AMENDED
AGENDA
CITY OF STURGEON BAY
ZONING BOARD OF APPEALS

Tuesday ~~Wednesday~~, May 24, 2016
12:00 Noon
Council Chambers, City Hall
421 Michigan Street

1. Roll call.

2. Adoption of agenda.

3. Approval of minutes from May 11, 2016.

4. Public hearing: Petition for variance from Section 20.07(7)(c) of the Zoning Code for a roof pitch less than the minimum requirement for a new dwelling, for Scott Strang, for a vacant lot located just north of 534 S. 15th Avenue.

5. Consideration of: Petition for variance from Section 20.07(7)(c) of the Zoning Code for a roof pitch less than the minimum requirement for a new dwelling, for Scott Strang, for a vacant lot located just north of 534 S. 15th Avenue.

6. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

ZBA Board Members
William Murrock, Chair
James Goodwin
Andrew Starr
Bill Chaudoir
Wayne Spritka
Richard Jennings, Alternate

5/19/16
1:45 p.m.
TM

ZONING BOARD OF APPEALS
Wednesday, May 11, 2016

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 James Goodwin, Bill Murrock, Wayne Spritka, and Bill Chaudoir were present. Excused: Member Andrew Starr. Also present were City Engineer Chad Shefchik, Planner/Zoning Administrator Ryan Kernosky, Community Development Director Marty Olejniczak, Community Development Secretary Cheryl Nault, and several members of the public.

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from April 12, 2016.
4. Consideration of: Denial of variances from s. 23.04(3)(a)1. of the Floodplain Zoning Code regarding placement of fill and from s. 20.07(7)(f) of the Zoning Code relating to length to width ratio for a dwelling for Nancy Schopf and Fred Bowen, petitioners.
5. Public Hearing: Petition from Nancy Schopf and Fred Bowen for variances from s.23.04(3)(a)1. of the Floodplain Zoning Code to extend fill less than the minimum 15-foot required from a dwelling in the floodplain and from s.20.07(7)(f) of the Zoning Code for a dwelling whose length is more than the maximum 2.5 times its width, for a vacant parcel located on W. Juniper St. (tax parcel #281-64-61001702).
6. Consideration of: Petition from Nancy Schopf and Fred Bowen for variances from s.23.04(3)(a)1. of the Floodplain Zoning Code to extend fill less than the minimum 15-foot required from a dwelling in the floodplain and from s.20.07(7)(f) of the Zoning Code for a dwelling whose length is more than the maximum 2.5 times its width, for a vacant parcel located on W. Juniper St. (tax parcel #281-64-61001702).
7. Adjourn.

Carried.

Mr. Murrock stated that the reason for this meeting was that rebuttal was not offered at the previous meeting. He thought that there had been enough testimony given for consideration. City Attorney Randy Nesbitt had recommended that because of the amount of testimony and potential for the applicant, supporters, or people opposed to the variance to offer testimony refuting what was initially presented, an offer for rebuttal should have been afforded and the public hearing should be reopened only for rebuttal for those only that had spoken at the previous hearing.

Approval of minutes from April 12, 2016: Mr. Shefchik clarified an item on page 3 of the minutes regarding a statement he made that should read, "Without a variance it is *essentially* an unbuildable lot". Moved by Mr. Chaudoir, seconded by Mr. Spritka to amend the minutes, with Mr. Shefchik's clarification, from April 12, 2016. All ayes. Carried.

Consideration of: Denial of variances from s. 23.04(3)(a)1. of the Floodplain Zoning Code regarding placement of fill and from s. 20.07(7)(f) of the Zoning Code relating to length to width ratio for a dwelling for Nancy Schopf and Fred Bowen, petitioners: Moved by Mr. Goodwin, seconded by Mr. Chaudoir to reconsider the length to width ratio for a dwelling for Nancy Schopf and Fred Bowen. All ayes. Carried.

Public Hearing: Petition from Nancy Schopf and Fred Bowen for variances from s.23.04(3)(a)1. of the Floodplain Zoning Code to extend fill less than the minimum 15-foot required from a dwelling in the floodplain and from s.20.07(7)(f) of the Zoning Code for a dwelling whose length is more than the maximum 2.5 times its width, for a vacant parcel located on W. Juniper St. (tax parcel #281-64-61001702): Mr. Murrock reopened the public hearing from April 12, 2016, at 7:11 p.m.

Mr. Olejniczak gave a recap of the previous hearing.

Nancy Schopf referenced comments that were brought up at the previous public hearing, such as being ignorant in purchasing the lot. She stated she had contacted the City and the builder in regard to building a home. It is a 2800 square-foot home The first floor contains 1600 square feet. There would be guest rooms and storage on the second floor. She had talked with some of the neighbors about squaring off the house. The neighbors were not willing to work with them on that. The garage is a single stall double deep garage. Trees are planted close to the lot line. They decided not to put a crawl space in. There would be less obstruction to the tree root system. The DNR and City required them to build up because of the flood plain. They or the neighbors did not like the idea of a retaining wall. The house is a coastal design to blend in with the neighborhood. They want to work with the neighbors. They are also willing to cut the length of the house by 7 feet and take out one guest bathroom.

Adam Kozlowski stated that with regard to the roof water, it will be piped into the storm system. They are doing everything they can to fit in the neighborhood. The lot is flat with not much water running across it. There will be 3 to 3 1/2 feet of slope.

Mr. Shefchik stated there is a catch basin on the NE property corner that goes out to the bay. It is not tied into the sanitary sewer.

Mr. Olejniczak suggested to drop the elevation and expose a foot of the foundation wall. Mr. Kozlowski responded the elevation needs to be at 587'.

Mr. Shefchik mentioned using rigid insulation down 3 feet and out one foot. Only the topsoil would have to be stripped. Mr. Kozlowski stated his company has never done that, and has concerns doing it for the first time.

Mr. Kozlowski spoke about another option by bringing the property out of the flood zone. Fill would be brought in and a variance would not be needed.

Mr. Bowen had no comments.

Mr. Goodwin read a letter in support from Gary and Elaine May. A petition was also submitted with the letter, but rejected. They attended the previous meeting, but did not speak.

Several neighbors spoke in opposition to rebuttal. Don Healy, who lives on the east side of the lot, asked why there was new testimony (letter). He saw the house plans and said it is more than 4,000 square feet . There was nothing offered about the land or about the building. They should know what size can be built there. The hardship is on the neighbors.

Kay Brauer, property owner to the south, said nothing was mentioned at the previous hearing about losing the view of the bay.

Steve Bousley, owner of property on Larch Street adjacent to the property, said there appeared to be an effort to reduce the size, but wondered what the footprint would look like. He didn't like the tone on how this got started. This is a hardship to the neighbors. He would not support the variance.

Bill Mundy, 6462 W Whitefish Bay Rd., said he took an interest on how variances are dealt with. A variance cannot cause hardship. This is not a reasonable request. It would be great to see a home built on that property that meets code.

Don Healy added that a 22' x 50' home can be built on that property. Mr. Shefchik responded that it would require retaining walls.

Mr. Kernosky stated that the house meets overlay zoning requirements pertaining to setbacks, and

building height. Mr. Kernosky mentioned that a compromise would be to bring the home into the 2.5 to 1 ratio but grant the variance for the floodplain fill request.

Mr. Murrock closed the public hearing at 7:55 p.m.

Consideration of: Petition from Nancy Schopf and Fred Bowen for variances from s.23.04(3)(a)1. of the Floodplain Zoning Code to extend fill less than the minimum 15-foot required from a dwelling in the floodplain and from s.20.07(7)(f) of the Zoning Code for a dwelling whose length is more than the maximum 2.5 times its width, for a vacant parcel located on W. Juniper St. (tax parcel #281-64-61001702): Mr. Chaudoir had concern of the square footage of the house on this size lot. The owners should reconsider the plan with a smaller footprint. It is unattractive and architectural character should be added to the sides of the house.

After further discussion, it was moved by Mr. Goodwin, seconded by Mr. Chaudoir to deny the variance request for the length to width ratio and comply with the statutes of 2.5 to 1. Roll call vote. All ayes. Carried.

Moved by Mr. Chaudoir, seconded by Mr. Spritka to deny allowing the fill to go out 10 feet rather than the required 15 feet until a full plan is presented.

Adjourn: Moved by Mr. Spritka seconded by Mr. Chaudoir to adjourn. Carried. Meeting adjourned at 8:07 p.m.

Respectfully submitted,

Cheryl Nault
Community Development Secretary

CITY OF STURGEON BAY
VARIANCE APPLICATION
ZONING BOARD OF APPEALS

Date Received: 5/5/16
Fee Paid $ 300 + 50 sign dep
Received By: CN

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	VIRGE TEMME	SCOTT STRANG
Company	VIRGE TEMME ARCHITECTURE	
Street Address	9098 LIME KILN RD	
City/State/Zip	STURGEON BAY WI 54235	
Daytime Telephone No.	920-824-5746	920-217-5230
~~Fax No.~~ e-mail	virge@virgetemme.com	scott@centerpointemarina.com

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

TAX PARCEL NUMBER: 281623000010 4B

CURRENT ZONING CLASSIFICATION: R-1, with size variance

CURRENT USE AND IMPROVEMENTS:
EMPTY LOT

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: 20.07 (7)(c)

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:
North: R-1
South: R-1 SINGLE FAMILY & DUPLEX
East: R-1
West: R-2

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

SEE ATTACHED

1. Unnecessary hardship: current aesthetic codes were written in 1970s to prevent trailer/mobile homes except in trailer parks; do not apply today

2. Unique physical property limitation: Super low-energy, affordable home

3. Protection of public interest: reduces energy demands, while providing superior quality construction for average-income housing

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? _____ 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
Virge Temme		5.3.16
Applicant/Agent (Print Name)	**Signature**	**Date**

I, _____, 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.

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 _____

STRANG HOME: JUSTIFICATION FOR REDUCED ROOF PITCH

Sturgeon Bay Aesthetic codes were written in the 1970s (see attached codes on Exhibit A).

Item (a) is addressed in the Uniform Dwelling Code mandated by the State of Wisconsin. At the time of their writing, items (c) through (h) were developed specifically to prevent the introduction of mobile homes into areas other than established mobile home parks.

Design aesthetics and building practices have changed significantly in the past 40+ years since these codes were enacted. The staff of the Sturgeon Bay Community Development office has recognized that these codes are outdated and are in the process of updating codes relating to residential design, to adapt to current building design practices and materials that have come into existence since the 1970s.

This code change process has already been initiated by the staff, and the process is expected to take about three months. We are requesting an early exemption change from these codes, especially items (c) and (h).

Item (c) justification:

The Strang home is designed to maximize southern passive solar heating potential, while reducing the overall volume of the building, in order to increase the interior comfort of the home and reduce heating bills. A roof pitch of 4/12 would add unnecessary volume and cost to the house, and negatively affect the proportions of the building. (See Exhibit D)

Many homes throughout Sturgeon Bay in Zones R-1 and R-2 have been built with flat or nearly-flat roofs, and others have been built with pitches at or lower than 3' height in 12' of width (see attached Exhibit B).

A focus group of 24 people brought together for design guidance on the Strang house, was asked to rank form 10 different house designs according to the individual's design preference overwhelming chose a contemporary, flat-roofed plan over all other plans showing more tradition gabled rooflines. Their opinion echoed world-wide preferences.

Today's national, and in fact global, design aesthetics call for more freedom in design standards, in order to accomplish the goals of beauty, energy efficiency, and affordability. In the past 10 years, homes that have earned the most recognition in the world of architectural design have flat or lower-pitched roofs. (See attached Exhibit C)

Item (h) Roofing materials. Galvalume metal roofing is a standing seam non-colored roof that has a longer life span than colored metal roofing and is more highly reflective than painted metal roofing, thereby reducing heat build-up. It is the choice of most architects who are focused on both beauty and energy efficiency.

Additionally, world trends are promoting the use of green, vegetative roofs in order to reduce environmental heating and the impact of rain runoff on storm sewers. These roofs must be flat or nearly flat, and are comprised of materials not listed in the current Sturgeon Bay codes. In order to stay current with state, national, and international building practices, the reference to roofing materials should be eliminated, as roofing requirements are already covered in the Uniform Dwelling Code.

Exhibit A

20.07 (7)

Aesthetic requirements. All dwellings located in the R-1, R-2, R-3 and R-4 residential districts shall comply with the following requirements:

(a)

Be fastened or attached to a completely enclosed continuous foundation in accordance with subch. III, IV and V, ch. ILHR 21, Wis. Adm. Code, or set on a comparable enclosed continuous foundation system approved by the building inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support;

(b)

Reserved;

(c)

Have a roof with a minimum pitch of four feet in height for each 12 feet in width;

(d)

Have eaves, overhang or gables on all sides of the structure projecting a minimum of 12 inches from the side wall of the structure outward;

(e)

Have a minimum side wall height of seven feet six inches on all outside walls of the structure;

(f)

Have a ratio of the dwelling's length to its width of no greater than 2.5 to one;

(g)

Have exterior sides of all dwellings and attached structures covered with siding made of wood, masonry, concrete, stucco, masonite, vinyl or metal lap extending to the top of the foundation;

(h)

All dwellings and attached structures shall have a roof surface with wood shakes, asphalt, composition or wood shingles, clay, concrete or metal tiles, colored standing-seam metal roofing, slate or built up gravel material.

EXHIBIT B: EXAMPLES HOUSES THROUGHOUT STURGEON BAY WITH LESS THAN 4/12 PITCH

(SAMPLE PHOTOS TAKEN DURING AN 18 MINUTE RANDOM DRIVE THROUGH TOWN)

DULUTH AVENUE

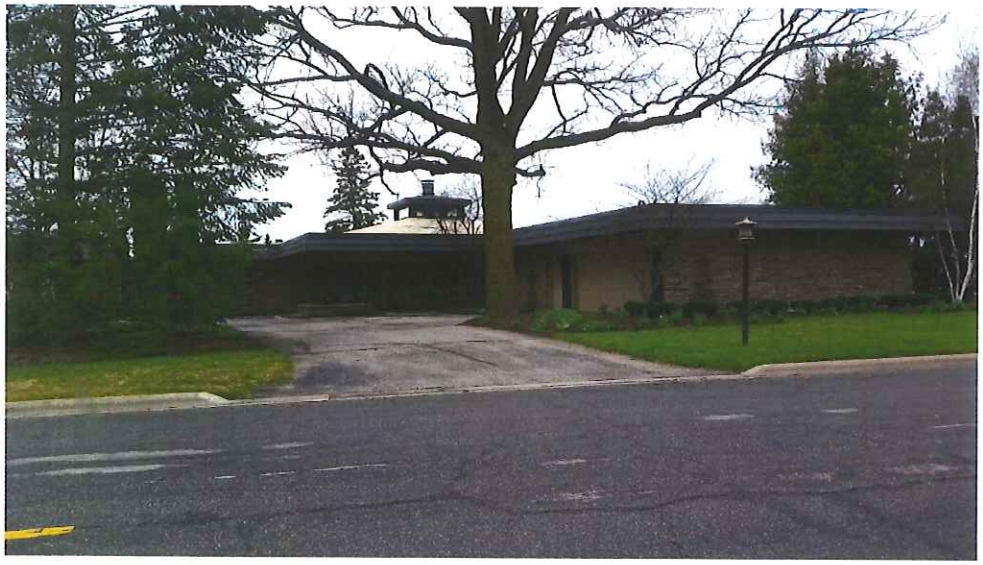
DULUTH AVENUE

HICKORY STREET

MEMORIAL DRIVE

MEMORIAL DRIVE

MEMORIAL DRIVE



UTOPIA CIRCLE/MEMORIAL DRIVE

15TH AVENUE (ACROSS FROM STRANG'S LOT)

RHODE ISLAND (1/2 block from Strang lot)

RHODE ISLAND (1/2 block from Strang lot)

2

True 2/12 – 3/12 pitch roofs, with false eaves to give illusion of 5/12

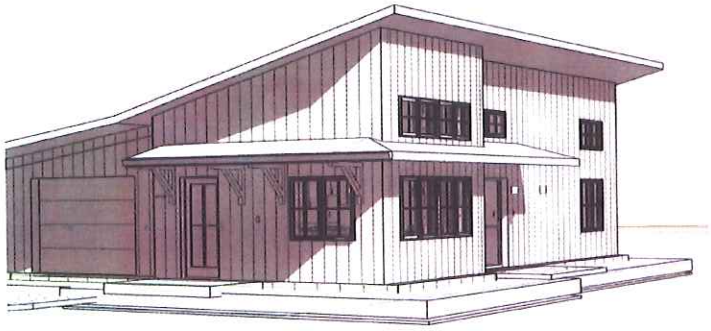
GENEVA

GENEVA

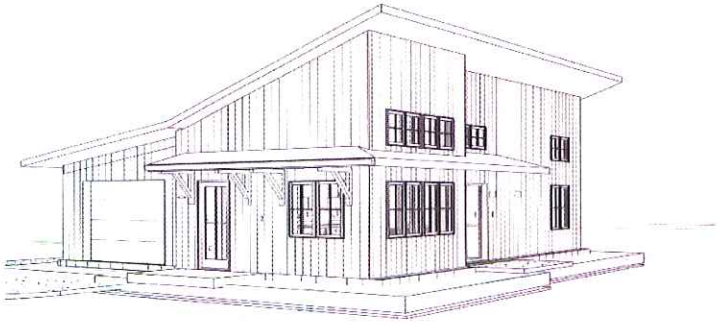
Exhibit C

EXHIBIT D

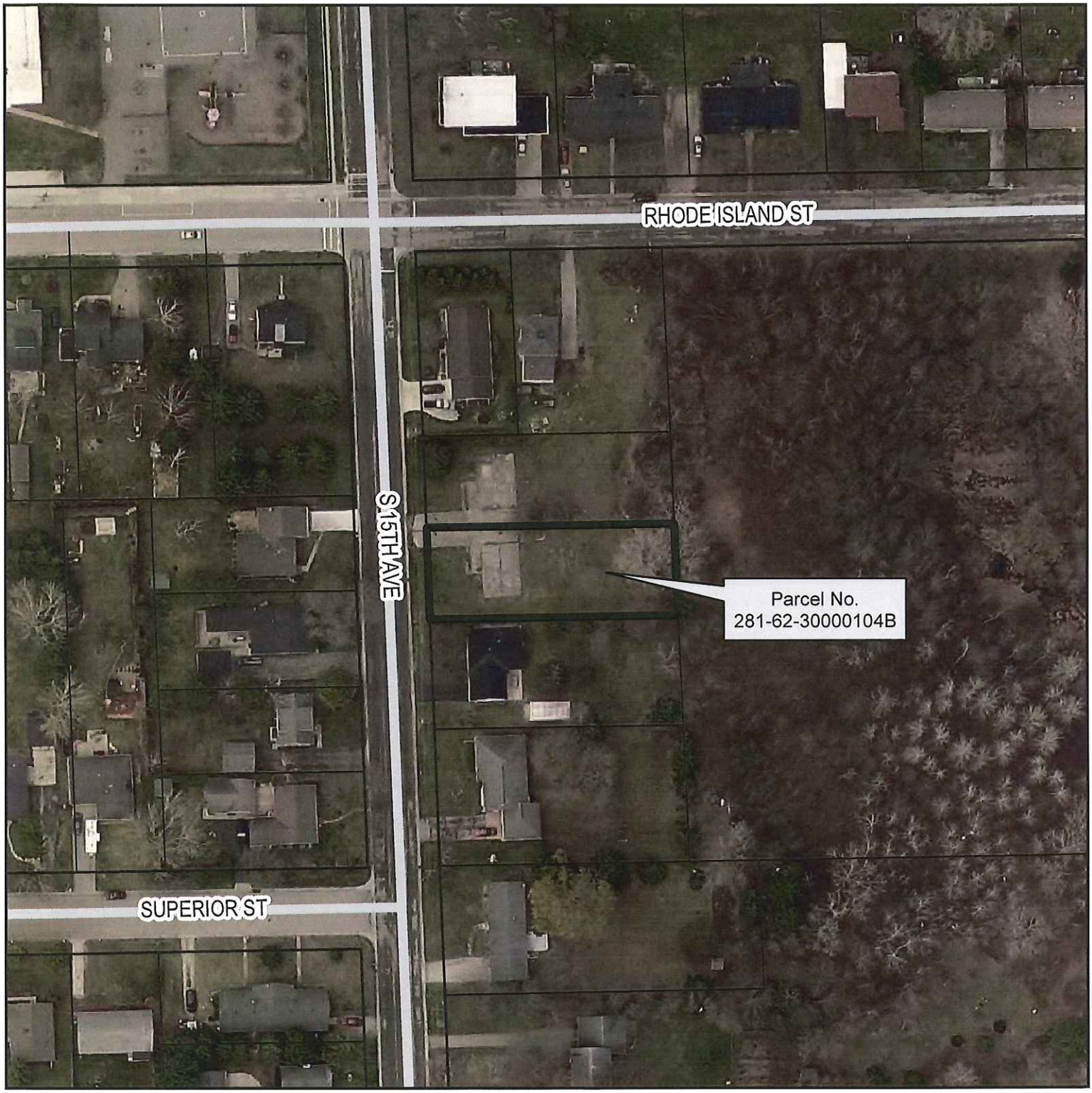
3 IN 12 SLOPE:



4 IN 12 SLOPE



Location Map
Public Hearing - Strang



Subject Area

Note: Public Hearing to be held May 24, 2016

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, May 24, 2016, at 12:00 Noon or shortly thereafter, regarding a request from Scott Strang, for a variance from Section 20.07(7)(c) of the Municipal Code (Zoning Code), which requires the roof of a dwelling to have a minimum pitch of 4 feet in height for each 12 feet in width. The proposal is for a new dwelling that would have a main pitch of 3 to 12. The subject property is a vacant lot located just north of 534 S. 15th Avenue, tax parcel #281-62-30000104B. 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