PUBLIC MEETING

DOOR COUNTY BOARD OF ADJUSTMENT
421 NEBRASKA STREET – DOOR COUNTY GOVERNMENT CENTER
STURGEON BAY, WI 54235

The Door County Board of Adjustment will hold a meeting on **Tuesday, January 14, 2020,** at **6:30 p.m.** in the **Peninsula Room (C121), Door County Government Center**, Sturgeon Bay, Wisconsin 54235.

AGENDA

1.0 Call to order and declaration of quorum.

2.0 Discuss and arrive at decisions on Petitions for Grant of Variance.

- 2.1 Properties of Baileys Harbor, LLC; encroach into setback from road right-of-ways; 8054 State Highway 57; Town of Baileys Harbor.
- 2.2 Richard R. & Kerstin L Ellefson, The Johnson-Lennon Family Asset Trust dated October 30, 2015, and Randy Ellefson et. al.; reduction in minimum lot area and minimum lot width requirements, and encroach into setback from side lot line; 1538 Mountain Road, 1542/1554 Mountain Road, 1574/1592 Mountain Road, and parcel adjacent to north of 1574/1592 Mountain Road; Town of Washington.

3.0 Old Business.

- 3.1 Read and act on Minutes of December 17, 2019 meeting.

4.0 Other Matters.

- 4.1 Announce next meeting.

5.0 Vouchers.

6.0 Adjournment.

** Deviation from the order shown may occur. **

Fred Frey, Chair
Board of Adjustment

1/3/20

*Materials regarding these agenda items may be viewed at the Door County Land Use Services Department, 421 Nebraska Street, Sturgeon Bay, Wisconsin during normal business hours, 8:00 a.m. to 4:30 p.m., Monday-Friday. Application materials may also be viewed on-line beginning approximately four business days before the hearing at: http://map.co.door.wi.us/Agendas-Minutes/Zoning%20Board%20of%20Adjustment/

In compliance with the Americans with Disabilities Act: Any person needing assistance to participate in this meeting should contact the Office of the County Clerk at (920) 746-2200. Notification 48 hours prior to a meeting will enable the County to make reasonable arrangements to ensure accessibility to that meeting.

PUBLIC HEARING BEFORE
THE DOOR COUNTY BOARD OF ADJUSTMENT

Door County, Wisconsin

A public hearing will be held by the Door County Board of Adjustment on **Tuesday, January 14, 2020, at 6:30 p.m.** in the **"Peninsula Room" (C121) – First Floor** of the **Door County Government Center**, 421 Nebraska Street, Sturgeon Bay, Wisconsin. The purpose of this hearing is to give consideration to the following County zoning ordinance variance petitions as specified in the County zoning ordinance.

Starting at 6:30 p.m.

TOWN OF BAILEYS HARBOR

Properties of Baileys Harbor, LLC petitions for grant of variances from Section 3.05(5) and Section 3.05(6)(b) of the Door County Comprehensive Zoning Ordinance. Section 3.05(5) of the Door County Comprehensive Zoning Ordinance requires a minimum road setback of 25 feet from the Bluff Road right-of-way. Section 3.05(6)(b) requires a minimum road setback of 24.5 feet from the State Highway 57 right-of-way (due to averaging). The petitioner proposes to construct a 12 foot x 14 foot walk-in cooler addition to the south side of the existing restaurant building located as close as 5.5 feet from the edge of the Bluff Road right-of-way and as close as 19.5 feet from the State Highway 57 right-of-way. This property is located at 8054 State Highway 57 in Section 20, Town 30 North, Range 28 East, in the Town of Baileys Harbor; in a Commercial Center (CC) zoning district; in the shorelands; and in an area designated "Core" in the Door County Comprehensive and Farmland Preservation Plan.

TOWN OF WASHINGTON

Richard R. & Kerstin L Ellefson, The Johnson-Lennon Family Asset Trust dated October 30, 2015, and Randy Ellefson et. al. petition for grant of variances from Section 3.02(3)(a) of the Door County Comprehensive Zoning Ordinance. Section 3.02(3)(a) of the Door County Comprehensive Zoning Ordinance requires a minimum lot area of 20 acres and a minimum lot width of 600 feet at the midpoint of the lot for new lots in the General Agricultural (GA) zoning district; and a minimum rear yard setback of 50 feet for all buildings in the GA zoning district. The petitioners propose to reconfigure four (4) existing lots which would result in two (2) lots of record (grandfathered, buildable lots) and one (1) lot which would be 16.9138 acres in area and 509.36 feet wide at the midpoint of the lot. The reconfiguration would also result in an existing detached garage being located 48.02 feet from a proposed rear lot line. These properties are located at 1538 Mountain Road, 1542/1554 Mountain Road, 1574/1592 Mountain Road, and the parcel adjacent to north of 1574/1592 Mountain Road; in Section 31, Town 34 North, Range 30 East, in the Town of Washington; and in a General Agricultural (GA) zoning district.

Interested parties may give oral testimony. Written testimony will be accepted on 8 1/2" x 11" paper only at the Door County Land Use Services Department, 421 Nebraska Street, Sturgeon Bay, WI 54235 (Fax 920-746-2387) until **3:30 p.m.** the day before the hearing. Anonymous correspondence will not be accepted. **Please note that any correspondence or testimony you may have submitted for any town-level proceedings regarding this matter does NOT get forwarded to the county.**

All application/petition materials may be viewed at the Door County Land Use Services Department, 421 Nebraska Street, Sturgeon Bay, Wisconsin during normal business hours, 8:00 a.m. to 4:30 p.m., Monday-Friday. Application/petition materials may also be viewed on-line beginning approximately four business days before the hearing at:
http://map.co.door.wi.us/Agendas-Minutes/Zoning%20Board%20of%20Adjustment/

Fred Frey, Chairman
Door County Board of Adjustment

JJK
12/19/19

DOOR COUNTY LAND USE SERVICES
421 Nebraska Street
Door County Government Center
Sturgeon Bay, Wisconsin 54235
(920-746-2323)

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

PETITION FOR GRANT OF VARIANCE

FOR OFFICE USE ONLY
Receipt No. 3648 Fee 500 - Date 10-17-19
Hearing Advertised Dates:
Hearing Date Decision

A variance is a relaxation of a standard in a land use ordinance. Variances are decided by the zoning board of adjustment. The zoning board is a quasi-judicial body because it functions almost like a court. The board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws, court decisions and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

PETITION: (I) (We)

Full Name Properties of Baileys Harbor Telephone No. 414-331-6706
Mailing Address PO Box 547
City Fish Creek State WI Zip 54212
hereby petition(s) the Door County Board of Adjustment for a variance from Section (s) 3.05 (5) & 3.05(6)(b)
*See Attachment A
of the Door County Zoning Ordinance which requires Plan shall be
-25' from the right of way
*See Attachment A

(I) (We) propose to add a walk-in cooler, attached to the building on the South side. (Dimensions 12'x 14')
*See Attachment A

LOCATION:

The description of the property involved in this petition is located at:
Fire # 8054 Road HWY 57 Township Baileys Harbor
Govt Lot 2 or ¼ - ¼ Section 20 Town 30 North, Range 28 East
Tax Parcel No. 002-22-0501
Zoning District CC Lot Size 0.385 Acres
Existing use of structure or land in question Restaurant

TOWN OF:
OWNER:
SECTION T N R E
PARCEL NO.: 0 - - -

ATTACHMENTS:

1) A site plan, drawn to-scale, indicating lot size, size of buildings and decks, distances between buildings and the centerlines of all abutting roads, ordinary high water mark, lot lines (identify lot markers), the sanitary waste disposal system and well. If a survey is available, please submit the survey. IF PLANS EXCEED AN 11" X 17" FORMAT, SUBMIT ONE COPY OF EACH SHEET REDUCED TO NO LARGER THAN 11" X 17".

2) Building plans, drawn to scale, of the proposed project, including floor plans and elevation views. The application will not be processed without scaled drawings. (Plans submitted with this petition will be the only plans reviewed by the Board of Adjustment. A change in plans will warrant a new petition, fee, and public hearing.) IF PLANS EXCEED AN 11" X 17" FORMAT, SUBMIT ONE COPY OF EACH SHEET REDUCED TO NO LARGER THAN 11" X 17".

3) Please provide complete responses regarding a), b), and c) below. Attach additional pages if necessary. To qualify for a variance, the applicant must demonstrate that their request/situation meets the following three requirements:

(a) Unique property limitations
Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not factors in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

Unique features of this property prevent compliance with the terms of the ordinance, including:

See Attached
*See Attachment B

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(b) No Harm to Public Interests

A variance may not be granted which results in harm to public interests. In applying this test, the Board of Adjustment must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public. These interests are listed as objectives in the purpose statement of an ordinance and may include:

- Public health, safety and welfare
- Water quality
- Fish and wildlife habitat
- Natural scenic beauty
- Minimization of property damages
- Provision of efficient public facilities and utilities
- Achievement of eventual compliance for nonconforming uses, structures and lots
- Any other public interest issues

A variance will not be contrary to the public interest because:

See Attached
*See Attachment B

(c) Unnecessary hardship

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests.

Unnecessary hardship is present because:

See Attached
* See Attachment B

4) A non-refundable $500.00 fee payment to defray the cost of publishing the legal notice and mailing to all interested parties.

AUTHORIZATION FOR INSPECTION:

I hereby authorize the Zoning Administrator to enter upon the premises for which this petition is made at any reasonable time for all purposes of inspection related to this petition.

CERTIFICATION:

I hereby certify that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief.

SIGNATURE OF PETITIONER/AGENT: [signature]

DATE: 10/15/2019

SCHEDULING:

This petition will be scheduled for the next available Door County Board of Adjustment meeting. Approximately two weeks prior to that meeting, a legal notice will be mailed to you providing further information regarding the time and location of the meeting. It is recommended that the petitioner attend the Board of Adjustment meeting to present the case and to answer any questions the Board of Adjustment may ask. If you are unable to attend the meeting, you may want to have your attorney or contractor present on your behalf.

PETITION FOR GRANT OF VARIANCE

PROPERTIES OF BAILEYS HARBOR, LLC

ATTACHMENT A

The applicant hereby petitions the Door County Board of Adjustment for variances from *Section 3.05(5)* and *Section 3.05(6)(b)* of the Door County Comprehensive Zoning Ordinance. *Section 3.05(5)* requires a minimum road setback of 25 feet from the Bluff Road right-of-way. *Section 3.05(6)(b)* requires a minimum road setback of 24.5 feet from the State Highway 57 right-of-way (due to averaging).

The applicant proposes to construct a 12 ft. x 14 ft. walk-in cooler addition to the south side of the existing restaurant building located as close as 5.5 feet from the edge of the Bluff Road right-of-way and as close as 19.5 feet from the State Highway 57 right-of-way.

Attachment B

3.

(a) Unique features of this property prevent compliance with the terms of the ordinance, including:

The historic nature of the building prevents us from putting the cooler inside the building because of weight and size.

Proximity to the water, width of the lot and road to the south contribute to the uniqueness of the lot which creates a small area that could be used behind the building but would then diminish the natural beauty of the waterfront.

Proximity to the highway, the original front of the building is within a few feet of the state right of way, as was the stairs. The proposed cooler will be farther from the State right away at 21 feet. The town walking path/plotted road to the south, sewer cleanouts and emergency exit to the east leaves no room to place it farther from the state highway.

(b) A variance will not be contrary to the public interest because:

It falls within the envelope of the former stairway, will not be a hazard to public health or safety, and in fact the placement of the cooler on the south side of the building will help maintain the natural scenic beauty of the shoreline and view for the adjacent public walking path down to the water. The saving and restoration of this historic building is in the best interest of the community. Setback variances are frequently needed to save historic buildings in this county as compliance would generally require demolishing and building new.

(c) Unnecessary hardship is present because:

The town road to the south is just a walking path to the water and has signage to corroborate this, as well Wis. State Statute 82.50 Town Road Standards states that surface width for local surface, intermittent traffic is 16 feet. The surface width for Bluff Rd is 11ft 9in. The original building was built well before zoning existed and state right of way setbacks. The emergency exit and sewer cleanout immediately east of the proposed coolers east wall do not allow the structure to be moved any farther east.

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Plat of Survey

LOCATED IN:

BLOCK 5, CITIZEN'S ADDITION TO BAILEYS HARBOR,
GOV'T LOT 2, SECTION 20, T. 30 N., R. 28 E.,
TOWN OF BAILEYS HARBOR, DOOR COUNTY, WISCONSIN

BEING A RESURVEY LOT 1 OF CERTIFIED SURVEY MAP #2921,
REC. IN VOL. 17 OF C.S.M., PG. 328, AS DOC. #786519

PREPARED FOR:

CURRENT OWNER:
LUCILLE KIRKEGAARD
P.O. BOX 93
BAILEYS HARBOR, WI 54202

PROPERTY ADDRESS:
8054 S.T.H. "57"

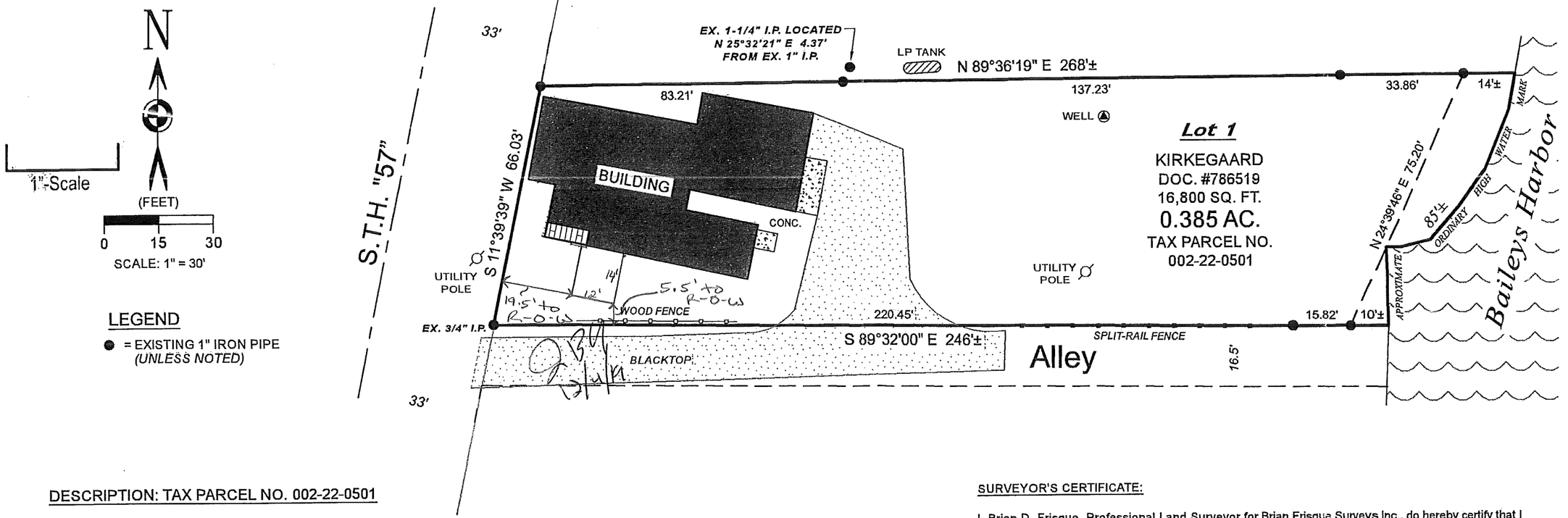
PREPARED BY:

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

SURVEYOR'S NOTES:

BEARINGS AND BOUNDARY BASED FROM LOT 1 OF CERTIFIED SURVEY MAP #2921, RECORDED IN VOL. 17 OF C.S.M., PG. 328, AS DOC. #786519.

S.T.H. "57" BLACKTOP & CONCRETE CURB & SIDEWALK NOT SHOWN DUE TO SNOW COVER.



DESCRIPTION: TAX PARCEL NO. 002-22-0501

Lot 1 of Certified Survey Map No. 2921, recorded in Volume 17 of Certified Survey Maps, Page 328, as Document No. 786519 located in Lot 1 and partly in Lot 12 of Block 5 of Citizen's Addition to Baileys Harbor in Government Lot 2 of Section 20, Township 30 North, Range 28 East, Town of Baileys Harbor, Door County, Wisconsin and including all riparian rights appurtenant thereto.

Said tract contains 0.385 acres of land more or less.

SURVEYOR'S CERTIFICATE:

I, Brian D. Frisque, Professional Land Surveyor for Brian Frisque Surveys Inc., do hereby certify that I have surveyed the property described herein and to the best of my knowledge and belief the adjacent map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures, boundary fences, apparent easements, roadways and visible encroachments, if any. I further certify that this map complies with Chapter A-E 7 of the Wisconsin Administrative Code.

This survey is made for the use of the present owners of the property and also those who purchase, mortgage or guarantee title thereto.

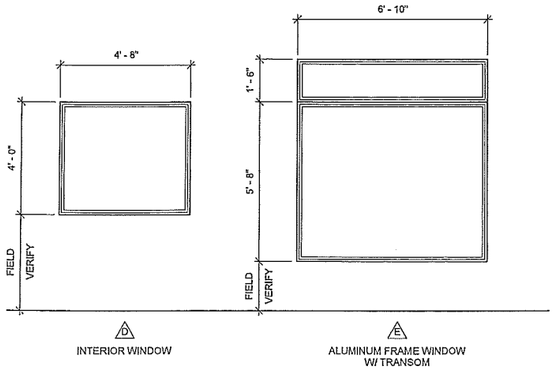
Dated 12-7-2018

Brian D. Frisque
P.L.S. S-2429

WISCONSIN
BRIAN D. FRISQUE
S-2429
Sturgeon Bay, WI
LAND SURVEYOR

12-7-18
D-022915.dwg
Drawn By: D.F.H. II
JOB#: D-022915

020337



WINDOW LEGEND 3/8" = 1'-0"

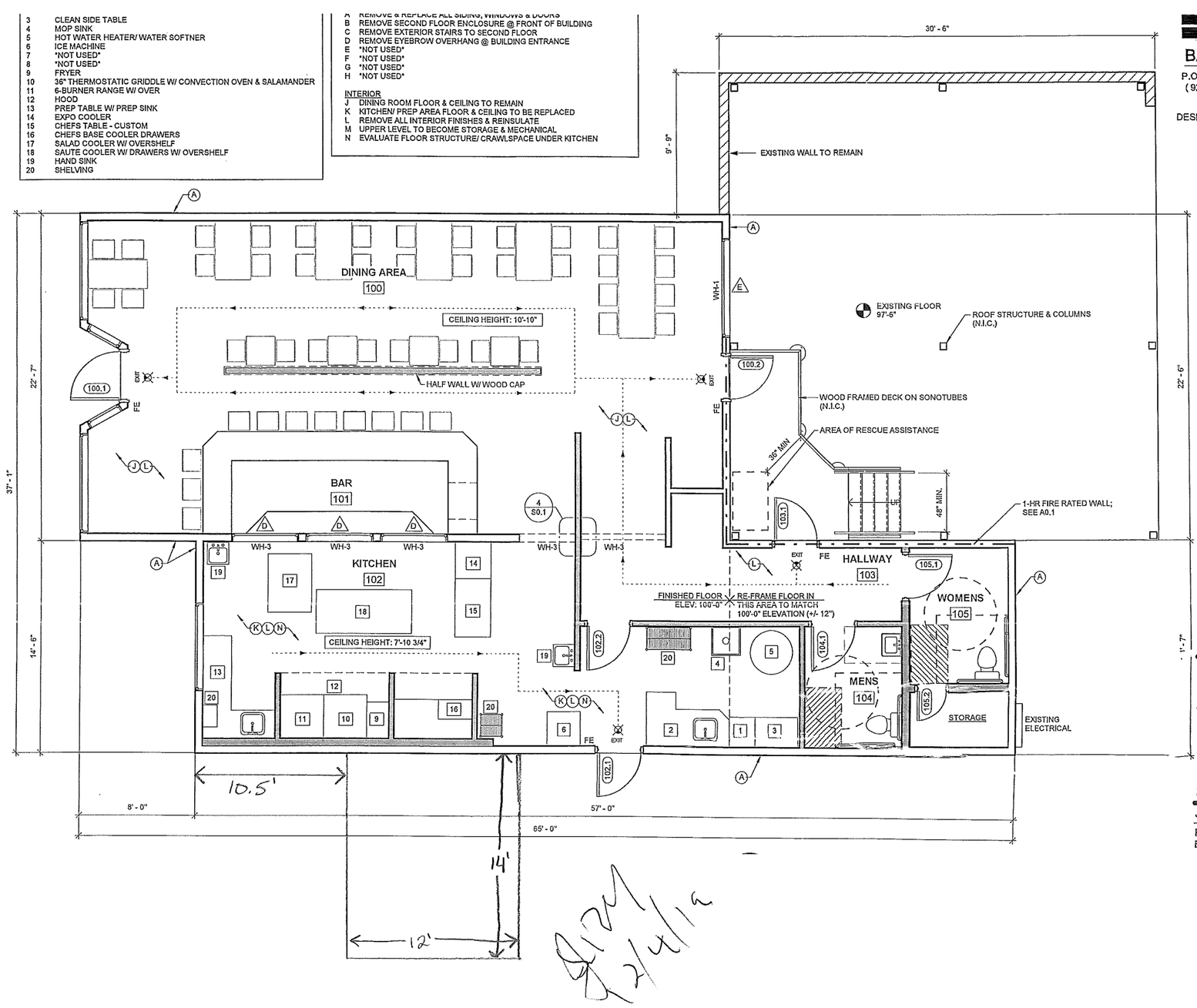
NOTE:
ALL WINDOWS TO BE FIELD MEASURED BEFORE ORDERING!

3	CLEAN SIDE TABLE
4	MOP SINK
5	HOT WATER HEATER/ WATER SOFTNER
6	ICE MACHINE
7	*NOT USED*
8	*NOT USED*
9	FRYER
10	36" THERMOSTATIC GRIDDLE W/ CONVECTION OVEN & SALAMANDER
11	6-BURNER RANGE W/ OVER
12	HOOD
13	PREP TABLE W/ PREP SINK
14	EXPO COOLER
15	CHEFS TABLE - CUSTOM
16	CHEFS BASE COOLER DRAWERS
17	SALAD COOLER W/ OVERSHELF
18	SAUTE COOLER W/ DRAWERS W/ OVERSHELF
19	HAND SINK
20	SHELVING

A	REMOVE & REPLACE ALL SIDING, WINDOWS & DOORS
B	REMOVE SECOND FLOOR ENCLOSURE @ FRONT OF BUILDING
C	REMOVE EXTERIOR STAIRS TO SECOND FLOOR
D	REMOVE EYEBROW OVERHANG @ BUILDING ENTRANCE
E	*NOT USED*
F	*NOT USED*
G	*NOT USED*
H	*NOT USED*

INTERIOR

J	DINING ROOM FLOOR & CEILING TO REMAIN
K	KITCHEN/ PREP AREA FLOOR & CEILING TO BE REPLACED
L	REMOVE ALL INTERIOR FINISHES & REINSULATE
M	UPPER LEVEL TO BECOME STORAGE & MECHANICAL
N	EVALUATE FLOOR STRUCTURE/ CRAWLSPACE UNDER KITCHEN



BAYLAND BUILD
P.O. BOX 13571 GREEN BAY,
(920) 498-9300 FAX (920)
www.baylandbuildings.co
DESIGN & BUILD GENERAL CO

PROPOSED BUILDING FOR:

WILD RESTAURANT

SCALE VERIFIC
THIS BAR MEASURES 1" ON C
ADJUST SCALE ACCORDIN

NOTICE OF COPYRIGHT
THESE PLANS ARE COPYRIGHTED AND ARE S
COPYRIGHT PROTECTION AS AN "ARCHITECT
SEC. 102 OF THE COPYRIGHT ACT, 17 U.S.O. A
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COPYRIGHT PROTECTION ACT OF 1990. THE P
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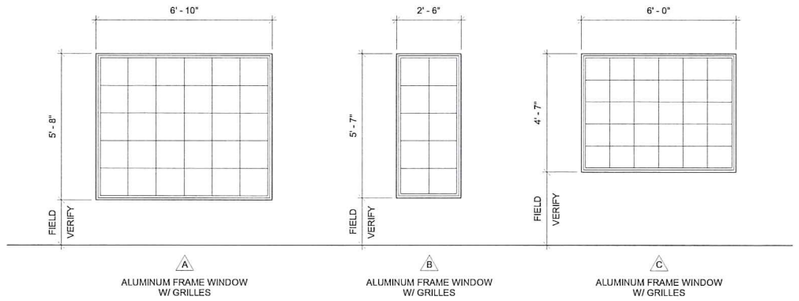
ELEMENTS OF THE DESIGN UNDER SUCH P
UNAUTHORIZED USE OF THESE PLANS, WORK
REPRESENTED, CAN LEGALLY RESULT IN THE
CONSTRUCTION OR BUILDINGS BEING SEIZED
COMPENSATION TO BAYLAND BUILDINGS, INC

JOB NUMBER: 19-3953

PROJECT EXECUTIVE: DAVE PH (262) 308-

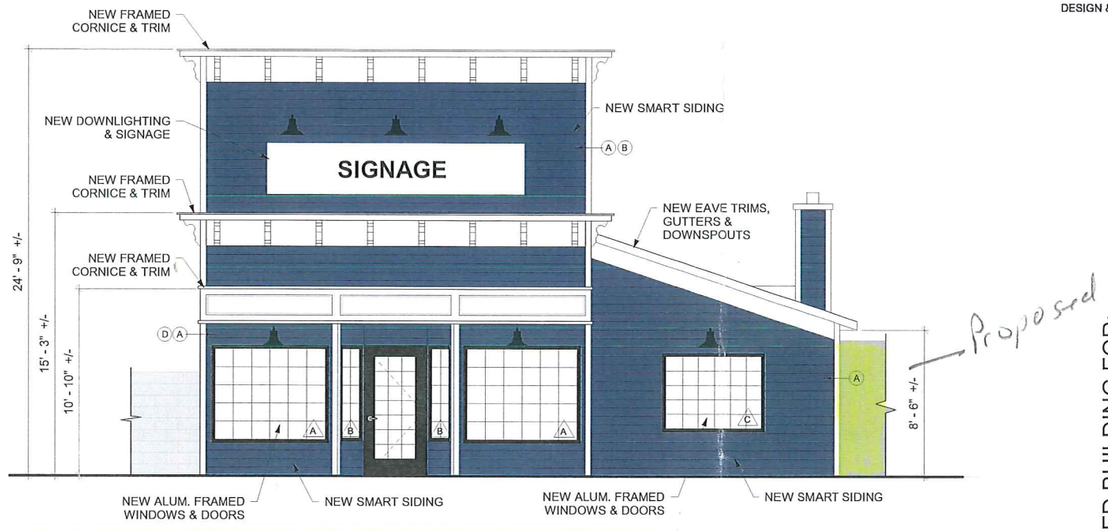
BAYLAND

BAYLAND BUILDINGS
P.O. BOX 13571 GREEN BAY, WI 54307
(920) 498-9300 FAX (920) 498-3033
www.baylandbuildings.com
DESIGN & BUILD GENERAL CONTRACTOR

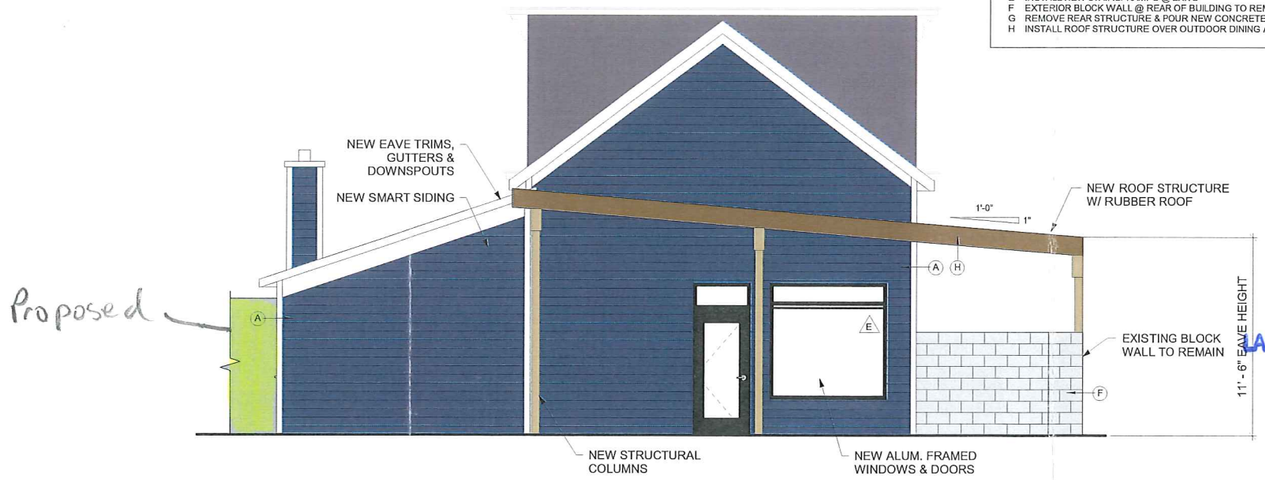


NOTE:
ALL WINDOWS TO BE FIELD MEASURED BEFORE ORDERING!

WINDOW LEGEND 3/8" = 1'-0"



1 /A2.0 FRONT ELEVATION 1/4" = 1'-0"



2 /A2.0 REAR ELEVATION 1/4" = 1'-0"

SCOPE OF WORK

EXTERIOR
- A REMOVE & REPLACE ALL SIDING, WINDOWS & DOORS
- B REMOVE SECOND FLOOR ENCLOSURE @ FRONT OF BUILDING
- C REMOVE EXTERIOR STAIRS TO SECOND FLOOR
- D REMOVE EYEBROW OVERHANG @ BUILDING ENTRANCE
- E INSTALL NEW STAIRS/ RAMPS @ EXITS
- F EXTERIOR BLOCK WALL @ REAR OF BUILDING TO REMAIN
- G REMOVE REAR STRUCTURE & POUR NEW CONCRETE SLAB
- H INSTALL ROOF STRUCTURE OVER OUTDOOR DINING AREA

PROPOSED BUILDING FOR:
WILD RESTAURANT
BAILEYS HARBOR, WISCONSIN; DOOR COUNTY

SCALE VERIFICATION
THIS BAR MEASURES 1" ON ORIGINAL
ADJUST SCALE ACCORDINGLY

NOTICE OF COPYRIGHT
THESE PLANS ARE COPYRIGHTED AND ARE SUBJECT TO COPYRIGHT PROTECTION AS AN "ARCHITECTURAL WORK" UNDER SEC. 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED DECEMBER 1990 AND KNOWN AS ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT OF 1990. THE PROTECTION INCLUDES BUT IS NOT LIMITED TO THE OVERALL FORM AS WELL AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND ELEMENTS OF THE DESIGN. UNDER SUCH PROTECTION, UNAUTHORIZED USE OF THESE PLANS, WORK OR BUILDING REPRESENTED, CAN LEGALLY RESULT IN THE CESSATION OF CONSTRUCTION ON BUILDINGS BEING SEIZED AND/OR MONETARY COMPENSATION TO BAYLAND BUILDINGS, INC.

JOB NUMBER: 19-3953

PROJECT EXECUTIVE: DAVE PHILLIPS (262) 308-2580

DRAWN BY: DV/ SJ

DATE: 2-13-2019

REVISIONS:

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OCT 17 2019
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

ISSUED FOR:	CHECKED BY:	DATE:
[ ] PRELIMINARY		
[X] BID SET		
[ ] DESIGN REVIEW		
[ ] CHECKSET		
[ ] CONSTRUCTION		

EXTERIOR ELEVATIONS

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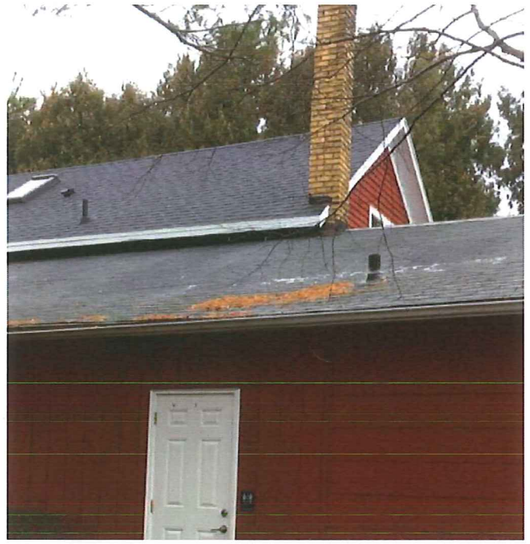

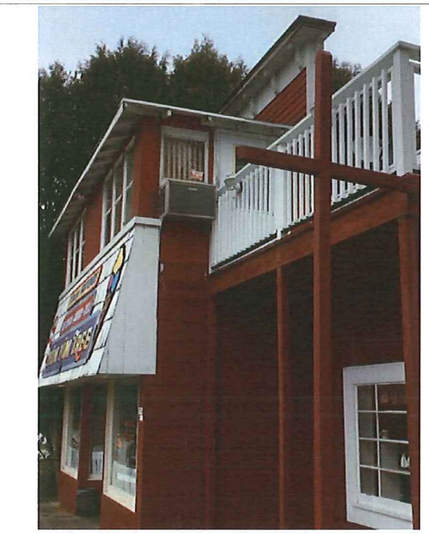

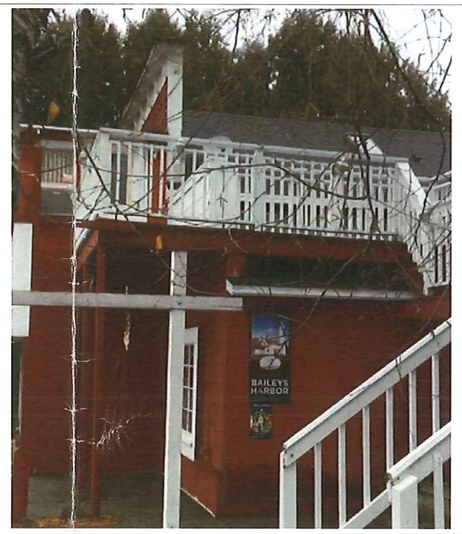

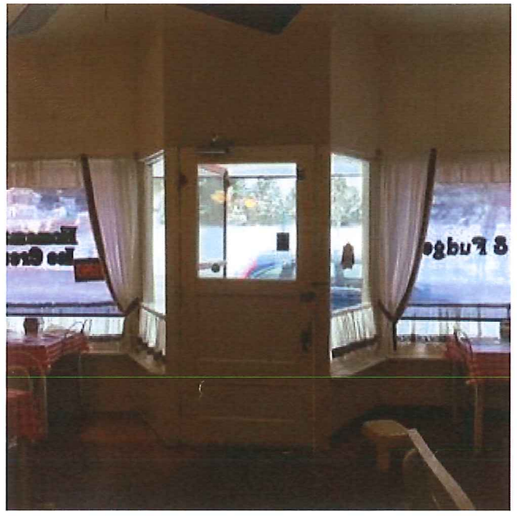

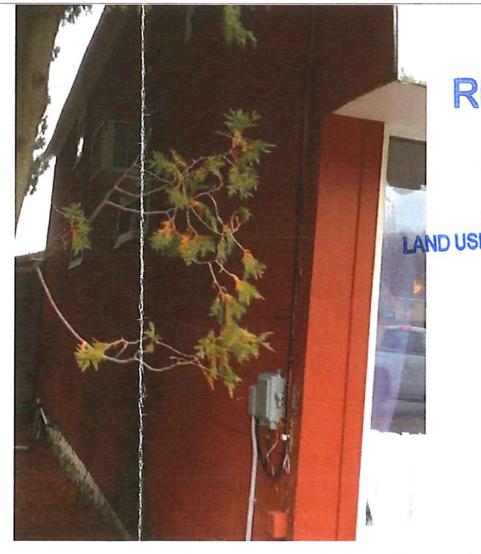

BAYLAND

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P.O. BOX 13571 GREEN BAY, WI 54307
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DESIGN & BUILD GENERAL CONTRACTOR

PROPOSED BUILDING FOR:

WILD RESTAURANT

BAILEYS HARBOR, WISCONSIN; DOOR COUNTY

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JOB NUMBER: 19-3953

PROJECT EXECUTIVE: DAVE PHILLIPS (262) 308-2580

DRAWN BY: DV/ SJ

DATE: 2-13-2019

REVISIONS:

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OCT 17 2019
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

ISSUED FOR:	CHECKED BY:	DATE:
[ ] PRELIMINARY		
[X] BID SET		
[ ] DESIGN REVIEW		
[ ] CHECKSET		
[ ] CONSTRUCTION		

EXTERIOR ELEVATIONS

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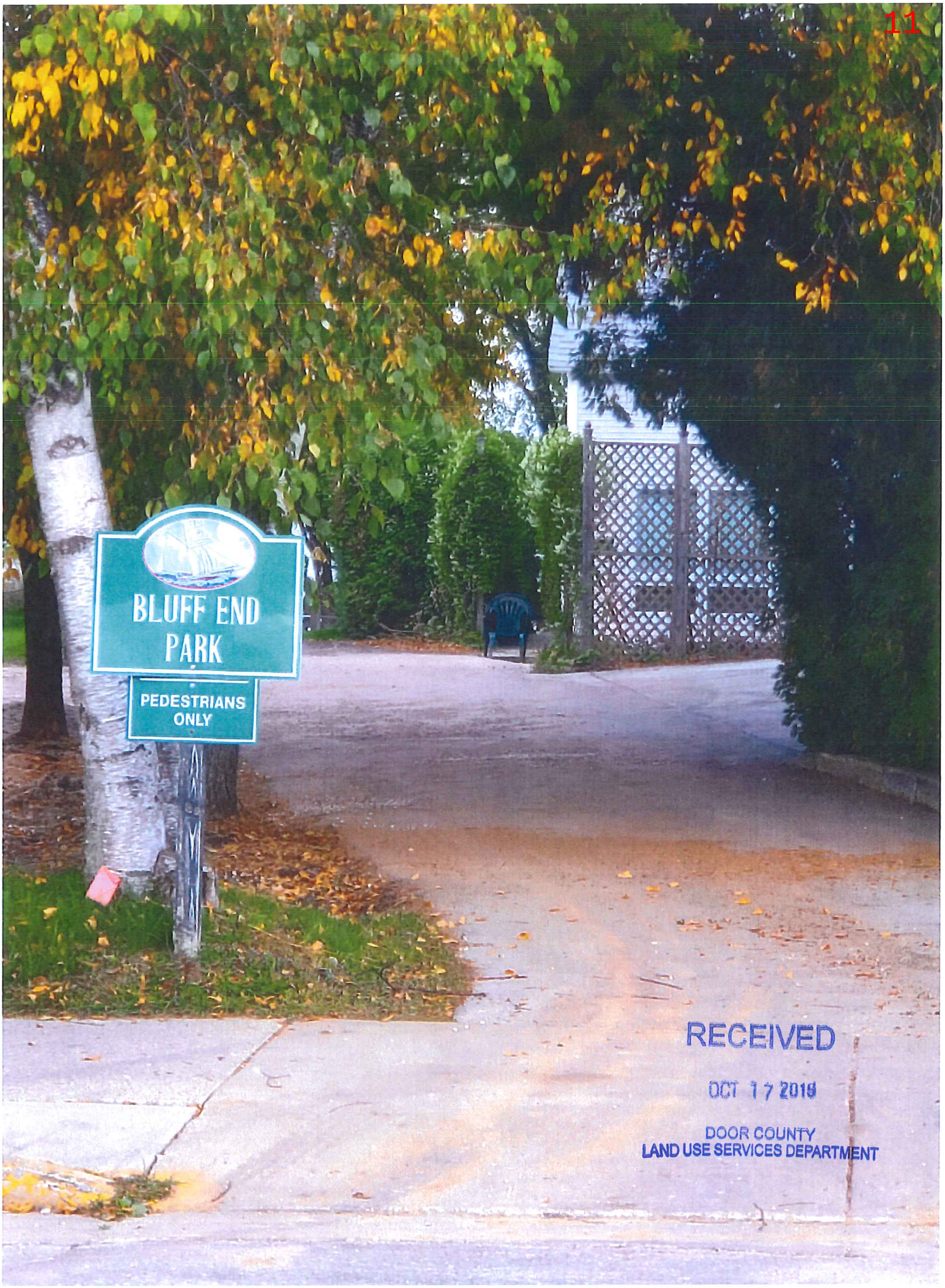

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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LAND USE SERVICES DEPARTMENT

(a) When any highway is practically impassable or dangerous to travel.

(b) When the town board considers it necessary to suspend travel on a highway or on any part of a highway due to construction, repair, or other reasons.

(2)

(a) The board may contract in writing with the owner or lessee of any land through which it proposes to lay out a temporary highway, as to the location of the highway, and the damages that the owner or lessee is to receive. The contract shall be filed with the town clerk.

(b) In the absence of a contract under par. (a), the board shall determine the location of the temporary highway and the award of damages. Unless an emergency exists, the board shall serve the landowner with notice of the location of the highway and the award of damages and shall provide the landowner with 48 hours to object. The town board shall file a written order with the town clerk specifying the location of the temporary highway and the damages awarded.

(c) The owner or occupant of any land occupied by a temporary highway may, at any time after it is opened and within 30 days after it is vacated or discontinued, apply to the town board to determine the owner's or occupant's damages.

(3) If a temporary highway is opened in connection with or on account of road or bridge construction, the damages agreed upon or awarded pursuant to this section may be treated as part of the construction cost and paid out of the construction funds.

(4) A temporary highway shall exist only so long as needed and shall be considered vacated and discontinued when the permanent highway is again opened for public travel.

History: 1991 a. 316; 2003 a. 214 ss. 124 to 127, 172; Stats. 2003 s. 82.35.

NOTE: 2003 Wis. Act 214, which affected this section, contains extensive explanatory notes.

82.37 Tunnel under highway by landowner. The owner of land on both sides of a town highway may construct a tunnel under the highway, and may erect fences that are necessary for the use of the tunnel. The tunnel shall not interfere with or endanger travel on the highway. The owner shall maintain the tunnel and shall be liable for all damages that occur as a result of the failure to keep the tunnel in repair. Unless authorized by a town meeting, the tunnel shall not be less than 25 feet in length. The electors of the town at an annual town meeting may authorize the construction of a tunnel that is less than 25 feet, but at least 16 feet in length.

History: 1989 a. 56, 359; 2003 a. 214 s. 138; Stats. 2003 s. 82.37.

NOTE: 2003 Wis. Act 214, which affected this section, contains extensive explanatory notes.

82.50 Town road standards.

(1) The following minimum geometric design standards are established for improvements on town roads: - See PDF for table

(a) Local service, intermittent traffic

1. Right-of-way 3 rods
2. Roadway width 20 feet
3. Surface width 16 feet

(b) Under 100 ADT

1. Right-of-way 3 rods
2. Roadway width 24 feet
3. Surface width 18 feet
4. Maximum grades 9 percent-11 percent

(c) 100 to 250 ADT

1. Right-of-way 4 rods

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Aerial Photo 1 w/ right-of-way

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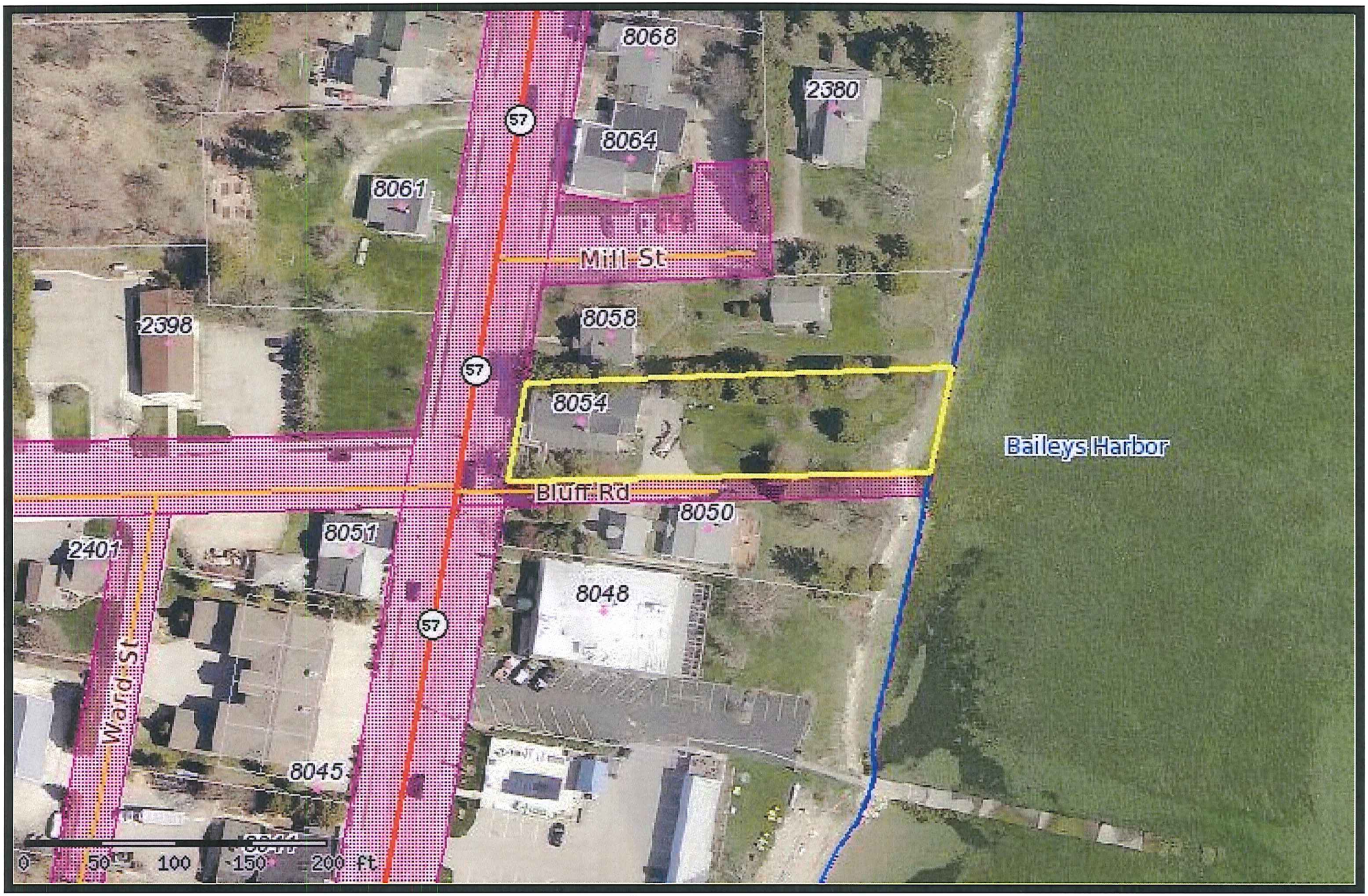

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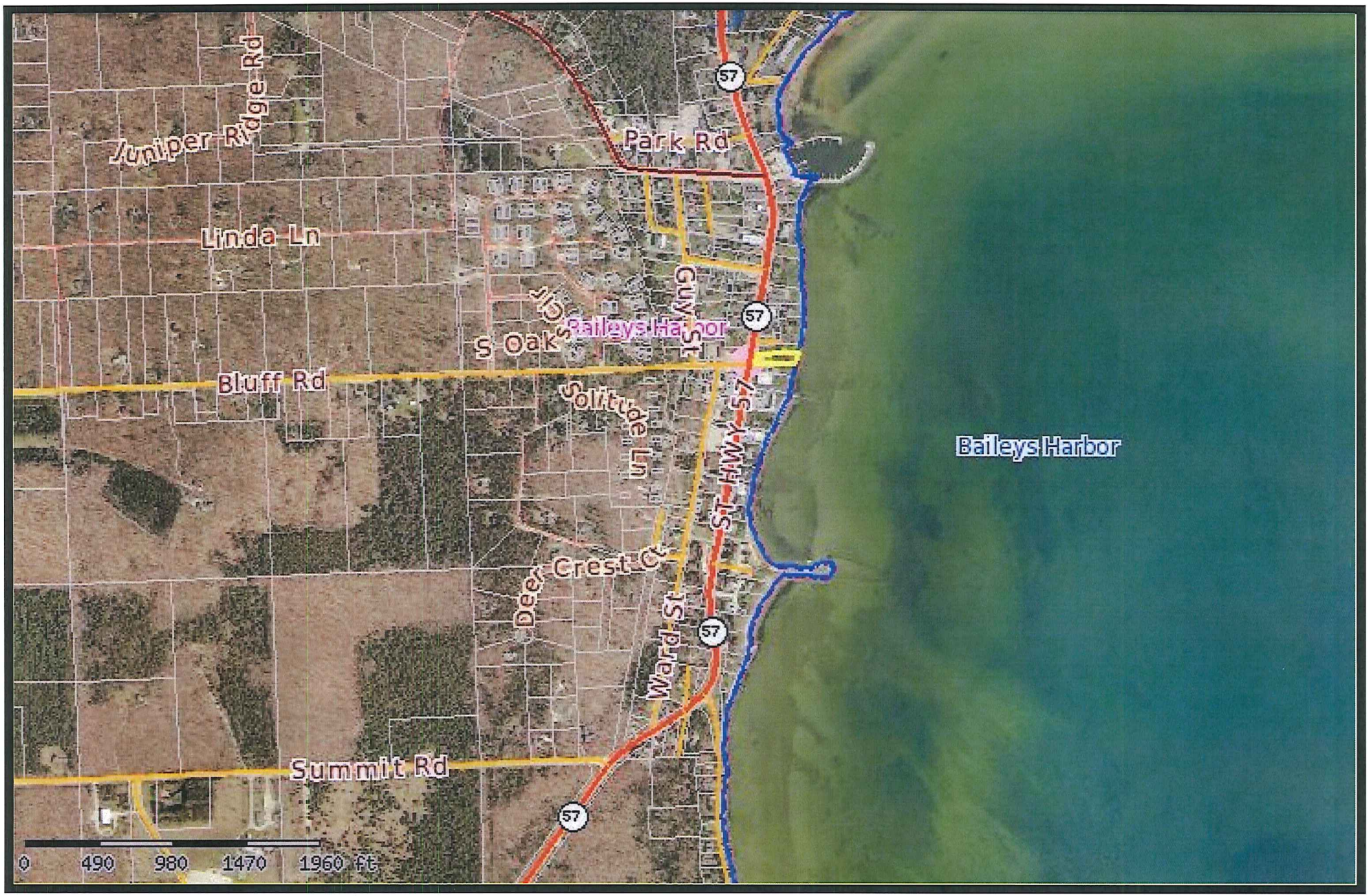

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Photo facing East (Towards Lake)

Photo facing West (Towards STH57)

N 8054 STH 57
PROPERTIES OF, BAILEYS HARBOR LLC

MAIL TO:
PROPERTIES OF
BAILEYS HARBOR LLC

11838 LAKEVIEW RD
ELLISON BAY WI 54210

Geo.Loc: 15 002 4 30 28 20 2 04 002

2020

LEGAL DESCRIPTION
20 30 28 AC .39
LOT 1 CSM #2921 V.17 PG.328
SEC. 20-30-28 GL#2
(LOT 1 & PT LOT 12 BLK 5 OF CITIZEN'S ADDTN TO BAILEYS HARBOR)
L 1 CSM V017 P0328
MORE LEGAL AVAILABLE

BILL NO:

COMMENTS

CURRENT TAX ASSESSMENT AS OF 2019

CODE	ACRES	LAND	IMPROVE	TOTAL
L2	.39	87300	225000	312300
TOTALS	.39	87300	225000	312300

8 0 6 0 7 1 8
Tx:4025986

State Bar of Wisconsin Form 1-2003
WARRANTY DEED

Document Number | Document Name

DOC #: 825820
RECORDED ON:
10/18/2019 03:13:16 PM
CAREY PETERSILKA
REGISTER OF DEEDS
DOOR COUNTY, WI
FEE AMOUNT PAID: 30.00
TRANSFER FEE AMT:
FEE EXEMPT: 77.25(15S)

THIS DEED, made between **John B. Unkefer**

("Grantor," whether one or more), and **Properties of Baileys Harbor, LLC a Wisconsin limited liability company**

("Grantee," whether one or more).

Grantor for a valuable consideration, conveys to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in **Door** County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

Lot One (1) of Certified Survey Map No. 2921 recorded in Vol. 17 of Certified Survey Maps, Page 328, as Doc. No. 786519, being a survey located in Lot One (1) and partly in Lot Twelve (12) of Block Five (5) of Citizen's Addition to Baileys Harbor, in the Town of Baileys Harbor, Door County, Wisconsin.

Recording Area

Name and Return Address
Pinkert Law Firm: RAH
PO Box 89
Sturgeon Bay WI 54235

002-22-0501
Parcel Identification Number (PIN)

This **is not** homestead property.
~~(is)~~ (is not)

Grantor warrants that the title to the Property is good, indefeasible, in fee simple and free and clear of encumbrances except: municipal and zoning ordinances and agreements entered under them; recorded easements for the distribution of utility and municipal services; recorded building and use restrictions and covenants; general taxes levied in 2019; rights of the public in that portion of the above described Property lying within the limits of public roads and public rights of way; Vol. 535, Page 439, as Doc. No. 527141; Vol. 487, Page 183, as Doc. No. 507588; Transportation Project Plat at Doc. No. 736475: and will warrant and defend the same.

Dated **October 17, 2019**.

_____ (SEAL)
* _____

_____ (SEAL)
* _____

_____ (SEAL)
* **John B. Unkefer**

_____ (SEAL)
* _____

AUTHENTICATION

Signature(s) _____

authenticated on _____

* _____
TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:
Attorney Richard A. Hauser
Pinkert Law Firm LLP, Sturgeon Bay, WI 54235

ACKNOWLEDGMENT

STATE OF **WISCONSIN**)
) ss.
DOOR COUNTY)

Personally came before me on **October 17, 2019**,
the above-named **John B. Unkefer**
to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

* **Richard A. Hauser**
Notary Public, State of **Wisconsin**
My commission (is permanent) (~~expires:~~ _____)

(Signatures may be authenticated or acknowledged. Both are not necessary.)
NOTE: THIS IS A STANDARD FORM. ANY MODIFICATION TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.
WARRANTY DEED ©2003 STATE BAR OF WISCONSIN FORM NO. 1-2003
Type name below signatures.
INFO-PRO™ Legal Forms • (800)655-2021 • infoproforms.com
F:\Clients\U\Unkefer John Britton\Corporate Matters\Properties of Baileys Harbor LLC\WD Unkefer & Jorgenson to Properties of Baileys Harbor LLC.docx mg

Letters in Opposition

Kussow, Jeffrey

From: Stan Baehman <slbaehman@aol.com>
Sent: Thursday, October 31, 2019 11:34 AM
To: Kussow, Jeffrey; admin@baileysharborwi.org
Subject: Variance parcel 002-22-0501

I am an owner of property at 4085 WI 57 in Baileys Harbor. It is located within 300' of the subject property. Thus I received a notice of the requested variance.

I oppose the granting of this variance. It has nothing to do with any people involved as I do not know any of them nor am I familiar with the named LLC.

Since the entrance and egress to my residence via automobile is on Bluff Road, and my property is the adjacent property, my sight line for entering Bluff Road will be. Greatly impaired by the granting of this variance. Thus, creating a huge potential life threatening situation for me and my guests. The middle of the drivers seat in a mid size SUV is approximately 6 feet 3 inches from the front of the vehicle. In a full size passenger vehicle this measurement is approximately 8 feet 3 inches. It is easy to see how this would hamper the egress from my driveway. Since the building height has not been provided, I am unable to factor that into additional consideration.

Additionally, if this variance is granted, it will establish a precedent for all other property owners along Bluff Road and the entire Town of Baileys Harbor. If this is granted and I purchased property along Bluff Road in the future, I would expect the same variance to be granted as I position my home and garage on the property.

Thank you.

Stan Baehman
520-572-8088

Kussow, Jeffrey

From: Stan Baehman <slbaehman@aol.com>
Sent: Tuesday, October 29, 2019 6:23 PM
To: Kussow, Jeffrey
Subject: Fwd: Variance parcel 002-22-0501

Sorry, I had to resend this as I incorrectly entered your email address.

Stan Baehman

Begin forwarded message:

From: Stan Baehman <slbaehman@aol.com>
Date: October 29, 2019 at 4:00:00 PM MST
To: jkusso@co.door.wi.us
Subject: Variance parcel 002-22-0501

Yesterday I received your letter as I am a property owner within 300' of the subject property.
I oppose granting this proposed variance. It has nothing to do with any people involved or the business involved. Since the entrance and egress to my property via my automobile is on Bluff Road, and my property is the adjacent property, my sight line for entering Bluff Road with be greatly impaired by the granting of this variance. Thus, creating a huge potential life threatening situation for me and my guests. In addition, if this variance is granted, it will establish a precedent for all other property owners along Bluff Road and the entire Town of Baileys Harbor. If this variance is granted and I purchase any property along Bluff Road in the future I would expect the same variance to be granted as I position my home and garage on the property.
Thank you.

Stan Baehman

DOOR COUNTY LAND USE SERVICES
421 Nebraska Street
Door County Government Center
Sturgeon Bay, Wisconsin 54235
(920-746-2323)

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PETITION FOR GRANT OF VARIANCE

A variance is a relaxation of a standard in a land use ordinance. Variances are decided by the zoning board of adjustment. The zoning board is a quasi-judicial body because it functions almost like a court. The board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws, court decisions and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

PETITION: (I) (We)

Full Name RICHARD & KERSTIN ELLEFSON Telephone No. 920-535-0172
Mailing Address 1538 MOUNTAIN ROAD
City WASHINGTON ISLAND State WI Zip 54246
hereby petition(s) the Door County Board of Adjustment for a variance from Section (s) 3.021 (3)(a)

of the Door County Zoning Ordinance which requires NEW LOTS TO BE AT LEAST 2.0 ACRES IN AREA AND 600 FEET WIDE AND THAT BUILDINGS BE LOCATED AT LEAST 50 FEET FROM A PROPERTY LINE

(I) (We) propose to

LOCATION:
The description of the property involved in this petition is located at:
Fire # 1538 Road MOUNTAIN ROAD Township WASHINGTON
Govt Lot SW-NE or ¼ - ¼ Section 31 Town 34 North, Range 30 East
Tax Parcel No. 028-04-313430131
Zoning District GENERAL AGRICULTURAL Lot Size 2.0 ACRES
Existing use of structure or land in question AGRICULTURAL / RESIDENTIAL

ATTACHMENTS:

1) A site plan, drawn to-scale, indicating lot size, size of buildings and decks, distances between buildings and the centerlines of all abutting roads, ordinary high water mark, lot lines (identify lot markers), the sanitary waste disposal system and well. If a survey is available, please submit the survey. **IF PLANS EXCEED AN 11" X 17" FORMAT, SUBMIT ONE COPY OF EACH SHEET REDUCED TO NO LARGER THAN 11" X 17".**

2) Building plans, drawn to scale, of the proposed project, including floor plans and elevation views. The application will not be processed without scaled drawings. (Plans submitted with this petition will be the only plans reviewed by the Board of Adjustment. A change in plans will warrant a new petition, fee, and public hearing.) **IF PLANS EXCEED AN 11" X 17" FORMAT, SUBMIT ONE COPY OF EACH SHEET REDUCED TO NO LARGER THAN 11" X 17".**

3) Please provide **complete** responses regarding a), b), and c) below. Attach additional pages if necessary. To qualify for a variance, the applicant must demonstrate that their request/situation meets the following three requirements:

(a) Unique property limitations
Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not factors in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

Unique features of this property prevent compliance with the terms of the ordinance, including:

ELIMINATING LOT LINES THAT CURRENTLY RUN THROUGH BUILDINGS ALLOWING FOR MAINTENANCE OF STRUCTURES THAT CURRENTLY LIE ON NEIGHBORS PROPERTY. INCREASING SIZE OF TWO EXISTING GRANDFATHERED LOTS. THIRD LOT IS ALSO GRANDFATHERED, ELIMINATING NON CONFORMING LOT BY ADDING IT TO THIS LOT BUT VARIANCE NEEDED BECAUSE A PORTION OF GRANDFATHERED LOT WOULD BE DEEDED TO THESE TWO OTHER TAX PARCELS, #028-04-313430131 & #028-04-313430131C1

FOR OFFICE USE ONLY
Receipt No. 4059 Fee 500.00 Date 11-22-19
Hearing Advertised Dates:
Hearing Date Decision
TOWN OF: OWNER:
SECTION T N, R E
PARCEL NO.: 0 - -

PETITION FOR GRANT OF VARIANCE – PAGE 2

(b) No Harm to Public Interests

A variance may not be granted which results in harm to public interests. In applying this test, the Board of Adjustment must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public. These interests are listed as objectives in the purpose statement of an ordinance and may include:

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- Public health, safety and welfare
- Water quality
- Fish and wildlife habitat
- Natural scenic beauty
- Minimization of property damages
- Provision of efficient public facilities and utilities
- Achievement of eventual compliance for nonconforming uses, structures and lots
- Any other public interest issues

A variance will not be contrary to the public interest because:

THIS VARIANCE WILL ALLOW FOR PROPERTY & BUILDING MAINTENANCE AS IT WILL GRANT THE CURRENT OWNERS THE RIGHTS TO PROPERLY MAINTAIN THEIR PROPERTY WITHOUT CROSSING BOUNDARY LINES. THIS ALSO BENEFITS THE PUBLIC BY TAKING 4 EXISTING LOTS AND RECONFIGURING THEM INTO 3 LOTS

(c) Unnecessary hardship

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests.

Unnecessary hardship is present because:

CURRENT LOT LINES RUN THROUGH BUILDINGS

4) A non-refundable **$500.00** fee payment to defray the cost of publishing the legal notice and mailing to all interested parties.

AUTHORIZATION FOR INSPECTION:

I hereby authorize the Zoning Administrator to enter upon the premises for which this petition is made at any reasonable time for all purposes of inspection related to this petition.

CERTIFICATION:

I hereby certify that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief.

SIGNATURE OF PETITIONER/AGENT: [signature]

DATE: 11-15-2019

SCHEDULING:

This petition will be scheduled for the next available Door County Board of Adjustment meeting. Approximately two weeks prior to that meeting, a legal notice will be mailed to you providing further information regarding the time and location of the meeting. It is recommended that the petitioner attend the Board of Adjustment meeting to present the case and to answer any questions the Board of Adjustment may ask. If you are unable to attend the meeting, you may want to have your attorney or contractor present on your behalf.

We the undersigned approve this variance and ask that the variance be granted.

Owners of Tax Parcel #028-04-31343012A

Randy Ellefson - Estate Repetitive — Date: 11-21-19

Owners of Tax Parcel #028-04-31343013E1

Randy Ellefson - Estate Repetitive — Date: 11-21-19

Owners of Tax Parcel #028-04-31343013C1

Ivan Johnson — Date: 11/21/19

Michaelene Johnson — Date: 11/21/19

Owners of Tax Parcel #028-04-31343013A1

Richard R. Ellefson — Date: 11/20/19

Kerstin L. Ellefson — Date: 11/20/19

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EXISTING

LOCATED PARTLY IN:

THE SW 1/4 OF THE NE 1/4 & THE NW 1/4 OF THE NE 1/4
OF SECTION 31, T. 34 N., R. 30 E.,
WASHINGTON, DOOR COUNTY, WISCONSIN

PREPARED FOR:

CURRENT OWNER:
ELLEFSON

PREPARED BY:

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

WISCONSIN
BRIAN D. FRISQUE
S-2429
Sturgeon Bay, WI
LAND SURVEYOR

N

(FEET)
0 75 150
SCALE: 1" = 150'

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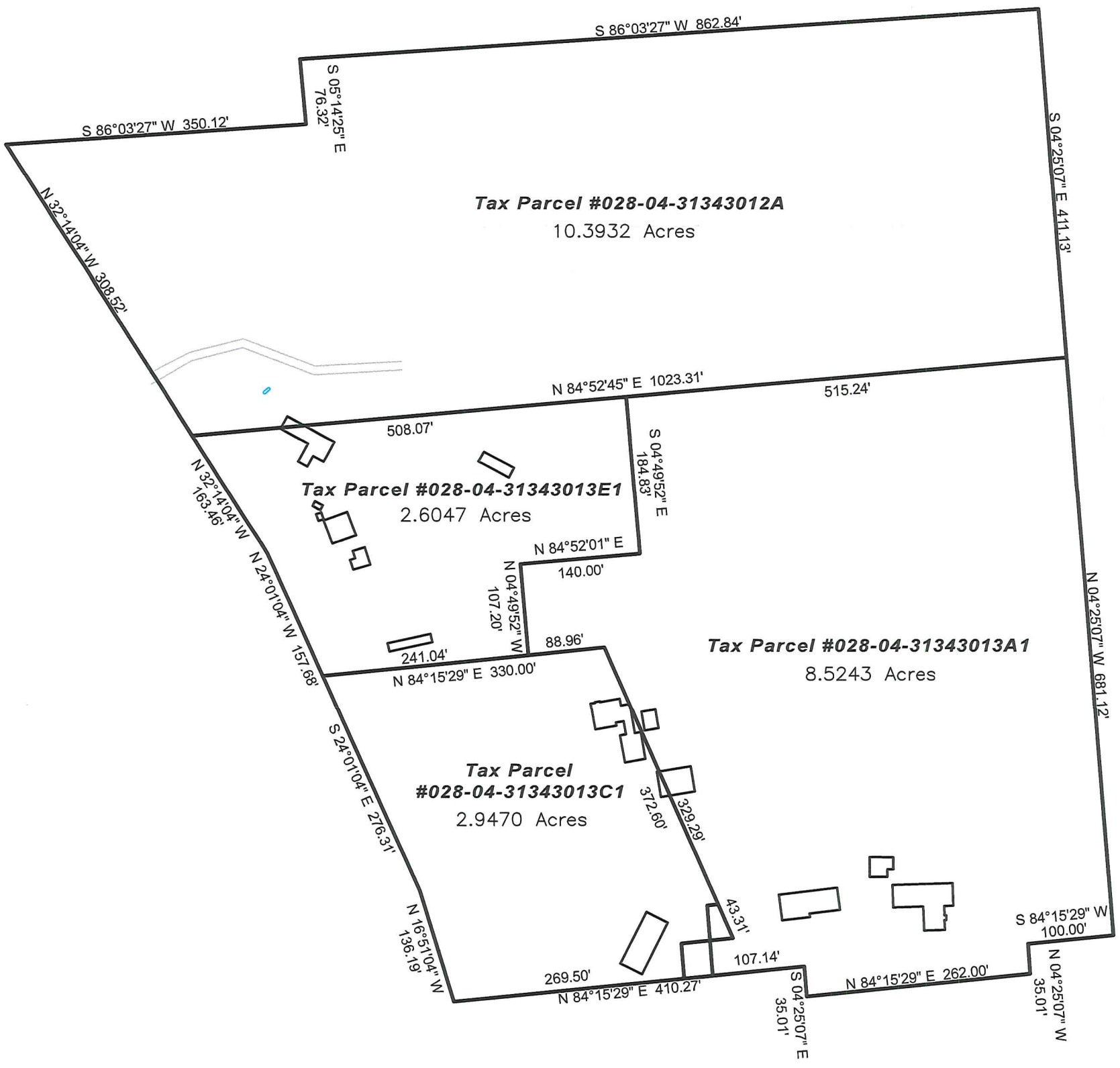

11-15-19
D-100114.dwg
Drawn By: C.E.C
JOB#: D-100114

PROPOSED

LOCATED PARTLY IN:

THE SW 1/4 OF THE NE 1/4 & THE NW 1/4 OF THE NE 1/4
OF SECTION 31, T. 34 N., R. 30 E.,
WASHINGTON, DOOR COUNTY, WISCONSIN

RECEIVED
NOV 22 2019
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

N

(FEET)

0 75 150

SCALE: 1" = 150'

PREPARED FOR:

CURRENT OWNER:
ELLEFSON

PREPARED BY:

BRIAN FRISQUE SURVEYS INC.
BRIAN D. FRISQUE
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3121 MATHEY ROAD
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(920) 743-7183

WISCONSIN
BRIAN D. FRISQUE
S-2429
Sturgeon Bay, WI
LAND SURVEYOR

11-15-19
D-100114.dwg
Drawn By: C.E.C
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Aerial Map 1

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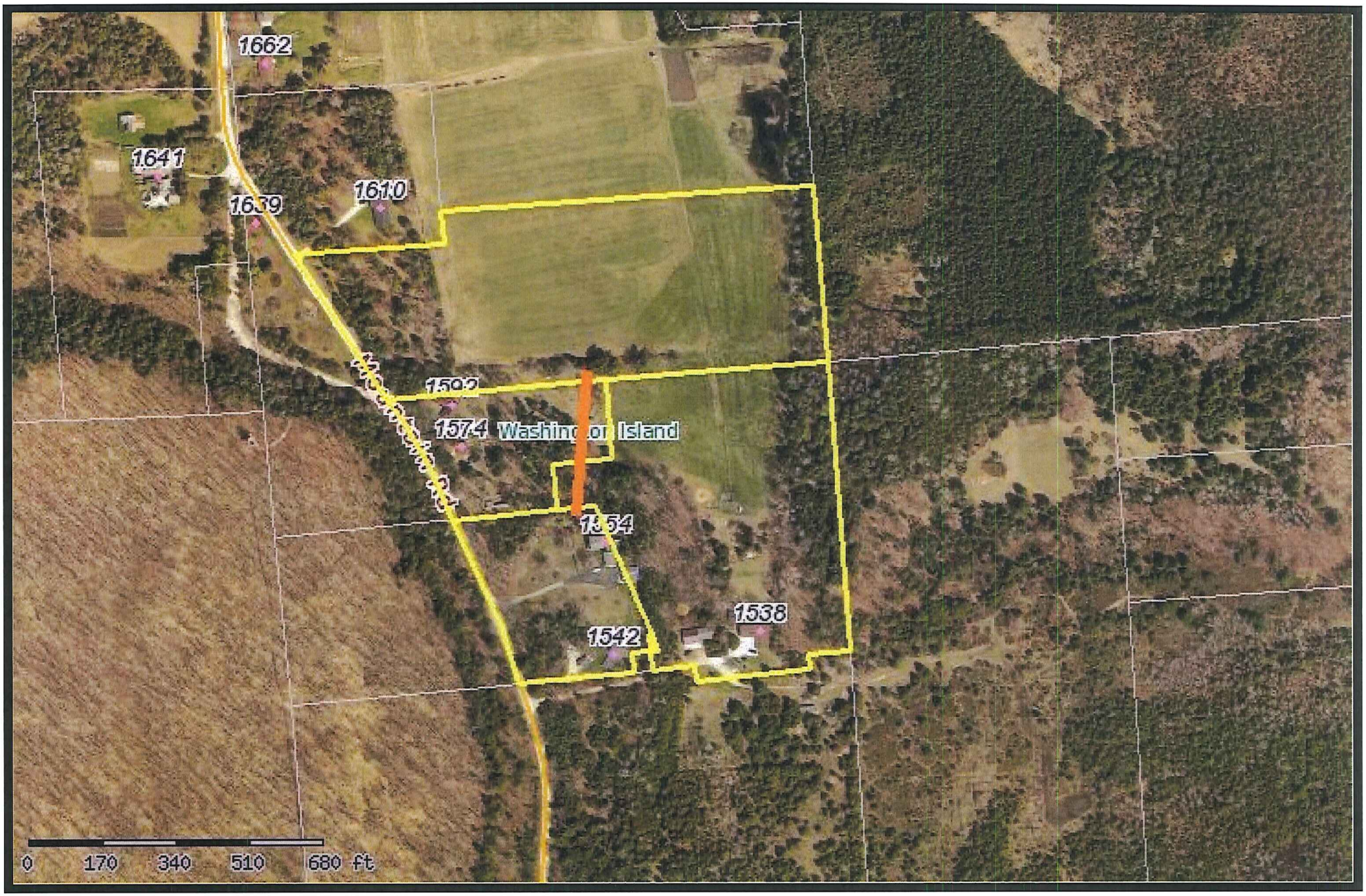

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Aerial Map 2

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Door County, Wisconsin
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Map 3

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Zoning Map 1

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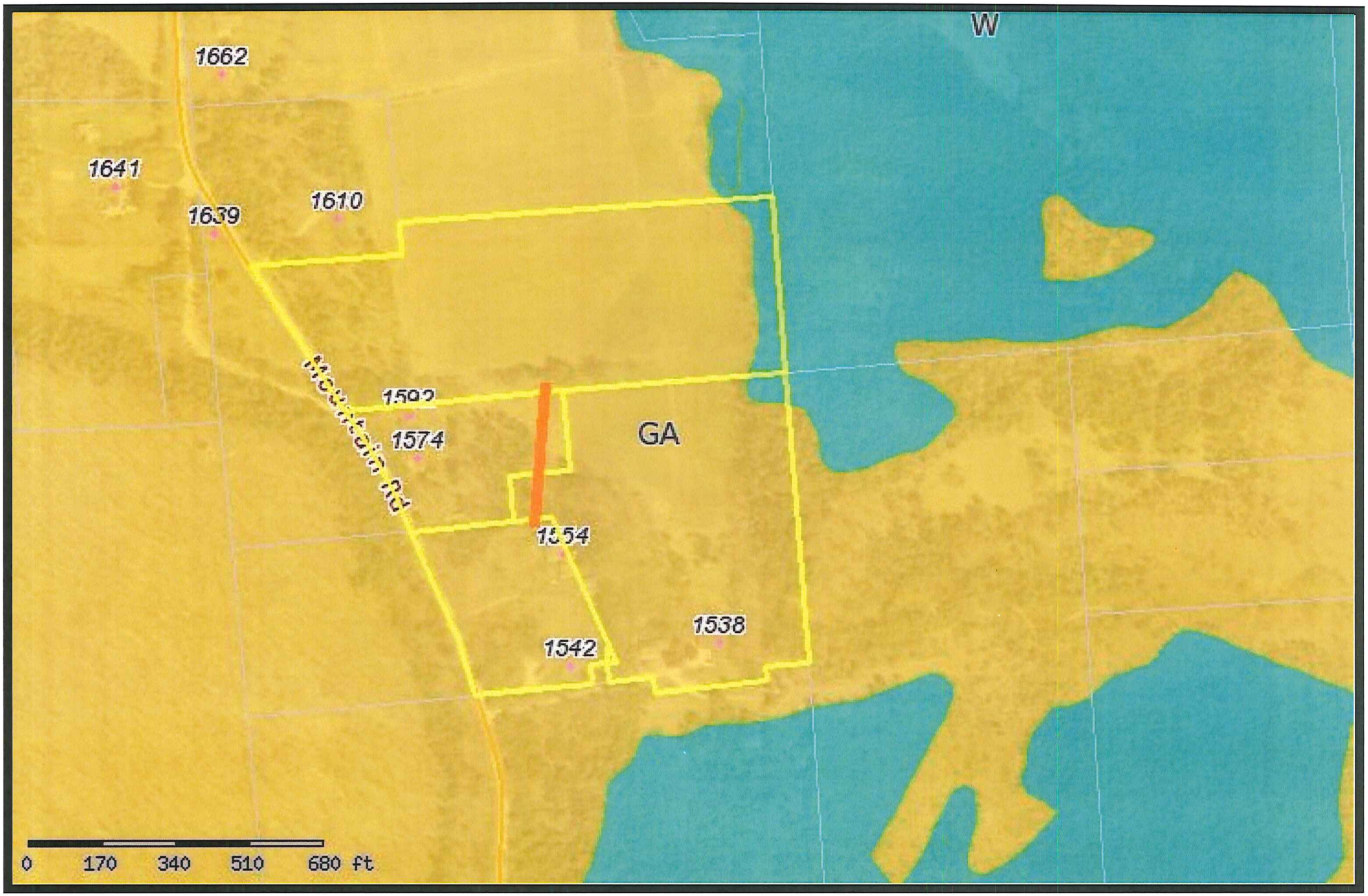

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Zoning Map 2

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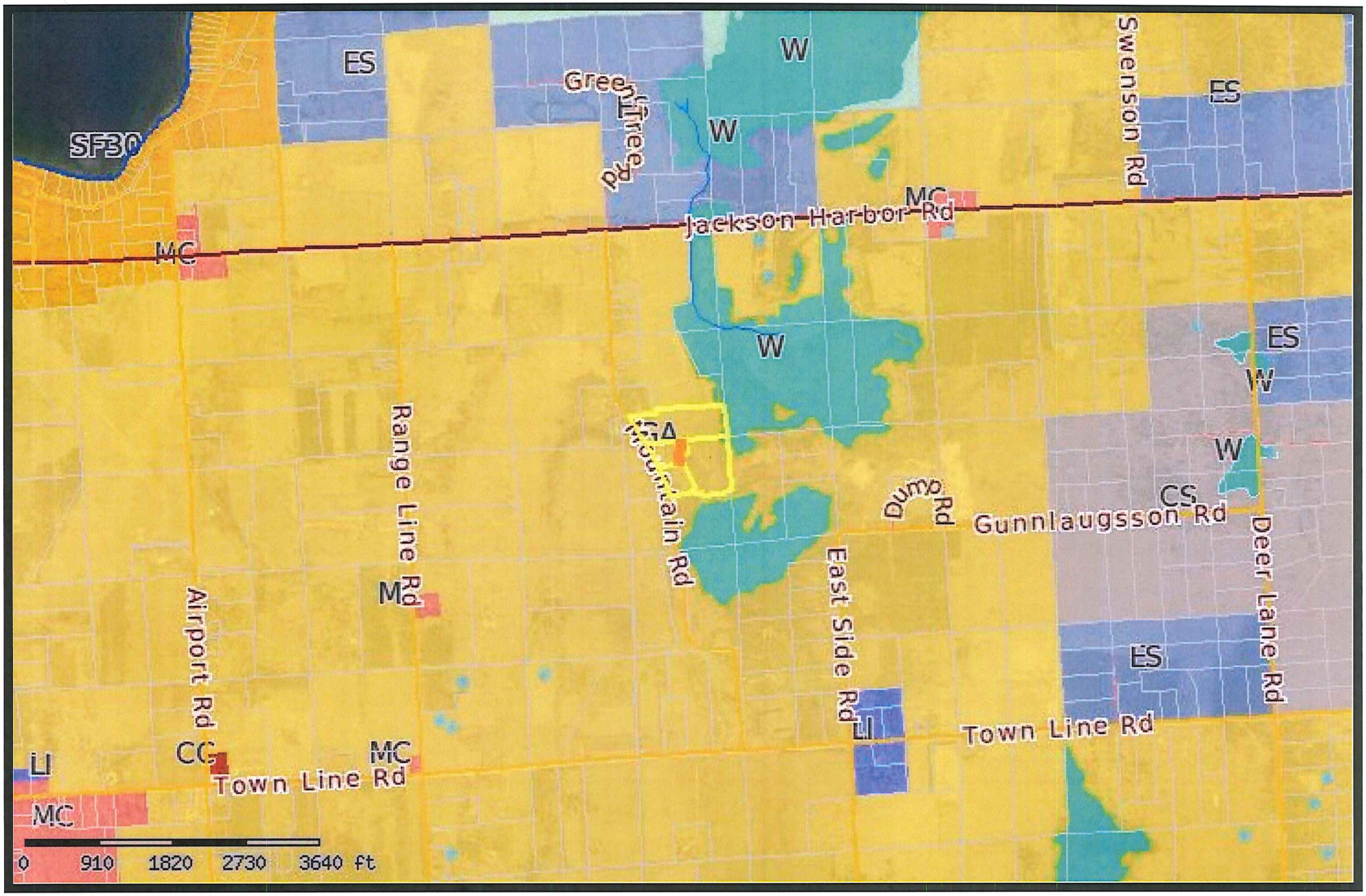

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Letters in Support

RECOMMENDATION
of the
WASHINGTON ISLAND ZONING & PLANNING COMMITTEE

December 16, 2019

Variance Request from Section 3.02(3)(a) of the Door Co. Zoning Ordinance requiring new lots created in a General Agricultural Zoning District be a minimum of 20 Acres, 600 feet wide and buildings be setback 50 feet from the property line. All parcels are located on Mountain Road. The intent is to reconfigure existing, non-conforming lots and rectify property lines relative to existing buildings.

Motion by M. Kickbush, 2nd by B. Nauta to recommend approval of the variance request by Richard & Kerstin Ellefson, Randy Ellefson and Ivan & Micky Johnson from section 3.02(3)(a) of the Door Co. Zoning Ordinance requiring new lots created in a General Agricultural Zoning District be a minimum of 20 Acres, 600 feet wide and buildings be setback 50 feet from the property line. **Motion approved** unanimously. Bill Jorgenson abstained from voting.

The committee discussed and felt that the request which was agreeable to the petitioning neighbors involved created a more conforming parcel configuration by reducing the amount of non-conforming lots from 5 to 3, increased the building setbacks from property lines and eliminated parcel overlap due to previously misunderstood property lines and legal recording errors.

Respectfully Submitted,

Michael G. Kickbush AIA
Secretary
Washington Island Zoning & Planning Committee

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LAND USE SERVICES DEPARTMENT

MINUTES OF MEETING
DOOR COUNTY BOARD OF ADJUSTMENT

December 17, 2019

1.0 Call to order and declaration of quorum.
The meeting was called to order by Chairperson Frey at 3:33 p.m. in the Door County Land Use Services Department Conference Room (C318), Door County Government Center, Sturgeon Bay, Wisconsin.

Board of Adjustment Members Present:
Fred Frey, Chairperson
Aric Weber, Vice Chairperson
Monica Nelson

Staff
Richard D. Brauer, Zoning Administrator

Excused:
John Young
Bob Ryan
Arps Horvath, First Alternate
Chris Anderson, Second Alternate

2.0 Old Business.

2.1 Read and act on Minutes of December 10, 2019, meeting.
Motion by Nelson, seconded by Weber, to approve the minutes as presented. Motion carried unanimously (3-0).

2.2 Final disposition of the following cases considered by the Board of Adjustment at the October 8, 2019, meeting: Candice Colombo; Lisa M. Niespodzany; Roy D. and Mary Jo Cole as Trustees for the Roy D. and Mary Jo Cole Revocable Trust dated March 13, 2002.
Motion by Weber, seconded by Nelson, to approve the final disposition of the cases. Motion carried unanimously (3-0).

3.0 Other Matters.

3.1 Announce next meeting.
Brauer announced that the next meeting will be held on January 14, 2020. One variance case will be scheduled for public hearing that evening.

4.0 Vouchers.
All of the board members present submitted vouchers.

5.0 Adjournment.
Motion by Weber, seconded by Nelson, to adjourn. Motion carried unanimously (3-0). Chairperson Frey declared the meeting adjourned at 3:40 p.m.

Respectfully submitted,

Richard D. Brauer
Zoning Administrator

RDB
12/17/19