering development or use of the parcel. Dividing the existing parcel and granting a variance to allow for the newly created, non-conforming parcel of the existing building simply to increase the percentage allowed on the new parcel for the new building is not a unique property limitation. The only limitations on this property would be the ones provided by the Sturgeon Bay Municipal code limiting the size of this development, and that is not a unique property limitation.

Protection of Public Interest: A variance granted may not harm public interest but is not required to advance them. "Public Interests" are the purpose and the intent of the ordinance that were agreed upon by the board representing the community. Section 20.02 purpose and scope of the zoning code states, the Provisions of this chapter are adopted to promote the **health, safety, morals, comfort, prosperity and general welfare of the city**, and to secure adequate light, pure air and safety from fire and other dangers to **conserve the taxable value** of the land and buildings throughout the city, to **preserve and enhance aesthetic value** and to **ensure aesthetic compatibility with neighboring property**, and **preserve the appropriate character of each area within the sound principals of zoning throughout the city**. The applicant may have provided an explanation or testimony that may try to convince you other factors are the

“public interests,” however this panel as well as the area zoning ordinances are in place to protect the interest of the public. This project and variance request protects the interest of a business owner and not the interest of the public as intended. Land values of neighbors will decrease, the comfort, safety, prosperity, and aesthetic compatibility will all be negatively impacted by this project and as such, this project is not protecting the interests of the public.

ADDITIONAL VIOLATIONS TO THE STURGEON BAY MUNICIPAL CODE

11.01 – PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the city of Sturgeon Bay. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such a length of time as to: **Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public. In any way render the public insecure in life or in the use of their property.**

The existing high lumen lighting directed at adjoining residential properties (as referenced by photographs in exhibit B) is causing a public nuisance and is in violation of this code section as well as code section 20.31 section (4) part (F) ANY LIGHTING USED TO ILLUMINATE ANY OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJOINING PREMISES LOCATED IN ANY RESIDENTIAL DISTRICT. The lighting has been discussed by several concerned neighbors with previous tenants as well as Jim Olson Motors and the condition persists causing a public nuisance. Adding more lighting and closer to the residential properties if an increase in impervious surfaces is approved will substantially increase this public nuisance. The current lighting remains on **all night**, shining directly into the windows of neighboring homes, even with blinds closed this has been reducing the level of security in the lives and use of their properties of neighbors. By granting a variance to the impervious surface, it is expected and shown on proposed plans that lighting would be placed at the outer limits of the impervious surfaces within 20 feet of residential properties. Jim Olson can argue that the lighting will be designed to reflect away, will be turned off at night, and other things now to appease this panel however we ask that you look at the apparent disregard being shown on the existing property as an indication of how we can reasonably expect the applicant to conduct itself in the future.

Chapter 20.41-Requirements for Large Retail Establishments. Section (9) Landscaping/Screening Part (C) Where a building abuts property that is used for residential purposes or vacant land that is residentially zoned, a vegetative screen shall be used, such screen shall at a minimum meet the requirements contained in section 20.34

The requirement of applicability of this section of the code defines a large retail establishment as a building with a footprint in excess of 50,000 sq. ft, which this proposal does not include. However the intent of this section is to protect adjoining residential properties, as we have in this case. This is a unique situation where the parking area is actually retail space to sell cars, and as such, the parking area should be considered in the 50,000 sq. ft. for large retail establishments to apply the requirements of a vegetative screen between adjoining residential properties per section 20.34.

Chapter 21 Subdivision and Platting 21.03 section (1) part (D) All subdivisions shall conform to chapter 20 of this code, the official map and the general development plan for the city.

Dividing this parcel into two parcels to increase the allowable building area on the new parcel while increasing the level of non-compliance for the existing parcel does not meet the requirements of this section, and dividing should not be allowed unless done so while maintaining 70% green space on BOTH parcels conforming to the code.

21.06-Design Standards Section (3) Part (C) Block Design. Subdivision lots shall be in conformance with the area and width requirements of the zoning code chapter 20 of this municipal code. Section (4) Part (D) Lot Drainage. Lots shall be laid out to provide positive drainage away from all buildings. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

The current snow load of the existing impervious surfaces is already taxing the pervious surfaces afforded by the existing lot. (Photos in exhibit C represent snow load from one snowfall being pushed near residences and right on top of the open ground water stream) the residential properties surrounding this site are at a lower and downhill elevation from the proposed building site. Tanks, retention ponds or other measures for storm water may capture a percentage of the runoff from the proposed impervious surfaces, however will not capture the spring drainage of the increased snow pushed onto the little green space this proposal provides. Approving more impervious surfaces will substantially increase spring flooding onto residential properties.

CONCLUSION

In conclusion, we are not opposed to development or business expansion, as expansion and growth are vital in sustaining any community; however, the zoning code exists to protect the community, and in this case neighbors of the site, from decreasing their comfort, safety and standard of living as well as the value of their property. Several neighbors researched the zoning code and weighed heavily the fact that this parcels impervious surfaces could only be increased by approximately 10% which would have a significantly less impact to their property value than the proposed non-conforming project would allow. If this site is to be developed it should be developed within the standards of the Sturgeon Bay Municipal Code as no variance to the code is justified in this case. As laid out above both variance request fail to meet the requirements of **unnecessary hardship, unique physical property limitations, and protection of public interest**. For those reasons **WE ARE OPOSED TO BOTH ZONING VARIENCE REQUEST ON THIS PROPERTY**. The two variances applied for should be looked at as one as it relates to impervious surfaces, if the parcel is to be split, the impervious surfaces should be a maximum of 70% for **BOTH** sites. We ask that this panel deny both zoning variance applications for this property and only allow the project to move forward conforming to the Sturgeon Bay Municipal Code.

Below are the names, addresses, phone numbers and signatures of residents neighboring the proposed project in opposition to both variance requests.

Name	Address	Phone #	Signature
Wayne Deuel	3157 S. Duluth	493-2735	Wayne Deuel
Dean Gordon	423 S. Elgin Ct.	495-5586	Dean Gordon
DAVE Bubnik	424 S Elgin Ct	495-6705	Dave Bubnik
Robin Gordon	423 S. Elgin Ct.	493-5827	Robin Gordon
MARIA-DAWN HASTINK	3137 Duluth	630-605-6901	Maria Dawn Hastink
Tom Worachek Andy Worachek	459 S. Fulton Ave.	493-4817	Tom Worachek Andy Worachek
Diane Hanisko	420 S. Elgin Ct.	495-0299	Diane Hanisko
Walter Hanisko	420 S. Elgin Ct.	493-2197	Walter Hanisko
Amey Tong	449 S. Elgin Ct	559-2288	Amey Tong
Brian Geibel	469 S Fallon Ave	421-2902	Brian Geibel
Tonia Geibel	469 S Fulton Ave	421-2903	Tonia Geibel
Danny Jones	420 S. DULUTH.	743-9637	Danny Jones
Lisa Englehart	3147 S. Duluth	495-7396	Lisa Englehart



DUMPSTER OVERFLOWING INTO STREAM



TIRE IN STREAM

EXHIBIT A

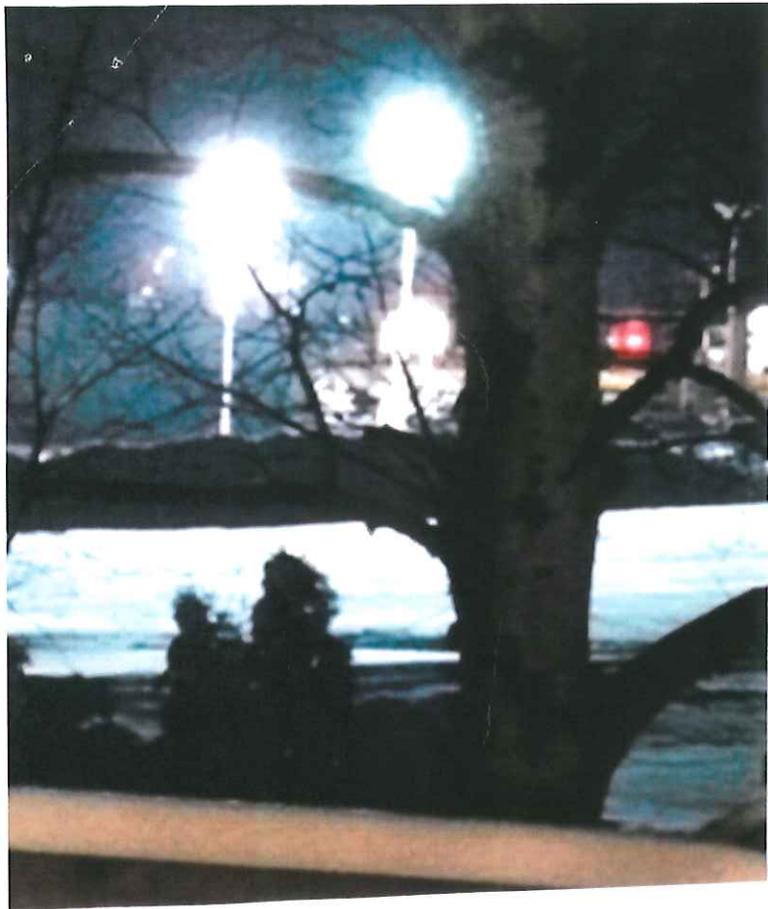


DEBIS SCATTERED IN STREAM



MOUTH OF STREAM SHOWING AFFECT ON VEGETATION

EXHIBIT A CONT



3AM PHOTOS FROM INSIDE RESIDENCE



PARKING LOT LIGHTING

EXHIBIT B



SNOW PUSHED NEXT TO RESIDENCE



SNOW PUSHED INTO STREAM

EXHIBIT C