

**AGENDA
CITY OF STURGEON BAY
ZONING BOARD OF APPEALS**

Tuesday, July 26, 2016
12:00 Noon
Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from June 14, 2016.
4. Public hearing: Petition for variance from Section 20.29(2) of the Zoning Code for an accessory building to be built 6 feet closer to the street right-of-way than the required 25 feet for accessory structures, for Eric Metzer, 536 N 4th Avenue.
5. Consideration of: Petition for variance from Section 20.29(2) of the Zoning Code for an accessory building to be built 6 feet closer to the street right-of-way than the required 25 feet for accessory structures, for Eric Metzer, 536 N 4th 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

7/21/16
1:30 p.m.
CN

ZONING BOARD OF APPEALS

Tuesday, June 14, 2016

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 William Murrock, Wayne Spritka, Andy Starr and Alternate Richard Jennings were present. Excused: Members Bill Chaudoir and James Goodwin. Also present were Community Development Director Marty Olejniczak, Zoning Administrator/Planner Ryan Kernosky, and Community Development Secretary Cheryl Nault.

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from May 24, 2016.
4. Public hearing: Petition for variance from Section 20.27(2) of the Zoning Code for a deck to be built 17 feet away from the property line, for Rolf Olson and Carol Jensen Olson, 112 S. 16th Place.
5. Consideration of: Petition for variance from Section 20.27(2) of the Zoning Code for a deck to be built 17 feet away from the property line, for Rolf Olson and Carol Jensen Olson, 112 S. 16th Place.
6. Public hearing: Petition for variance from Section 20.27(5) of the Zoning Code for a garage addition to be located approximately 18 feet away from the ordinary high water mark, for Robert Arends, 1032 Ridgeway Dr.
7. Consideration of: Petition for variance from Section 20.27(5) of the Zoning Code for a garage addition to be located approximately 18 feet away from the ordinary high water mark, for Robert Arends, 1032 Ridgeway.
8. Adjourn.

Carried.

Approval of minutes from May 24, 2016: Moved by Mr. Spritka, seconded by Mr. Jennings to approve the minutes from May 24, 2016. All ayes. Carried.

Public Hearing: Petition for variance from Section 20.27(2) of the Zoning Code for a deck to be built 17 feet away from the property line, for Rolf Olson and Carol Jensen Olson, 112 S. 16th Place: Vice-Chair Chaudoir opened the public hearing at 12:04 p.m. Ms. Nault read the public hearing notice.

Rolf Olson, 112 S. 16th Place, stated that he would like to build a deck that would be 17 feet from his property line. He purchased the home 2 ½ years ago. If he built the deck according to code, which is a 25 foot setback from the property line, it would only be a seven foot deck. It would be 54 inches off the ground with railings. The 18' x 15' deck will be constructed to the rear of the dwelling. A 2' 8" glass panel door will be installed in the kitchen/dining area for entry onto the deck.

Questions were asked regarding the distance between the existing accessory building and the proposed deck.

Mr. Olejniczak added that the rear lot line is the east property line. If the deck were constructed facing Michigan Street, only a ten foot setback would be needed.

Chris Kellems, 120 Alabama Street, stated that she didn't see a problem with the setback and it would make the property more saleable.

Ms. Nault read one letter in favor from Janelle Peotter, 112 S. 16th Place.

No one spoke in opposition of the variance. Ms. Nault read one letter in opposition from Milton & Karen Lenius, 124 S. 16th Place.

Mr. Chaudoir offered rebuttal testimony to Mr. Olson. Mr. Olson said he was very surprised to hear about the letter in opposition because he thought all of the neighbors were in favor of the variance.

Mr. Chaudoir declared the public hearing closed at 12:22 p.m.

Consideration of: Petition for variance from Section 20.27(2) of the Zoning Code for a deck to be built 17 feet away from the property line, for Rolf Olson and Carol Jensen Olson, 112 S. 16th Place: Board members discussed the variance request. Mr. Jennings referred to the pine trees in the rear yard. He didn't think the deck would bother the neighbors to the rear of the lot.

Mr. Starr said he was struggling with finding a hardship. It is something that they want, not need. If it were a stone paver patio there would be no problem and could go right up to the lot line.

Mr. Murrock stated that the applicant wants more usable space. It is a narrow back yard.

Mr. Spritka noted that the zoning code exists to protect the neighbors.

Discussion continued. Moved by Mr. Starr, seconded by Mr. Jennings to approve the variance, due to the uniqueness of the lot and that the position of the home on the lot prevents expansion. Roll call vote. All ayes. Carried.

Public hearing: Petition for variance from Section 20.27(5) of the Zoning Code for a garage addition to be located approximately 18 feet away from the ordinary high water mark, for Robert Arends, 1032 Ridgeway Dr.: Vice-Chair Chaudoir opened the public hearing at 12:30 p.m.

Cindy Brennan, representing Robert Arends, 1032 Ridgeway Dr., stated that they would like to put a 14' x 28' addition on to their garage in order to store their boat. They are unable to build on the north side of the home due to an utility easement. There is also a hill that drops down in back of the house.

Mr. Murrock said there is an unusual lot line due to the creek.

Mr. Kernosky added that the proposed garage addition would be 18' from the ordinary high water mark instead of the required 25'. DNR approval is not needed.

Ms. Brennan stated that they tried to purchase adjoining property, but were unsuccessful. They also plan to do landscaping, fill other areas that are needed, and make an addition to the existing driveway. They would also match the siding to what is existing.

Mr. Kernosky mentioned that it is an oddly shaped lot and with the significant elevation there is not an option to construct something to the rear of the property. There is also a 12' wide utility easement on the north side. This property is justified for a variance.

Mr. Olejniczak added that if the easement didn't exist, the property could be built upon up to 5' of the lot line.

Chris Kellems, 120 Alabama St., stated that the existing fill is heavy. There is no buildable space anywhere. She sees no objection.

There were no letters in favor.

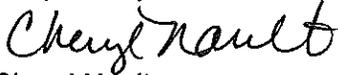
No one spoke in opposition. Ms. Nault read one letter in opposition from Robyn Kornusky, no address.

Mr. Chaudoir declared the public hearing closed at 12:50 p.m.

Consideration of: Petition for variance from Section 20.27(5) of the Zoning Code for a garage addition to be located approximately 18 feet away from the ordinary high water mark, for Robert Arends, 1032 Ridgeway: After a short discussion, it was moved by Mr. Murrock, seconded by Mr. Starr to grant the variance, due to the irregular shape of the lot, there is no alternative to building a detached garage due to the utility easement, and the fill already exists. A condition was added that a silt fence must be installed during construction to prevent erosion. Roll call vote. All ayes. Carried.

Adjourn: Moved by Mr. Goodwin, seconded by Mr. Spritka to adjourn. Carried. Meeting adjourned at 12:34 p.m.

Respectfully submitted,



Cheryl Nault
Community Development Secretary

July 26, 2016

Petition for Variance
Eric & Tricia Metzger
536 N 4th Ave
Parcel # 281-62-03000201

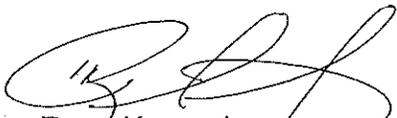
RE: Summary for Eric & Tricia Metzger

Eric and Tricia Metzger are petitioning for a variance from section 20.29(2) of the zoning code, which states:

There shall be a minimum setback from the street right-of-way line of 25 feet. In addition, except on waterfront lots abutting the waters of Sturgeon Bay, an accessory building shall be located no closer than the principal building to the street at its nearest point...

They are proposing to remove an existing single-car garage and replace it with a 26'x30' garage. The proposed garage would meet the required rear-yard setback of 6', but would not meet the required street yard setback of 25' (they are proposing a 19' street yard setback) and the requirement that accessory buildings cannot be closer to the street than the principal structure.

Submitted,



Ryan Kernosky
Planner/ Zoning Administrator

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

Date Received: 7-1-16
 Fee Paid \$ 300.00
 Received By: CN

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Eric Metzger	
Company		
Street Address	536 N. 4th Ave	
City/State/Zip	Sturgeon Bay, WI 54235	
Daytime Telephone No.	495-9870	
Fax No.		

STREET ADDRESS OF SUBJECT PROPERTY: 536 N. 4th Ave
 Location if not assigned a common address: _____

TAX PARCEL NUMBER: 281-62-03 000 201

CURRENT ZONING CLASSIFICATION: R-3 (Two-Family Residential)

CURRENT USE AND IMPROVEMENTS:
Single family dwelling w/ detached garage

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW:
20.29(2) - Setback from Street for Accessory BLDG.

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:
 North: R-2 - Single family
 South: R-3 - Single family
 East: R-2 - Single family / ALLEY
 West: R-3 - Multi-family

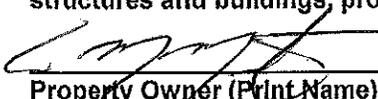
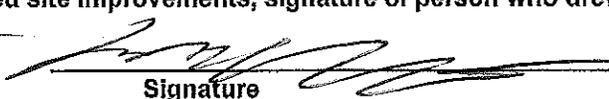
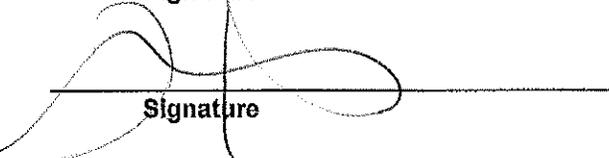
VARIANCE STANDARDS

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

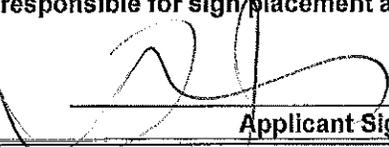
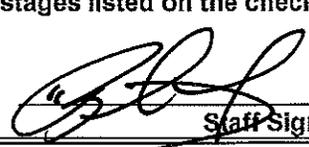
1. Unnecessary hardship: if we build the garage w/ 25ft setback requirement we lose most of our yard - we will have to dig up a stone patio, move garden + fence + cut tree
2. Unique physical property limitation: the existing garage is already nonconforming & falling apart. - because we have a corner lot we have more setback requirements
3. Protection of public interest: we are not requesting to build closer to the alley we can & will meet all the requirements of 10ft, 10ft, off alley, but requesting 19ft setback instead of 25ft

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	<u>6/29/16</u> Date
<u>Incia Metzger</u> Applicant/Agent (Print Name)	 Signature	<u>6-27-16</u> Date

I, Incia Metzger, 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>6-27-16</u> Date of review meeting	 Applicant Signature	 Staff Signature
--	--	--

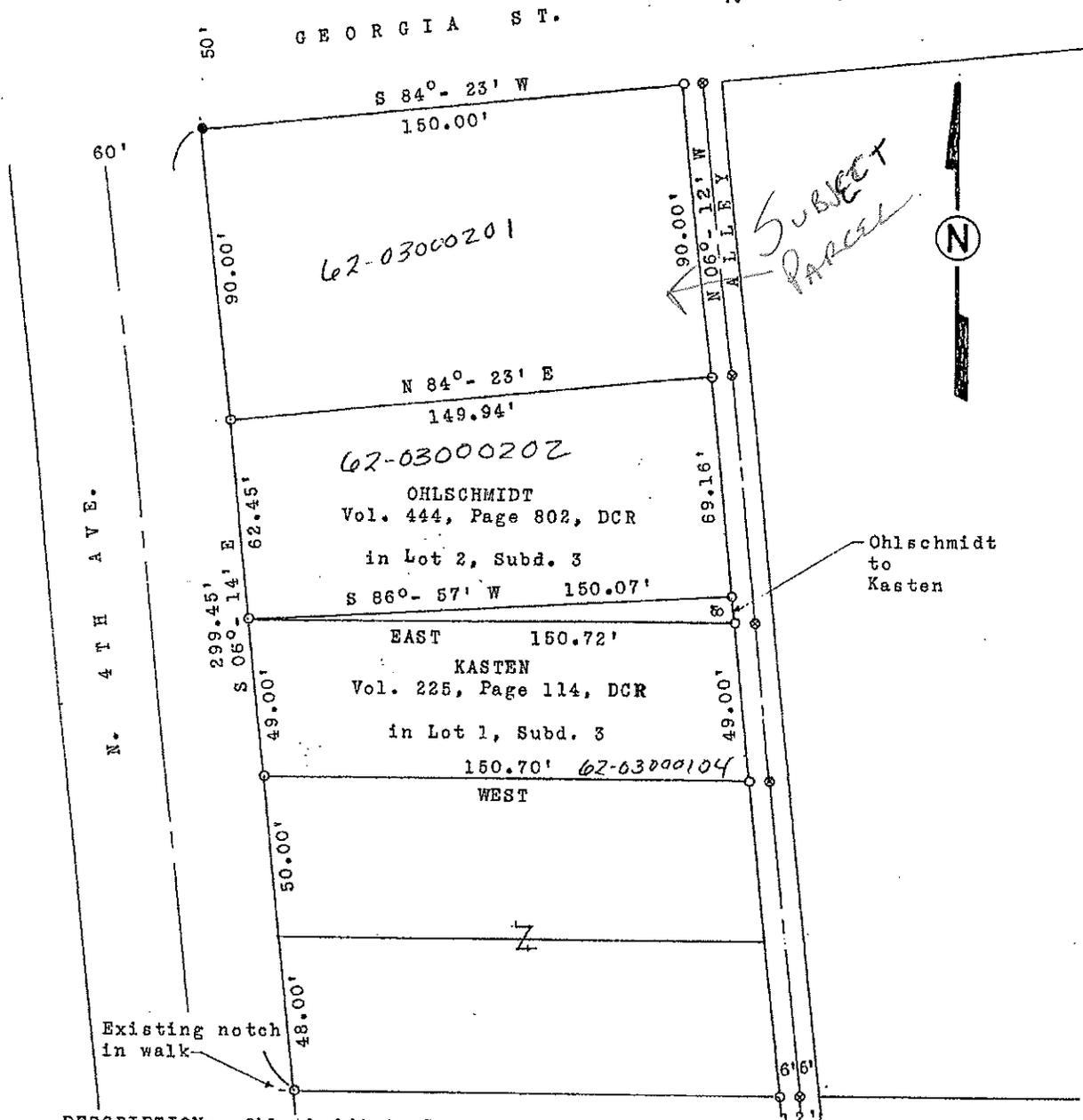
- Attachments:
Procedure & Check List
Agreement For Reimbursement of Expenses

STAFF USE ONLY

Application conditions of approval or denial:

Date Community Development Director

NE SE, Sec 6



DESCRIPTION; Ohlschmidt to Kasten
 A tract of land in Lot Number 2, Subdivision 3, City of Sturgeon Bay, Door County, Wisconsin, being a part of the tract as described in Volume 444, Page 802, Door County Records, more particularly described as follows:
 Commencing at the intersection of the easterly line of N. 4th Ave. with the southerly line of Georgia St.; thence S 06°- 14' E along the easterly line of N. 4th Ave. 152.45 feet to the point of beginning; thence East along the south line of the property as described in Vol. 444, Page 802, Door County Records, which is also the north line of the property as described in Vol. 225, Page 114, Door County Records 150.72 feet; thence N 06°- 12' W along the westerly line of the alley 8.00 feet; thence S 86°- 57' W 150.07 feet to the point of beginning.

MAP
 SHOWING
 TRACTS IN LOT 1 & 2, SUBDIVISION 3,
 CITY OF STURGEON BAY,
 DOOR COUNTY, WISCONSIN

- = EXISTING IRON PIN
- = IRON PIN THIS SURVEY
- ⊙ = P.K. NAIL IN BLACKTOP



1"=Scale

SCALE: 1" = 40' JULY, 1990

Jerry D. Slavik - CIVIL ENGINEER
 WIS. LAND SURVEYOR REG. NO. S-519

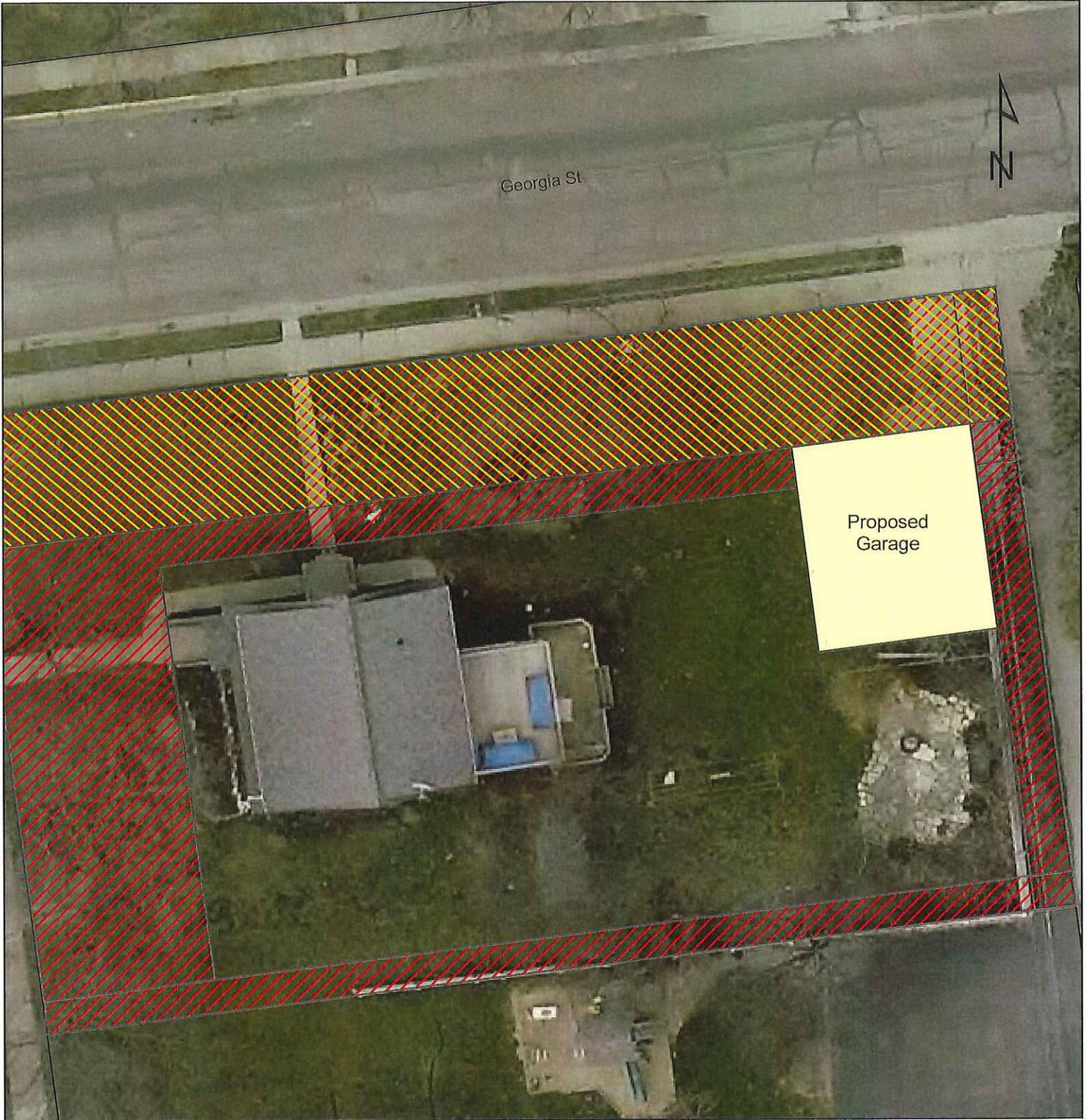
014572

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, July 26, 2016, at 12:00 Noon or shortly thereafter, regarding a request from Eric Metzger, for a variance from Section 20.29(2) of the Municipal Code (Zoning Code), which requires a street yard setback of 25 feet for an accessory building and requires an accessory building shall be located no closer than the principal building to the street at its nearest point. The proposal is for a 26' x 30' accessory building to be built 19 feet right-of-way line of Georgia Street. The subject property is located at 536 N 4th Ave, tax parcel #281-62-03000201. 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

536 N 4th Ave



PLANNER'S NOTES:

Yellow is proposed 19' from ROW
Red is required setbacks

26' x 30' exceeds the non-conforming structure requirement within our code, new structure must meet current zoning code without variance.
Existing garage ~216 sq ft

1 in = 20 ft

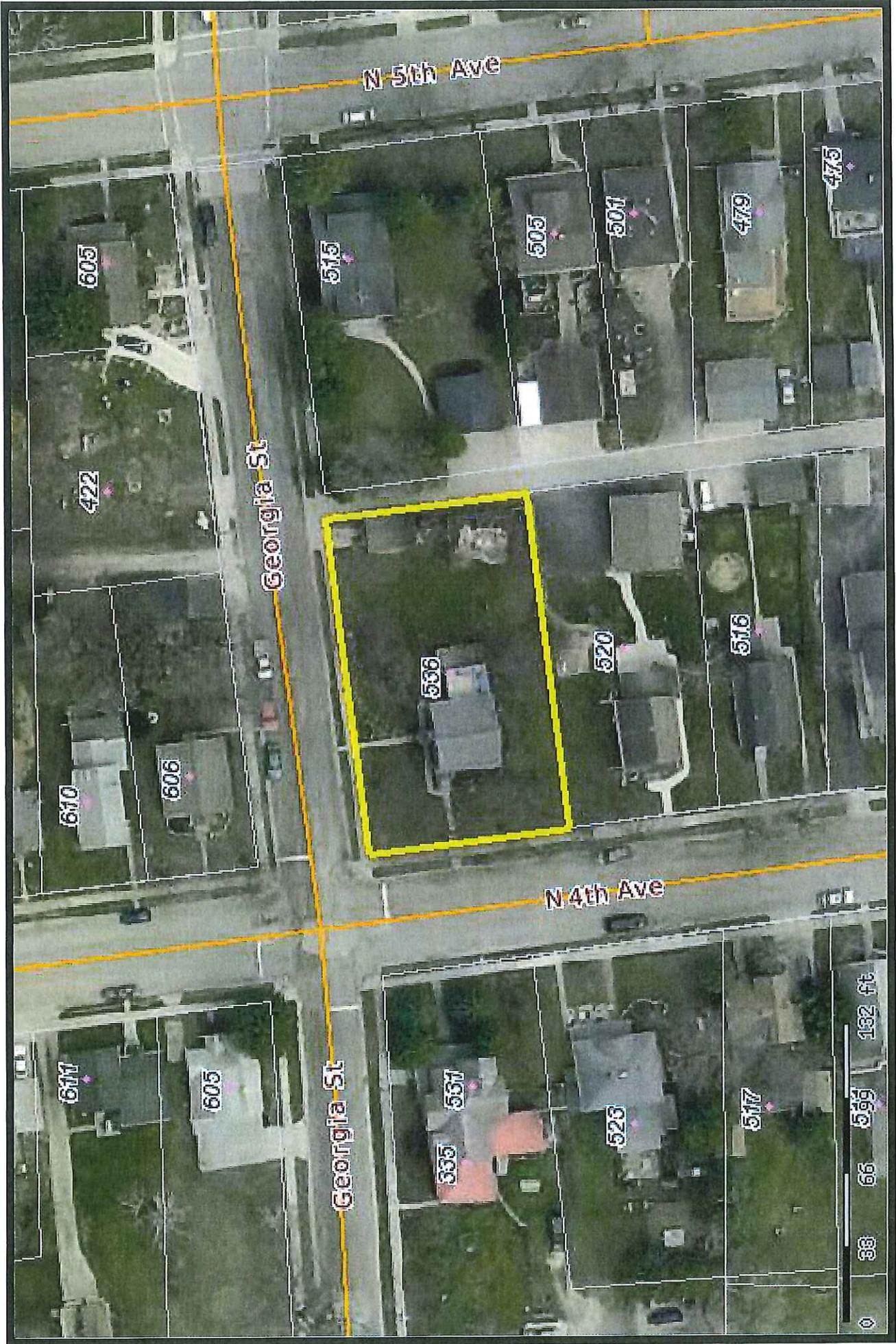
Map

Printed 07/14/2016 courtesy of Door County Land Information Office



Door County, Wisconsin
... for all seasons!

... from the Web Map of ...
(/www.co.door.wi.gov)



Door County can not and does not make any representation regarding the accuracy or completeness, nor the error-free nature, of information depicted on this map. This information is provided to users "as is". The user of this information assumes any and all risks associated with this information. Door County makes no warranty or representation, either express or implied, as to the accuracy, completeness, or fitness for a particular purpose of this information. The Web Map is only a compilation of information and is NOT to be considered a legally recorded map or a legal land survey to be relied upon.

