

**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 conduct a meeting on Tuesday, May 12<sup>th</sup>, 2020 beginning at 9:00 a.m. In response to the public health emergency in connection with the COVID-19 pandemic, the meeting will be virtual only. The board will be assisted in conducting the meeting by staff who will be located in the Door County Government Center County Board Room (C-101, First Floor) and Peninsula Room (C-121, First Floor) at 421 Nebraska Street, Sturgeon Bay, Wisconsin. Applicants and members of the public may monitor and participate remotely only.

To attend via computer, go to <https://globalpage-prod.webex.com/join> ; enter the meeting number, 624 072 810; and then password, Boa51220 (26251220 from phones and video systems). To connect via telephone, call (408) 418-9388, and when prompted enter the access/meeting code, 624 072 810.

Those who cannot attend remotely should call (920) 746-2323 or e-mail [lriemer@co.door.wi.us](mailto:lriemer@co.door.wi.us) . We will endeavor to facilitate reasonable access for people who cannot attend remotely.

**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 Michael Lorenz; build a detached garage that will not comply with Door County Comprehensive Zoning Ordinance standards for accessory structures constructed on vacant lots; 2478 South Lake Michigan Drive; Sturgeon Bay.
  - 2.2 Jonathon and Carol Wall; encroach into setback from private road; 12765 Door Bluff Road; Liberty Grove.
  - 2.3 Mary J. Schramm; encroach into setback form ordinary high water mark; 5490 West Shore Drive; Sevastopol.
  - 2.4 Lois Gies and Joseph Dalsing (on behalf of Scott Giese and Barbara Johnson-Giese); encroach into setback from the ordinary high water mark of a navigable stream; 225 Bay Chapel Lane; Union.
  - 2.5 Gaetano and Amanda Auricchio; encroach into setback from ordinary high water mark of Green Bay; 8479 White Cliff Road; Gibraltar.
  - 2.6 Maxine Louise Keller Kottage Trust; encroach into setback from the ordinary high water mark of a navigable stream; 7776 Haines Road; Nasewaupee.
- 3.0 Old Business.
  - 3.1 Read and act on Minutes of March 10, 2020 meeting.
  - 3.2 Final disposition of the following case considered by the Board of Adjustment meeting: The Raymond P. & Barbara J. Hansen Trust.

- 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

04/20/20

\* Application materials may 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 HEARINGS BEFORE  
THE DOOR COUNTY BOARD OF ADJUSTMENT**

**Door County, Wisconsin**

In response to the public health emergency in connection with the COVID-19 pandemic, **the public hearings to be held by the Door County Board of Adjustment on Tuesday, May 12, 2020 will be virtual only.** The board will be assisted in conducting the hearings by staff who will be located in the Door County Government Center County Board Room (C-101, First Floor) and Peninsula Room (C-121, First Floor) at 421 Nebraska Street, Sturgeon Bay, Wisconsin. "Virtual only" is exactly what the name implies: the hearings will be conducted by means of remote communication (i.e., teleconference or video conference).

In addition to the hearings, the board business meeting to be held immediately subsequent to the hearings will also be conducted by teleconference or video conference only. Applicants and members of the public may monitor and participate in the meetings remotely only.

To attend the hearings and meeting via computer, go to <https://globalpage-prod.webex.com/join> ; enter the meeting number, 624 072 810; and then the password, Boa51220 (26251220 from phones and video systems). To connect via telephone, call (408) 418-9388, and then when prompted enter the access/meeting code, 624 072 810.

The hearings will begin at 9:00 a.m. to give consideration to the applications listed below for variances, as specified in the Door County Comprehensive Zoning Ordinance and the Door County Shoreland Zoning Ordinance:

**TOWN OF STURGEON BAY**

Michael A. Lorenz petitions for a variance from section 3.12(4) of the Door County Comprehensive Zoning Ordinance which requires accessory buildings that are constructed on vacant lots to comply with specific standards of the ordinance. This section of the ordinance limits the size of the buildings to 120 square feet, limits the height of the buildings to 8 feet 6 inches, allows only one entrance door, not to exceed 6 feet in width, and prohibits windows, skylights, patio doors, or other glazing in the building along with other limitations. Mr. Lorenz is proposing to construct a 672 square foot detached garage on a vacant parcel that is located across the road from his existing residence. The garage would be 18.5 feet high, would contain two 8.5 foot wide garage doors, and a total of 8 windows. This property is located at 2478 South Lake Michigan Drive in Section 27, Town 27 North, Range 26 East, and in a Single Family Residential – 20,000 (SF20) zoning district.

**TOWN OF LIBERTY GROVE**

Jonathan & Carol Wall petition for a grant of variance from section 3.05(4) of the Door County Comprehensive Zoning Ordinance which requires buildings be set back at least 30 feet from the edge of a described private road easement. The petitioners propose to construct a two-story detached garage up to the edge of a described private road easement (0 foot setback). This property is located at 12765 Door Bluff Road in Section 35, Town 33 North, Range 28 East, and in a Single Family Residential – 30,000 SF30) zoning district.

**TOWN OF SEVASTOPOL**

Mary J. Schramm petitions for a variance form section IV.B.2.c.2) of the Door County Shoreland Zoning ordinance which requires structures be located at least 51.5 feet from the ordinary high water mark of Clark Lake. The petitioner proposes to construct a 26' x 36' two story single family residence with a 5' x 5' entry stoop on the north side of the residence which will be located as close as 36 feet from the ordinary high water mark, and the west side of the residence (located outside the nonconforming footprint of the original residence) will be located 44' from the ordinary

high water mark. This property is located at 5490 West Shore Drive in Section 3, Town 28 North, Range 27 East, and in a Single Family Residential – 20,000 (SF20) zoning district.

### **TOWN OF UNION**

Lois Giese & Joseph Dalsing (on behalf of Scott Giese & Barbara Johnson-Giese) petition for a variance from section IV.B.2.b. of the Door County Shoreland Zoning Ordinance which requires structures be set back at least 75 feet from the ordinary high water mark of a navigable stream on the north side of the property. The petitioners propose to construct a 31' x 41' two story attached garage, a 10' x 21' laundry room/entryway, and a 4.5' x 10' covered porch which will be located as close as 48' from the ordinary high water mark of the navigable stream. This property is located at 225 Bay Chapel Lane in Section 32, Town 26 North, Range 23 East, in the Town of Union.

### **TOWN OF GIBRALTAR**

Gaetano and Amanda Auricchio petition for a variance from section IV.B.2.b. of the Door County Shoreland Zoning Ordinance which requires accessory structures be set back at least 75 feet from the ordinary high water mark of Green Bay. The petitioners propose to construct a 16' x 35' in-ground pool 50 feet from the ordinary high water mark. This property is located at 8479 White Cliff Road in Section 18, Town 30 North, Range 27 East, and in a Single Family Residential – 20,000 (SF20) zoning district.

### **TOWN OF NASEWAUPEE**

Maxine Louise Keller Smith Kottage Trust petitions for a variance from section IV.B.2.b. of the Door County Shoreland Zoning Ordinance which requires accessory structures be located at least 75 feet from the ordinary high water mark of a navigable creek. The petitioners propose to construct a 20' x 24' detached garage as close as 53 feet from the ordinary high water mark of May Creek. This property is located at 7776 Haines Road in Section 32, Town 28 North, Range 25 East, in the Town of Nasewaupee.

The purpose of a hearing is to allow parties to explain how their interests are affected, how the public is affected, and to bring out any facts pertinent to the case related to public health, safety, convenience, and general welfare.

All interested parties are urged to view the hearings and meetings and/or give oral testimony remotely via the free software application WebEx, which you may load onto your smartphone ("Cisco WebEx Meetings") and/or computer (<https://www.webex.com/>). In-person attendance and testimony will not be permitted. Anyone wishing to offer oral testimony will need to register in advance.

**Persons who intend to participate in a hearing are advised to be familiar with the Board of Adjustment Guidelines for Virtual Hearings. The Guidelines, which include information as to how to register to testify at a hearing, may be found at: <https://www.co.door.wi.gov/AgendaCenter> .**

Written testimony will also be accepted, on 8 1/2" x 11" paper only, and must be mailed or FAXED to the Door County Land Use Services Department, 421 Nebraska Street, Sturgeon Bay, WI 54235 (FAX 920-746-2387) by **3:30 p.m.** on May 11, 2020. Letters may be made available for public inspection upon request filed with the Land Use Services Department (Phone: 920-746-2323). Letters will be entered into the record; a summary of all letters will be presented at the hearing, but individual letters will not be read. Anonymous correspondence will not be accepted. **Please note that any correspondence or testimony you may have submitted for any town-level proceedings regarding these matters does NOT get forwarded to the county.**

All application materials may be viewed by request filed with the Door County Land Use Services Department, 421 Nebraska Street, Sturgeon Bay, Wisconsin (Phone: 920-746-2323). Application materials may also be viewed on-line approximately four business days before the hearing at: <https://www.co.door.wi.gov/AgendaCenter> . Please note that additional materials may be posted up until 4:30 p.m. the day before the hearing.

A regular business meeting of the Door County Board of Adjustment shall follow the public hearings.

Those who cannot attend remotely should call (920) 746-2323 or e-mail [Iriemer@co.door.wi.us](mailto:Iriemer@co.door.wi.us) . We will endeavor to facilitate reasonable access for people who cannot attend remotely.

Fred Frey, Chair  
Door County Board of Adjustment  
Door County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235

The list of names to which this notice was sent is available upon request filed with the Door County Land Use Services Department, 421 Nebraska Street, Sturgeon Bay, WI 54235 (Phone: 920-746-2323).

Fred Frey, Chairman  
Door County Board of Adjustment

## Door County Resource Planning Committee and Board of Adjustment Guidelines for Hearings Conducted Using “Social Distancing”

In light of the WDHS 03-24-2020 “Safer at Home Order,” and to mitigate the impact of COVID-19, Resource Planning Committee and Board of Adjustment hearings and meetings will until further notice be conducted as teleconference or video conference. Members of the public may join hearings and meetings to observe or participate remotely via the free software application WebEx. Meeting numbers and passwords may be found on the hearing notice or business meeting agenda.

### General Information Regarding Testimony

- Written testimony must be mailed, e-mailed, or FAXed to the Door County Land Use Services Department, and must be received by 3:30 p.m. the day prior to the hearing.

*Mail: Door County Land Use Services, 421 Nebraska Street, Door County Government Center, Sturgeon Bay, WI, 54235. Phone: (920) 746-2323. FAX: (920) 746-2387.  
E-mail: [lriemer@co.door.wi.us](mailto:lriemer@co.door.wi.us) .*

- **Anyone wishing to offer oral testimony for a hearing must register in advance. Registration must be received by 12:00 p.m. (noon) the day before the hearing.** You may register via mail, phone, FAX, or e-mail (please see above for all contact information options). When registering to testify, please provide the following information:
  - Full name.
  - Full mailing address.
  - E-mail address.
  - Phone number.
  - Case/project about which you wish to provide testimony.
  - Whether you wish to speak in favor or in opposition.
- All live testimony will use WebEx, a free software application you may load onto your smartphone (“Cisco WebEx Meetings”) and/or computer (<https://www.webex.com/> ). You may also simply call in via WebEx. Meeting codes and passwords will also allow anyone interested to simply observe hearings. For those registered to testify, when you are called upon WebEx will allow the committee to see and hear you as well.
- You will obviously not have the ability to give committee members handouts. Any materials you wish the committee to review and have part of the record, including anything you plan on using as a visual aid during testimony, must be received by 3:30 p.m. the day prior to the hearing so we may post them on-line.

### Hearing Format

At the start of the meeting, the Chair will explain the process that will be followed for the hearings.

Staff will provide an overview of each project at the start of that particular hearing. Testimony for each hearing will be taken as follows:

- Applicant, followed by others in favor of the project.
- Testimony from anyone in opposition.
- A rebuttal round will occur if testimony in opposition has been presented.
- All testimony will be taken in the order shown on the registration list.
- Only one person at a time may speak. Please mute yourself when it is not your turn to speak.

RECEIVED

NOV 20 2019

PETITION FOR GRANT OF VARIANCE

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

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 MICHAEL A. Lorenz Telephone No. 920-467-6677  
Mailing Address N6041 State Hwy 32  
City Sheboygan Falls State WI Zip 53085  
hereby petition(s) the Door County Board of Adjustment for a variance from  
Section (s) See Attachment A

of the Door County Zoning Ordinance which requires \_\_\_\_\_  
See Attachment A

(I) (We) propose to Construct a 24 x 28 Garage  
See Attachment A

LOCATION:

The description of the property involved in this petition is located at:  
Fire # 2478 Road SOUTH Lake Michigan Drive Township Sturgeon Bay  
Govt Lot 1 or  $\frac{1}{4}$  -  $\frac{1}{4}$  Section 27 Town 27 North, Range 26 East  
Tax Parcel No. 024-022-7272612 G1  
Zoning District \_\_\_\_\_ Lot Size 50' x 410  
Existing use of structure or land in question \_\_\_\_\_

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 Door County Board of Adjustment Decision  
Making Worksheet (See Attachment B)

FOR OFFICE USE ONLY  
Receipt No. 40371 Fee 500.00 Date 11-20-19  
Hearing Advertiser Dates: \_\_\_\_\_  
Hearing Date \_\_\_\_\_  
Decision \_\_\_\_\_

TOWN OF: \_\_\_\_\_  
OWNER: \_\_\_\_\_  
SECTION T N, R \_\_\_\_\_ E  
PARCEL NO.: 0

(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:

RECEIVED

NOV 20 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

- 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 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 Attachment B

4) A non-refundable \$450.00 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:

DATE:

*[Handwritten Signature]*

11-16-19

**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

NANCY LEE LORENZ LIFE ESTATE

ATTACHMENT A

Michael A. Lorenz, on behalf of the Nancy Lee Lorenz Life Estate, petitions for a grant of variance from portions of Section 3.12(4) of the Door County Comprehensive Zoning Ordinance which states that an accessory structure shall not be permitted until its associated principal structure is present or under construction, except that one accessory building may be permitted prior to the erection of a principal structure, provided the following requirements are met:

- (a) The floor area of the accessory building shall not exceed 120 square feet.
- (b) The total height of the accessory building shall not exceed 8 feet 6 inches as measured from the grade elevation to the highest point on the roof.
- (c) The accessory building shall be constructed of wood.
- (d) There shall be no windows, skylights, patio doors, or other glazing in the building.
- (e) Not more than one entrance door, not to exceed 6 feet in width, shall be permitted.
- (f) The building shall comply with all setback and yard requirements for accessory structures.
- (g) There shall be no water service, sanitary waste disposal, or electricity connected to the accessory building.

The Lorenz's parcel is divided by a town road right-of-way. The residence is located on the east side (water-side) of S. Lake Michigan Drive and the proposed detached garage is located on the west side of S. Lake Michigan Drive. According to the Door County Comprehensive Zoning Ordinance, since the town road right-of-way divides this tax parcel, the detached garage is considered to be located on a separate lot. The applicant is proposing to construct a 24' x 28' detached garage with a wood exterior. The 672 square foot garage would be 18.5' in height, would contain two, 8.5' wide garage doors, and a total of 8 windows.

***Note: The existing 10' x 12' shed and smaller accessory structure (historically used as an outhouse) will be removed from the property.***

PETITION FOR GRANT OF VARIANCE

NANCY LEE LORENZ LIFE ESTATE

ATTACHMENT A

RECEIVED  
JAN 24 2020  
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Michael A. Lorenz, on behalf of the Nancy Lee Lorenz Life Estate, petitions for a grant of variance from portions of Section 3.12(4) of the Door County Comprehensive Zoning Ordinance which states that an accessory structure shall not be permitted until its associated principal structure is present or under construction, except that one accessory building may be permitted prior to the erection of a principal structure, provided the following requirements are met:

\* See Note

- (a) The floor area of the accessory building shall not exceed 120 square feet.
- (b) The total height of the accessory building shall not exceed 8 feet 6 inches as measured from the grade elevation to the highest point on the roof.
- (c) The accessory building shall be constructed of wood.
- (d) There shall be no windows, skylights, patio doors, or other glazing in the building.
- (e) Not more than one entrance door, not to exceed 6 feet in width, shall be permitted.
- (f) The building shall comply with all setback and yard requirements for accessory structures.
- (g) There shall be no water service, sanitary waste disposal, or electricity connected to the accessory building.

The Lorenz's parcel is divided by a town road right-of-way. The residence is located on the east side (water-side) of S. Lake Michigan Drive and the proposed detached garage is located on the west side of S. Lake Michigan Drive. According to the Door County Comprehensive Zoning Ordinance, since the town road right-of-way divides this tax parcel, the detached garage is considered to be located on a separate lot. The applicant is proposing to construct a 24' x 28' detached garage with a wood exterior. The 672 square foot garage would be 18.5' in height, would contain two, 8.5' wide garage doors, and a total of 8 windows.

**Note: The existing 10' x 12' shed and smaller accessory structure (historically used as an outhouse) will be removed from the property.**

Note: These are what is allowed without a variance.

Attachment B

Door County Board of Adjustment  
Decision- Making Worksheet

RECEIVED

JAN 24 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Michael A. Lorenz  
2478 South Lake Michigan Drive  
Sturgeon Bay , WI. 53

1.) Unique Physical Property Limitations

Yes, this property is split into two parts, as per the Door County Land Use Services Dept (D.C.U.S.) although deeded as one parcel. We, as land owners, wish to build a 24' x 28' garage on the property. Due to the property width (50ft.) and the ordinary high water mark, there is insufficient room to build on the same side of SLMD as the dwelling is located (east side) of SLMD.

2.) Unnecessary Hardship

The Door County Land Use Services Dept views this as two parcels ( yet only one tax plot). The ordinance states that a garage can not be built on a parcel unless a dwelling unit is constructed first, so (B) conformity with the regulation would not be even possible, therefore the property on the west side of SLMD could not be used for any purpose.

3.) Public Interest/spirit and intent of the ordinance

Granting of this variance would result in no harm to the public interest. A garage being allowed to be constructed on the west side of SLMD would result in a more picturesque view. A 10' x 12' shed and an old outhouse currently used for storage would be removed. The garage would be built as aesthetically pleasing as possible with earth tone colors and blending in with the environment.

We, the listed home owners of this property located at 2478 SLMD , Sturgeon Bay, WI. wish to submit this application for a variance request dated this day 1-22-2020

Signed: Nancy L. Lorenz Nancy L. Lorenz

Signed: Michael A. Lorenz Michael A. Lorenz

Signed : Cindy L. Mais Cindy Mais

Signed: Amy L. Unger Amy Unger

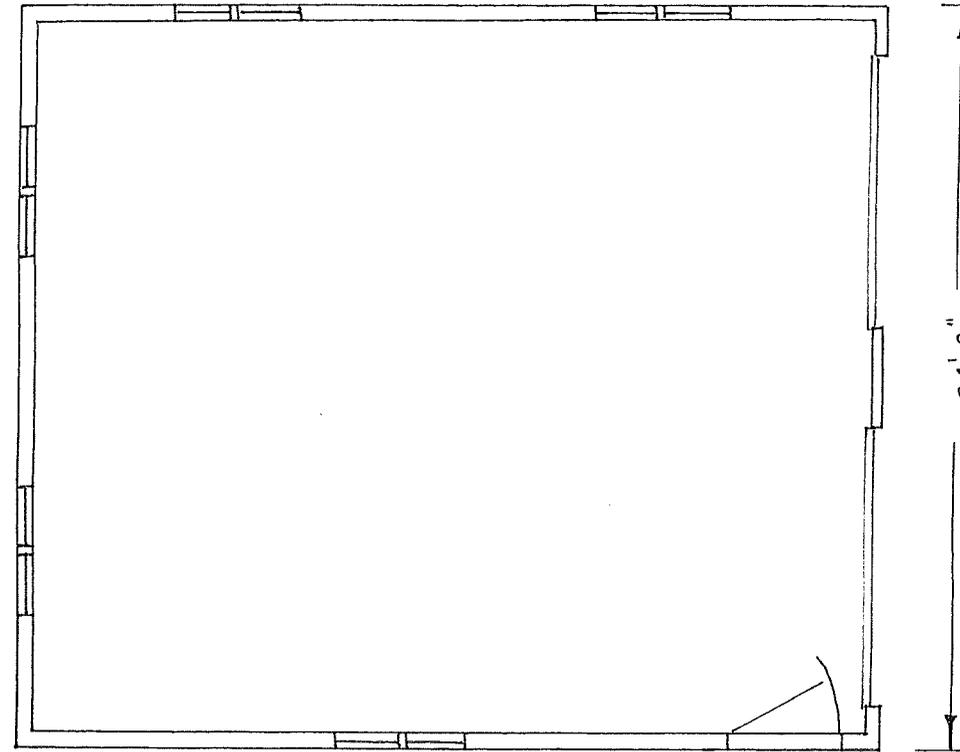
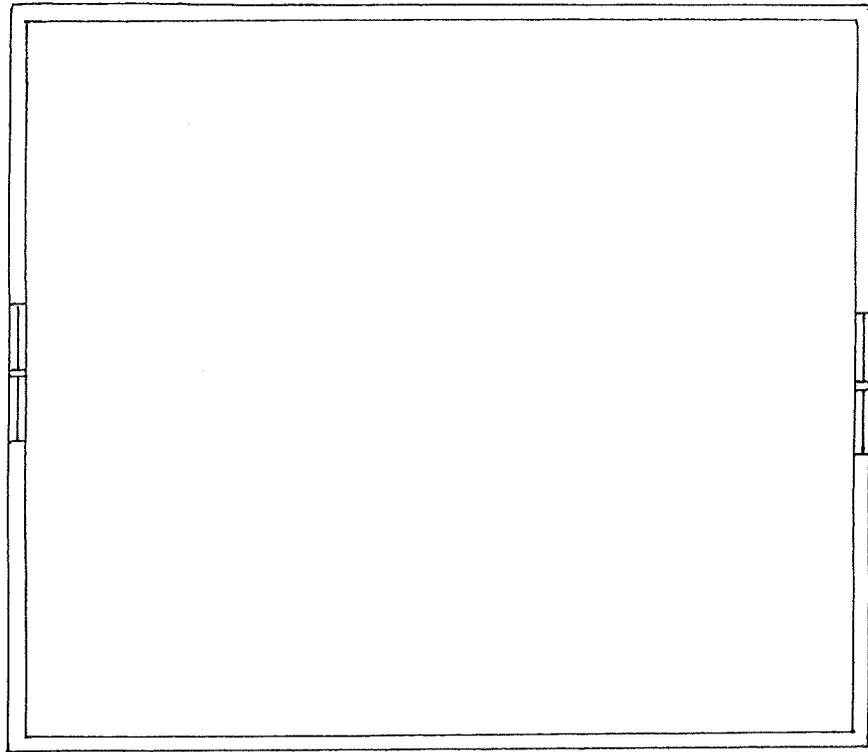
Tax Parcel # 0240227272612G1

SHED PROPOSAL - 2478 SOUTH LAKE MICHIGAN DRIVE

RECEIVED

JAN 24 2020

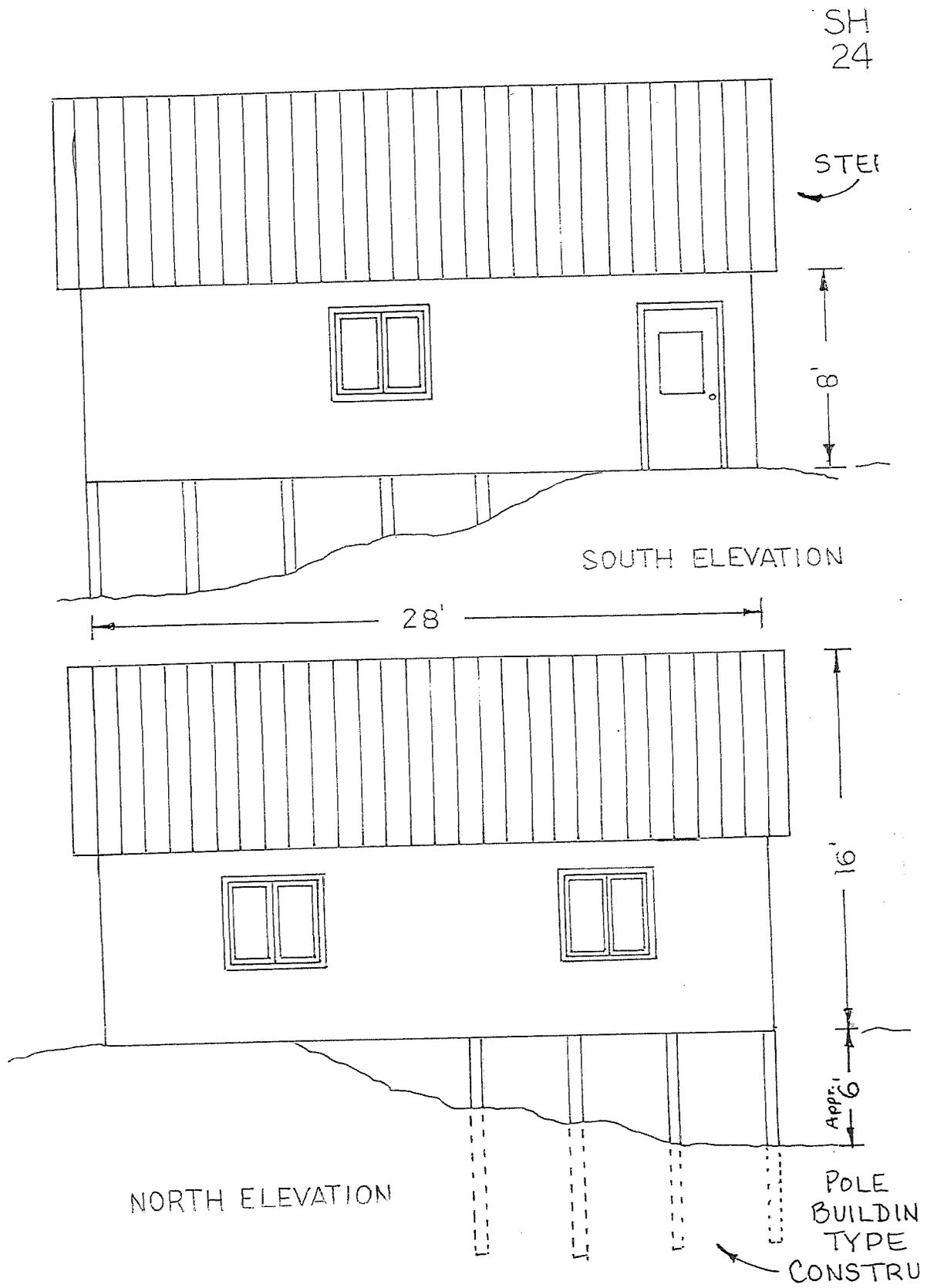
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



JAN. 2020

UPPER LEVEL

LOWER LEVEL



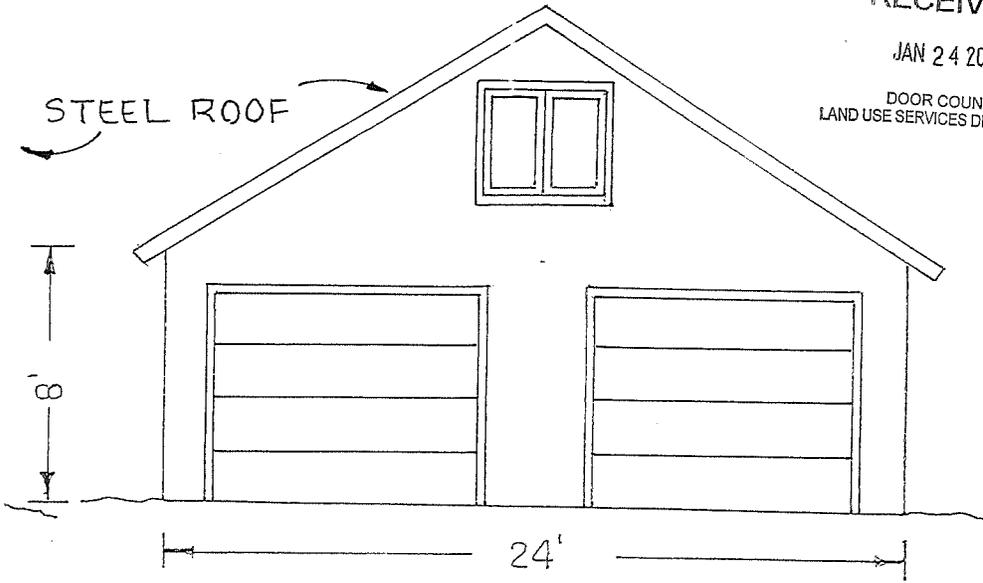
SCALE 1/4" = 1'-0"

SHED PROPOSAL  
2478 SLMD

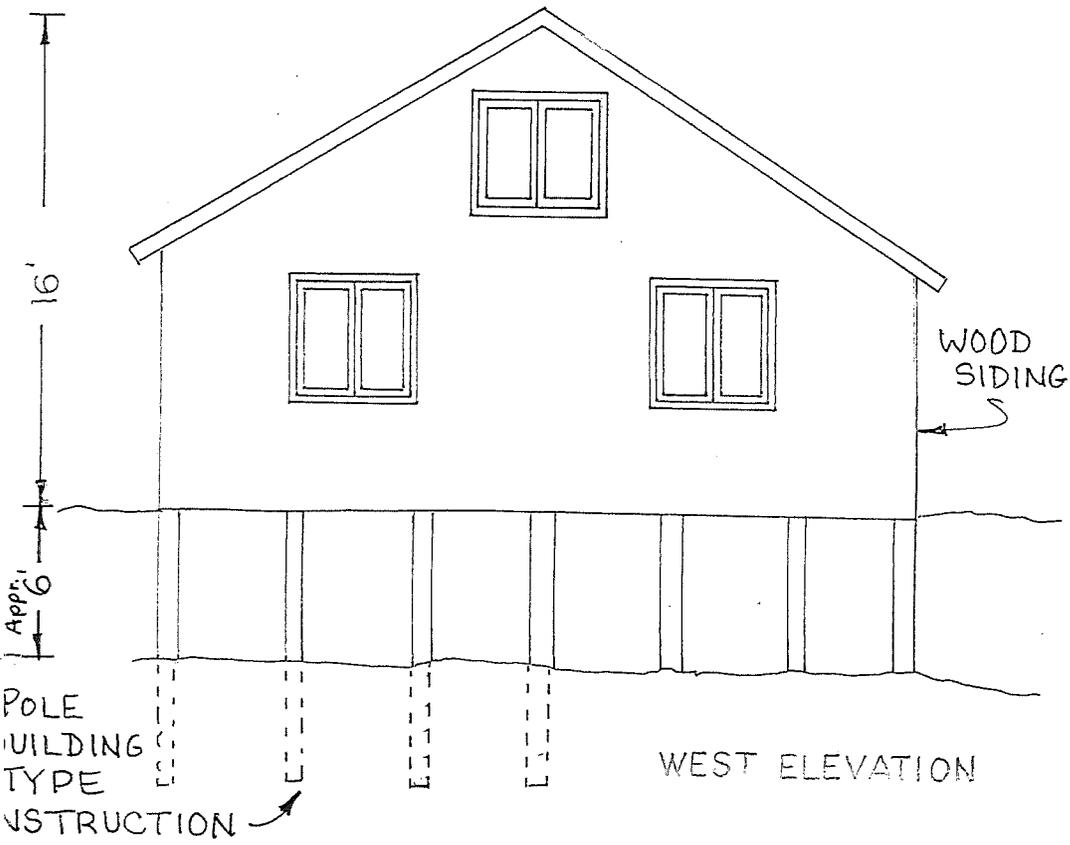
RECEIVED

JAN 24 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



ON



# Site Sketch

LOCATED IN:  
GOV'T LOT 1, SECTION 27, T. 27 N., R. 26 E.,  
TOWN OF STURGEON BAY, DOOR COUNTY, WISCONSIN

BUILDING ZONE = SF 20

- 65' CENTERLINE SETBACK
- 10' REAR-YARD ACCESSORY SETBACK
- 5' SIDE-YARD ACCESSORY SETBACK
- 10' EDGE OF ROW SETBACK
- 75' ORDINARY HIGH WATER MARK SETBACK

Caveat:

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 Land Use Services Department. Zoning and/or any other local zoning authorities.

"Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1 of the state constitution."

PREPARED FOR:

CURRENT OWNER:  
NANCY LORENZ  
MICHAEL LORENZ  
CYNTHIA MAIS  
AMY UNGER  
1642 N. 29TH STREET  
SHEYBOYGAN, WI 53081

PROPERTY ADDRESS:  
2478 S. LAKE MICHIGAN DRIVE

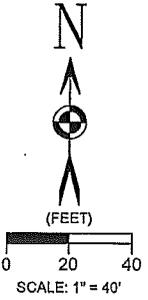
PREPARED BY:

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

SURVEYOR'S NOTES:

BEARINGS BASED FROM A TERRENCE J. McNULTY MAP #017690, DATED OCTOBER 23, 2013.

THE ORDINARY HIGH WATER MARK WAS DETERMINED BY THE DOOR COUNTY LAND USE SERVICES DEPARTMENT: ZONING ON JUNE 17, 2019.



LEGEND

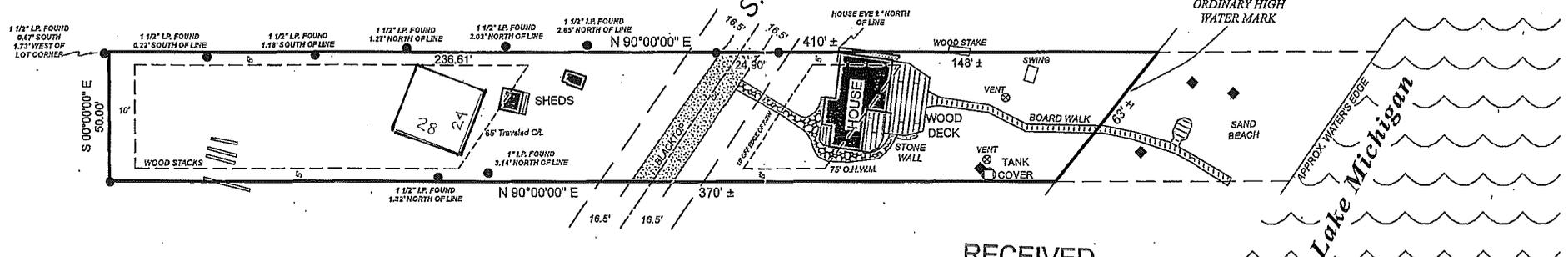
● = EXISTING 1" IRON PIPE (UNLESS NOTED)

◆ = WOOD PILING

RECEIVED

JUL 29 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



RECEIVED

JAN 24 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

06-26-19  
D-061719L-SS.dwg  
Drawn By: C.E.C  
JOB#: D-061719L



County of Door  
**LAND USE SERVICES DEPARTMENT: ZONING**  
 County Government Center  
 421 Nebraska Street  
 Sturgeon Bay, WI 54235

**Sue Vanden Langenberg, Zoning Administrator**

Direct line: (920) 746-2221

Main office line: (920) 746-2323

FAX: (920) 746-2387

E-mail: [svanden@co.door.wi.us](mailto:svanden@co.door.wi.us)

Website: <http://map.co.door.wi.us/planning/>

February 2, 2020

Town of Sturgeon Bay  
 C/o Nancy Anschutz, Clerk  
 2445 Sand Lane  
 Sturgeon Bay, WI 54235

Re: Petition for variance for Tax Parcel 024-02-27272612G1 (2478 South Lake Michigan Drive)

Greetings:

We are sending you this letter to notify the town that there will be a request for a variance regarding a property in Sturgeon Bay at an upcoming Door County Board of Adjustment hearing and meeting. The scheduling process for a future public hearing will begin no earlier than March 27, 2020 unless we hear from the town before that date. The hearing will be held no sooner than three weeks after the scheduling process is begun.

Enclosed is a "Town Recommendation Worksheet" which we ask you to complete and send back to the Door County Land Use Services Department after you review the case at an upcoming meeting. As a reminder, comments may be submitted to the Land Use Services Department concerning the proposal up to 3:30 p.m. the day before the public hearing, and/or the town may offer verbal testimony at the hearing.

Michael A. Lorenz, on behalf of the Nancy Lee Lorenz Life Estate is requesting variances from portions of Section 3.12(4) of the Door County Comprehensive Zoning Ordinance which states that an accessory structure shall not be permitted until its associated principal structure is present or under construction, except that one accessory building may be permitted prior to the erection of a principal structure, provided the following requirements are met:

- (a) The floor area of the accessory building shall not exceed 120 square feet.
- (b) The total height of the accessory building shall not exceed 8 feet 6 inches as measured from the grade elevation to the highest point on the roof.
- (c) The accessory building shall be constructed of wood.
- (d) There shall be no windows, skylights, patio doors, or other glazing in the building.
- (e) Not more than one entrance door, not to exceed 6 feet in width, shall be permitted.
- (f) The building shall comply with all setback and yard requirements for accessory structures.
- (g) There shall be no water service, sanitary waste disposal, or electricity connected to the accessory building.

The Lorenz's parcel is divided by a town road right-of-way. The residence is located on the east side (water-side) of S. Lake Michigan Drive and the proposed detached garage is located on the west side of S. Lake Michigan Drive. According to the Door County Comprehensive Zoning Ordinance, since the town road right-of-way divides this tax parcel, the proposed detached garage is considered to be located on a separate lot. The applicant is proposing to construct a 24' x 28' detached garage with a wood exterior. The 672 square foot garage would be 18.5' in height, would contain two, 8.5' wide garage doors, and a total of 8 windows.

**The applicants have the responsibility to contact the Town of Sturgeon Bay (Nancy Anschutz, Clerk: 920-743-3908) to determine if/when the town may discuss this matter at a future meeting.**

Sincerely,



Sue Vanden Langenberg  
Zoning Administrator

Enc.: Variance application packet and town recommendation worksheet

C.C.: Michael Lorenz (via e-mail) w/enclosure  
Adjacent property owners within 300', without enclosure

Michael A. Lorenz, on behalf of the Nancy Lee Lorenz Life Estate is requesting variances from portions of Section 3.12(4) of the Door County Comprehensive Zoning Ordinance which states that an accessory structure shall not be permitted until its associated principal structure is present or under construction, except that one accessory building may be permitted prior to the erection of a principal structure, provided the following requirements are met:

- (a) The floor area of the accessory building shall not exceed 120 square feet.
- (b) The total height of the accessory building shall not exceed 8 feet 6 inches as measured from the grade elevation to the highest point on the roof.
- (c) The accessory building shall be constructed of wood.
- (d) There shall be no windows, skylights, patio doors, or other glazing in the building.
- (e) Not more than one entrance door, not to exceed 6 feet in width, shall be permitted.
- (f) The building shall comply with all setback and yard requirements for accessory structures.
- (g) There shall be no water service, sanitary waste disposal, or electricity connected to the accessory building.

The Lorenz's parcel is divided by a town road right-of-way. The residence is located on the east side (water-side) of S. Lake Michigan Drive and the proposed detached garage is located on the west side of S. Lake Michigan Drive. According to the Door County Comprehensive Zoning Ordinance, since the town road right-of-way divides this tax parcel, the proposed detached garage is considered to be located on a separate lot. The applicant is proposing to construct a 24' x 28' detached garage with a wood exterior. The 672 square foot garage would be 18.5' in height, would contain two, 8.5' wide garage doors, and a total of 8 windows.

The (circle one) Town Board / Planning Committee of the Town of Sturgeon Bay held a legally noticed and posted meeting on March 2, 2020, at which, by a vote of 3 (Yea) to 0 (Nay), the town recommended (check one)  **SUPPORT**  **DENIAL** for a variance.

Reason(s) for the town's decision:

No other options on property and there is room to do so. Property owner already has a house on the parcel.

Is the proposal consistent with the Town Comprehensive Plan?

Yes

Concerns or objections the town may wish to see potentially addressed through conditions:

None

Nancy Anschutz  
Town Clerk Signature

3-2-2020  
Date

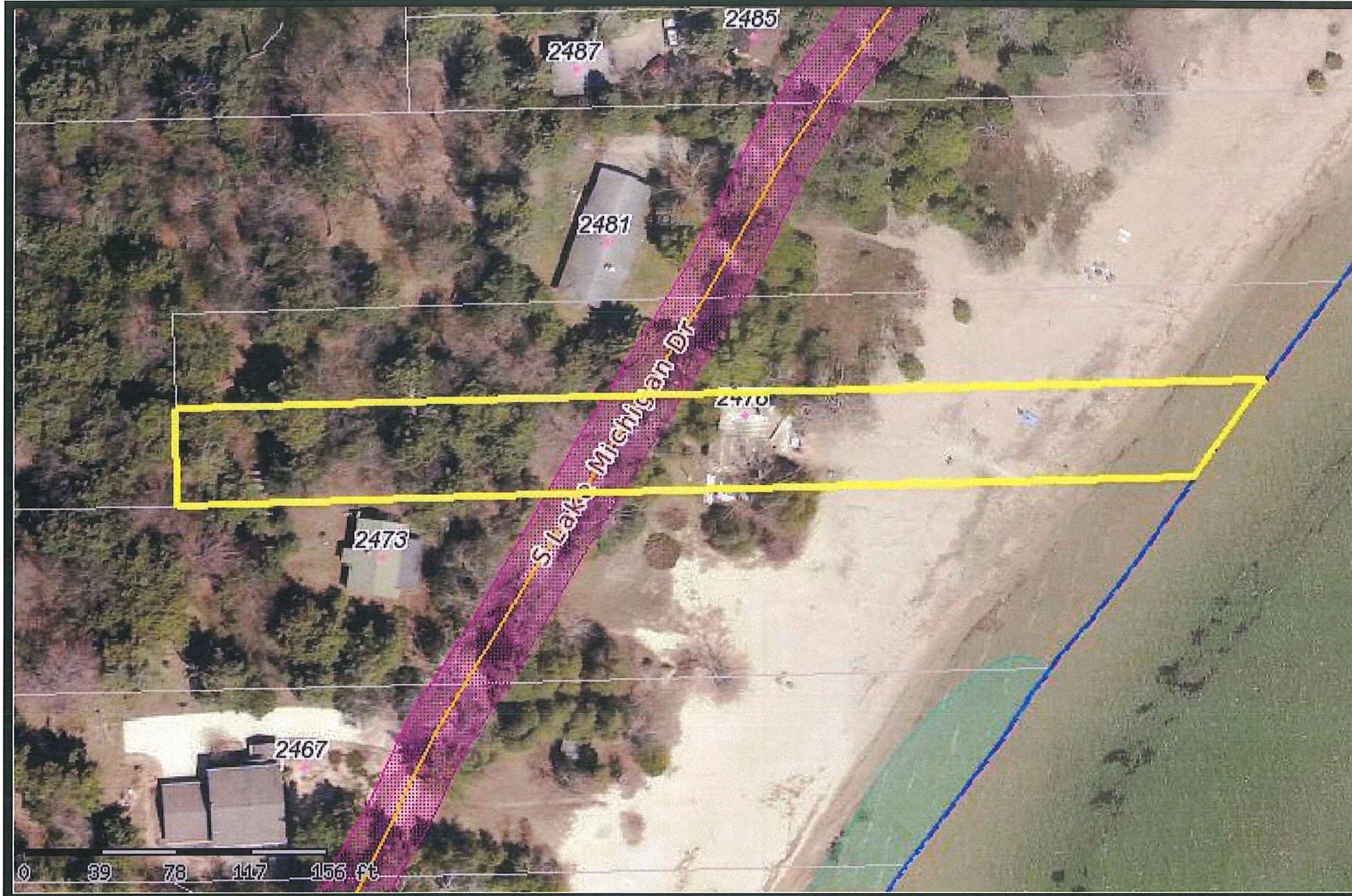
RECEIVED

\*See reverse for variance criteria.

MAK 03 2020



Proposed garage location on West-side of SLMD.



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.

**Mike & Becky Boyer**

934 Linden Avenue  
Wilmette, Illinois 60091

2/18/2020

County of Door  
Land Use Services Department of Zoning  
County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235

Re: Petition for variance for Tax Parcel 024-02-27272612G1 (2478 South Lake Michigan Drive)

We are Mike and Becky Boyer, the property owners of 2481 South Lake Michigan Drive, north and adjacent to the subject property. Regarding the variance request for 2478 South Lake Michigan Drive, we have no objections to the plans as submitted.

Please feel free to contact us if you have any questions.



Mike Boyer & Becky Boyer  
2481 South Lake Michigan Drive

**RECEIVED**

**FEB 20 2020**

**DOOR COUNTY  
LAND USE SERVICES DEPARTMENT**

RECEIVED

FEB 18 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

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 Jonathan + Carol Wall Telephone No. 414-916-9972  
Mailing Address 101 W. Lexington Blvd.  
City Whitefish Bay State WI Zip 53217  
hereby petition(s) the Door County Board of Adjustment for a variance from Section (s) 3.05 (4) Set-back from private roads.

of the Door County Zoning Ordinance which requires 30-foot setback from structures fronting on private roads or private road easements.

(I) (We) propose to locate an accessory building within set-back. See Addendum attached for details.

LOCATION:

The description of the property involved in this petition is located at:  
Fire # 12765 Road Door Bluff Road Township Liberty Grove  
Govt Lot 4 or  $\frac{1}{4}$  -  $\frac{1}{4}$  Section 35 Town 33 North, Range 28 East  
Tax Parcel No. 018-04-35332814B2  
Zoning District SF-30 Lot Size .73 acres  
Existing use of structure or land in question unimproved land.  
No accessory structures currently on lot.

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 addendum.

FOR OFFICE USE ONLY  
 Receipt No. 674 Fee 500.00 Date 2/18/20  
 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:

- 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

**RECEIVED**  
**FEB 18 2020**  
 DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT

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

*See attached addendum.*

---



---



---



---

(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 addendum.*

---



---



---



---

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:

DATE:

*[Handwritten Signature]*

*2-18-2020*

**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 hereby petition the Door County Board of Adjustment for a variance from Section 3.05(4) of the Door County Zoning Ordinance which requires that: "The required setback for all structures fronting on private roads or private road easements, except those serving 4 lots or less, shall be 30 feet. No setback shall be required from private roads or private road easements which serve 4 lots or less."

We propose to locate a garage up to the described access easement, which is 12-feet from the edge of the existing access road. The subject access road and easement over our property ends at our northerly lot line and provides access for a single lot to the north as well as our property.

Existing use of structure or land in question: The proposed garage footprint is an unimproved, sloped area of land dropping in elevation from the easement road on the eastern boundary westerly towards the Bay of Green Bay.

To qualify for a variance, we will demonstrate that our situation meets the following requirements:

- a) Unique property limitations preventing compliance with the ordinance: There are two features of the property preventing compliance: (1) The downward-sloping of the land and, (2) the overhead electrical utility power lines.

The elevation drops 5-feet after the required set-back, requiring fill and difficult access and departure in snow and icy conditions. Moving the garage 30-feet uphill inside of the set-back line avoids excess land disturbance and places the front of the garage in a reasonably flat area for safe ingress and egress all year.

Additionally, locating the garage at the required set-back line will cause non-compliance with the 10-foot clearance from power lines as required by Wisconsin Public Service. The lower of the two high-power lines is 30-feet above grade at the pole. Our proposed garage is 25'6" high and would not meet the 10-ft. clearance standards. The proposed footprint moves the garage to the east, away and uphill from the power line but within the private road 30-foot set-back.

- b) No harm to public interests: Granting this variance will not be contrary to the public interest due to the minimal use of this private road, which ends at our northerly property line. Besides us, the easement road serves as access for just one parcel to the north. The ordinance itself acknowledges that: "No setback shall be required from private roads or private road easements which serve 4 lots or less." When reading this ordinance back when we bought the property in 2003, we felt we were within the rules to place a garage here without needing a variance.

## Addendum - Petition for Grant of Variance

## Wall Garage – 12765 Door Bluff Road

Also, our proposed location eliminates the need to move the power lines as well as requiring the least fill and land disturbance at a shorefront parcel, very much in the public interest.

c) Unnecessary hardship: Ingress and egress to the property is the current hardship in winter months due to the 16-foot drop in elevation from the access road to the residence level. We don't currently have any other accessory building on the property. Complying with this set-back ordinance is not impossible but would require the following hardships:

- Locating the front of the garage directly on a 5-foot slope, requiring more fill than necessary for a foundation and further land disturbance to create a level area to approach and enter the garage. The 30-foot set-back blocks us from utilizing the most level ground adjacent to the access road, allowing the safest ingress and egress via car.
- Moving the current power lines, causing additional land disturbance and hardship for our parcel and the parcels to the south and north.
- We could eliminate the 2<sup>nd</sup>-story living space allowed in the accessory building so the power lines would have the required clearance, but that would require another building to meet the need for the allowed living space, which is another unnecessary hardship and more land disturbance at the shore.

Also see the aerial image of the subject property, with elevation lines and easement road location, on page 3 for reference.

RECEIVED

FEB 18 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Addendum - Addendum - Petition for Grant of Variance  
Wall Garage - 12765 Door Bluff Road



RECEIVED

FEB 18 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

PROPOSED GARAGE LOCATION

APPROACH TO GARAGE STALLS

# Site Sketch

LOCATED IN:

GOV'T LOT 4, SECTION 35, T. 33 N., R. 28 E.,  
TOWN OF LIBERTY GROVE, DOOR COUNTY, WISCONSIN

PREPARED FOR:

CURRENT OWNER:  
JONATHAN C. & CAROLA A. WALL  
101 W. LEXINGTON BLVD  
WHITEFISH BAY, WI 53217

PROPERTY ADDRESS:  
12765 DOOR BLUFF ROAD

PREPARED BY:

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

BUILDING ZONE = SF 30

### PRINCIPAL SETBACKS

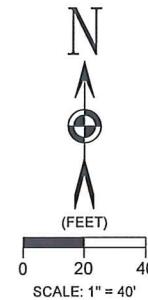
- 49' ORDINARY HIGH WATER MARK SETBACK
- 25' FRONT-YARD SETBACK
- 50' REAR-YARD SETBACK
- 20' SIDE-YARD SETBACK
- 30' EASEMENT SETBACK

### ACCESSORY SETBACKS

- 75' ORDINARY HIGH WATER MARK SETBACK
- 25' FRONT-YARD SETBACK
- 20' REAR-YARD SETBACK
- 15' SIDE YARD SETBACK
- 30' EASEMENT SETBACK

### Caveat:

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 Land Use Services Department: Zoning and/or any other local zoning authorities.



RECEIVED

FEB 18 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

### LEGEND

- = EXISTING 1" IRON PIPE
- ⊗ = UTILITY POLE

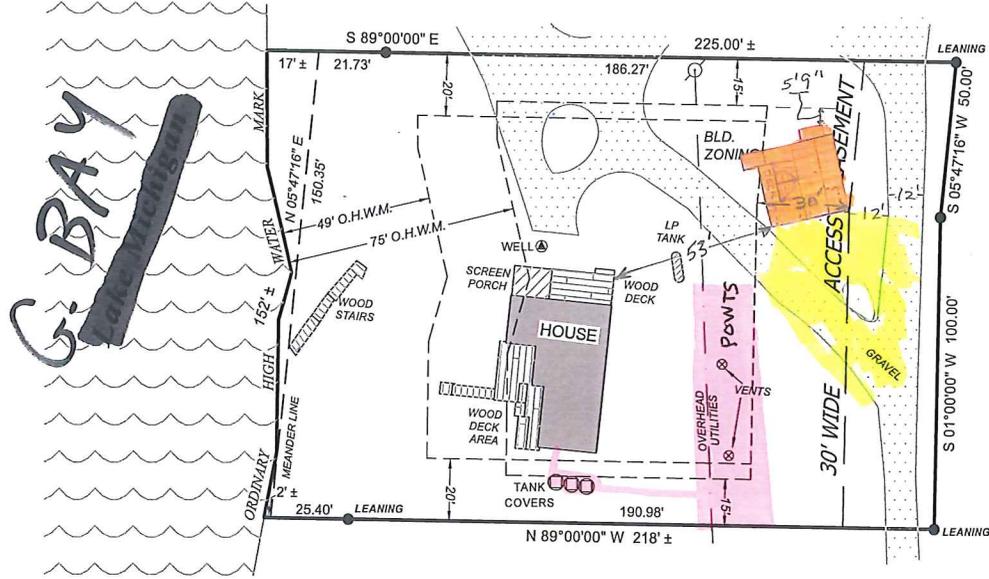
### SURVEYOR'S NOTE:

BEARINGS REFERENCED TO A LEE E. TELFER SURVEY  
MAP #002592 DATED, APRIL 17, 2003.

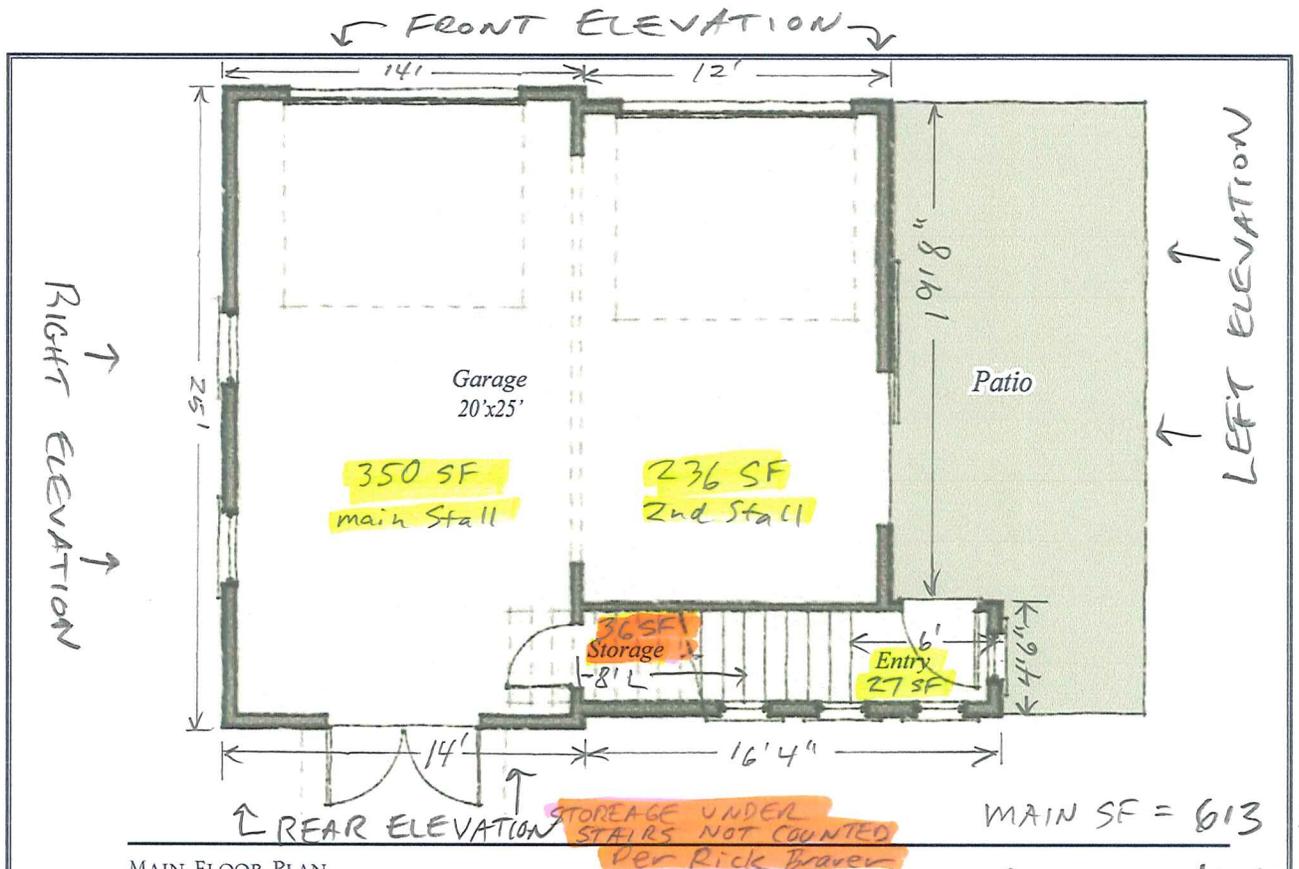
THE ORDINARY HIGH WATER MARK WAS DETERMINED BY  
THE DOOR COUNTY LAND USE SERVICES DEPARTMENT:  
ZONING.

BUILDING ZONE ON ADJACENT MAP DEPICTS  
ACCESSORY SETBACKS.

10-11-19  
D-092419L2-SS.dwg  
Drawn By: C.E.C  
JOB#: D-092419L2



# WALL GARAGE FLOOR PLAN

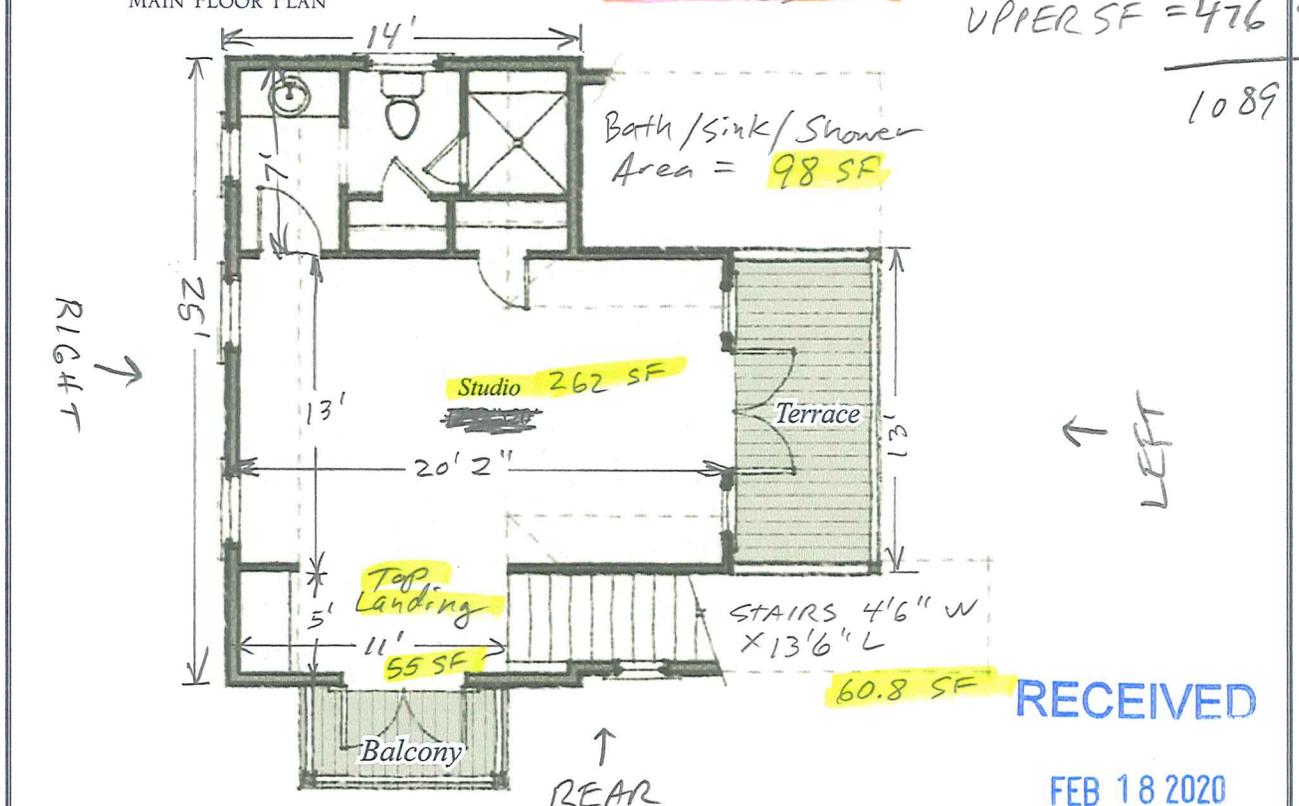


MAIN FLOOR PLAN

MAIN SF = 613 SF

UPPER SF = 476 SF

1089



UPPER FLOOR PLAN

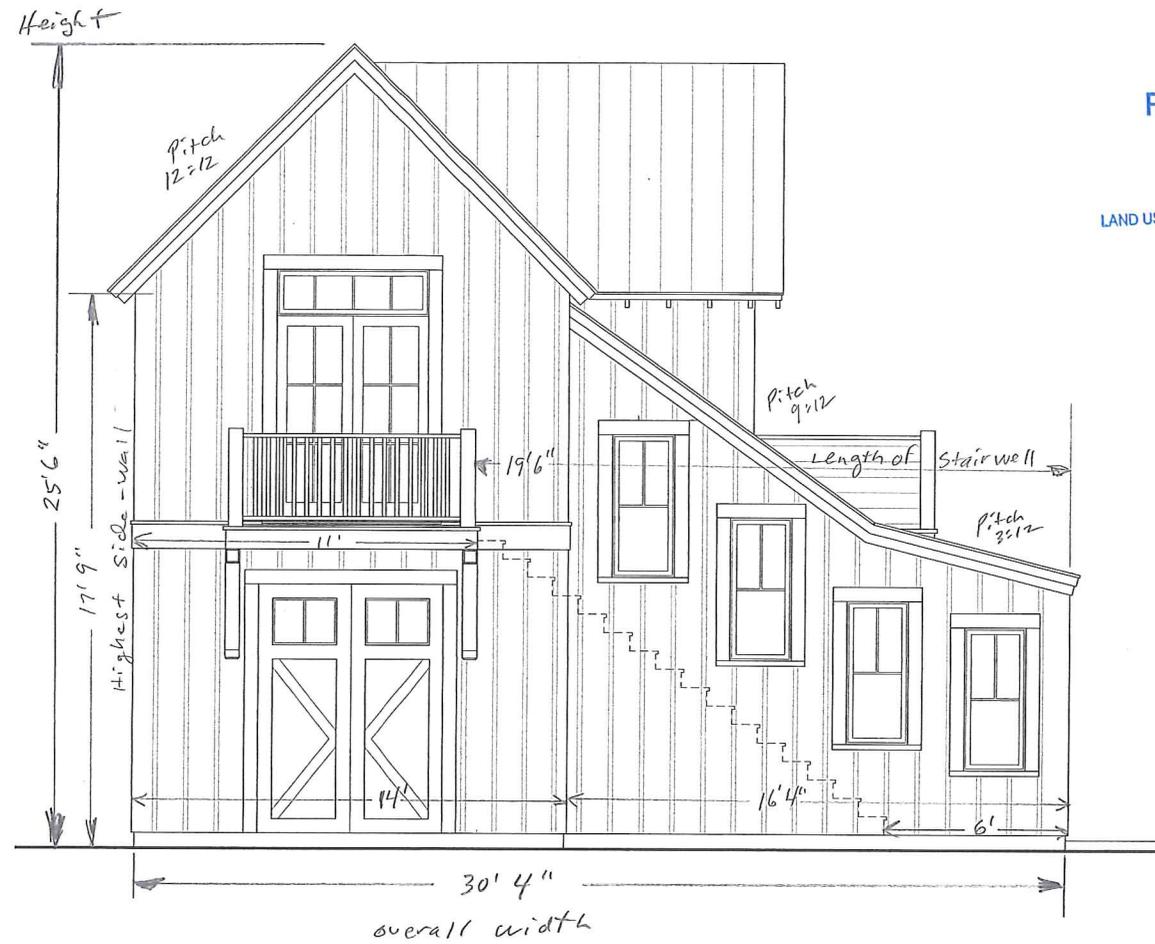
RECEIVED

FEB 18 2020

DOOR COUNTY LAND USE SERVICES DEPARTMENT

SCALE: 1" = 7'2"

NOTE: ALL DIMENSIONS TO EXTERIOR WALLS



RECEIVED

FEB 18 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**REAR ELEVATION**

1/4" = 1'-0"



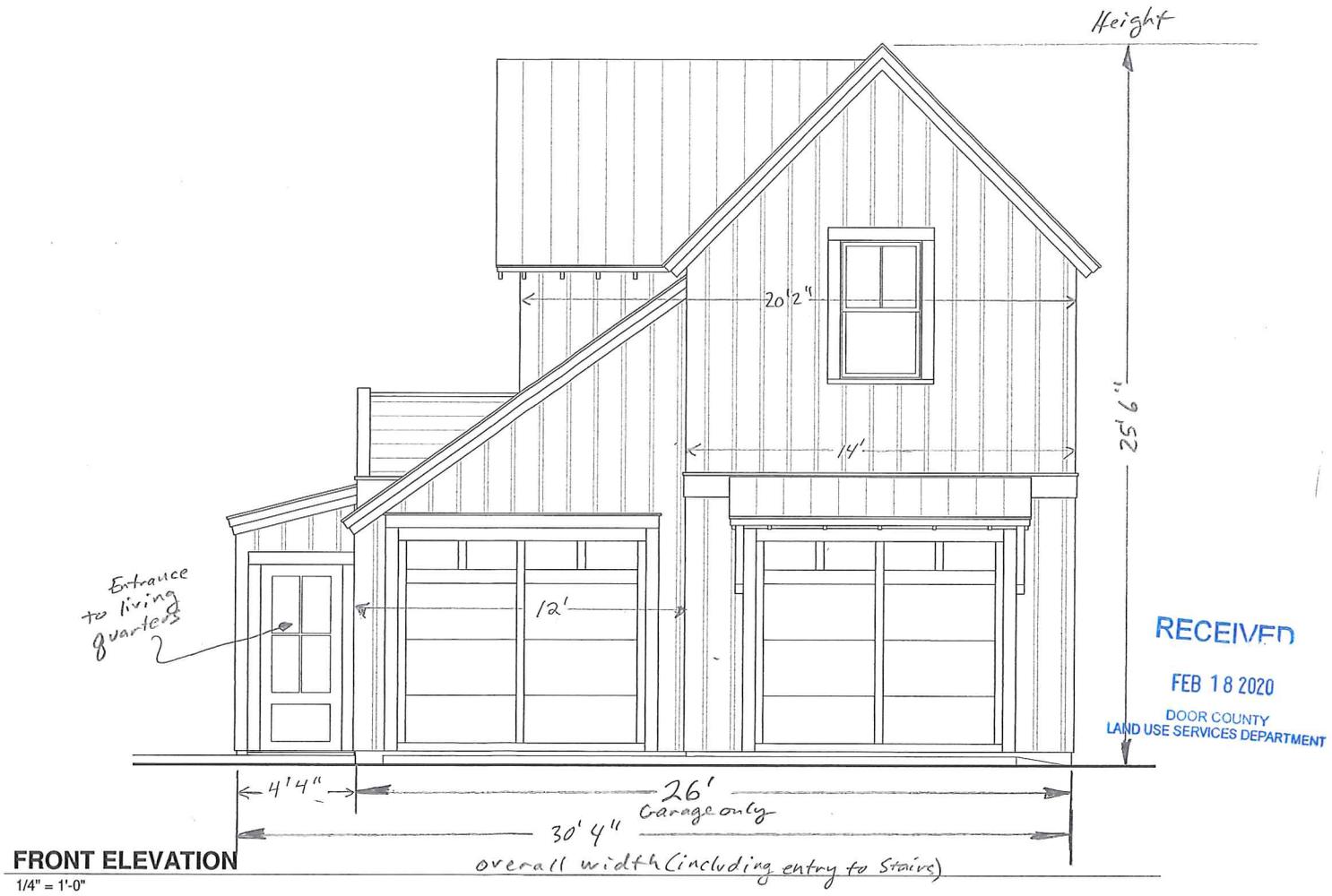
**LEFT ELEVATION**

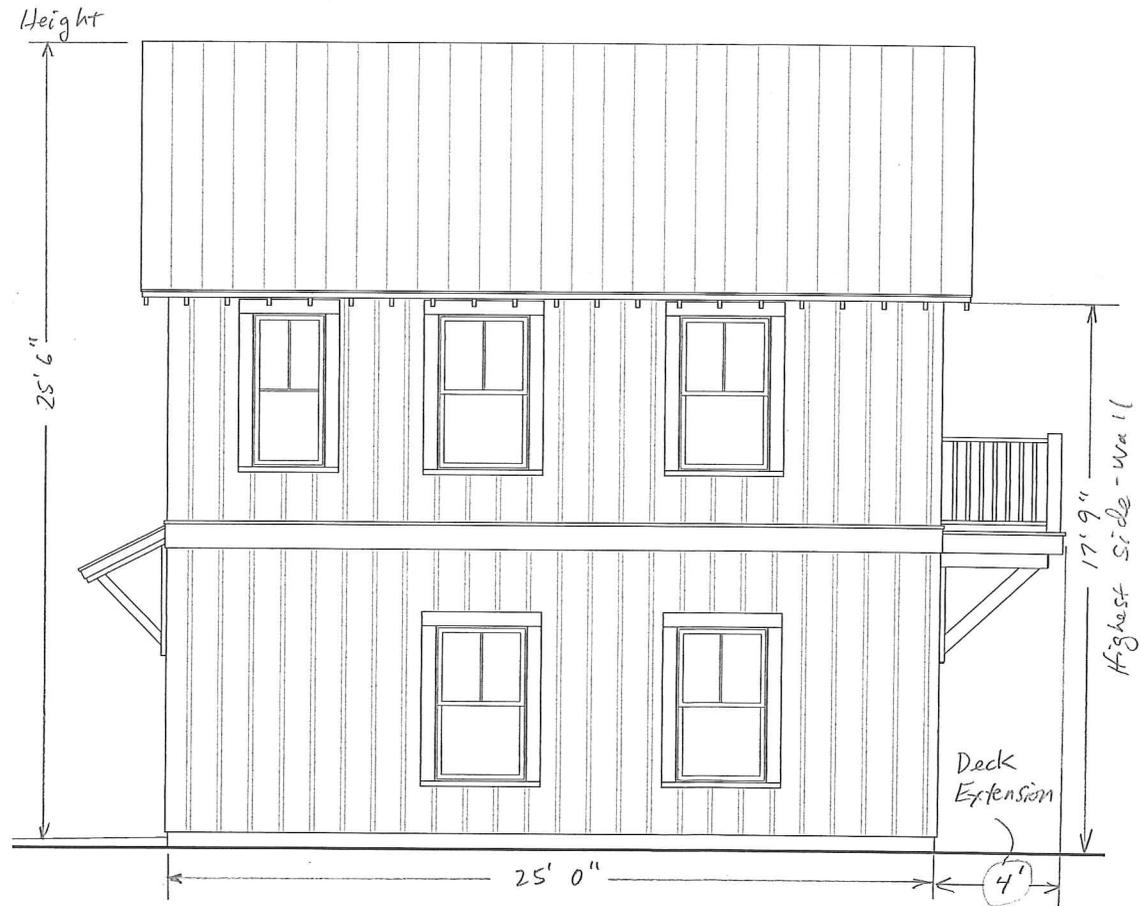
1/4" = 1'-0"

RECEIVED

FEB 18 2020

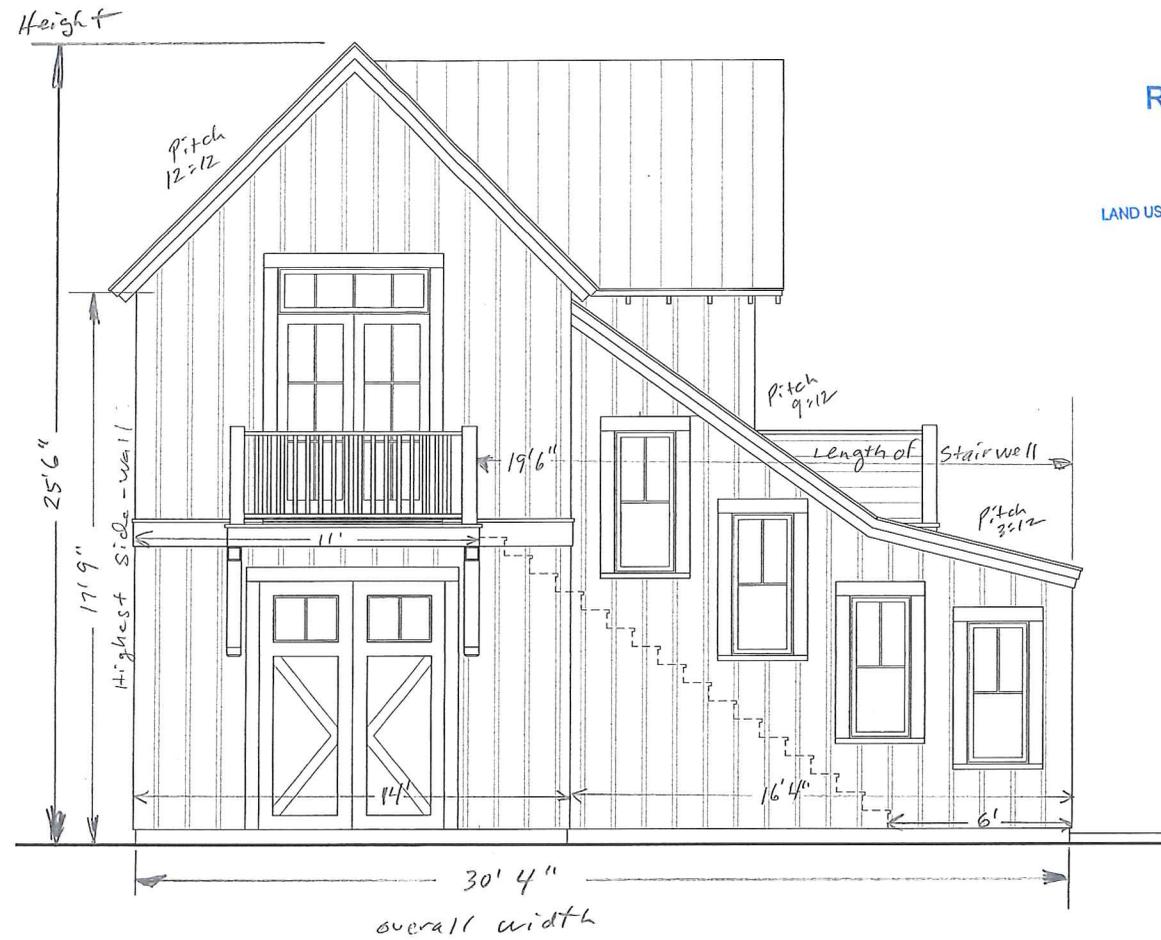
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT





**RIGHT ELEVATION**  
1/4" = 1'-0"

RECEIVED  
FEB 18 2020  
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



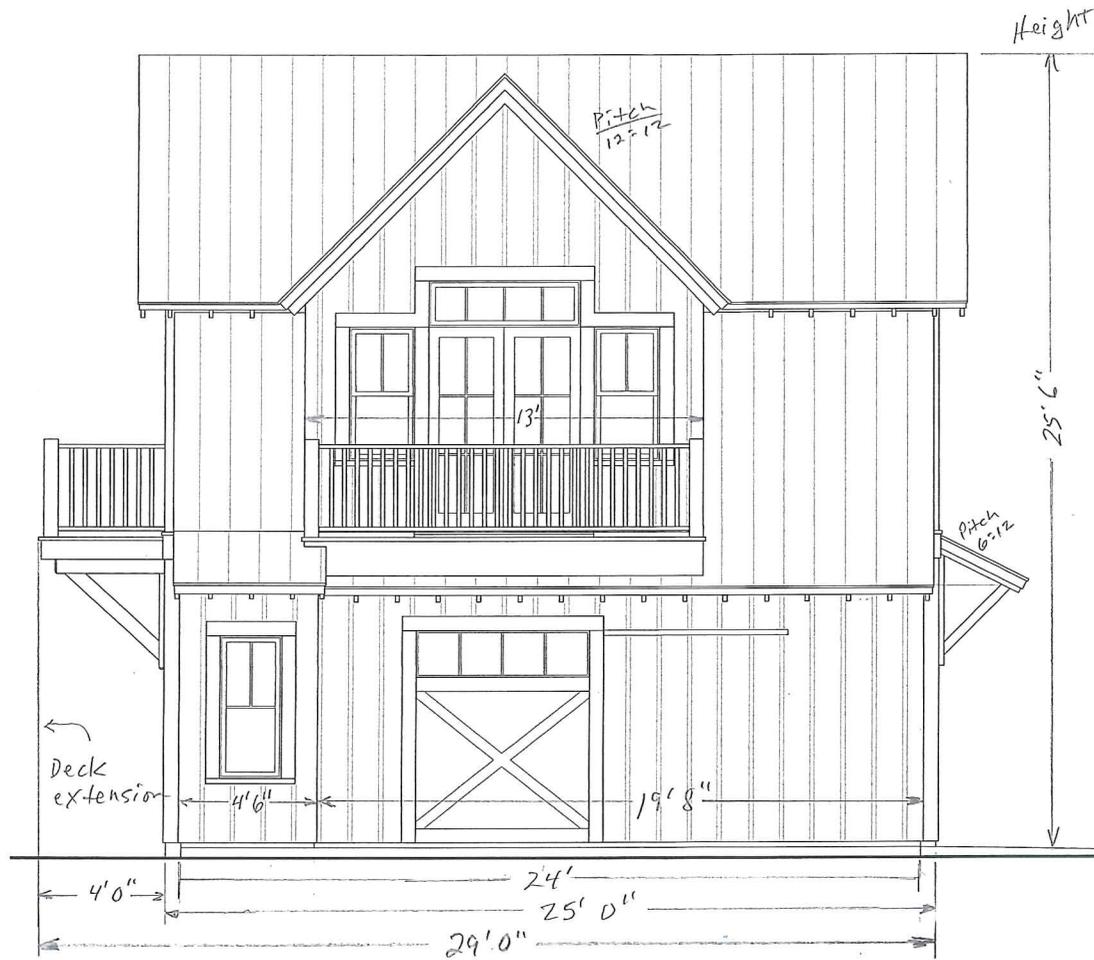
RECEIVED

FEB 18 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**REAR ELEVATION**

1/4" = 1'-0"



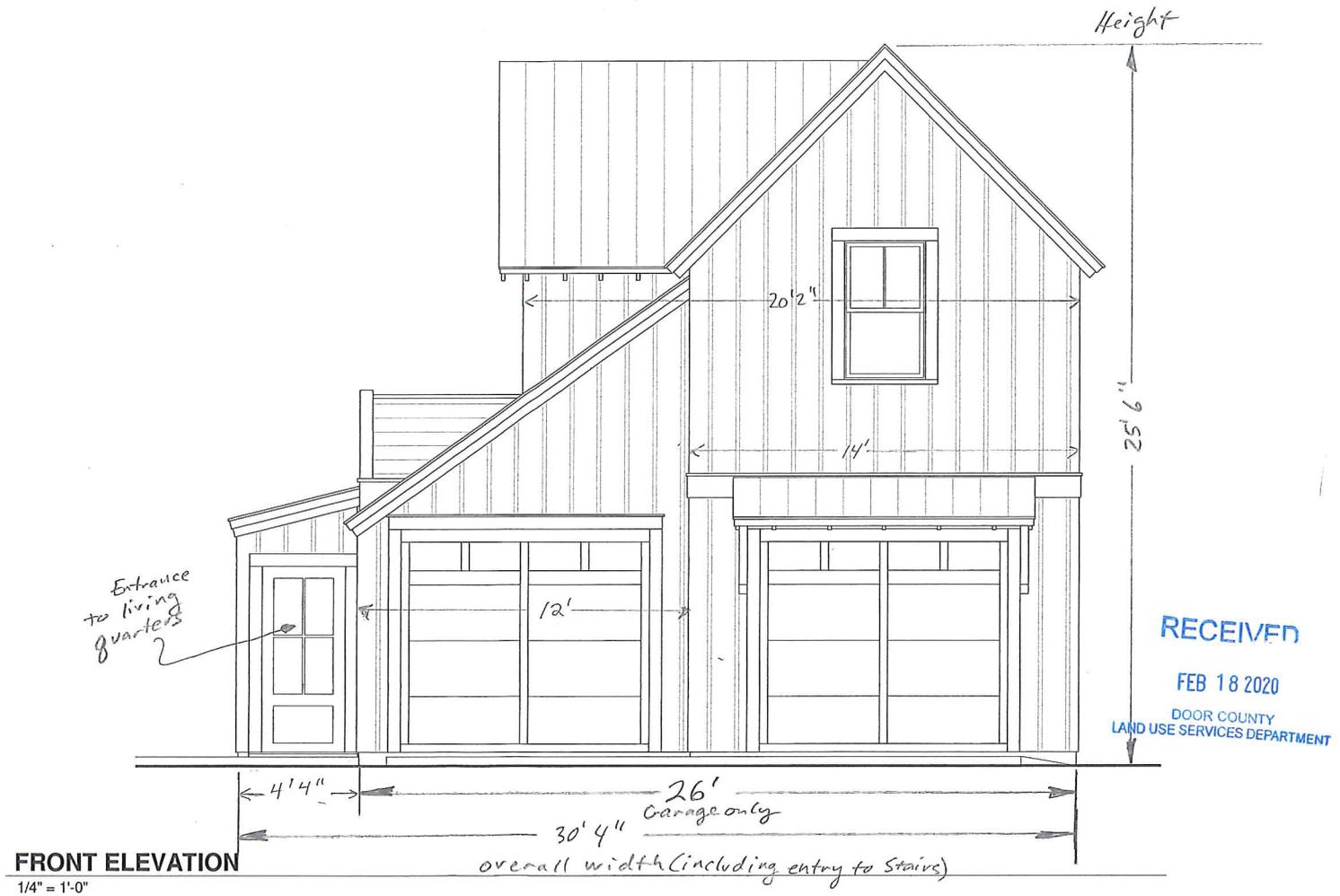
**LEFT ELEVATION**

1/4" = 1'-0"

RECEIVED

FEB 18 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



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

RECEIVED  
FEB 18 2020  
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



**RIGHT ELEVATION**

1/4" = 1'-0"

RECEIVED

FEB 18 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

PROPOSED GARAGE LOCATION

APPROACH TO GARAGE STALLS

# Site Sketch

LOCATED IN:

GOV'T LOT 4, SECTION 35, T. 33 N., R. 28 E.,  
TOWN OF LIBERTY GROVE, DOOR COUNTY, WISCONSIN

PREPARED FOR:

CURRENT OWNER:  
JONATHAN C. & CAROLA A. WALL  
101 W. LEXINGTON BLVD  
WHITEFISH BAY, WI 53217

PROPERTY ADDRESS:  
12765 DOOR BLUFF ROAD

PREPARED BY:

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

BUILDING ZONE = SF 30

### PRINCIPAL SETBACKS

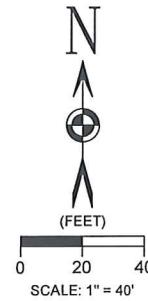
- 49' ORDINARY HIGH WATER MARK SETBACK
- 25' FRONT-YARD SETBACK
- 50' REAR-YARD SETBACK
- 20' SIDE-YARD SETBACK
- 30' EASEMENT SETBACK

### ACCESSORY SETBACKS

- 75' ORDINARY HIGH WATER MARK SETBACK
- 25' FRONT-YARD SETBACK
- 20' REAR-YARD SETBACK
- 15' SIDE YARD SETBACK
- 30' EASEMENT SETBACK

### Caveat:

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 Land Use Services Department: Zoning and/or any other local zoning authorities.



RECEIVED

FEB 18 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

### LEGEND

- = EXISTING 1" IRON PIPE
- ⊙ = UTILITY POLE

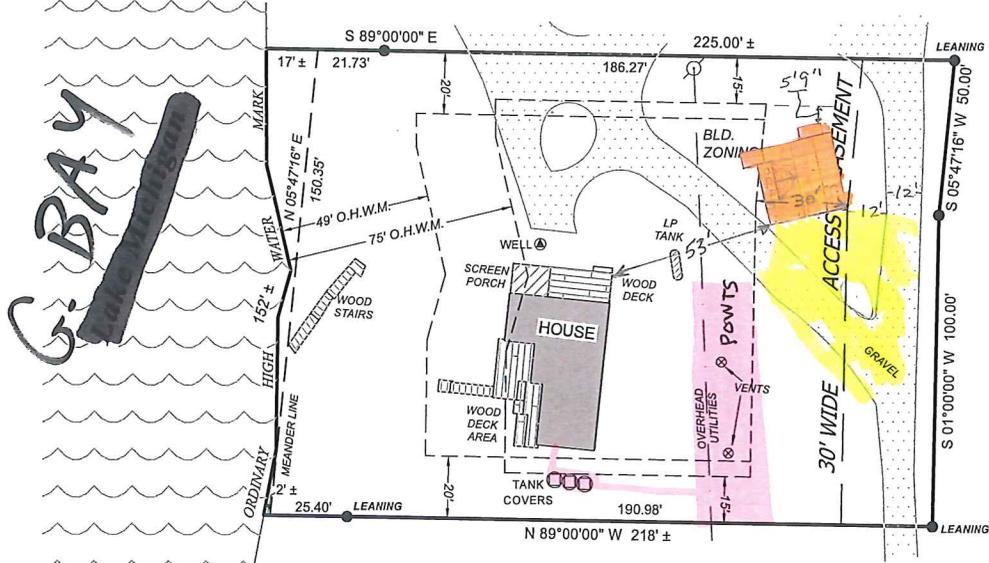
### SURVEYOR'S NOTE:

BEARINGS REFERENCED TO A LEE E. TELFER SURVEY  
MAP #002592 DATED, APRIL 17, 2003.

THE ORDINARY HIGH WATER MARK WAS DETERMINED BY  
THE DOOR COUNTY LAND USE SERVICES DEPARTMENT:  
ZONING.

BUILDING ZONE ON ADJACENT MAP DEPICTS  
ACCESSORY SETBACKS.

10-11-19  
D-092419L2-SS.dwg  
Drawn By: C.E.C  
JOB#: D-092419L2



POWTS

G. BAY



**County of Door**  
**LAND USE SERVICES DEPARTMENT - ZONING**

County Government Center  
 421 Nebraska Street  
 Sturgeon Bay, WI 54235

**Richard D. Brauer - Zoning Administrator**

Phone: (920) 746-2323

FAX: (920) 746-2387

February 21, 2020

Town of Liberty Grove  
 C/O Anastasia Bell  
 11161 Old Stage Road  
 Sister Bay, WI 54234

Re: Petition for Grant of Variance  
 Tax Parcel # 018-04-35332814B2  
 12765 Door Bluff Road

Greetings:

We are sending you this letter to notify the town that there will be a hearing regarding a request for a variance on a property in the Town of Liberty Grove at an upcoming Door County Board of Adjustment meeting. The scheduling process for the hearing will begin on March 20, 2020, unless we hear from the town before that date. The hearing will be held no sooner than three weeks after the scheduling process is begun.

Jonathon & Carol Wall petition for a grant of variance from section 3.05(4) of the Door County Comprehensive Zoning Ordinance which requires buildings be setback at least 30 feet from the edge of a described private road easement. The petitioners propose to construct a two story detached up to the edge of a described private road easement (0 foot setback). This property is located at 12765 Door Bluff Road in Section 35, Town 33 North, Range 28 East, in the Town of Liberty Grove.

Enclosed is a "Town Recommendation Worksheet" which we ask you to complete and send back to the Door County Planning Department. As a reminder, comments may be submitted to the Planning Department up to 3:30 p.m. the day before the public hearing, and/or the town may offer verbal testimony at the hearing.

**The applicant has the responsibility to contact the Town of Liberty Grove (Anastasia Bell, Clerk: 920-854-2934) to determine if/when the town may be meeting to discuss this matter.**

Sincerely,

Richard D. Brauer  
 Zoning Administrator

Enc.: Variance application packet & town recommendation worksheet

CC: Jonathan & Carol Wall

CC: w/o Encl: Property owners within 300 feet of subject property

### Door County Planning Department Request for Town Recommendation

Jonathon & Carol Wall petition for a grant of variance from section 3.05(4) of the Door County Comprehensive Zoning Ordinance which requires buildings be setback at least 30 feet from the edge of a described private road easement. The petitioners propose to construct a two story detached up to the edge of a described private road easement (0 foot setback). This property is located at 12765 Door Bluff Road in Section 35, Town 33 North, Range 28 East, in the Town of Liberty Grove.

The (circle one) Town Board / Planning Committee of the Town of \_\_\_\_\_ held a legally noticed and posted meeting on \_\_\_\_\_, at which, by a vote of \_\_\_\_ (Yea) to \_\_\_\_ (Nay), the town recommended (check one) \_\_\_\_ **SUPPORT** \_\_\_\_ **DENIAL** for a variance.

**Reason(s) for the town's decision:**

---

---

---

---

---

---

**Is the proposal consistent with the Town Comprehensive Plan?**

---

---

---

---

---

---

**Concerns or objections the town may wish to see potentially addressed through conditions:**

---

---

---

---

---

---

\_\_\_\_\_  
Town Clerk Signature

\_\_\_\_\_  
Date

**\*See reverse for variance criteria.**

## GENERAL CRITERIA REGARDING ZONING HEARING CASES IN DOOR COUNTY

*This document is intended to provide a general guide to the issues and criteria to consider when making decisions regarding this type of zoning hearing. It should not be considered a complete guide to applicable statutes or ordinances.*

### PETITION FOR VARIANCE

*(See Door County Zoning Ordinance section 11.06 and Wisconsin Statutes section 59.694.)*

A petition for variance is a request to relax one or more of the dimensional requirements or restrictions of the ordinance (road, water, or property line setbacks; building size or height, etc.). The Door County Zoning Ordinance only allows so-called “area” variance petitions – it does not permit application for a variance where a use not allowed in that zoning district would be established (a “use” variance). Note that variances “run with the land” and not with the applicant; an approved variance is permanently attached to the parcel in question.

By state statute, petitions for variance from the county zoning ordinance are heard and decided upon at a public hearing before the board of adjustment or appeals (called the Board of Adjustment in Door County), members of which are appointed by the County Board of Supervisors. Appeals of Board of Adjustment decisions are heard in the court system.

#### Criteria for evaluating “area” variance petitions

(Note: Responses to the three bolded questions below should be “yes” in order to justify granting the variance in accordance with legal/case law criteria.)

- **Do physical limitations of the property prevent compliance with ordinance standards?**  
*Examples of physical limitations include wetland presence, parcel shape, steep slopes, etc.*
- **Will granting the variance have no affect on the public interest?**
  - *Public interest includes additional runoff, affects on the quality of fish or wildlife habitat, impacts on scenic beauty, etc. Cumulative effects must be considered.*
  - *Public interest includes the interest of the public at large, not just that of nearby property owners.*
  - *Lack of local opposition does not in itself mean that a variance will not harm the public interest.*
  - *A variance should include only the minimal relief necessary to allow reasonable use of the property.*
  - *The board's actions should be consistent with stated ordinance objectives.*
- **Is an “unnecessary hardship” present?**
  - *Does compliance with the ordinance unreasonably prevent the owner from using the property for a permitted purpose, or is conformity with restrictions unnecessarily burdensome for the property owner?*
  - *Is there a unique physical property limitation? (See above.)*
  - *The variance is not warranted if the physical character of the property allows a landowner to develop or build in compliance with the zoning ordinance.*
  - *Financial hardship is not grounds for a variance.*
  - *Self-imposed hardship or personal preference are not grounds for a variance. (Note that “self-imposed hardship” has been determined by courts to mean either current or former owners.)*
  - *The hardship cannot be one that would have existed in the absence of zoning.*

One final consideration: Will granting the variance serve an overriding public interest? (If yes, granting the variance may possibly be justifiable even if other criteria point toward denial.)

### Door County Planning Department Request for Town Recommendation

Jonathon & Carol Wall petition for a grant of variance from section 3.05(4) of the Door County Comprehensive Zoning Ordinance which requires buildings be setback at least 30 feet from the edge of a described private road easement. The petitioners propose to construct a two story detached up to the edge of a described private road easement (0 foot setback). This property is located at 12765 Door Bluff Road in Section 35, Town 33 North, Range 28 East, in the Town of Liberty Grove.

The (circle one) Town Board Planning Committee of the Town of Liberty Grove held a legally noticed and posted meeting on 4-1-2020, at which, by a vote of \_\_\_ (Yea) to \_\_\_ (Nay), the town recommended (check one) 5 SUPPORT 0 DENIAL for a variance.

Reason(s) for the town's decision:

NO HARM TO PUBLIC INTEREST  
CITING IN ANOTHER LOCATION WOULD CAUSE  
UNNECESSARY HARDSHIP & SIGNIFICANT LAND  
DISTURBANCE OF THE NIAGARA ESCARPMENT.

Is the proposal consistent with the Town Comprehensive Plan?

YES

Concerns or objections the town may wish to see potentially addressed through conditions:

N/A

Anastasia J. Bell  
Town Clerk Signature

4-9-20  
Date

\*See reverse for variance criteria.

Return to Door County Planning Department, 421 Nebraska St., Sturgeon Bay, WI, 54235. FAX: (920)746-2387.

**RECEIVED**  
**APR 10 2020**  
**DOOR COUNTY**  
**LAND USE SERVICES DEPARTMENT**

Matthew Gillmore  
1577 Ranch Ln  
Ellison Bay, WI 54210

March 19, 2020

RECEIVED

MAR 19 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Resource Planning Committee  
Door County Planning and Zoning  
421 Nebraska St  
Sturgeon Bay, WI 54235

Dear Members of the Resource Planning Committee,

I am writing you today in support of Jonathan and Carol Wall, 12765 Door Bluff Road in regards to their setback from the edge of the road easement. I believe it is wise and necessary to have a set code and ordinances, but believe that very few things in the world are a once size fits all, thus the use of variances in Door County. Since Jonathan and Carol Wall have shown they have unique property limitations, no harm to public interest and an unnecessary hardship I support their project.

Sincerely,

Matthew Gillmore

RECEIVED

FEB 27 2020

PETITION FOR GRANT OF VARIANCE

DOOR COUNTY LAND USE SERVICES DEPARTMENT

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 MARY SCHRAMM Telephone No. 262-377-2774  
Mailing Address 7100 PIONEER ROAD  
City LEDARBURG State WI Zip 53012  
hereby petition(s) the Door County Board of Adjustment for a variance from Section (s) See Attachment A

of the Door County Zoning Ordinance which requires \_\_\_\_\_  
See Attachment A

(I) (We) propose to \_\_\_\_\_  
See Attachment A

LOCATION:  
The description of the property involved in this petition is located at:  
Fire # 5490 Road WEST SHORE DRIVE Township SEVASTOPOL  
Govt Lot 1 or  $\frac{1}{4}$  -  $\frac{1}{4}$  Section 03 Town 28 North, Range 27 East  
Tax Parcel No. 022 - 03 - 03282764  
Zoning District \_\_\_\_\_ Lot Size .40 Ac. / 17,500 FT<sup>2</sup>  
Existing use of structure or land in question SINGLE FAMILY RESIDENCE

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 ATTACHMENT B  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FOR OFFICE USE ONLY  
Receipt No. 7107 Fee 500.00 Date 2-28-20  
Hearing Advertised Dates: \_\_\_\_\_  
Hearing Date \_\_\_\_\_  
Decision \_\_\_\_\_

TOWN OF: SEVASTOPOL  
OWNER: MARY SCHRAMM  
SECTION 03 T 28 N, R 27 E

PARCEL NO.: 022-03-03282764

(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

RECEIVED

FEB 27 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

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

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 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:

DATE:

B. J. K.

02-27-20

**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

MARY J SCHRAMM  
ATTACHMENT A

The applicant hereby petitions the Door County Board of Adjustment for variances from Section IV.B.2.c.2) of the Door County Shoreland Zoning Ordinance. According to Section IV.B.2.c.2) of the Door County Shoreland Zoning Ordinance all structures shall be located at least 51.5' from the ordinary high water mark of the Clark Lake.

The applicant proposes to construct a 26' x 36', two-story, single family residence with 5' x 5' entry stoop on the north side of the residence which will be located as close as 36' from the ordinary high water mark of Clark Lake, and the west side of the residence (outside the nonconforming footprint of the original residence) will be located 44' from the ordinary high water mark of Clark Lake.

**Background:**

There is currently a 22.3' x 36.4', two-story, single family residence with 7' x 14' covered porch located as close as 22.5' from the ordinary high water mark of Clark Lake. The applicant is proposing to replace the residence with a new residence which will be located 6' further from the ordinary high water mark of Clark Lake and remove the existing covered porch. The majority of the new residence will be located within the nonconforming footprint of the original residence (which does not require a variance); however, the 5' x 5' stoop on the north end of the residence requires a variance as well as the west side of the residence which is located 44' from the ordinary high water mark of Clark Lake.

RECEIVED

FEB 28 2020



**Carlson & Erickson Builders, Inc.** DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

1825 HWY. ZZ • P.O. BOX 75 • SISTER BAY, WI 54234  
carlsonerickson@gmail.com

OFFICE 920-854-2162  
FAX 920-854-9282

**GENERAL CONTRACTORS • CUSTOM HOMES • REMODELING • COMMERCIAL**

Mary Schramm  
7100 Pioneer Road  
Cedarburg, WI 53012

Attachment "B"

Page #1

5490 West Shore Drive

Parcel # 022-03-03282764

#### Unique Property Limitations

- 1.) Present configuration of the buildable area is narrow.
- 2.) Town road to the North requires a larger side yard setback thus creating a smaller buildable area.
- 3.) Normal side yard setback is 10' vs. 65' from the centerline of East Townline Road.
- 4.) If Townline Road was not there would be able to use the lot to the North for averaging.
- 5.) Existing well and septic limit the repositioning of proposed house to the West on the lot.
- 6.) Minimal request of relief with variance into the allowed buildable area and still allowing a future detached garage. (2'-6")

#### No Harm to Public Interest

- 1.) Proposed new residence to be located in existing location, thus no interrupted views to the neighbors.
- 2.) Existing tree line at the road edges and water edge to remain.
- 3.) By moving 6' to the West into the buildable area would allow the 100 year flood plain elevations to be met.
- 4.) Minimal tree cutting to be performed to build proposed new residence.
- 5.) By moving 6' to the West allows for a gentle backfill to the East side of residence.
- 6.) Does not affect any drainage issues to this lot and/or neighboring lots.

RECEIVED

FEB 28 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENTSchramm  
Attachment "B"  
Page #2Unnecessary Hardship

- 1.) Without the grant of variance does not allow the parcel to be used for its intended use.
- 2.) Two sided averaging cannot be used to determine the setback.
- 3.) Minimal relief.
- 4.) Only being able to use two setbacks limit the buildable area with water setback.
- 5.) Look to future for detached garage per site plan.
- 6.) Existing house not useable year round.



County of Door  
**LAND USE SERVICES DEPARTMENT: ZONING**  
 County Government Center  
 421 Nebraska Street  
 Sturgeon Bay, WI 54235

**Sue Vanden Langenberg, Zoning Administrator**

Direct line: (920) 746-2221

Main office line: (920) 746-2323

FAX: (920) 746-2387

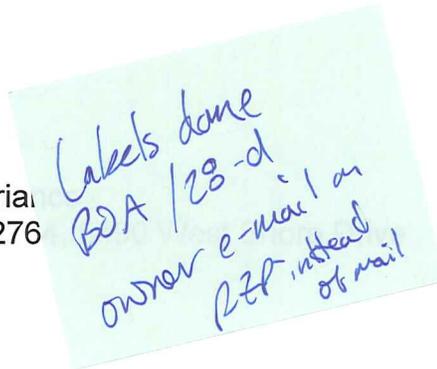
E-mail: [svanden@co.door.wi.us](mailto:svanden@co.door.wi.us)

Website: <http://map.co.door.wi.us/planning/>

March 11, 2020

Town of Sevastopol  
 C/o Amy Flok, Clerk  
 4528 STH 57  
 Sturgeon Bay, WI 54235

Re: Schramm Petition for Grant of Variance  
 Tax parcel number: 022-03-0328276



Greetings:

We are sending you this letter to notify the town that there will be a request for a variance regarding a property in Sevastopol at an upcoming Door County Board of Adjustment hearing and meeting. The scheduling process for a future public hearing will begin no earlier than April 2, 2020, unless we hear from the town before that date. The hearing will be held no sooner than three weeks after the scheduling process is begun.

Enclosed is a "Town Recommendation Worksheet" which we ask you to complete and send back to the Door County Land Use Services Department after you review the case at an upcoming meeting. As a reminder, comments may be submitted to the Land Use Services Department concerning the proposal up to 3:30 p.m. the day before the public hearing, and/or the town may offer verbal testimony at the hearing.

Mary J Schramm is requesting a variance from Section IV.B.2.c.2) of the Door County Shoreland Zoning Ordinance. According to Section IV.B.2.c.2) of the Door County Shoreland Zoning Ordinance all structures shall be located at least 51.5' from the ordinary high water mark of the Clark Lake.

The applicant proposes to construct a 26' x 36', two-story, single family residence with 5' x 5' entry stoop on the north side of the residence which will be located as close as 36' from the ordinary high water mark of Clark Lake, and the west side of the residence (outside the nonconforming footprint of the original residence) will be located 44' from the ordinary high water mark of Clark Lake.

**The applicant has the responsibility to contact the Town of Sevastopol (Amy Flok, Clerk: 920-746-1230) to determine if/when the town may be discussing this matter at a future meeting.**

Sincerely,



Sue Vanden Langenberg  
Zoning Administrator

Enc.: Variance application packet and town recommendation worksheet

C.C.: Brian Zak, Carlson Erickson Builders, Inc. (via e-mail) w/ enclosures  
Mary Schramm, (via e-mail) w/ enclosures  
Adjacent property owners within 300', without enclosure

**Door County Land Use Services Department  
Request for Town Recommendation**

Mary J Schramm is requesting a variance from Section IV.B.2.c.2) of the Door County Shoreland Zoning Ordinance. According to Section IV.B.2.c.2) of the Door County Shoreland Zoning Ordinance all structures shall be located at least 51.5' from the ordinary high water mark of the Clark Lake.

The applicant proposes to construct a 26' x 36', two-story, single family residence with 5' x 5' entry stoop on the north side of the residence which will be located as close as 36' from the ordinary high water mark of Clark Lake, and the west side of the residence (outside the nonconforming footprint of the original residence) will be located 44' from the ordinary high water mark of Clark Lake.

The (circle one) Town Board / Planning Committee of the Town of \_\_\_\_\_ held a legally noticed and posted meeting on \_\_\_\_\_, at which, by a vote of \_\_\_\_ (Yea) to \_\_\_\_ (Nay), the town recommended (check one) \_\_\_\_ **SUPPORT** \_\_\_\_ **DENIAL** for a variance.

**Reason(s) for the town's decision:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Is the proposal consistent with the Town Comprehensive Plan?**

\_\_\_\_\_

**Concerns or objections the town may wish to see potentially addressed through conditions:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Town Clerk Signature

\_\_\_\_\_  
Date

**\*See reverse for variance criteria.**

## GENERAL CRITERIA REGARDING ZONING HEARING CASES IN DOOR COUNTY

*This document is intended to provide a general guide to the issues and criteria to consider when making decisions regarding this type of zoning hearing. It should not be considered a complete guide to applicable statutes or ordinances.*

### PETITION FOR VARIANCE

*(See Door County Zoning Ordinance section 11.06 and Wisconsin Statutes section 59.694.)*

A petition for variance is a request to relax one or more of the dimensional requirements or restrictions of the ordinance (road, water, or property line setbacks; building size or height, etc.). The Door County Zoning Ordinance only allows so-called “area” variance petitions – it does not permit application for a variance where a use not allowed in that zoning district would be established (a “use” variance). Note that variances “run with the land” and not with the applicant; an approved variance is permanently attached to the parcel in question.

By state statute, petitions for variance from the county zoning ordinance are heard and decided upon at a public hearing before the board of adjustment or appeals (called the Board of Adjustment in Door County), members of which are appointed by the County Board of Supervisors. Appeals of Board of Adjustment decisions are heard in the court system.

#### Criteria for evaluating “area” variance petitions

*(Note: Responses to the three bolded questions below should be “yes” in order to justify granting the variance in accordance with legal/case law criteria.)*

- **Do physical limitations of the property prevent compliance with ordinance standards?**  
*Examples of physical limitations include wetland presence, parcel shape, steep slopes, etc.*
- **Will granting the variance have no affect on the public interest?**
  - *Public interest includes additional runoff, affects on the quality of fish or wildlife habitat, impacts on scenic beauty, etc. Cumulative effects must be considered.*
  - *Public interest includes the interest of the public at large, not just that of nearby property owners.*
  - *Lack of local opposition does not in itself mean that a variance will not harm the public interest.*
  - *A variance should include only the minimal relief necessary to allow reasonable use of the property.*
  - *The board’s actions should be consistent with stated ordinance objectives.*
- **Is an “unnecessary hardship” present?**
  - *Does compliance with the ordinance unreasonably prevent the owner from using the property for a permitted purpose, or is conformity with restrictions unnecessarily burdensome for the property owner?*
  - *Is there a unique physical property limitation? (See above.)*
  - *The variance is not warranted if the physical character of the property allows a landowner to develop or build in compliance with the zoning ordinance.*
  - *Financial hardship is not grounds for a variance.*
  - *Self-imposed hardship or personal preference are not grounds for a variance. (Note that “self-imposed hardship” has been determined by courts to mean either current or former owners.)*
  - *The hardship cannot be one that would have existed in the absence of zoning.*

One final consideration: Will granting the variance serve an overriding public interest? (If yes, granting the variance may possibly be justifiable even if other criteria point toward denial.)

# Site Sketch

LOCATED IN:  
THE NW 1/4 OF THE NW 1/4 OF SECTION 3 AND  
GOV'T LOT 1 OF SECTION 4, ALL IN T. 28 N., R. 27 E.,  
TOWN OF SEVASTOPOL, DOOR COUNTY, WISCONSIN

RECEIVED

MAR 17 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

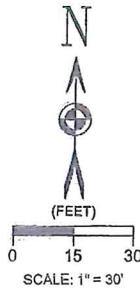
PREPARED FOR:

CURRENT OWNER:  
MARY J. SCHRAMM  
7100 PIONEER ROAD  
CEDARBURG, WI 53012

PROPERTY ADDRESS:  
5490 WEST SHORE DRIVE

PREPARED BY:

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



### LEGEND

- ⊕ = U.S. PUBLIC LAND SURVEY CORNER (EXISTING DOOR COUNTY MONUMENT)
- = EXISTING 1" IRON PIPE
- ⊙ = UTILITY POLE

### SURVEYOR'S NOTES:

BEARINGS REFERENCED TO THE NORTH LINE OF THE NW 1/4 OF SECTION 3-28-27 BEARING N 86°16'45" E BASED FROM THE CONTROL SURVEY SUMMARY DIAGRAM FOR THE TOWN OF SEVASTOPOL.

THE RIGHT-OF-WAY OF EAST TOWN LINE ROAD IS BASED FROM A PREVIOUS RALPH COOK SURVEY, MAP #010305.

THE ORDINARY HIGH WATER MARK WAS DETERMINED BY THE DOOR COUNTY LAND USE SERVICES DEPARTMENT ZONING.

AS PER SEC. 3.05(6)(c), WHICH STATES: "WHEN THE REQUIRED ROAD SETBACK, IN CONJUNCTION WITH THE DOOR COUNTY SHORELAND ZONING ORDINANCE REQUIRED ORDINARY HIGH WATER MARK SETBACK, LEAVES A BUILDABLE AREA LESS THAN 30 FEET IN DEPTH, THE REQUIRED ROAD SETBACK SHALL BE REDUCED TO PROVIDE A BUILDABLE AREA DEPTH OF UP TO 30 FEET, EXCEPT THAT IN NO CASE SHALL THE REQUIRED ROAD SETBACK BE LESS THAN 10 FEET FROM THE RIGHT-OF-WAY."

BUILDING ZONE = SF 20

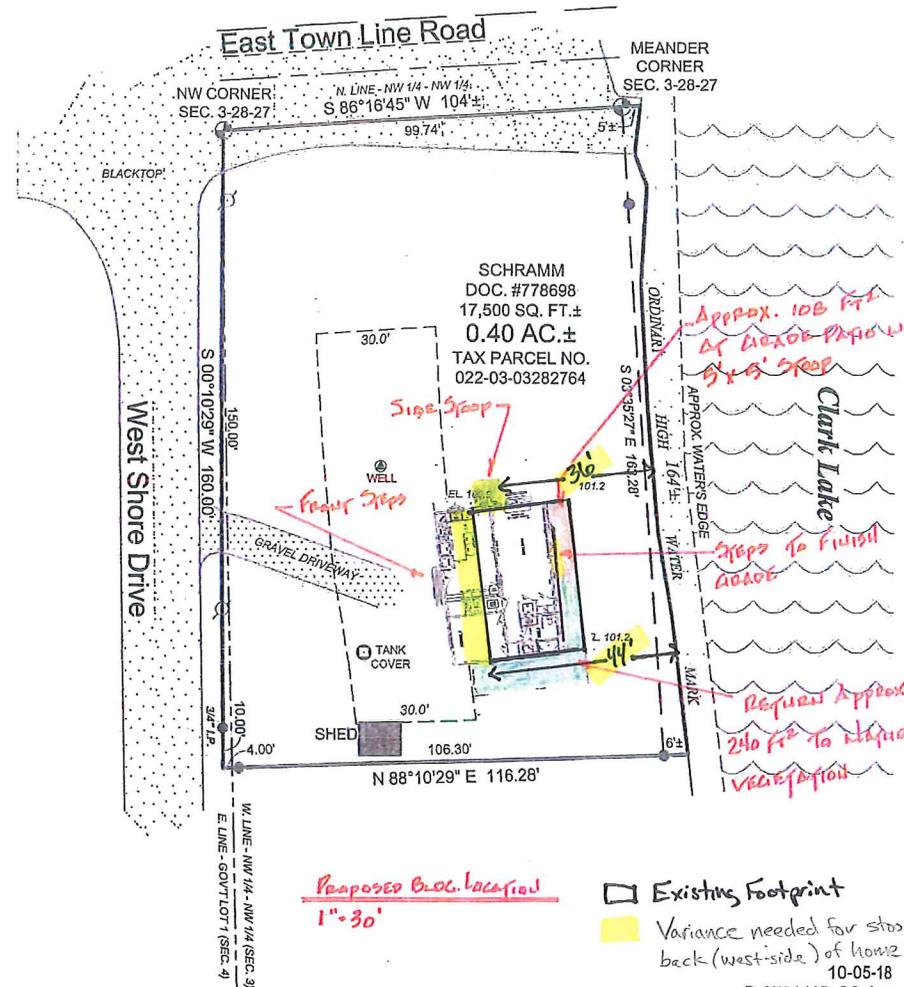
51.5' AVERAGE O.H.W.M. SETBACK  
65' CENTERLINE SETBACK FOR E. TOWNLINE RD.  
10' SIDE-YARD SETBACK

### Caveat:

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 Land Use Services Department: Zoning and any other local zoning authorities.

### ELEVATION NOTES: CLARK LAKE LOCAL DATUM

WATER ELEV. ON JULY 31, 2018 = 96.4'  
100 YEAR FLOODPLAIN ELEV. = 100.2'  
COTTAGE 1ST FLOOR ELEV. = 101.8'



Existing Footprint  
Variance needed for stoop + back (west-side) of home.  
10-05-18  
D-073118B-SS.dwg  
Drawn By: D.F.H. II  
JOB#: D-073118B

# Site Sketch

LOCATED IN:  
THE NW 1/4 OF THE NW 1/4 OF SECTION 3 AND  
GOV'T LOT 1 OF SECTION 4, ALL IN T. 28 N., R. 27 E.,  
TOWN OF SEVASTOPOL, DOOR COUNTY, WISCONSIN

RECEIVED

FEB 28 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

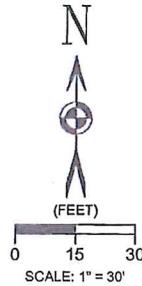
PREPARED FOR:

CURRENT OWNER:  
MARY J. SCHRAMM  
7100 PIONEER ROAD  
CEDARBURG, WI 53012

PROPERTY ADDRESS:  
5490 WEST SHORE DRIVE

PREPARED BY:

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



### LEGEND

- ⊕ = U.S. PUBLIC LAND SURVEY CORNER (EXISTING DOOR COUNTY MONUMENT)
- = EXISTING 1" IRON PIPE
- ⊙ = UTILITY POLE

### SURVEYOR'S NOTES:

BEARINGS REFERENCED TO THE NORTH LINE OF THE NW 1/4 OF SECTION 3-28-27 BEARING N 86°16'45" E BASED FROM THE CONTROL SURVEY SUMMARY DIAGRAM FOR THE TOWN OF SEVASTOPOL.

THE RIGHT-OF-WAY OF EAST TOWN LINE ROAD IS BASED FROM A PREVIOUS RALPH COOK SURVEY, MAP #010305.

THE ORDINARY HIGH WATER MARK WAS DETERMINED BY THE DOOR COUNTY LAND USE SERVICES DEPARTMENT: ZONING.

AS PER SEC. 3.05(6)(c), WHICH STATES: "WHEN THE REQUIRED ROAD SETBACK, IN CONJUNCTION WITH THE DOOR COUNTY SHORELAND ZONING ORDINANCE REQUIRED ORDINARY HIGH WATER MARK SETBACK, LEAVES A BUILDABLE AREA LESS THAN 30 FEET IN DEPTH, THE REQUIRED ROAD SETBACK SHALL BE REDUCED TO PROVIDE A BUILDABLE AREA DEPTH OF UP TO 30 FEET, EXCEPT THAT IN NO CASE SHALL THE REQUIRED ROAD SETBACK BE LESS THAN 10 FEET FROM THE RIGHT-OF-WAY."

BUILDING ZONE = SF 20

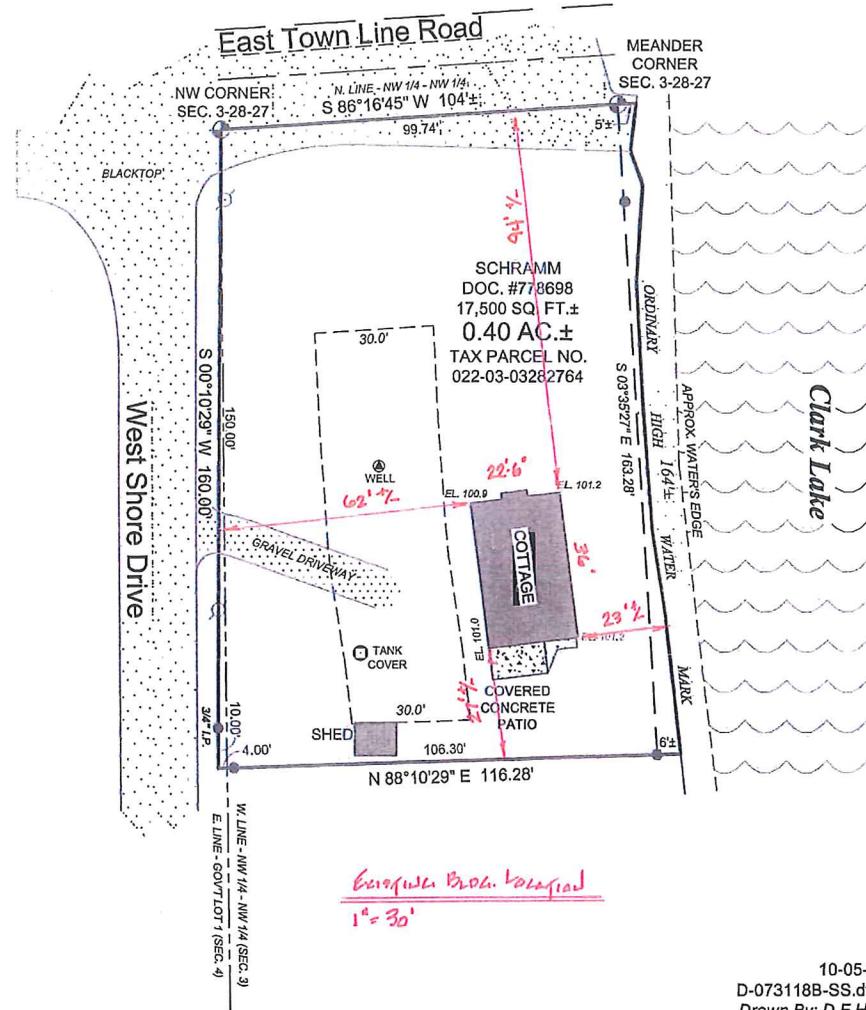
51.5' AVERAGE O.H.W.M. SETBACK  
65' CENTERLINE SETBACK FOR E. TOWNLINE RD.  
10' SIDE-YARD SETBACK

### Caveat:

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 Land Use Services Department: Zoning and any other local zoning authorities.

### ELEVATION NOTES: CLARK LAKE LOCAL DATUM

WATER ELEV. ON JULY 31, 2018 = 96.4'  
100 YEAR FLOODPLAIN ELEV. = 100.2'  
COTTAGE 1ST FLOOR ELEV. = 101.8'



10-05-18  
D-073118B-SS.dwg  
Drawn By: D.F.H. II  
JOB#: D-073118B

# Site Sketch

LOCATED IN:

THE NW 1/4 OF THE NW 1/4 OF SECTION 3 AND  
GOV'T LOT 1 OF SECTION 4, ALL IN T. 28 N., R. 27 E.,  
TOWN OF SEVASTOPOL, DOOR COUNTY, WISCONSIN

RECEIVED

FEB 26 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

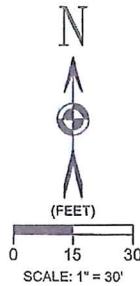
PREPARED FOR:

CURRENT OWNER:  
MARY J. SCHRAMM  
7100 PIONEER ROAD  
CEDARBURG, WI 53012

PROPERTY ADDRESS:  
5490 WEST SHORE DRIVE

PREPARED BY:

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



### LEGEND

- ⊕ = U.S. PUBLIC LAND SURVEY CORNER  
(EXISTING DOOR COUNTY MONUMENT)
- = EXISTING 1" IRON PIPE
- ⊙ = UTILITY POLE

### SURVEYOR'S NOTES:

BEARINGS REFERENCED TO THE NORTH LINE OF THE NW 1/4 OF SECTION 3-28-27 BEARING N 86°16'45" E BASED FROM THE CONTROL SURVEY SUMMARY DIAGRAM FOR THE TOWN OF SEVASTOPOL.

THE RIGHT-OF-WAY OF EAST TOWN LINE ROAD IS BASED FROM A PREVIOUS RALPH COOK SURVEY, MAP #010305.

THE ORDINARY HIGH WATER MARK WAS DETERMINED BY THE DOOR COUNTY LAND USE SERVICES DEPARTMENT: ZONING.

AS PER SEC. 3.05(6)(c), WHICH STATES:  
"WHEN THE REQUIRED ROAD SETBACK, IN CONJUNCTION WITH THE DOOR COUNTY SHORELAND ZONING ORDINANCE REQUIRED ORDINARY HIGH WATER MARK SETBACK, LEAVES A BUILDABLE AREA LESS THAN 30 FEET IN DEPTH, THE REQUIRED ROAD SETBACK SHALL BE REDUCED TO PROVIDE A BUILDABLE AREA DEPTH OF UP TO 30 FEET, EXCEPT THAT IN NO CASE SHALL THE REQUIRED ROAD SETBACK BE LESS THAN 10 FEET FROM THE RIGHT-OF-WAY."

BUILDING ZONE = SF 20

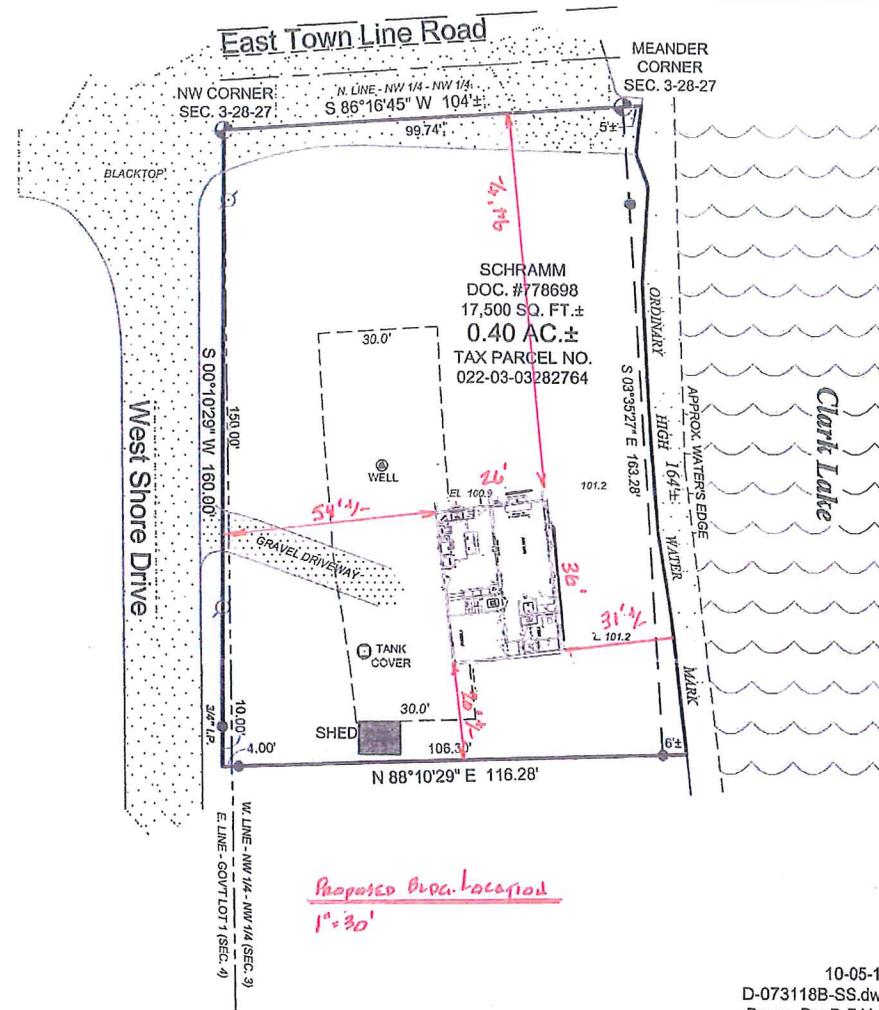
51.5' AVERAGE O.H.W.M. SETBACK  
65' CENTERLINE SETBACK FOR E. TOWNLINE RD.  
10' SIDE-YARD SETBACK

### Caveat:

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 Land Use Services Department: Zoning and any other local zoning authorities.

### ELEVATION NOTES: CLARIK LAKE LOCAL DATUM

WATER ELEV. ON JULY 31, 2018 = 96.4'  
100 YEAR FLOODPLAIN ELEV. = 100.2'  
COTTAGE 1ST FLOOR ELEV. = 101.8'



10-05-18  
D-073118B-SS.dwg  
Drawn By: D.F.H. II  
JOB#: D-073118B

# Site Sketch

LOCATED IN:  
THE NW 1/4 OF THE NW 1/4 OF SECTION 3 AND  
GOV'T LOT 1 OF SECTION 4, ALL IN T. 28 N., R. 27 E.,  
TOWN OF SEVASTOPOL, DOOR COUNTY, WISCONSIN

RECEIVED

MAR 17 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

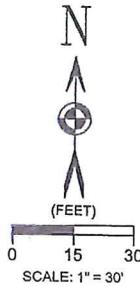
PREPARED FOR:

CURRENT OWNER:  
MARY J. SCHRAMM  
7100 PIONEER ROAD  
CEDARBURG, WI 53012

PROPERTY ADDRESS:  
5490 WEST SHORE DRIVE

PREPARED BY:

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



### LEGEND

- ⊕ = U.S. PUBLIC LAND SURVEY CORNER (EXISTING DOOR COUNTY MONUMENT)
- = EXISTING 1" IRON PIPE
- ⊙ = UTILITY POLE

### SURVEYOR'S NOTES:

BEARINGS REFERENCED TO THE NORTH LINE OF THE NW 1/4 OF SECTION 3-28-27 BEARING N 86°16'45" E BASED FROM THE CONTROL SURVEY SUMMARY DIAGRAM FOR THE TOWN OF SEVASTOPOL.

THE RIGHT-OF-WAY OF EAST TOWN LINE ROAD IS BASED FROM A PREVIOUS RALPH COOK SURVEY, MAP #010305.

THE ORDINARY HIGH WATER MARK WAS DETERMINED BY THE DOOR COUNTY LAND USE SERVICES DEPARTMENT: ZONING.

AS PER SEC. 3.05(6)(c), WHICH STATES: "WHEN THE REQUIRED ROAD SETBACK, IN CONJUNCTION WITH THE DOOR COUNTY SHORELAND ZONING ORDINANCE REQUIRED ORDINARY HIGH WATER MARK SETBACK, LEAVES A BUILDABLE AREA LESS THAN 30 FEET IN DEPTH, THE REQUIRED ROAD SETBACK SHALL BE REDUCED TO PROVIDE A BUILDABLE AREA DEPTH OF UP TO 30 FEET, EXCEPT THAT IN NO CASE SHALL THE REQUIRED ROAD SETBACK BE LESS THAN 10 FEET FROM THE RIGHT-OF-WAY."

BUILDING ZONE = SF 20

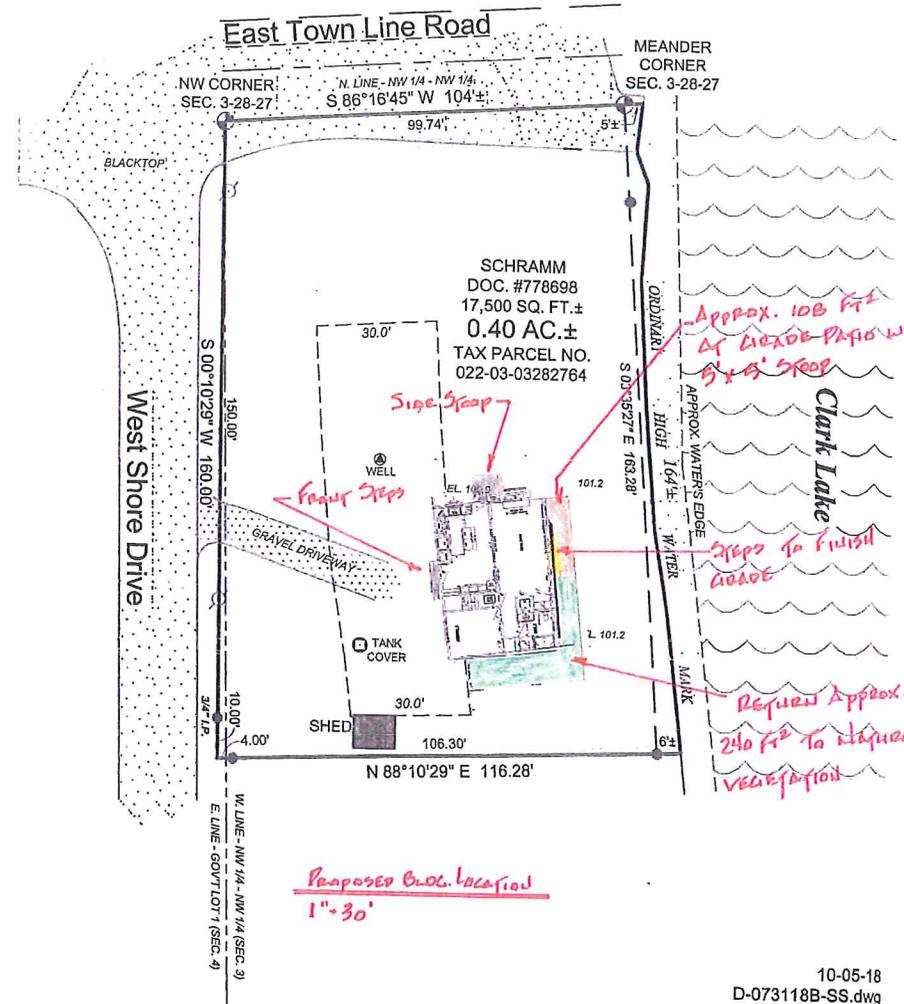
51.5' AVERAGE O.H.W.M. SETBACK  
65' CENTERLINE SETBACK FOR E. TOWNLINE RD.  
10' SIDE-YARD SETBACK

### Caveat:

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 Land Use Services Department: Zoning and any other local zoning authorities.

### ELEVATION NOTES: CLARK LAKE LOCAL DATUM

WATER ELEV. ON JULY 31, 2018 = 96.4'  
100 YEAR FLOODPLAIN ELEV. = 100.2'  
COTTAGE 1ST FLOOR ELEV. = 101.8'



10-05-18  
D-073118B-SS.dwg  
Drawn By: D.F.H. II  
JOB#: D-073118B

# Site Sketch

LOCATED IN:  
THE NW 1/4 OF THE NW 1/4 OF SECTION 3 AND  
GOV'T LOT 1 OF SECTION 4, ALL IN T. 28 N., R. 27 E.,  
TOWN OF SEVASTOPOL, DOOR COUNTY, WISCONSIN

RECEIVED

FEB 28 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

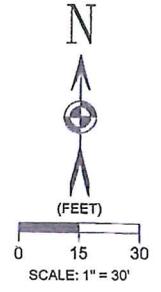
PREPARED FOR:

CURRENT OWNER:  
MARY J. SCHRAMM  
7100 PIONEER ROAD  
CEDARBURG, WI 53012

PROPERTY ADDRESS:  
5490 WEST SHORE DRIVE

PREPARED BY:

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



### LEGEND

- ⊕ = U.S. PUBLIC LAND SURVEY CORNER (EXISTING DOOR COUNTY MONUMENT)
- = EXISTING 1" IRON PIPE
- ⊙ = UTILITY POLE

### SURVEYOR'S NOTES:

BEARINGS REFERENCED TO THE NORTH LINE OF THE NW 1/4 OF SECTION 3-28-27 BEARING N 86°16'45" E BASED FROM THE CONTROL SURVEY SUMMARY DIAGRAM FOR THE TOWN OF SEVASTOPOL.

THE RIGHT-OF-WAY OF EAST TOWN LINE ROAD IS BASED FROM A PREVIOUS RALPH COOK SURVEY, MAP #010305.

THE ORDINARY HIGH WATER MARK WAS DETERMINED BY THE DOOR COUNTY LAND USE SERVICES DEPARTMENT: ZONING.

AS PER SEC. 3.05(6)(c), WHICH STATES: "WHEN THE REQUIRED ROAD SETBACK, IN CONJUNCTION WITH THE DOOR COUNTY SHORELAND ZONING ORDINANCE REQUIRED ORDINARY HIGH WATER MARK SETBACK, LEAVES A BUILDABLE AREA LESS THAN 30 FEET IN DEPTH, THE REQUIRED ROAD SETBACK SHALL BE REDUCED TO PROVIDE A BUILDABLE AREA DEPTH OF UP TO 30 FEET, EXCEPT THAT IN NO CASE SHALL THE REQUIRED ROAD SETBACK BE LESS THAN 10 FEET FROM THE RIGHT-OF-WAY."

BUILDING ZONE = SF 20

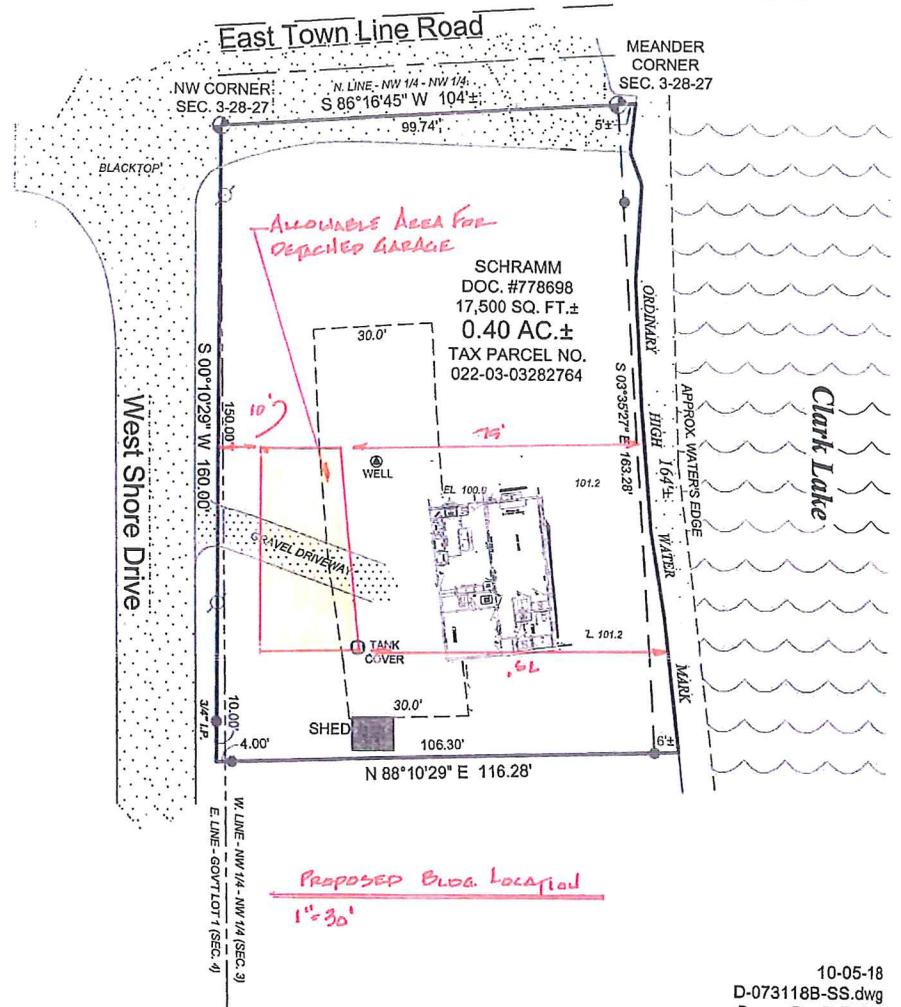
51.5' AVERAGE O.H.W.M. SETBACK  
65' CENTERLINE SETBACK FOR E. TOWNLIN RD.  
10' SIDE-YARD SETBACK

### Caveat:

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 Land Use Services Department: Zoning and any other local zoning authorities.

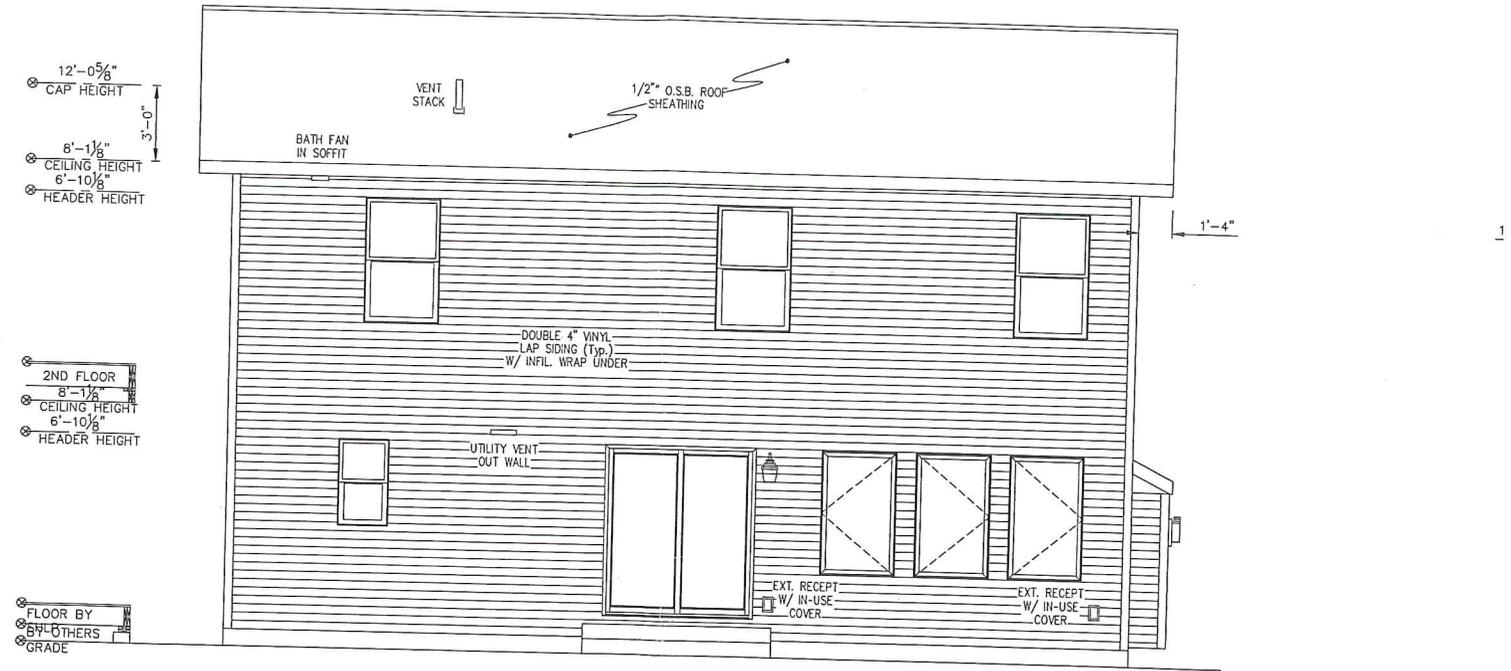
### ELEVATION NOTES: CLARK LAKE LOCAL DATUM

WATER ELEV. ON JULY 31, 2018 = 96.4'  
100 YEAR FLOODPLAIN ELEV. = 100.2'  
COTTAGE 1ST FLOOR ELEV. = 101.8'



10-05-18  
D-073118B-SS.dwg  
Drawn By: D.F.H. II  
JOB#: D-073118B

A CUSTOM HOME EXCLUSIVELY DESIGNED FOR SCHRAMM  
DOOR COUNTY, WI



FRONT ELEVATION

RECEIVED

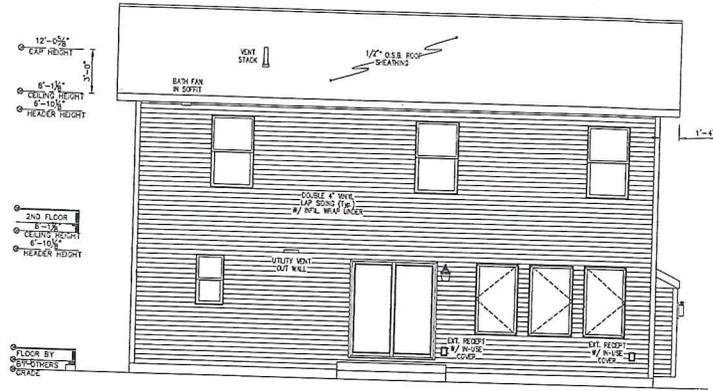
FEB 20 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

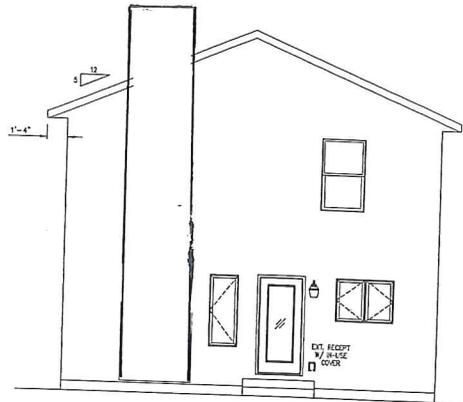


&



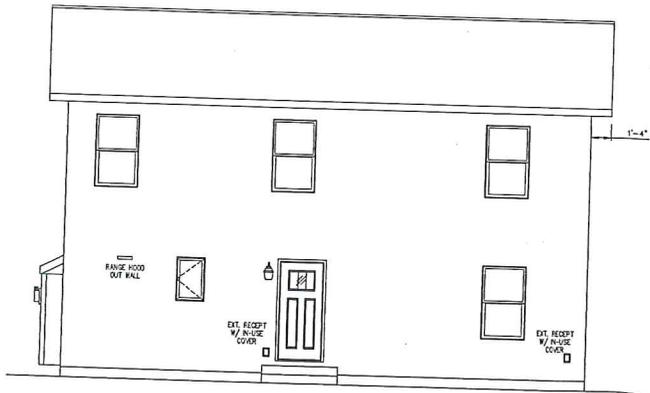


FRONT ELEVATION

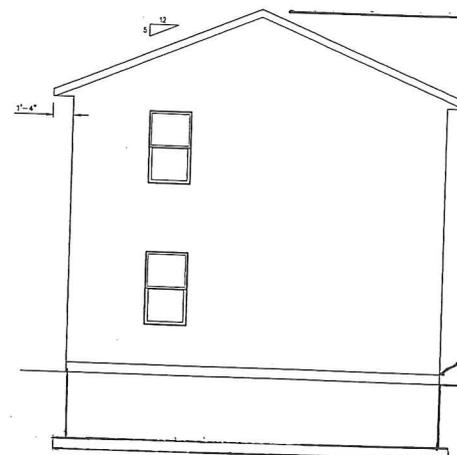


RIGHT ELEVATION

AVERAGE EXISTING GRADE 101.2'  
 AVERAGE FINISHED GRADE 103.6'



REAR ELEVATION



Elevation 130'-6" Top of Roof

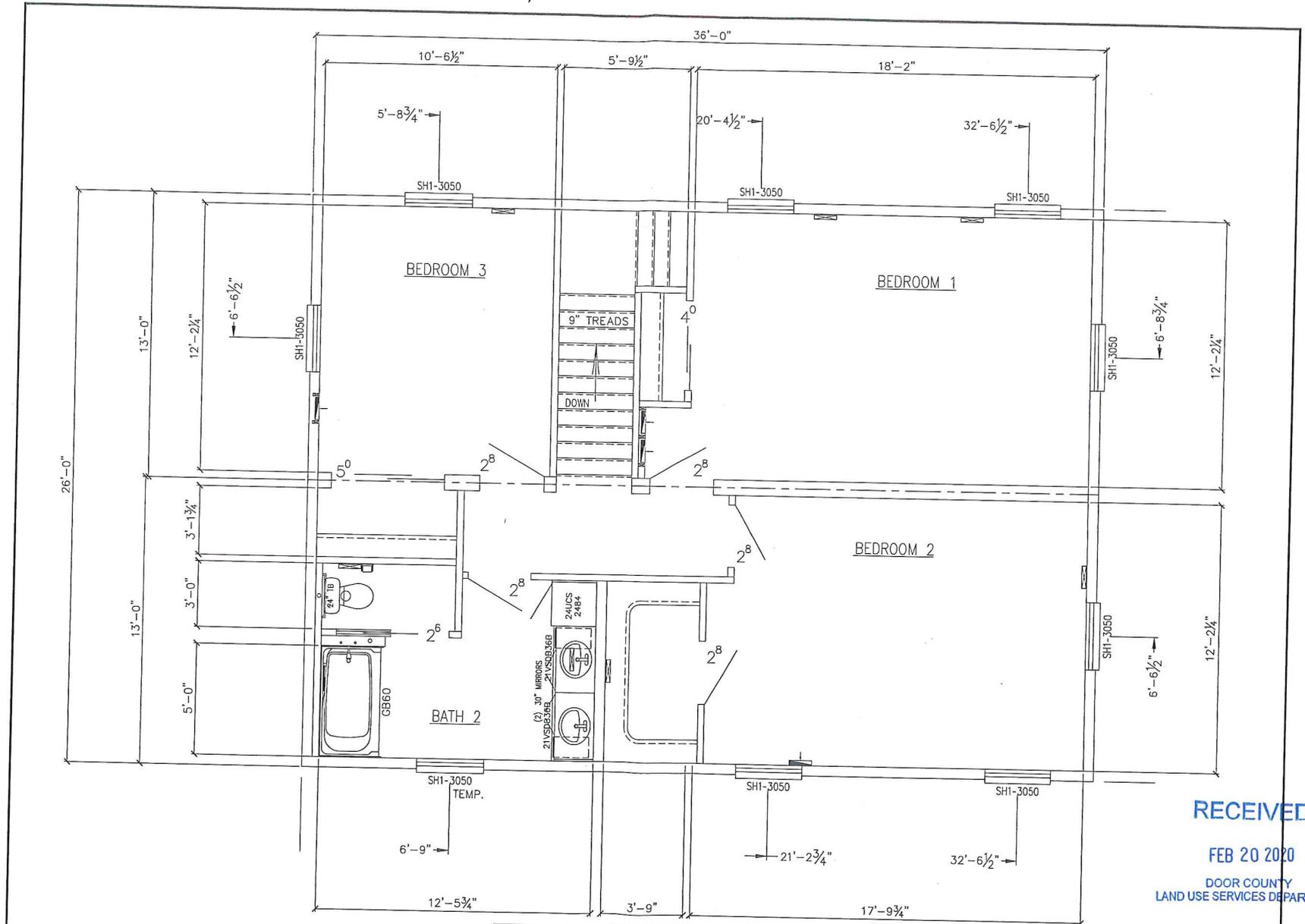
RECEIVED  
 FEB 20 2020  
 DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT

Elevation 105'-6" finished floor 1st

Elevation 104'-6" Top Foundation  
 Elevation 103'-6" finished grade  
 AVE.

Elevation 100'-6" Bottom Foundation

<b>Stratford Homes</b> LIMITED PARTNERSHIP <i>custom modular designs</i> WWW.STRATFORDHOMES.COM	QUOTE: Q19-350 SN:XXXX	BUILDER: CARLSON & ERICKSON BUILDERS CUSTOMER: SCHRAMM DOOR COUNTY, WI TITLE: EV MODEL: 20 X 30 '2 STORY	REVISIONS <table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>10-2-19</td> <td>PRELIM</td> <td>WJD</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>12-23-19</td> <td>PACKAGE</td> <td>SK</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY	10-2-19	PRELIM	WJD							12-23-19	PACKAGE	SK							TITLE: ELEVATIONS SCALE: 3/16"=1" PAGE: A300
	DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY																						
10-2-19	PRELIM	WJD																													
12-23-19	PACKAGE	SK																													



RECEIVED  
 FEB 20 2020  
 DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT

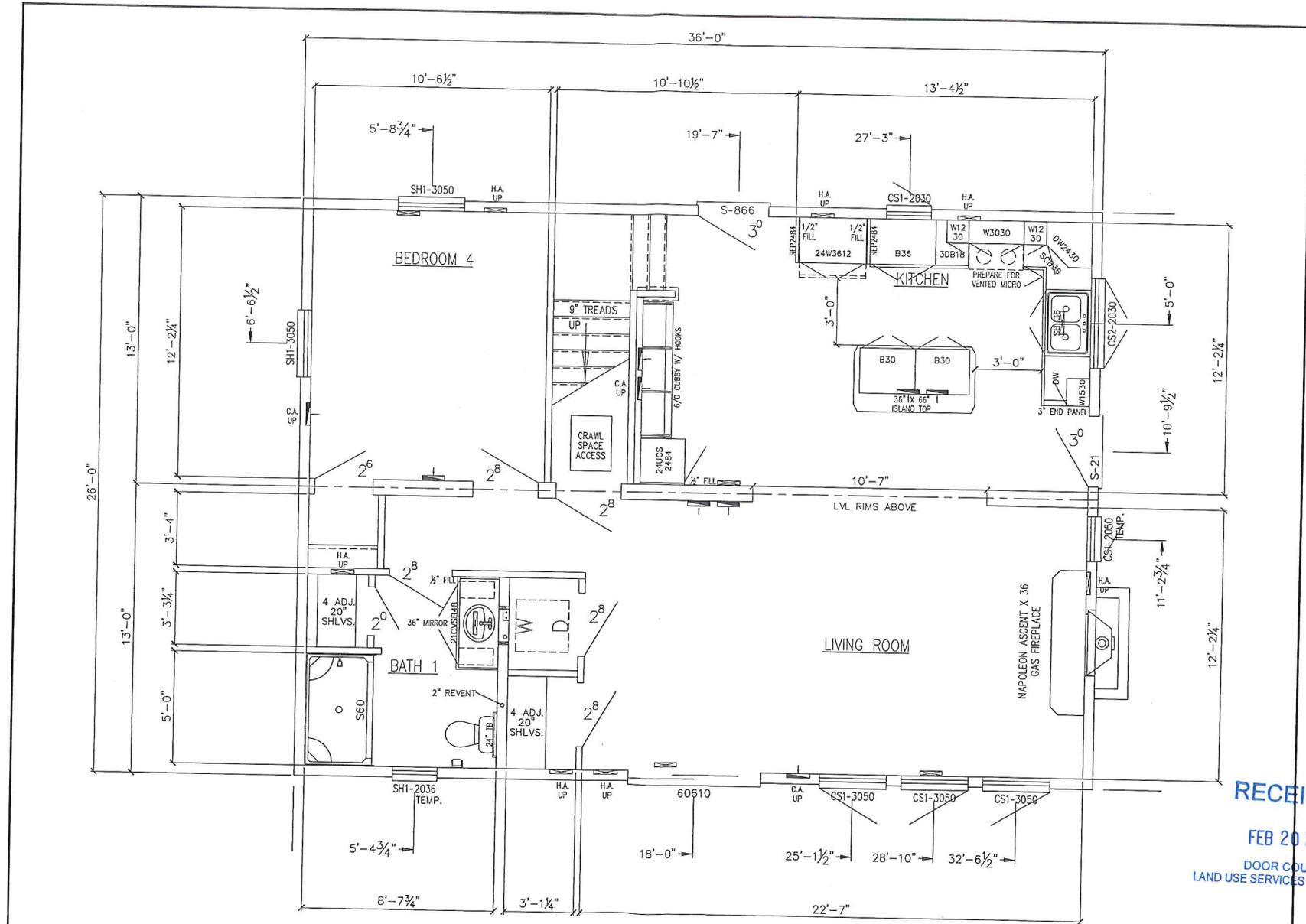
**Stratford Homes**  
 LIMITED PARTNERSHIP  
 custom modular designs  
 WWW.STRATFORDHOMES.COM

QUOTE:  
 Q19-350  
 SN:XXXX

BUILDER:  
 CARLSON & ERICSON BUILDERS  
 CUSTOMER:  
 SCHRAMM  
 DOOR COUNTY, WI  
 REV:  
 MODEL:  
 29 X 36 'C' 2 STORY

REVISIONS					
DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY
10/7/19	FF/ELEV	MD			
12/23/19	PACKAGE	SK			

TITLE: SECOND FLOOR PLAN  
 SCALE: 3/8"=1'  
 PAGE: A101



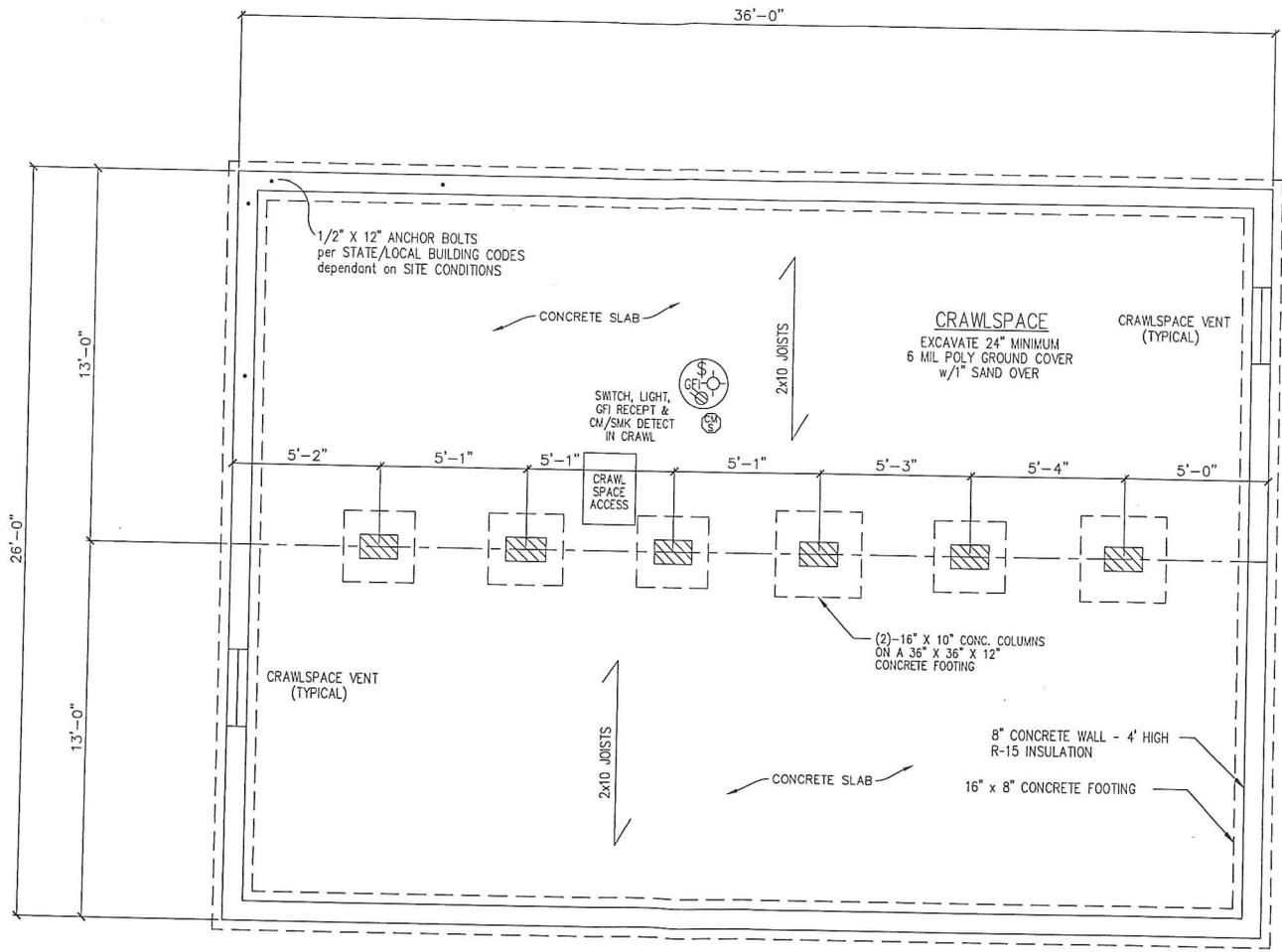
RECEIVED  
 FEB 20 2020  
 DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT

**Stratford Homes**  
 LIMITED PARTNERSHIP  
 custom modular designs  
 WWW.STRATFORDHOMES.COM

QUOTE:  
 Q19-350  
 SN:XXXX

BUILDER		CUSTOMER		DATE		DESCRIPTION		BY	
CARLSON & ERICKSON BUILDERS		SCHMIDT		10-7-19		TR ELEV		MD	
DOOR COUNTY, WI		DOOR COUNTY, WI		12-23-19		PACKAGE		SK	
MODEL: 28 X 34 W 2 STORY									

TITLE: FIRST FLOORPLAN  
 SCALE: 3/8"=1'  
 PAGE: A100

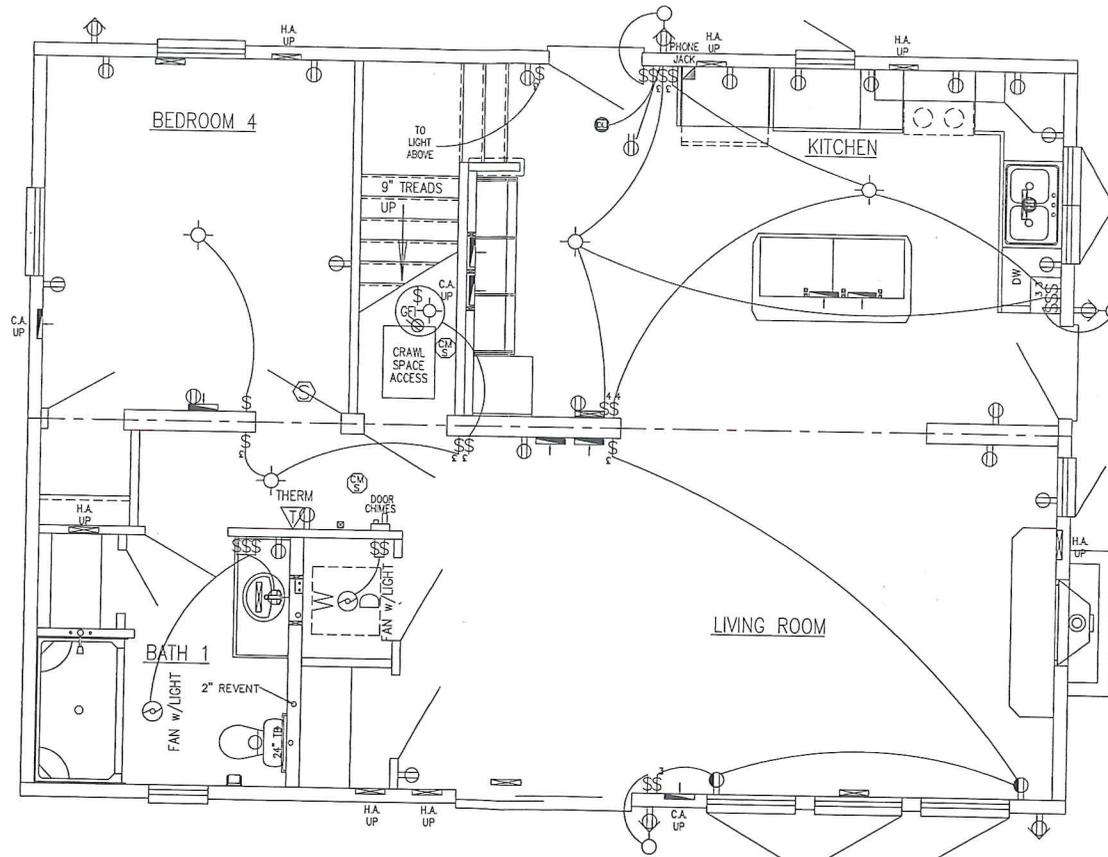


RECEIVED  
FEB 20 2020  
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

<p><b>Stratford Homes</b> LIMITED PARTNERSHIP C u s t o m m o d u l a r d e s i g n s www.stratfordhomes.com</p>	<p>QUOTE: Q19-350 SN:XXXX</p>	<table border="1"> <thead> <tr> <th colspan="6">REVISIONS</th> </tr> <tr> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>10-7-19</td> <td>PRELIM</td> <td>LD</td> <td></td> <td></td> <td></td> </tr> <tr> <td>12-23-19</td> <td>PACKAGE</td> <td>SK</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	REVISIONS						DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY	10-7-19	PRELIM	LD				12-23-19	PACKAGE	SK				<p>TITLE: FOUNDATION SCALE: 3/8"=1" PAGE: A200</p>
	REVISIONS																										
DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY																						
10-7-19	PRELIM	LD																									
12-23-19	PACKAGE	SK																									
<p>BUILDER: CARLSON &amp; BRICKSON BUILDERS CUSTOMER: SCHRAMM DOOR COUNTY, WI REV: SK MODEL: 26 X 36' C 2 STORY</p>																											







RECEIVED  
 FEB 20 2020  
 DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT

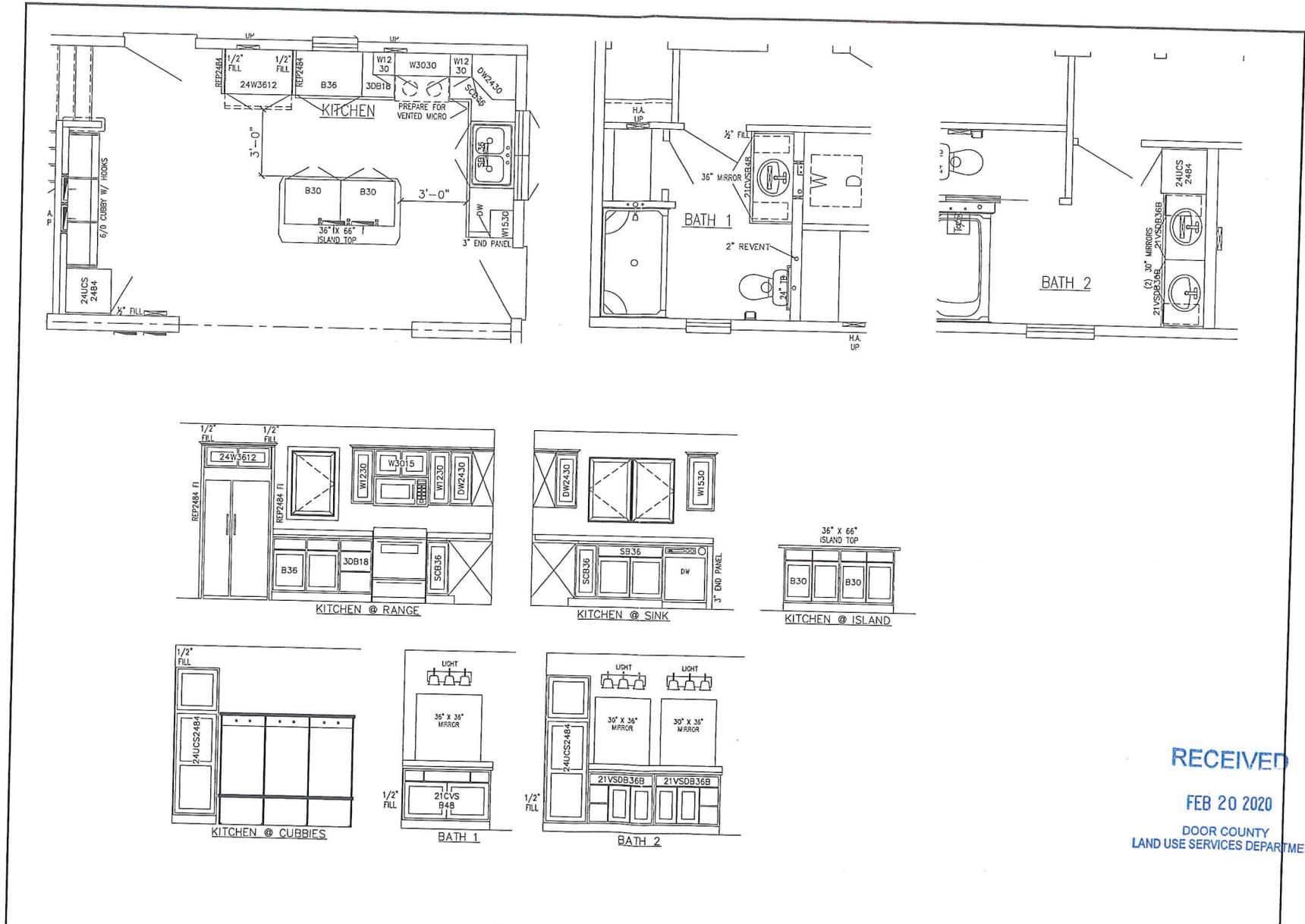
**Stratford Homes**  
 LIMITED PARTNERSHIP  
*custom modular designs*  
 WWW.STRATFORDHOMES.COM

QUOTE: Q19-350  
 SN:XXXX

BUILDER: CARLSON & ERICSON BUILDERS  
 CUSTOMER: SCHRAMM  
 DOOR COUNTY, WI  
 ITN: BW  
 MODEL: 26 X 36 '2 STORY

REVISIONS											
DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY
10-7-19	FF/ELEV	MD									
12-23-19	PACKAGE	SK									

TITLE: 1ST FLOOR ELECTRICAL  
 SCALE: 3/8"=1'  
 PAGE: E100



RECEIVED  
 FEB 20 2020  
 DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT

<b>Stratford Homes</b> LIMITED PARTNERSHIP custom modular designs WWW.STRATFORDHOMES.COM	QUOTE: Q19-350 SN:XXXX	BUILDER: CARLSON & ERICKSON BUILDERS CUSTOMER: SCHRAMM DOOR COUNTY, WI REV: BY: MODEL: 26 X 36 'C' 2 STORY	REVISIONS <table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>10-19</td> <td>FPI/ELEV</td> <td>MD</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>12-24-19</td> <td>PACKAGE</td> <td>SK</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY	10-19	FPI/ELEV	MD							12-24-19	PACKAGE	SK							TITLE: CAB LAYOUT SCALE: 1/4"=1' PAGE: CAB
	DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY																						
10-19	FPI/ELEV	MD																													
12-24-19	PACKAGE	SK																													

3/11/20 08:57:21

ASSESSMENT INQUIRY  
0220303282764 R 2020

INQ 691

N 5490 WEST SHORE DR  
SCHRAMM, MARY J

Geo.Loc: 15 022 4 28 27 03 2 02 000

MAIL TO:

SCHRAMM  
MARY J

7100 PIONEER RD  
CEDARBURG WI 53012

0322

LEGAL DESCRIPTION

03 28 27 AC .40  
COM NW COR FRACT NW 1/4 SEC  
3-28-27 BEING NE COR GOVT  
LOT 1 SEC 4-28-27 S6D W160'  
S86DE TO LAKE NLY ALG LAKE  
TO N LN FRACT NW1/4W TO BEG  
DOC# 778698 QCD  
MORE LEGAL AVAILABLE

CURRENT TAX ASSESSMENT AS OF 2019

CODE	ACRES	LAND	IMPROVE	TOTAL
L1	.40	398400	67500	465900

BILL NO:

COMMENTS

<b>TOTALS</b>	.40	398400	67500	465900
---------------	-----	--------	-------	--------

F3-Exit F5-Owners F7-Tax Detail F8-Legal F9-Directory F10-Survey Index  
 F11-Districts F12-Prev Scrn F17-Fire# F18-DOA Site  
 F21-Geo Location F6-Vol/Page Detail

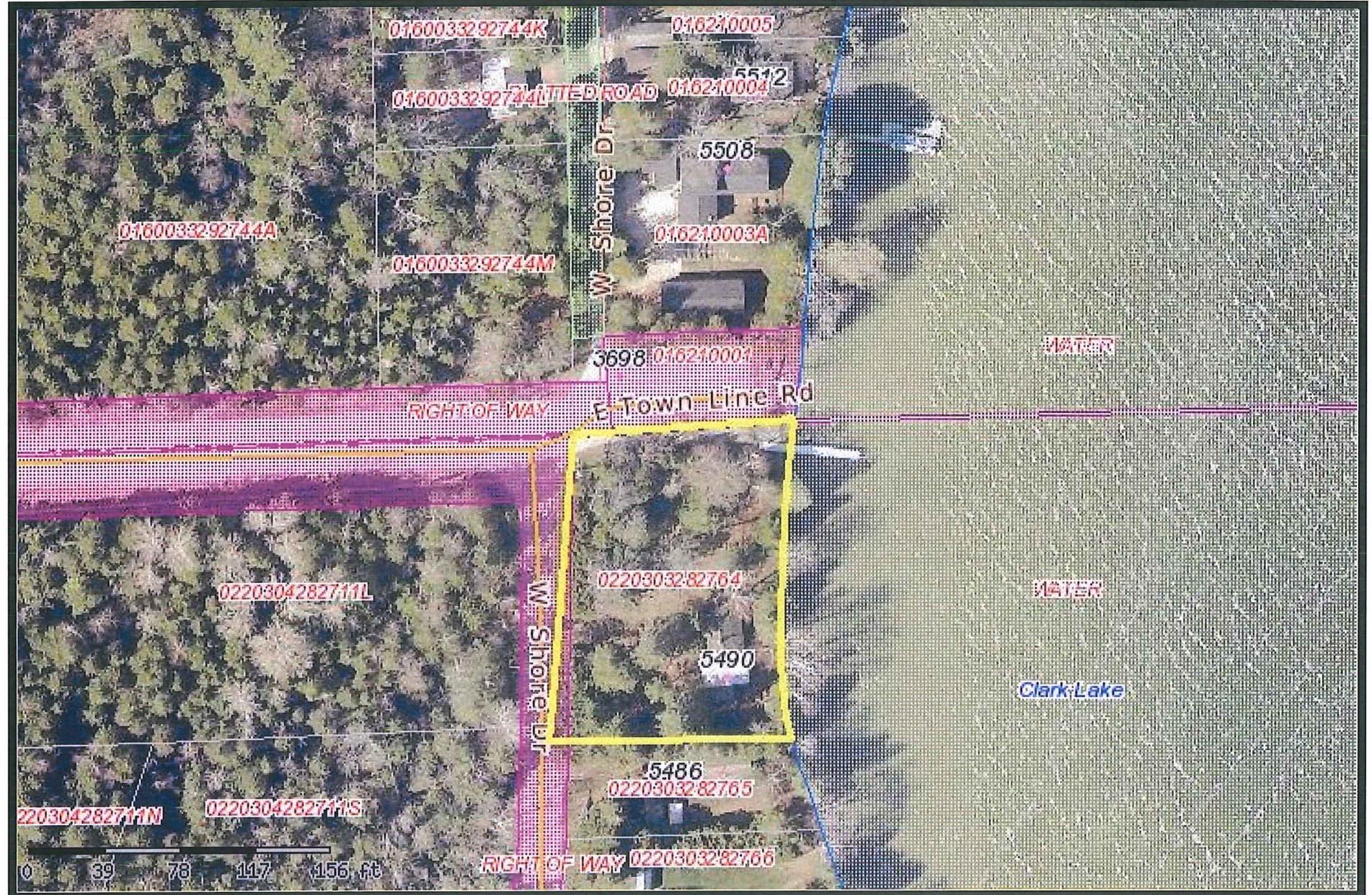
# Schramm

Printed 02/27/2020 courtesy of Door County Land Information Office

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



**Door County, Wisconsin**  
*... for all seasons!*



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.

# Schramm

Printed 03/11/2020 courtesy of Door County Land Information Office

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



**Door County, Wisconsin**  
*... for all seasons!*



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.



02/25/2020



02/25/2020



02/25/2020



02/25/2020

May 4, 2020

Door County Land Use Services Department  
421 Nebraska Street  
Sturgeon Bay WI 54235

RE: Mary J. Schramm petition for setback variance  
5440 West Shore Drive (Town of Sevastopol), Sturgeon Bay WI 54235

Door County Board of Adjustment – Public Hearing May 12, 2020

To Whom it May Concern:

Please accept my Letter of Support for the Schramm request for a variance from setbacks on this parcel located on Clark Lake in the Town of Sevastopol.

I have viewed the property and see that the lot has a very narrow configuration and is subject to road setbacks, with East Town Line Road to the north and West Shore Drive on the west, in addition to the Clark Lake water frontage on the east. The location of the well and septic also impose restrictions on the useable and buildable space.

The proposed project would result in the construction of a new single-family residence useable year-around. The home would be located in essentially the same position as the current cottage, moved slightly westerly away from the shore, and would not appear to interrupt any neighboring views. The custom designed residence is attractive and fits with the neighborhood.

Thank you for your consideration.

Sincerely,



Linda Wait (Town of Sevastopol resident)  
5057 Bluff Court  
Sturgeon Bay WI 54235  
(920) 495-8129  
lindadwait@gmail.com

RECEIVED

MAY - 6 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

RECEIVED

FEB 13 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

71

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 Steven M. Bieda Telephone No. 920 -434 - 9670  
Mailing Address 400 Security Blvd, Suite 1  
City Green Bay State WI Zip 54313  
hereby petition(s) the Door County Board of Adjustment for a variance from  
Section (s) NR 115.05 (1)(b), 59.692 (See Attachment A)

of the Door County Zoning Ordinance which requires buildings to be setback a minimum of 75 feet from ordinary high water of a navigable lake or stream.  
(See Attachment A)

(I) (We) propose to add a garage to our existing house. Garage will be from 56 to 77 feet from the ordinary high water mark of a navigable stream.  
(See Attachment A)

LOCATION:

The description of the property involved in this petition is located at:  
Fire # 225 Road Bay Chapel Lane Township Union  
Govt Lot 2 or  $\frac{1}{4}$  -  $\frac{1}{4}$  Section 32 Town 26 North, Range 23 East  
Tax Parcel No. 026 - 003 - 2262342M6  
Zoning District Shoreland Lot Size 0.91 acres  
Existing use of structure or land in question single family 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:

There is a drainage ditch along the North edge of the parcel which has been deemed navigable. The parcel also fronts on the Bay of Green Bay. The existing house is closer than 75 feet to both bodies of water. Adding an attached garage to the existing house would require the garage to be closer than the 75 feet.

FOR OFFICE USE ONLY  
Receipt No. 570 Fee 150.00 Date 2-13-2020  
Hearing Advertiser Dates: \_\_\_\_\_  
Hearing Date \_\_\_\_\_  
Decision \_\_\_\_\_

TOWN OF: \_\_\_\_\_  
OWNER: \_\_\_\_\_  
SECTION T M,R E  
PARCEL NO.: 0

6002 50.00

(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:

The attached garage will not be any closer to the water than the existing house. We will be building away from the water. Many houses in this area are closer to the water than the existing house is, and we are building further away.

(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:

With the drainage ditch being called navigable, this renders the majority of the lot within the 75 feet of the ordinary high water mark.

\$ 500.00

- 4) A non-refundable ~~\$450.00~~ 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.

**RECEIVED**  
FEB 13 2020

**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.

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**SIGNATURE OF PETITIONER/AGENT:**

**DATE:**



1/28/2020

**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**

**LOIS GIES & JOSEPH DALSING**  
**(on behalf of SCOTT GIESE & Barbara Johnson-Giese)**

**ATTACHMENT A**

The applicants hereby petition the Door County Board of Adjustment for variances from Section IV.B.2.b. of the Door County Shoreland Zoning Ordinance. According to Section IV.B.2.b. of the Door County Shoreland Zoning Ordinance all structures shall be located at least 75' from the ordinary high water mark of the navigable stream on the north side of the property.

The applicants propose to construct a two-story, 31' x 41' attached garage, 10' x 21' laundry room/entryway, and a 4.5' x 10' covered porch which will be located as close as 48' from the ordinary high water mark of the navigable stream located to the north.

**VandenLangenberg, Sue**

---

**From:** loisgies56 <loisgies56@gmail.com>  
**Sent:** Friday, March 6, 2020 2:50 PM  
**To:** VandenLangenberg, Sue  
**Cc:** loisgies56@gmail.com  
**Subject:** Variance approval for 225 Bay Chapel Lane Luxemburg Wi. 54217

Sue. As current property owners of 225 Bay Chapel Lane we are sending our approval of the Variance for addition requested by Scott Giese and Barbara Johnson-Giese. Lois Gies and Joseph Dalsing

Sent from my U.S.Cellular© Smartphone

RECEIVED

FEB 13 2020



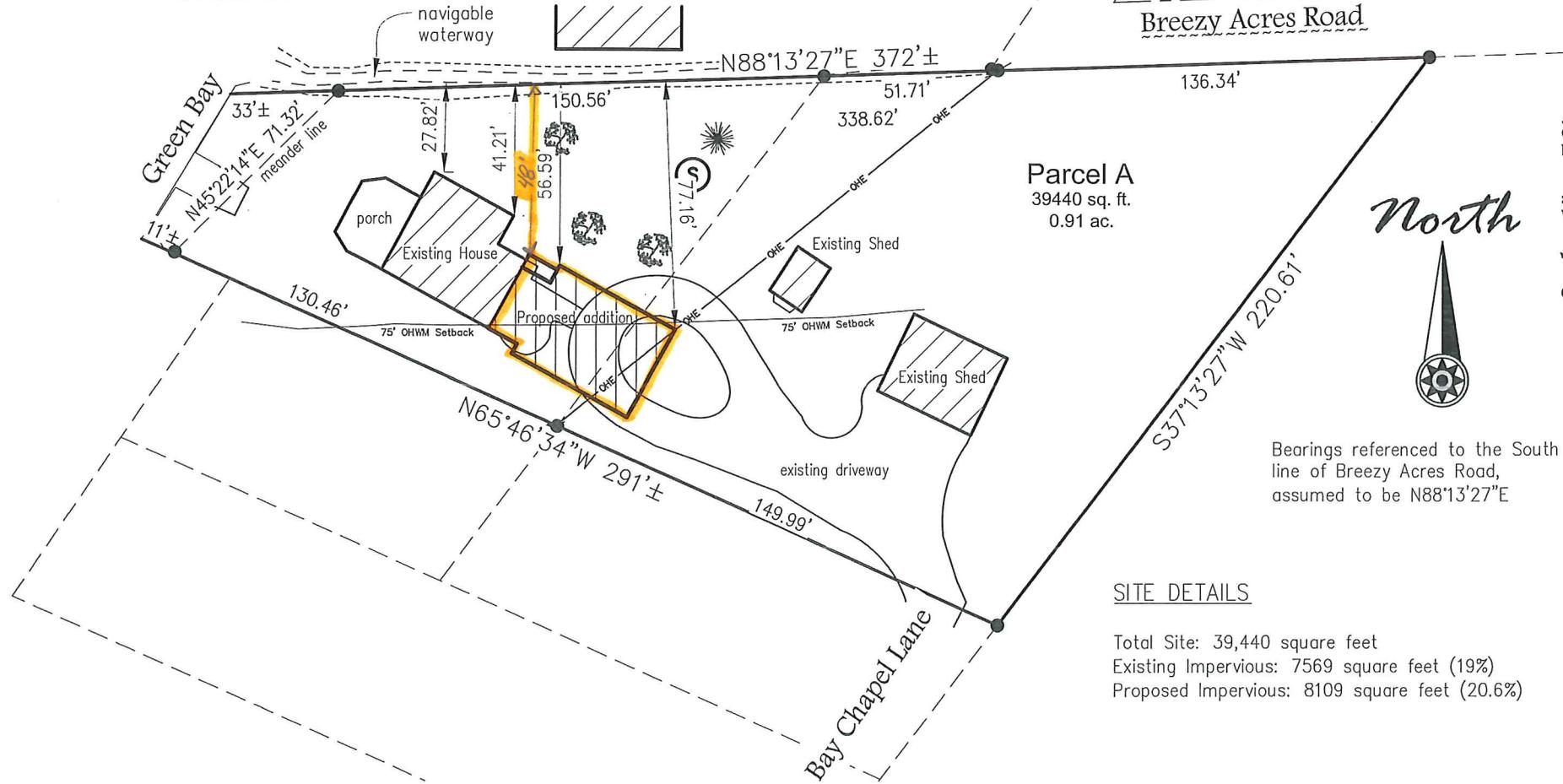
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

# Site Plan

Part of Government Lot 2, Section 32, T26N-R23E, Town of Union, Door County, Wisconsin.  
~225 Bay Chapel Lane~



- Legend**
- existing building
  - septic
  - deciduous tree
  - coniferous tree
  - power pole
  - overhead wires
  - Covered porch as close as 48' to ottawa



Bearings referenced to the South line of Breezy Acres Road, assumed to be N88°13'27"E

### SITE DETAILS

Total Site: 39,440 square feet  
 Existing Impervious: 7,569 square feet (19%)  
 Proposed Impervious: 8,109 square feet (20.6%)

Scale: 1" = 50'

Sheet One of One  
 Project No.: G-16419  
 Drawing No.: L-10957  
 Fieldwork Completed: 01/13/2020

**Mau & Associates, LLP**  
 LAND SURVEYING & PLANNING  
 CIVIL & WATER RESOURCE ENGINEERING  
 Phone: 920-434-9670 Website: www.mau-associates.com  
 400 Security Blvd Ste 1, Green Bay, WI 54313-9712

Client: Scott Giese  
 Tax Parcel: 0260032262342M6  
 Drafted By: MRA  
 File: G-16419Site Survey 012220.dwg  
 Data File: G-16419.txt



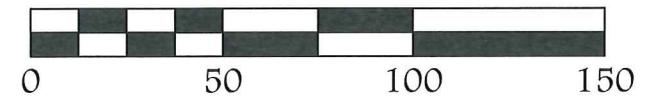
RECEIVED

FEB 13 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

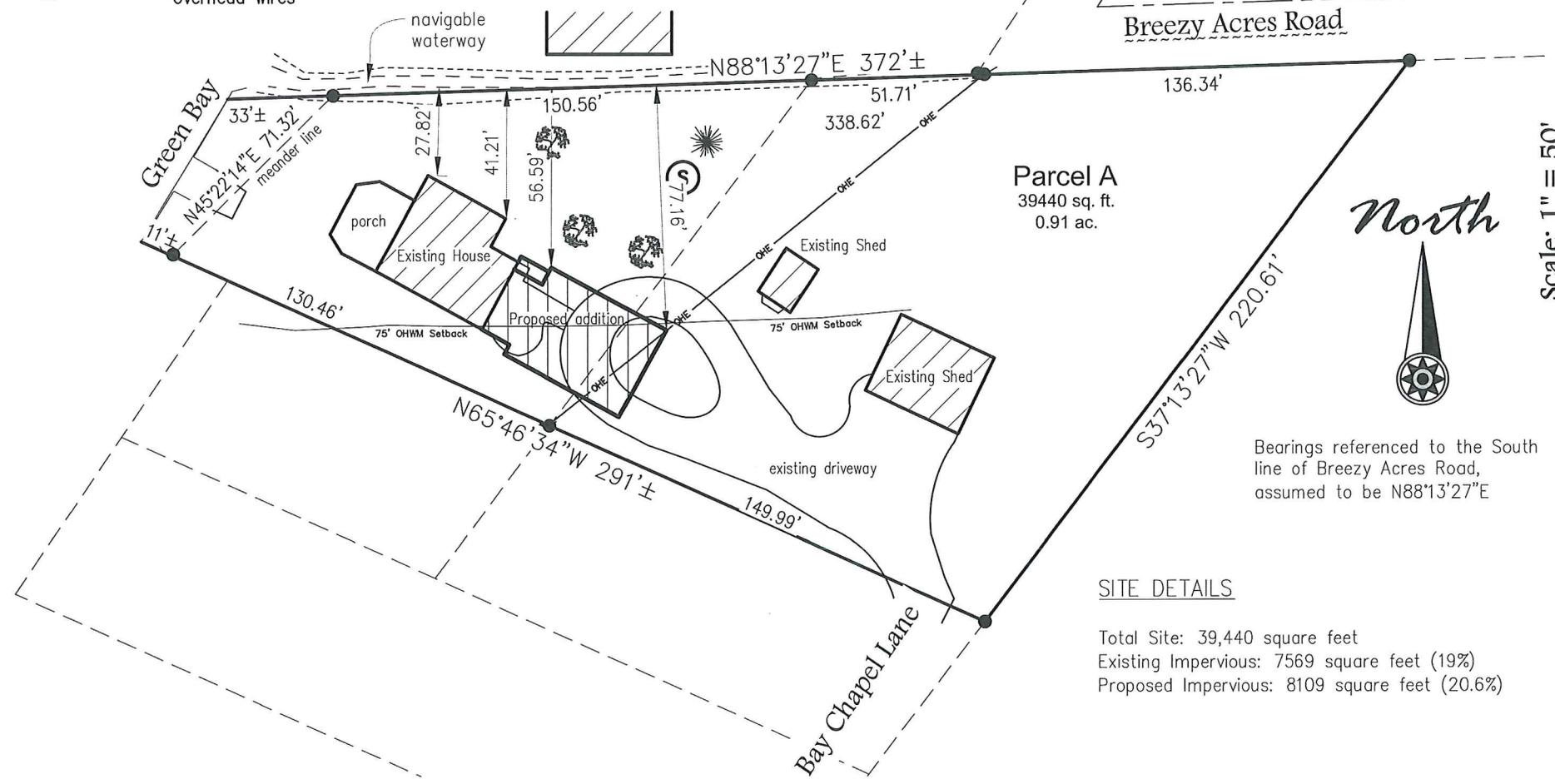
# Site Plan

Part of Government Lot 2, Section 32, T26N-R23E, Town of Union, Door County, Wisconsin.  
~225 Bay Chapel Lane~



## Legend

- 1" iron pipe found
- existing building
- septic
- deciduous tree
- coniferous tree
- power pole
- overhead wires



Parcel A  
39440 sq. ft.  
0.91 ac.



Bearings referenced to the South line of Breezy Acres Road, assumed to be N88°13'27"E

### SITE DETAILS

Total Site: 39,440 square feet  
 Existing Impervious: 7569 square feet (19%)  
 Proposed Impervious: 8109 square feet (20.6%)

Scale: 1" = 50'

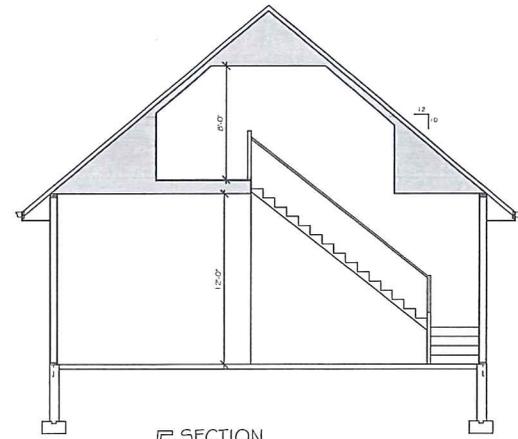
Sheet One of One  
 Project No.: G-16419  
 Drawing No.: L-10957  
 Fieldwork Completed: 01/13/2020

**Mau & Associates, LLP**  
 LAND SURVEYING & PLANNING  
 CIVIL & WATER RESOURCE ENGINEERING  
 Phone: 920-434-9670 Website: www.mau-associates.com  
 400 Security Blvd Ste 1, Green Bay, WI 54313-9712

Client: Scott Giese  
 Tax Parcel: 0260032262342M6  
 Drafted By: MRA  
 File: G-16419Site Survey 012220.dwg  
 Data File: G-16419.txt







5 SECTION  
SCALE 1/4" = 1'-0"



4 SIDE ELEVATION  
SCALE 1/4" = 1'-0"



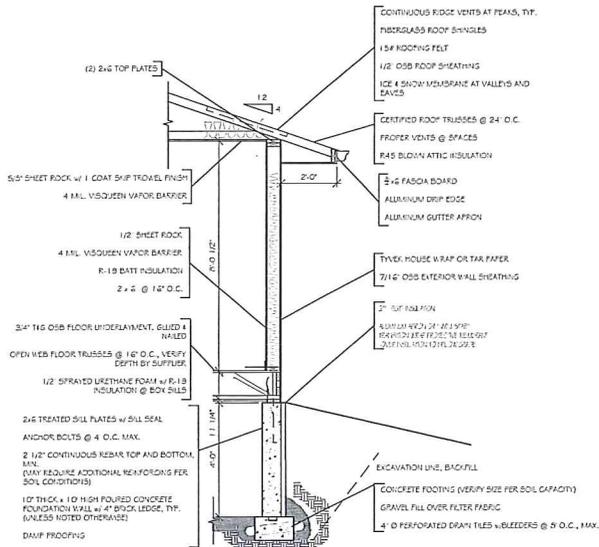
3 SIDE ELEVATION  
SCALE 1/4" = 1'-0"



2 GARAGE ELEVATION  
SCALE 1/4" = 1'-0"



1 FRONT ELEVATION  
SCALE 1/4" = 1'-0"



6 SECTION  
SCALE 1/2" = 1'-0"

RECEIVED

FEB 13 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

DATE	02/09/20
DRAWN BY	TGL
CHECKED BY	

4361 Tompkins Drive  
Oneida, WI 54155  
(920) 609-4663  
tom@lemkuilarchdesigns.com



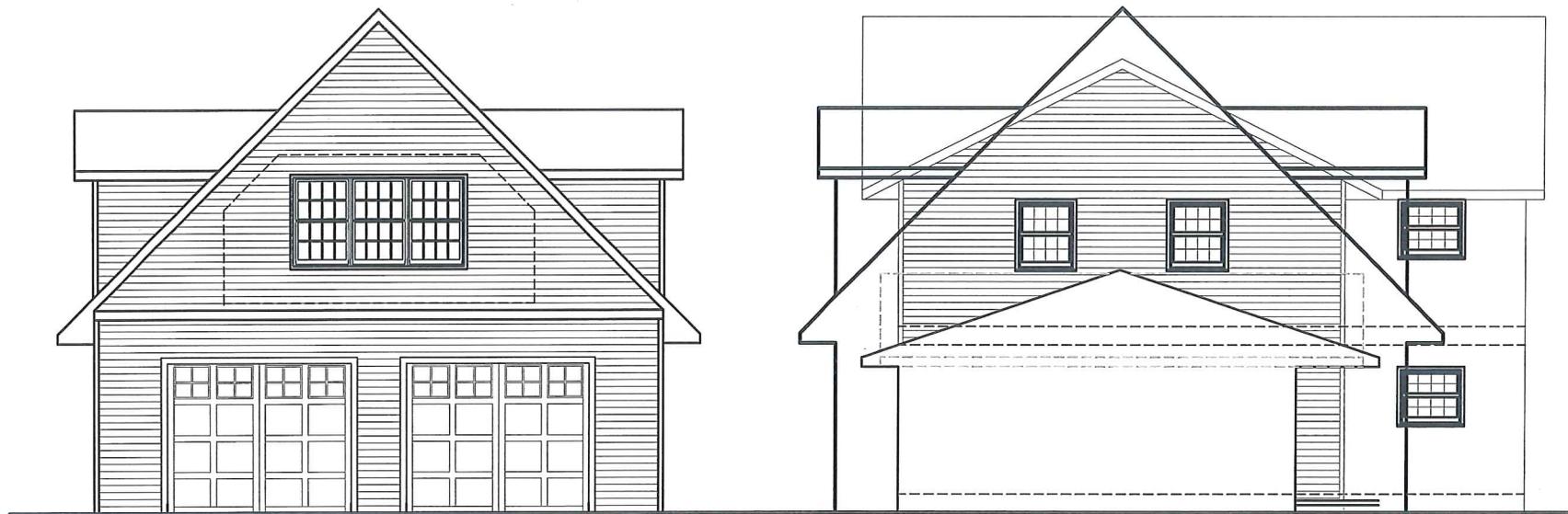
RENOVATION FOR:  
**Scott Giese**  
GREEN BAY, WI

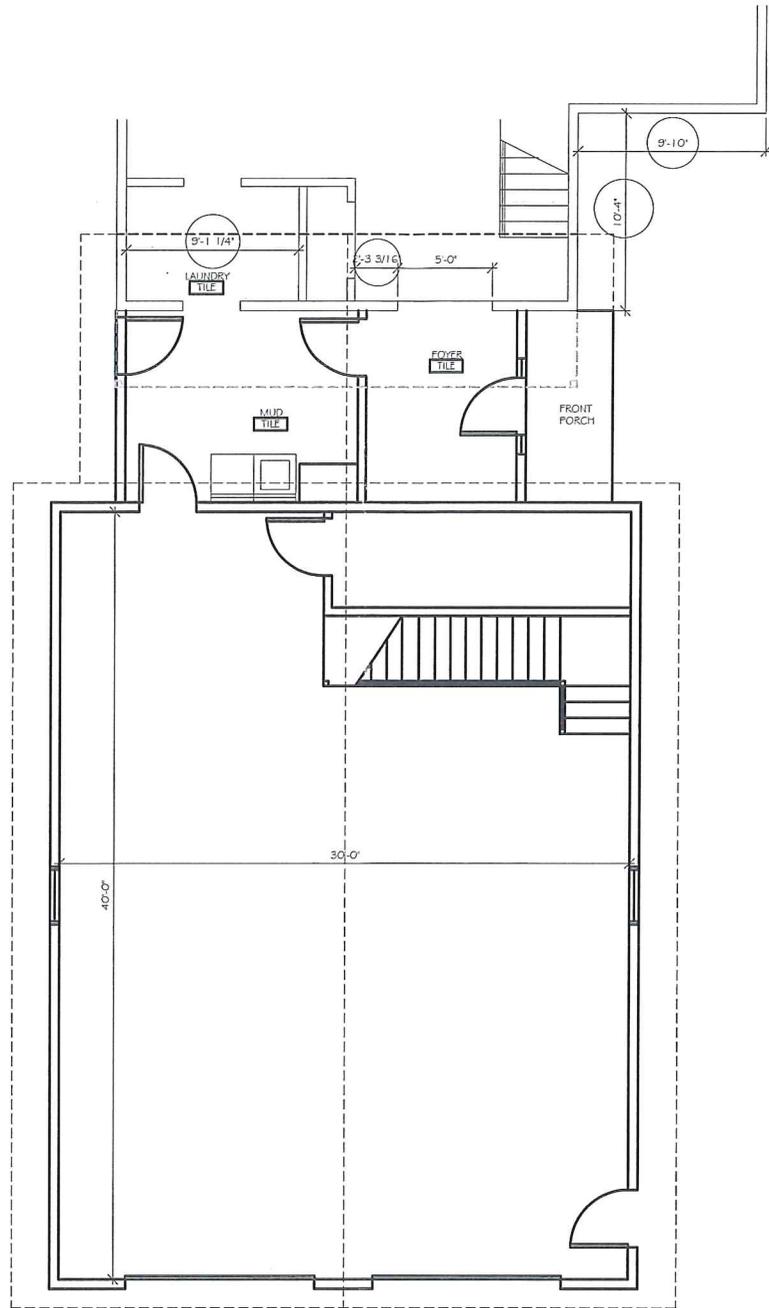
A30

RECEIVED

FEB 13 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

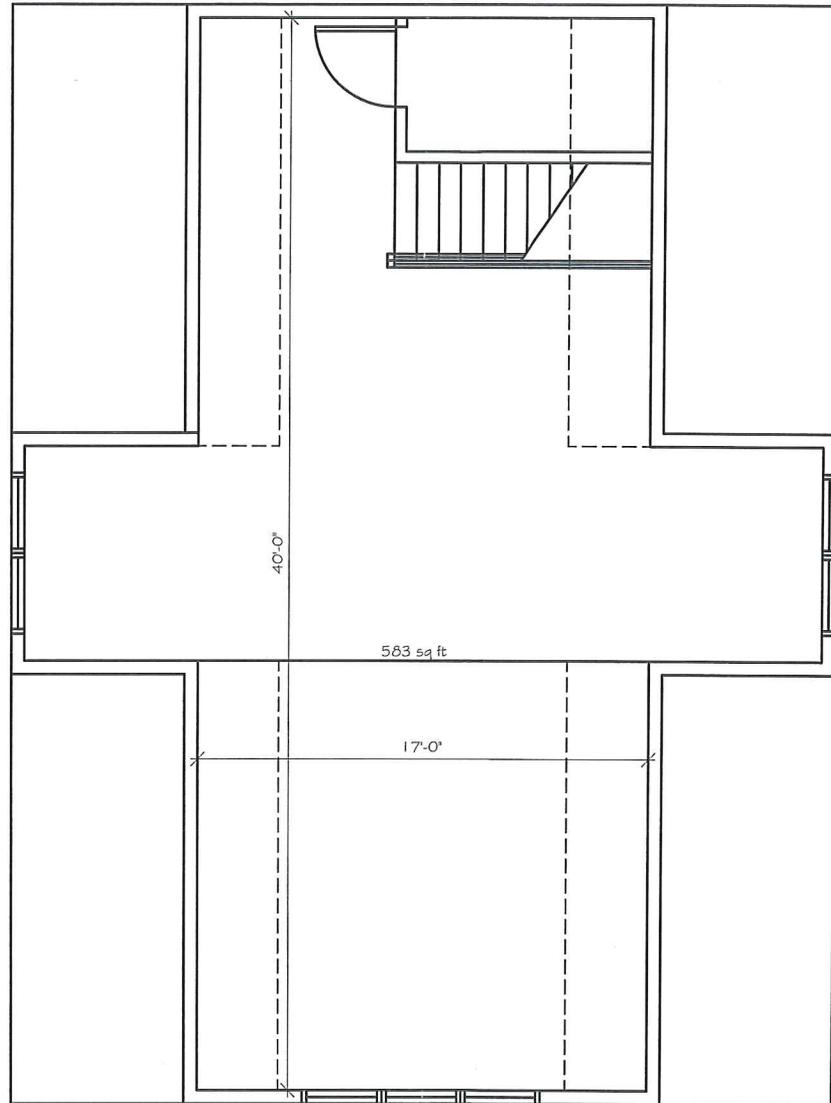




RECEIVED

FEB 13 2020

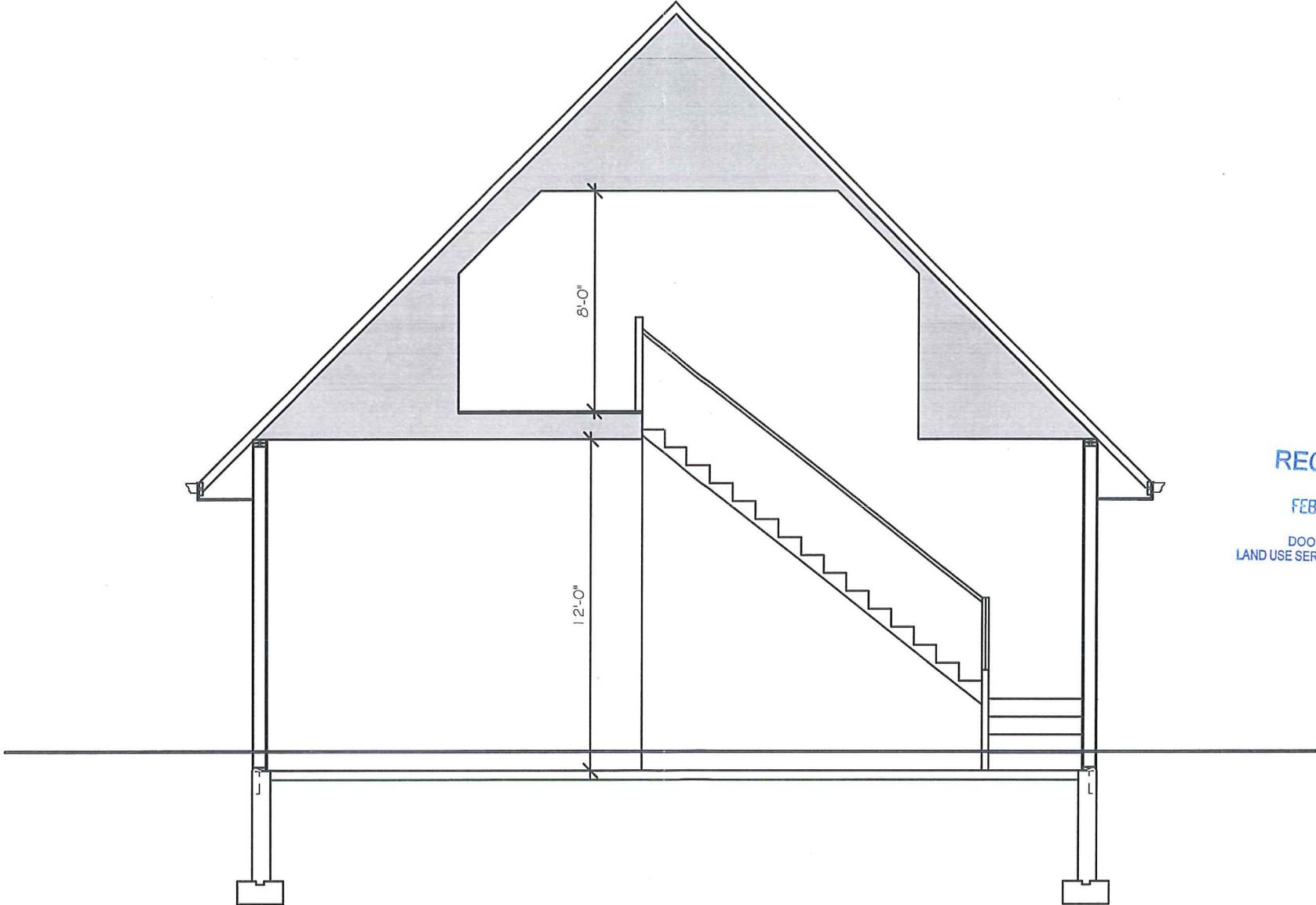
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



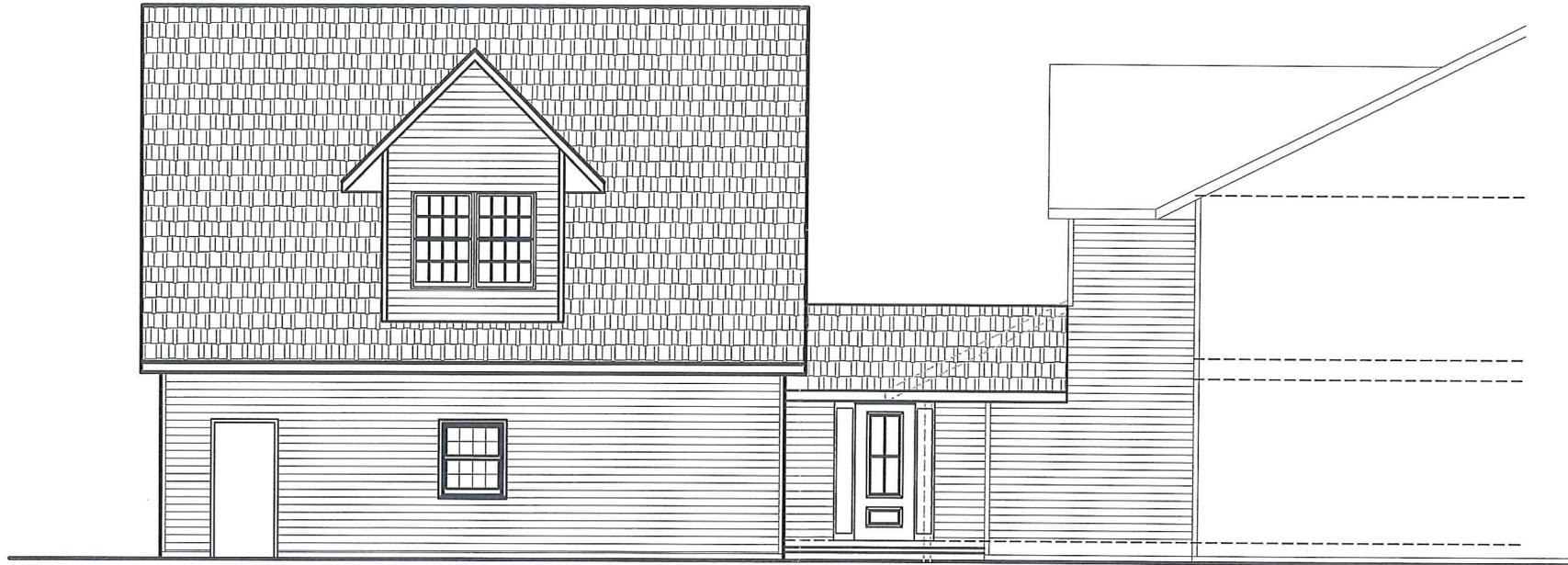
RECEIVED

FEB 13 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



RECEIVED  
FEB 13 2020  
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



RECEIVED

FEB 13 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



RECEIVED

FEB 13 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

3/06/20 11:44:35

ASSESSMENT INQUIRY  
0260032262342M6 R 2020

8591

N 225 BAY CHAPEL LN  
DALSING, JOSEPH G ET AL

Geo.Loc: 15 026 4 26 23 32 4 02 002

MAIL TO:

DALSING  
JOSEPH G ET AL

3242

LEGAL DESCRIPTION

225 BAY CHAPEL LN  
LUXEMBURG WI 54217

32 26 23 AC .87  
COM 1526'W NE COR S1/2 GL#2  
S.32:S39\*W136'N64\*W150'N20'  
ALG SHR E185'BG.ALSO CM 133  
7.93'W SM PT ABV W188.07'S3  
9\*W136'S64\*E150'N39\*E220.61  
DOC# 672212 V1011 P476 WD  
MORE LEGAL AVAILABLE

CURRENT TAX ASSESSMENT AS OF 2019

CODE	ACRES	LAND	IMPROVE	TOTAL
L1	.87	105600	185500	291100

BILL NO:

COMMENTS

TOTALS	.87	105600	185500	291100
--------	-----	--------	--------	--------

F3-Exit F5-Owners F7-Tax Detail  
F11-Districts F12-Prev Scrn  
F21-Geo Location

F8-Legal F9-Directory F10-Survey Index  
F17-Fire# F18-DOA Site  
F6-Vol/Page Detail

Date: 3/11/20

Parcel Owner Screen

8692

Parcel No.....: 026 0032262342M6 R 2020  
Geo.Location.: 15 026 4 26 23 32 4 02 002

<u>Seq</u>	<u>Last Name</u>	<u>First Name</u>	<u>MI</u>	<u>Etxxx</u>	<u>Mail</u>
1	DALSING	JOSEPH G		ET AL	Y
2	GIES	LOIS A			

Cmd 12-Return

+

# Map

Printed 11/13/2019 courtesy of Door County Land Information Office

... 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.



02/26/2020



88

02/26/2020



02/26/2020



02/26/2020



County of Door  
**LAND USE SERVICES DEPARTMENT: ZONING**  
 County Government Center  
 421 Nebraska Street  
 Sturgeon Bay, WI 54235

**Sue Vanden Langenberg, Zoning Administrator**

Direct line: (920) 746-2221

Main office line: (920) 746-2323

FAX: (920) 746-2387

E-mail: [svanden@co.door.wi.us](mailto:svanden@co.door.wi.us)

Website: <http://map.co.door.wi.us/planning/>

March 11, 2020

Town of Union  
 C/o Rena LaLuzerne, Clerk  
 1621 Tru-Way Road  
 Brussels, WI 54204

Re: Petition for variance for Tax Parcel 026-00-32262342M6 (225 Bay Chapel Lane)

Greetings:

We are sending you this letter to notify the town that there will be a request for a variance regarding a property in Union at an upcoming Door County Board of Adjustment hearing and meeting. The scheduling process for a future public hearing will begin no earlier than April 2, 2020, unless we hear from the town before that date. The hearing will be held no sooner than three weeks after the scheduling process is begun.

Enclosed is a "Town Recommendation Worksheet" which we ask you to complete and send back to the Door County Land Use Services Department after you review the case at an upcoming meeting. As a reminder, comments may be submitted to the Land Use Services Department concerning the proposal up to 3:30 p.m. the day before the public hearing, and/or the town may offer verbal testimony at the hearing.

Lois Gies & Joseph Dalsing (on behalf of Scott Giese & Barbara Johnson-Giese) are requesting a variance from Section IV.B.2.b. of the Door County Shoreland Zoning Ordinance. According to Section IV.B.2.b. of the Door County Shoreland Zoning Ordinance all structures shall be located at least 75' from the ordinary high water mark of the navigable stream on the north side of the property.

The applicants propose to construct a two-story, 31' x 41' attached garage, 10' x 21' laundry room/entryway, and a 4.5' x 10' covered porch which will be located as close as 48' from the ordinary high water mark of the navigable stream located to the north.

**The applicants have the responsibility to contact the Town of Gardner (Rena LaLuzerne, Clerk: 920-825-7569) to determine if/when the town may discuss this matter at a future meeting.**

Sincerely,



Sue Vanden Langenberg  
Zoning Administrator

Enc.: Variance application packet and town recommendation worksheet

C.C.: Mike Andraschko, Mau & Associates, LLP (via e-mail) w/enclosure  
Steve Bieda, Mau & Associates, LLP (via e-mail) w/enclosure  
Scott Giese, (via e-mail) w/enclosure  
Joseph Dalsing (via e-mail) w/enclosure  
Adjacent property owners within 300', without enclosure

**Door County Land Use Services Department  
Request for Town Recommendation**

Lois Gies & Joseph Dalsing (on behalf of Scott Giese & Barbara Johnson-Giese) are requesting a variance from Section IV.B.2.b. of the Door County Shoreland Zoning Ordinance. According to Section IV.B.2.b. of the Door County Shoreland Zoning Ordinance all structures shall be located at least 75' from the ordinary high water mark of the navigable stream on the north side of the property.

The applicants propose to construct a two-story, 31' x 41' attached garage, 10' x 21' laundry room/entryway, and a 4.5' x 10' covered porch which will be located as close as 48' from the ordinary high water mark of the navigable stream located to the north.

The (circle one) Town Board / Planning Committee of the Town of \_\_\_\_\_ held a legally noticed and posted meeting on \_\_\_\_\_, at which, by a vote of \_\_\_\_ (Yea) to \_\_\_\_ (Nay), the town recommended (check one) \_\_\_\_ **SUPPORT** \_\_\_\_ **DENIAL** for a variance.

**Reason(s) for the town's decision:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Is the proposal consistent with the Town Comprehensive Plan?**

\_\_\_\_\_  
\_\_\_\_\_

**Concerns or objections the town may wish to see potentially addressed through conditions:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Town Clerk Signature

\_\_\_\_\_  
Date

\*See reverse for variance criteria.

## GENERAL CRITERIA REGARDING ZONING HEARING CASES IN DOOR COUNTY

*This document is intended to provide a general guide to the issues and criteria to consider when making decisions regarding this type of zoning hearing. It should not be considered a complete guide to applicable statutes or ordinances.*

### PETITION FOR VARIANCE

*(See Door County Zoning Ordinance section 11.06 and Wisconsin Statutes section 59.694.)*

A petition for variance is a request to relax one or more of the dimensional requirements or restrictions of the ordinance (road, water, or property line setbacks; building size or height, etc.). The Door County Zoning Ordinance only allows so-called "area" variance petitions – it does not permit application for a variance where a use not allowed in that zoning district would be established (a "use" variance). Note that variances "run with the land" and not with the applicant; an approved variance is permanently attached to the parcel in question.

By state statute, petitions for variance from the county zoning ordinance are heard and decided upon at a public hearing before the board of adjustment or appeals (called the Board of Adjustment in Door County), members of which are appointed by the County Board of Supervisors. Appeals of Board of Adjustment decisions are heard in the court system.

#### Criteria for evaluating "area" variance petitions

*(Note: Responses to the three bolded questions below should be "yes" in order to justify granting the variance in accordance with legal/case law criteria.)*

- **Do physical limitations of the property prevent compliance with ordinance standards?**  
*Examples of physical limitations include wetland presence, parcel shape, steep slopes, etc.*
- **Will granting the variance have no affect on the public interest?**
  - *Public interest includes additional runoff, affects on the quality of fish or wildlife habitat, impacts on scenic beauty, etc. Cumulative effects must be considered.*
  - *Public interest includes the interest of the public at large, not just that of nearby property owners.*
  - *Lack of local opposition does not in itself mean that a variance will not harm the public interest.*
  - *A variance should include only the minimal relief necessary to allow reasonable use of the property.*
  - *The board's actions should be consistent with stated ordinance objectives.*
- **Is an "unnecessary hardship" present?**
  - *Does compliance with the ordinance unreasonably prevent the owner from using the property for a permitted purpose, or is conformity with restrictions unnecessarily burdensome for the property owner?*
  - *Is there a unique physical property limitation? (See above.)*
  - *The variance is not warranted if the physical character of the property allows a landowner to develop or build in compliance with the zoning ordinance.*
  - *Financial hardship is not grounds for a variance.*
  - *Self-imposed hardship or personal preference are not grounds for a variance. (Note that "self-imposed hardship" has been determined by courts to mean either current or former owners.)*
  - *The hardship cannot be one that would have existed in the absence of zoning.*

One final consideration: Will granting the variance serve an overriding public interest? (If yes, granting the variance may possibly be justifiable even if other criteria point toward denial.)

RECEIVED

93  
1

MAR 23 2020

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

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

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) GAETANO & AMANDA  
Full Name AURICCHIO Telephone No. 920-360-2313  
Mailing Address 718 IRON HORSE WAY  
City GREEN BAY State WISCONSIN Zip 54311  
hereby petition(s) the Door County Board of Adjustment for a variance from  
Section (s) IV. SHORELAND ZONING REGULATIONS B.2.b.

of the Door County Zoning Ordinance which requires 75' SETBACK FROM  
THE OHWM FOR AN IN-GROUND POOL.

(I) (We) propose to REQUEST A VARIANCE OF 25' FOR  
A SETBACK OF 50' FROM THE OHWM FOR A  
NEW IN-GROUND POOL.

LOCATION:

The description of the property involved in this petition is located at:  
Fire # 2479 Road WHITE CLIFF RD. Township GERRAULT  
Govt Lot 1 or 1/4 - 1/4 Section 18 Town 30 North, Range 27 East  
Tax Parcel No. 014-25-0004A  
Zoning District SE 20 Lot Size 1.359 ACRES.  
Existing use of structure or land in question 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:

SEE ATTACHMENT.

FOR OFFICE USE ONLY  
Receipt No. 1024  
Hearing Adversely Affects: \_\_\_\_\_  
Fee 500 -  
Date 3-23-20  
Hearing Date \_\_\_\_\_  
Decision \_\_\_\_\_

TOWN OF: \_\_\_\_\_  
OWNER: \_\_\_\_\_  
SECTION 7  
N, R  
E

PARCEL NO.: 0

2

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:

RECEIVED

MAR 23 2020

DOOR COUNTY LAND USE SERVICES DEPARTMENT

- 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 ATTACHMENT.

(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 ATTACHMENT.

- 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:**

**DATE:**

Martina Amichio

03/03/2020

**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.

# C. RENIER ARCHITECTS, INC.

348 MAIN AVENUE  
DE PERE, WI 54115  
PHONE: (920) 330-0500

---

Date: February 27, 2020

Attachment #1

3A) Unique Property Limitations:

The current residence is a long, thin structure tightly fit between the water (40'+- from the OHWM) and a steep slope up transitioning to White Cliff Road. There is just enough space on the east side of the structure for the entrance drive to the existing garage on the south side of the residence. The entrance drive starts on the far north side of an adjacent property (same owner) in order to have a reasonable slope from the road to the structure. The property to the north cannot be built upon as stipulated by a restrictive covenant agreed to by the previous owner. The existing garage is a small, essentially single stall garage (approximately 18.75' wide x 20.75' deep). A size not consistent with the scope of the rest of the residence. These unique property limitations do not allow us to place a pool that would relate properly with the interior functions of the existing residence. We are requesting a 25' variance from the OHWM setback in order to place the pool adjacent to the south side of the existing garage space within the existing impervious drive area.

3B) No Harm to Public Interests:

A new in-ground pool located within the existing impervious drive area will not negatively impact the existing site. The view from the water will not be affected because there will be no additional visible structure. In addition, with the current condition the view potentially could be cluttered by automobiles, etc. 40'+- from the OHWM. Moving vehicles further away from the OHWM can only enhance storm water runoff quality. Again by placing the new pool within the existing drive we will not be adding impervious surface area within the existing OHWM setback.

RECEIVED

MAR 23 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

# C. RENIER ARCHITECTS, INC.

348 MAIN AVENUE  
DE PERE, WI 54115  
PHONE: (920) 330-0500

---

Attachment #1 – page 2

3C) Unnecessary Hardship:

We are requesting this variance because the most practical and safe location for a new pool is directly south of the existing residence. The other option is neither practical nor safe at the far end of the property and would not relate to the existing residence. We also feel that placing a new pool within the existing impervious drive will not create any negative effects. It would not compromise the purpose of having a 75' setback from the OHWM as it is a structure that will not contribute to any visual or water pollution.

RECEIVED

MAR 23 2020

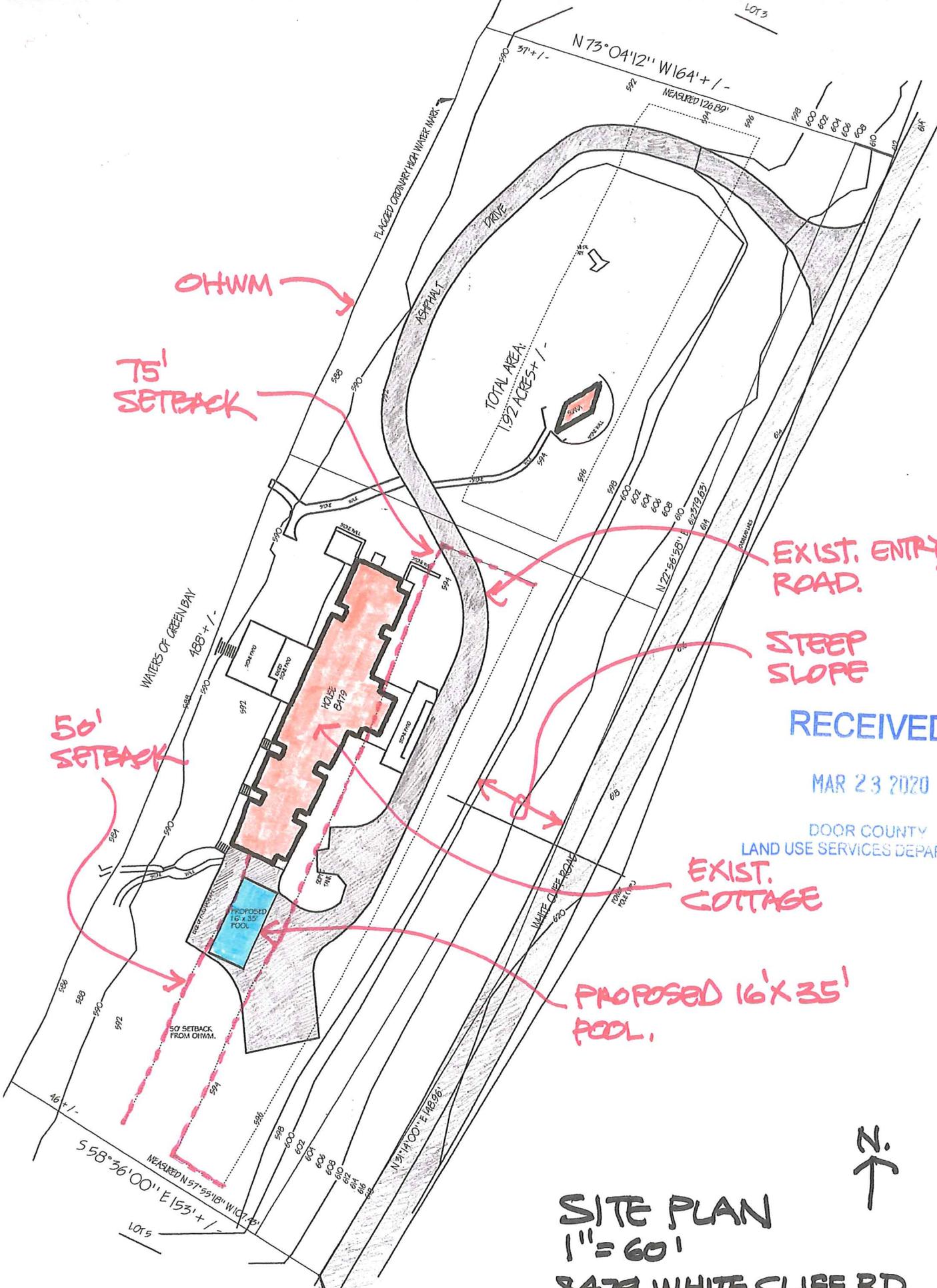
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

3

PLEASE REFER TO  
NOTES AND SURVEY  
RECORDS

LEGEND

	EXIST. ENTRY ROAD
	STEEP SLOPE
	EXIST. COTTAGE
	COVERED POOL



RECEIVED

MAR 23 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

EXIST. COTTAGE

PROPOSED 16' X 35' POOL.

SITE PLAN  
1" = 60'

8479 WHITE CLIFF RD.  
FISH CREEK, WISC.

JK

SOUTH EAST  
CORNER LOT 4  
VOLZ GRAND TAR  
SUBDIVISION



**County of Door**  
**LAND USE SERVICES DEPARTMENT: ZONING**

County Government Center  
 421 Nebraska Street  
 Sturgeon Bay, WI 54235

**Richard D. Brauer, Zoning Administrator**

Direct line: (920) 746-2217

Main office line: (920) 746-2323

FAX: (920) 746-2387

E-mail: brauer@co.door.wi.us

Website: <http://map.co.door.wi.us/planning/>

April 6, 2020

Town of Gibraltar  
 C/o Beth Hagen, Clerk  
 P.O. Box 850  
 Fish Creek, WI 54212

Re: Petition for Grant of Variance  
 Tax parcel number: 014-25-0004A, 8479 White Cliff Road

Greetings:

We are sending you this letter to notify the town that there will be a hearing regarding a request for a variance on the above-cited property in Gibraltar at the May 12<sup>th</sup> Door County Board of Adjustment meeting. Enclosed is a "Town Recommendation Worksheet" which we ask you to complete and send back to the Door County Land Use Services Department. As a reminder, comments may be submitted to the Land Use Services Department up to 3:30 p.m. the day before the public hearing, and/or the town may offer verbal testimony at the hearing.

***We assume we will still be subject to the "safer at home" order or practicing social distancing; therefore, we are strongly suggesting virtual participation through WebEx, but in person testimony will also be accepted. We will ask anyone wishing to testify to register in advance, regardless of whether they are attending in person or virtually.***

Gaetano and Amanda Auricchio petition for a variance from section IV.B.2.b of the Door County Shoreland Zoning Ordinance which requires accessory structures be setback at least 75 feet from the ordinary high water mark of Green Bay. The petitioners propose to construct a 16' x 35' in-ground pool 50 feet from the ordinary high water mark. This property is located at 8479 White Cliff Road in Section 18, Town 30 North, Range 27 East, in the Town of Gibraltar.

**The applicant has the responsibility to contact the Town of Gibraltar (Beth Hagen, Clerk: 920-868-1714) to determine if/when the town may be discussing this matter at a future meeting.**

If you have any questions, please feel free to contact me at 920-746-2217.

Sincerely,

*Richard D. Brauer*

Richard D. Brauer  
Zoning Administrator

Enc.: Variance application packet and Town Recommendation worksheet

Cc: Gaetano & Amanda Auricchio (via e-mail) w/enclosure

## Door County Planning Department Request for Town Recommendation

Gaetano and Amanda Auricchio petition for a variance from section IV.B.2.b of the Door County Shoreland Zoning Ordinance which requires accessory structures be setback at least 75 feet from the ordinary high water mark of Green Bay. The petitioners propose to construct a 16' x 35' in-ground pool 50 feet from the ordinary high water mark. This property is located at 8479 White Cliff Road in Section 18, Town 30 North, Range 27 East, in the Town of Gibraltar.

The (circle one) Town Board / Planning Committee of the Town of \_\_\_\_\_ held a legally noticed and posted meeting on \_\_\_\_\_, at which, by a vote of \_\_\_\_ (Yea) to \_\_\_\_ (Nay), the town recommended (check one) \_\_\_\_ **SUPPORT** \_\_\_\_ **DENIAL** for a variance.

**Reason(s) for the town's decision:**

---

---

---

---

---

---

---

**Is the proposal consistent with the Town Comprehensive Plan?**

---

---

---

---

---

---

---

**Concerns or objections the town may wish to see potentially addressed through conditions:**

---

---

---

---

---

---

---

\_\_\_\_\_  
Town Clerk Signature

\_\_\_\_\_  
Date

**\*See reverse for variance criteria.**

## GENERAL CRITERIA REGARDING ZONING HEARING CASES IN DOOR COUNTY

*This document is intended to provide a general guide to the issues and criteria to consider when making decisions regarding this type of zoning hearing. It should not be considered a complete guide to applicable statutes or ordinances.*

### PETITION FOR VARIANCE

*(See Door County Zoning Ordinance section 11.06 and Wisconsin Statutes section 59.694.)*

A petition for variance is a request to relax one or more of the dimensional requirements or restrictions of the ordinance (road, water, or property line setbacks; building size or height, etc.). The Door County Zoning Ordinance only allows so-called "area" variance petitions – it does not permit application for a variance where a use not allowed in that zoning district would be established (a "use" variance). Note that variances "run with the land" and not with the applicant; an approved variance is permanently attached to the parcel in question.

By state statute, petitions for variance from the county zoning ordinance are heard and decided upon at a public hearing before the board of adjustment or appeals (called the Board of Adjustment in Door County), members of which are appointed by the County Board of Supervisors. Appeals of Board of Adjustment decisions are heard in the court system.

#### Criteria for evaluating "area" variance petitions

*(Note: Responses to the three bolded questions below should be "yes" in order to justify granting the variance in accordance with legal/case law criteria.)*

- **Do physical limitations of the property prevent compliance with ordinance standards?**  
*Examples of physical limitations include wetland presence, parcel shape, steep slopes, etc.*
- **Will granting the variance have no affect on the public interest?**
  - *Public interest includes additional runoff, affects on the quality of fish or wildlife habitat, impacts on scenic beauty, etc. Cumulative effects must be considered.*
  - *Public interest includes the interest of the public at large, not just that of nearby property owners.*
  - *Lack of local opposition does not in itself mean that a variance will not harm the public interest.*
  - *A variance should include only the minimal relief necessary to allow reasonable use of the property.*
  - *The board's actions should be consistent with stated ordinance objectives.*
- **Is an "unnecessary hardship" present?**
  - *Does compliance with the ordinance unreasonably prevent the owner from using the property for a permitted purpose, or is conformity with restrictions unnecessarily burdensome for the property owner?*
  - *Is there a unique physical property limitation? (See above.)*
  - *The variance is not warranted if the physical character of the property allows a landowner to develop or build in compliance with the zoning ordinance.*
  - *Financial hardship is not grounds for a variance.*
  - *Self-imposed hardship or personal preference are not grounds for a variance. (Note that "self-imposed hardship" has been determined by courts to mean either current or former owners.)*
  - *The hardship cannot be one that would have existed in the absence of zoning.*

One final consideration: Will granting the variance serve an overriding public interest? (If yes, granting the variance may possibly be justifiable even if other criteria point toward denial.)

RECEIVED

AUG 26 2018

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

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

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 Maxine Louise Keller Smith Cottage Trust Telephone No. 702-371-9036  
Mailing Address 9562 W. Craig Rd.  
City Las Vegas State NV Zip 89129  
hereby petition(s) the Door County Board of Adjustment for a variance from Section (s) See Attachment A  
of the Door County Zoning Ordinance which requires See Attachment A  
(I) (We) propose to See Attachment A

LOCATION:  
The description of the property involved in this petition is located at:  
Fire # 7776 Road Haines Township Nasevaupce  
Govt Lot 4 or  $\frac{1}{4}$  Section 32 Town 38 North, Range 35 East  
Tax Parcel No. 020-02-302825314  
Zoning District \_\_\_\_\_ Lot Size 1.16 acres  
Existing use of structure or land in question Residence

- 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 Attachment B

FOR OFFICE USE ONLY  
Receipt No. 2483 Fee 500 Date 8-20-18  
Hearing Advertiser Dates: \_\_\_\_\_  
Hearing Date \_\_\_\_\_  
Decision \_\_\_\_\_

TOWN OF: \_\_\_\_\_  
OWNER: \_\_\_\_\_  
SECTION T M R \_\_\_\_\_  
PARCEL NO.: 0

(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:

RECEIVED

AUG 26 2019

DOOR COUNTY LAND USE SERVICES DEPARTMENT

- 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 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 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:

DATE:

*Kathy Smith*

8/19/19

**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

MAXINE L SMITH

ATTACHMENT A

The applicant hereby petitions the Door County Board of Adjustment for a variance from Section IV.B.2.b. of the Door County Shoreland Zoning Ordinance. According to Section IV.B.2.b. of the Door County Shoreland Zoning Ordinance all accessory structures shall be located at least 75' from the ordinary high water mark of any navigable water.

The applicant proposes to construct a 20' x 24' detached garage which would be located as close as 53' from the ordinary high water mark of May Creek which is located south of Haines Road.

**Note:** *If the applicants are to build as close as 20' from the center of Haines Road right-of-way as the Town of Nasewaupee has granted a variance for, then the proposed garage would be located within the road right-of-way and located at close as 48' from the ordinary high water mark of May Creek which is located south of Haines Road.*

RECEIVED

AUG 26 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

## ATTACHMENT B

## (A) Unique Property Limitations

(1) The narrow width of the lot with its 10 foot side yard setbacks, combined with (2) the 5 yard setback from the holding tank in the middle of the yard, combined with (3) the overhead electrical wire restricting the location of a garage closer to the residence on the east side of the lot, combined with (4) the designated setbacks from May Creek (75 feet) and Haines Road (65 feet), in combination, push the allowable location (without a variance) far away from the street and up against the residence. This is not only out of character with every other residence on the entire street – all of which have garages adjacent to the street, but it is also strenuously objected to by both neighbors who believe it would harm their view from their residences and offend the character of the neighborhood. Both of the neighbors request that the garage be located at the designated place on the street.

## (B) No Harm to Public Interests

A variance allowing a garage to be built near the street will have no discernible harm to public interests. To the contrary, requiring construction of the garage adjacent to the residence may adversely affect fire suppression on the subject lot and neighboring lots should one of the nearby adjoining structures catch on fire.

## (C) Unnecessary Hardship

An unnecessary hardship exists because conformity with the side yard setbacks, the holding tank setback, the existing overhead electrical wire, the Haines Road setback, and the May Creek setback on the parcel in question results in unnecessarily burdensome restrictions on the property. Specifically, the garage is forced into a tight space immediately behind the residence creating an exceedingly deleterious effect on the subject property and the neighborhood. Both neighbors believe such a location would harm their view from their residences and offend the character of the neighborhood. Both of the neighbors request that the garage be located at the designated place on the street.



**RIGHT ELEVATION**

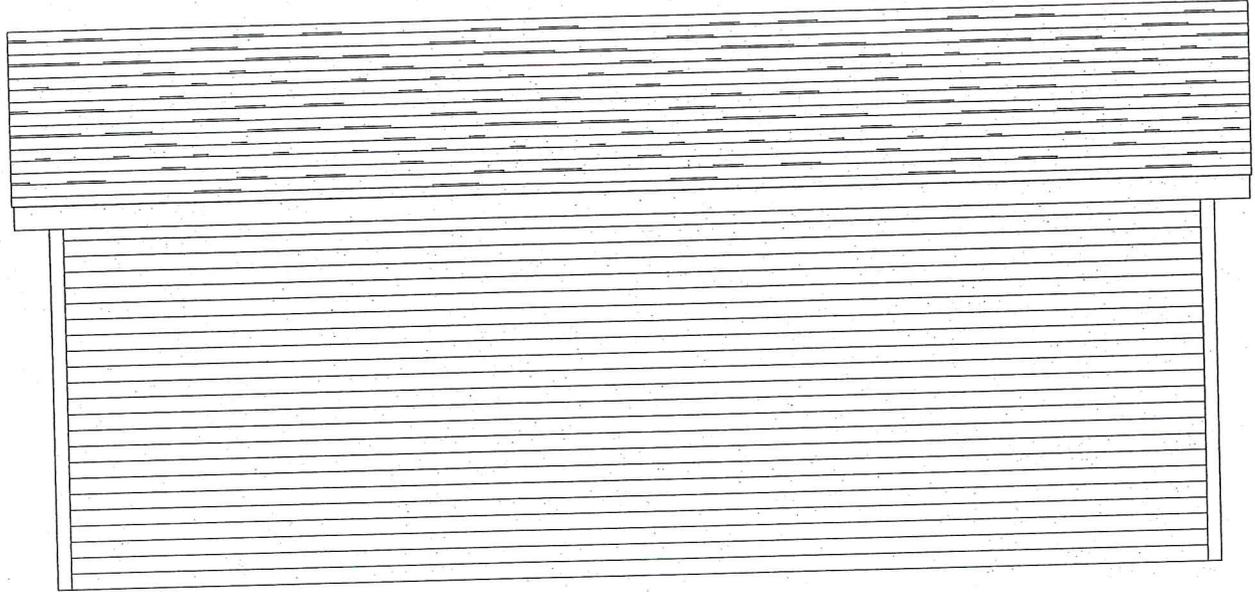
SCALE: 1/4" = 1'-0"

*South*

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

JUL 26 2019

RECEIVED



FRONT ELEVATION

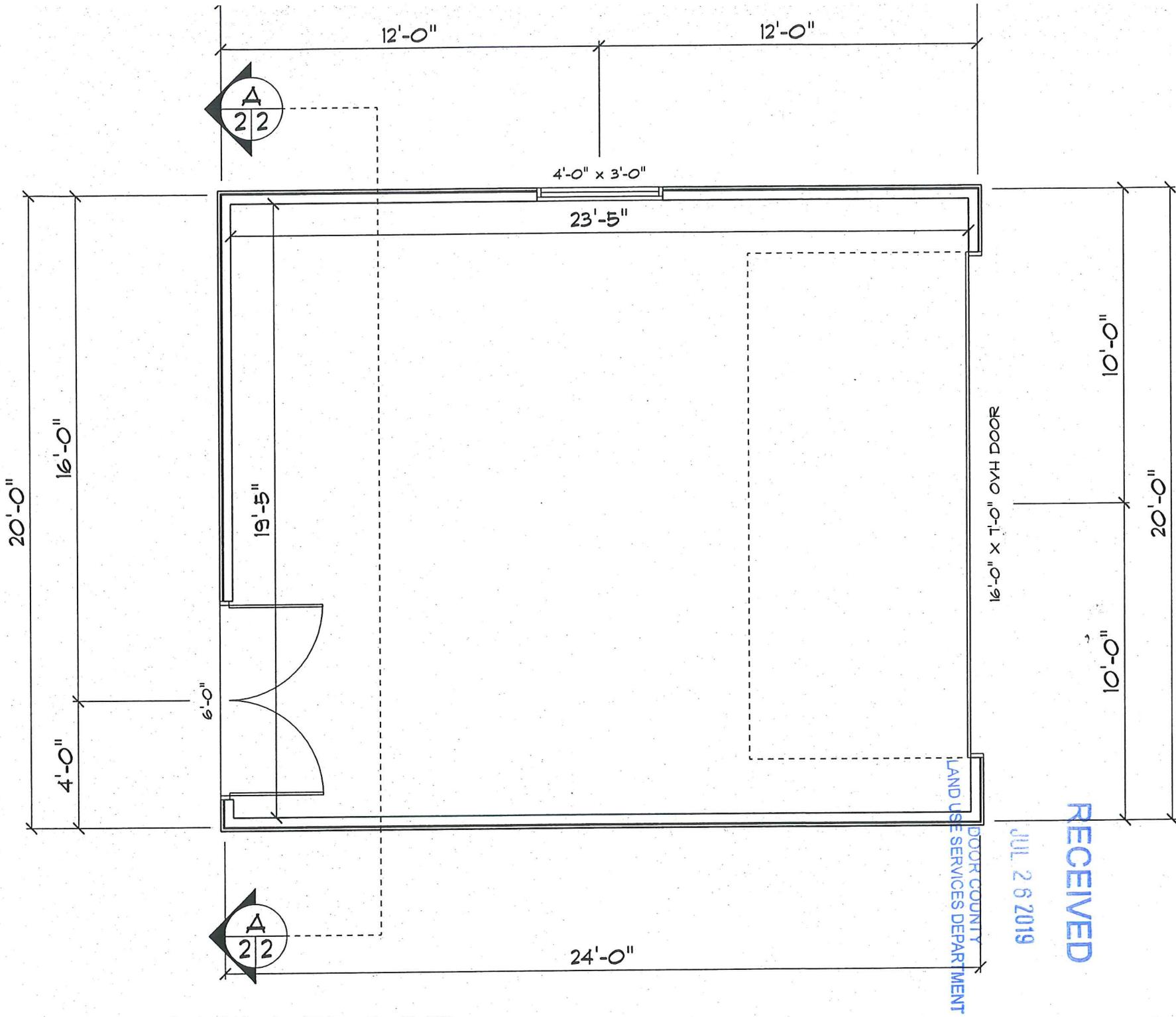
SCALE: 1/4" = 1'-0"

East

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

JUL 26 2019

RECEIVED



MAIN FLOOR

RECEIVED  
JUL 26 2019

# SITE PLAN

LOCATED IN:  
GOVERNMENT LOT 4 OF SECTION 32,  
TOWNSHIP 28 NORTH, RANGE 25 EAST,  
TOWN OF NASEWAUPEE, DOOR COUNTY,  
WISCONSIN

RECEIVED

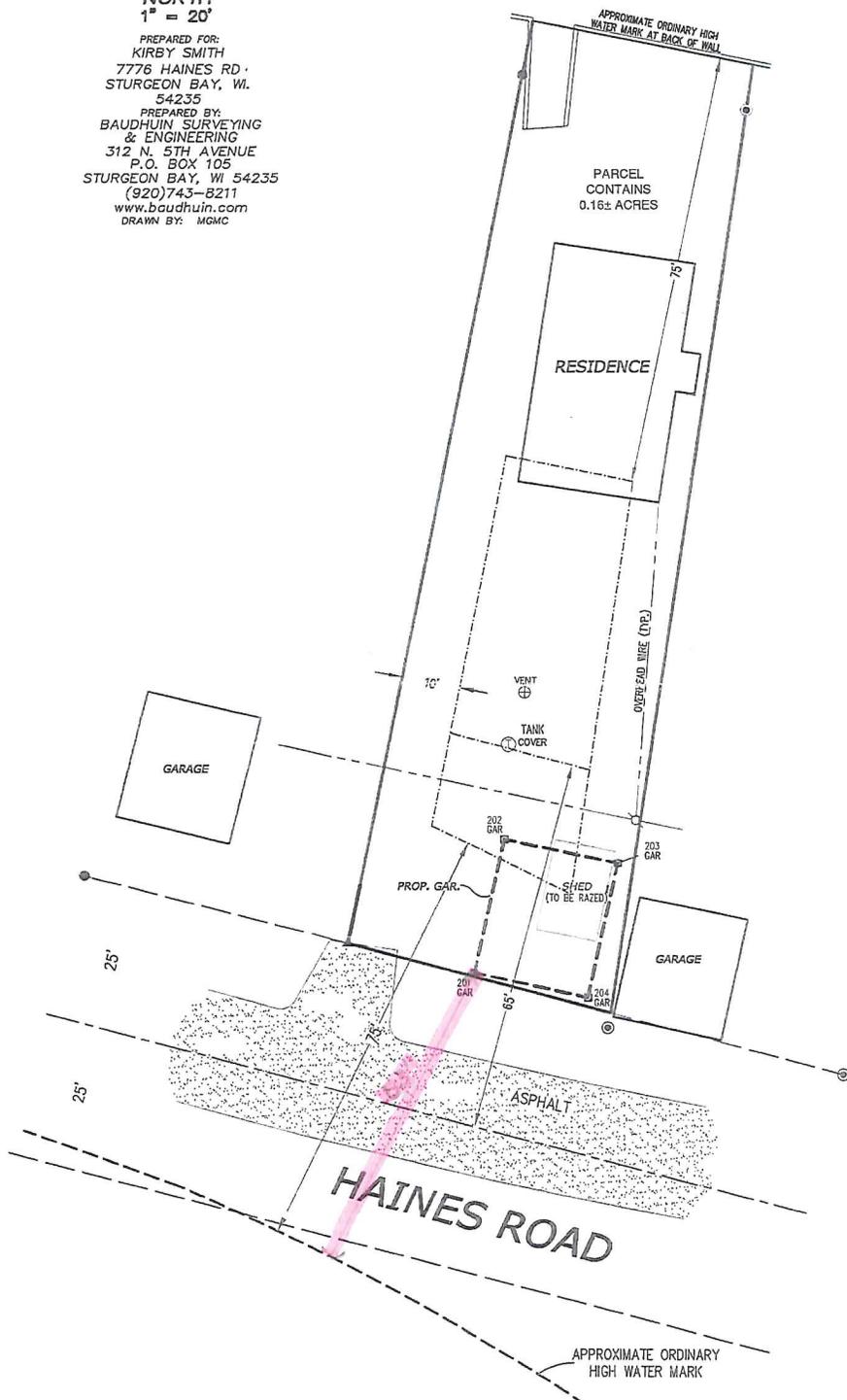
AUG 30 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



NORTH  
1" = 20'

PREPARED FOR:  
KIRBY SMITH  
7776 HAINES RD.  
STURGEON BAY, WI.  
54235  
PREPARED BY:  
BAUDHUIN SURVEYING  
& ENGINEERING  
312 N. 5TH AVENUE  
P.O. BOX 105  
STURGEON BAY, WI 54235  
(920)743-8211  
www.baudhuin.com  
DRAWN BY: MGMC



DP

CAD:\MGMC\LDWG\KIRBY SMITH 23142\DWG\142-SP19  
SHEET 1 OF 1

JOB NO. 23142  
8-16-19



09/03/2019



09/03/2019



09/03/2019

4/07/20 09:18:43

ASSESSMENT INQUIRY  
0200232282531H R 2020

111091

W 7776 HAINES RD  
SMITH, MAXINE L

Geo.Loc: 15 020 4 28 25 32 3 01 004

MAIL TO:

SMITH  
MAXINE L

326 S HERITAGE ST  
BELGIUM WI 53004

3230

LEGAL DESCRIPTION

32 28 25 AC .20  
COM SW COR G.L.4 N1708.3' E  
-LY ALG RD 876' TO BG ELY A  
-LG RD 47' N8DE201' WLY ALG  
SH 39' S11DW200' TO BG  
S.32-28-25  
V 505 P 781  
MORE LEGAL AVAILABLE

BILL NO:

COMMENTS

CURRENT TAX ASSESSMENT AS OF 2019

CODE	ACRES	LAND	IMPROVE	TOTAL
L1	.20	61900	71200	133100

<b>TOTALS</b>	.20	61900	71200	133100
---------------	-----	-------	-------	--------

F3-Exit F5-Owners F7-Tax Detail F8-Legal F9-Directory  
 F11-Districts F12-Prev Scrn F17-Fire# F18-DOA Site  
 F21-Geo Location F6-Vol/Page Detail

# Smith

Printed 04/07/2020 courtesy of Door County Land Information Office

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



**Door County, Wisconsin**  
*... for all seasons!*



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.

# Smith

Printed 04/07/2020 courtesy of Door County Land Information Office

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



**Door County, Wisconsin**  
**... for all seasons!**



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.

**VandenLangenberg, Sue**

---

**From:** Clerk Nasewaupée <nasewaupéeclerk@gmail.com>  
**Sent:** Wednesday, April 1, 2020 5:29 PM  
**To:** VandenLangenberg, Sue  
**Subject:** Re: FW: Smith Variance

Hi Sue -

Yes, the Town Plan Commission granted a variance to place the garage 20' from the centerline of the roadway.

Jill

Jill M. Lau  
Nasewaupée Town Clerk  
Town Hall Location: 3388 County PD  
Mail: 4009 Park Drive  
Sturgeon Bay, WI 54235  
920-495-0920

On Wed, Apr 1, 2020 at 7:20 AM VandenLangenberg, Sue <[svandenlangenberg@co.door.wi.us](mailto:svandenlangenberg@co.door.wi.us)> wrote:

Hi Jill,

Please see the attached map Dennis created which is showing 20' from the centerline of the road right-of-way. Is this what the town granted a variance for? If so, the garage may then be located within the road right-of-way. I just wanted to obtain clarification, before I compile materials that will be sent to the Board of Adjustment.

As you know, the town can allow for this, but the county won't be able to issue a permit for the portion proposed within the right-of-way.

Thank you and stay well!

*Sue Vanden Langenberg*

Zoning Administrator

Door County Land Use Services Department: Zoning

Door County Government Center

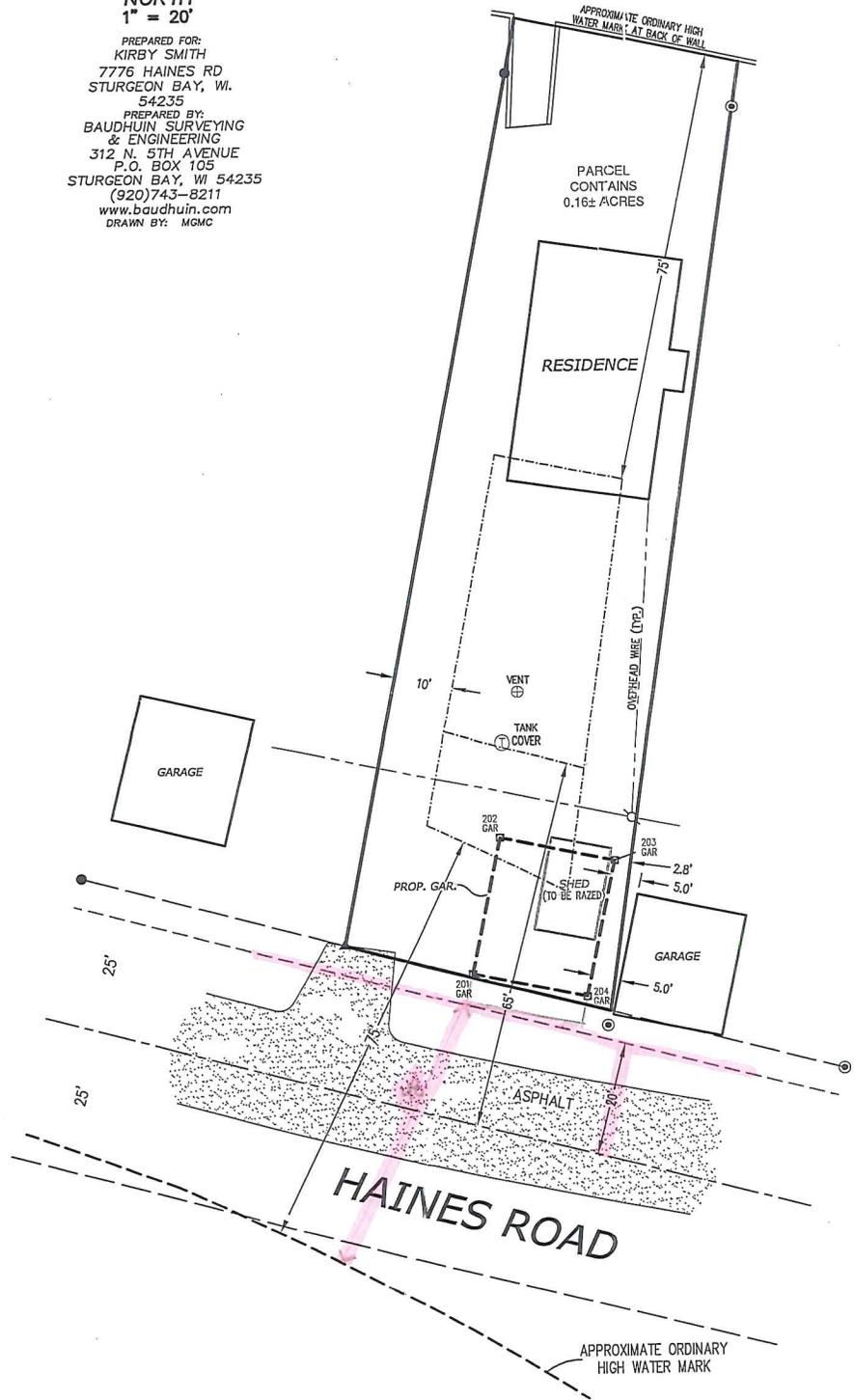
# SITE PLAN

LOCATED IN:  
GOVERNMENT LOT 4 OF SECTION 32,  
TOWNSHIP 28 NORTH, RANGE 25 EAST,  
TOWN OF NASEWAUPEE, DOOR COUNTY,  
WISCONSIN



NORTH  
1" = 20'

PREPARED FOR:  
KIRBY SMITH  
7776 HAINES RD  
STURGEON BAY, WI.  
54235  
PREPARED BY:  
BAUDHUIN SURVEYING  
& ENGINEERING  
312 N. 5TH AVENUE  
P.O. BOX 105  
STURGEON BAY, WI 54235  
(920)743-8211  
www.baudhuin.com  
DRAWN BY: MCMC



*Road variance granted by town.*

RP

To: Door County Board of Adjustment  
421 Nebraska Street  
Sturgeon Bay, Wisconsin 54235

August 26, 2019

Re: 7776 Haines Road Nasewaupsee Township  
Proposed Garage Variance Petition

Dear Sir/Mdm.:

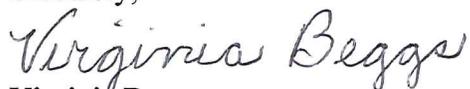
I am the next-door neighbor to the east of the proposed garage. I support placing the garage at the street, along with all of the other existing garages which are located at the street. I understand the owners of 7776 Haines Road have the option of placing the garage immediately behind their cottage and thus in very close proximity to the backside of my cottage—which nearly abuts their property line.

The location at the street is obviously superior and should be authorized by this board.

- It is in conformity with the interests of the entire community.
- It promotes the planned and orderly development of garages along Haines Road, which are all at the street.
- It's more likely to protect my property value and thus the property tax base, by moving the garage further away from the back of my cottage.
- It prevents overcrowding of the land behind the applicant's cottage and therefore near my cottage.
- It provides access to greater sunlight and clean air for the applicant's cottage and my cottage.
- People in our community enjoy having an open yard between the cottages and the garages so they can meet and converse.
- Requiring the applicant to place their garage adjacent to their cottage will disrupt the community aspect of this neighborhood.
- If a fire were to break out in any one of the structures in this area, the proximity of the garage to the cottages might make it more difficult for the fires to be controlled.

For all of these reasons I support placing the garage at the street along with all of the other existing garages along Haines Road.

Sincerely,



Virginia Beggs  
7774 Haines Road, Nasewaupsee Township  
Sturgeon Bay, Wisconsin 54235  
352-895-7492

RECEIVED

AUG 29 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

To: Door County Board of Adjustment  
421 Nebraska Street  
Sturgeon Bay, Wisconsin 54235

November 19, 2019

Re: 7776 Haines Road Nasewaupsee Township  
Proposed Garage Variance Petition

Dear Sir/Mdm.:

I am the next-door neighbor to the east of the proposed garage. I support placing the garage at the street, along with all of the other existing garages which are located at the street. Further, I would support any placement of the proposed garage that was at least 2.5 feet from our shared property line and at least 4.5 feet from our garage.

I understand the owners of 7776 Haines Road have the option of placing the garage immediately behind their cottage and thus in very close proximity to the backside of my cottage— which nearly abuts their property line.

The location at the street is obviously superior and should be authorized by this board.

- It is in conformity with the interests of the entire community.
- It promotes the planned and orderly development of garages along Haines Road, which are all at the street.
- It's more likely to protect my property value and thus the property tax base, by moving the garage further away from the back of my cottage.
- It prevents overcrowding of the land behind the applicant's cottage and therefore near my cottage.
- It provides access to greater sunlight and clean air for the applicant's cottage and my cottage.
- People in our community enjoy having an open yard between the cottages and the garages so they can meet and converse.
- Requiring the applicant to place their garage adjacent to their cottage will disrupt the community aspect of this neighborhood.
- If a fire were to break out in any one of the structures in this area, the proximity of the garage to the cottages might make it more difficult for the fires to be controlled.

For all of these reasons I support placing the garage at the street along with all of the other existing garages along Haines Road.

Sincerely,

*Virginia Beggs*

Virginia Beggs

7774 Haines Road, Nasewaupsee Township

Sturgeon Bay, Wisconsin 54235

352-895-7492

RECEIVED

NOV 25 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**MINUTES OF MEETING  
DOOR COUNTY BOARD OF ADJUSTMENT**

**March 10, 2020**

**1.0 Call to order and declaration of quorum.**

The meeting was called to order by Chairman Frey at 6:30 p.m. on Tuesday, March 10, 2020, in the Peninsula Room (C121) of the Door County Government Center, Sturgeon Bay, Wisconsin.

**Board of Adjustment Members**

Fred Frey, Chairperson  
Aric Weber, Vice-Chairperson  
Bob Ryan  
John Young  
Monica Nelson

**Staff Present:**

Richard D. Brauer, Zoning Administrator

**Excused:**

Arps Horvath, First Alternate  
Chris Anderson, Second Alternate

**2.0 Discuss and arrive at a decision on a Petition for Grant of Variance.**

**2.1 The Raymond P. & Barbara J. Hansen Trust; woodland clearing limitations; Washington.**

Motion by Ryan, seconded by Weber, to grant the petition for grant of variance. Motion carried unanimously (5-0).

Aye: Frey, Young, Ryan, Weber, Nelson.

The basis for the decision is set forth on the attached Board of Adjustment decision making worksheets.

**3.0 Old Business.**

**3.1 Read and act on Minutes of February 25, 2020, meeting.**

Motion by Young, seconded by Nelson, to approve the minutes as presented. Motion carried unanimously (5-0).

**3.2 Final disposition of the following case considered by the Board of Adjustment at the February 25, 2020, meeting: Town of Baileys Harbor.**

Motion by Weber, seconded by Young, to approve the final disposition of the case. Motion carried unanimously.

**4.0 Other Matters.**

**4.1 Announce next meeting.**

Brauer announced that the next meeting will be held on March 24, 2020. One variance case has been scheduled for public hearing that evening. Board member Weber announced that he would be unable to attend that meeting. Brauer also reminded the board members that Arps Horvath will be out of town on that date.

**5.0 Vouchers.**

All of the board members present submitted vouchers.

**6.0 Adjournment.**

Motion by Ryan, seconded by Young, to adjourn. Motion carried unanimously. Chairperson Frey declared the meeting adjourned at 7:12 p.m.

Respectfully submitted,

Richard D. Brauer  
Zoning Administrator

RDB  
03/11/20

DOOR COUNTY BOARD OF ADJUSTMENT  
Decision – Area Variance

Hearing Date: March 10, 2020 Decision Date: March 10, 2020

Applicants: Raymond P. & Barbara J. Hansen Trust

Property: PIN 02804-32343012B / Property is located south of 893 Jackson Harbor Road

**Description of variance requested:**

The Raymond P. & Barbara J. Hansen Trust petitions for a variance from section 5.07(4)(a) of the Door County Comprehensive Zoning Ordinance which allows up to 20% of the woodland be removed from properties located in the General Agricultural (GA) zoning district. The petitioner proposes to remove up to 78.4% of the woodland on the property. (Note: Randy Dvorak intends on operating a nonmetallic mine on the property after receiving all appropriate approvals.) This property is known as Tax Parcel No. 028-04-32343012B and is located south of 893 Jackson Harbor Road in Section 32, Town 34 North, Range 30 East, and in a General Agricultural (GA) zoning district.

**DECISION:**

On the basis of the Decision Making Worksheet (attached hereto and incorporated herein by reference as if set forth in full) and the record in this matter the Board of Adjustment finds and determines that:

- A. The requested variance does meet the criteria set forth in Section 59.694(7) Wisconsin Statutes.

The Board of Adjustment voted to grant the petition for grant of variance by the following vote:

Fred Frey: Aye  
Aric Weber: Aye  
John Young: Aye  
Monica Nelson: Aye  
Bob Ryan: Aye

Signed \_\_\_\_\_

Signed \_\_\_\_\_

Chairperson

Recording Clerk

Dated: March 24, 2020

Filed: March 25, 2020

Appeals. This decision may be appealed by a person aggrieved by this decision by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The County of Door assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30 day period.

**The privileges granted by this decision shall become void after one year unless the zoning permits for the authorized project have been obtained within such time.**

**DOOR COUNTY BOARD OF ADJUSTMENT  
DECISION-MAKING WORKSHEET**

**APPLICANTS NAMES:** The Raymond P. & Barbara J. Hansen Trust

**PROPERTY ADDRESSES / P.I.N.s:** Located south of 893 Jackson Harbor Road /  
028-04-32343012B

**HEARING DATE:** March 10, 2020

**To grant an area variance, all three of the standards enumerated below must be met. In addressing each standard, express the reasons for the decision, i.e., why the facts did or did not satisfy the standards, the weight and credibility of the evidence presented (or lack thereof), and any other relevant considerations.**

**1. UNIQUE PHYSICAL PROPERTY LIMITATIONS.**

Are there unique physical property limitations such as steep slopes, wetlands, or parcel shape that prevent compliance with the ordinance? The circumstances of an applicant (growing family, need for a larger garage, etc.) are not factors in deciding variances. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance. The variance is not warranted if the physical character of the property allows a landowner to develop or build in compliance with the zoning ordinance.

***In order for a variance to satisfy the unique physical property limitation test, the question below must be answered affirmatively.***

**Does this property contain unique physical property limitations (e.g., wetland presence, parcel shape, steep slope, etc.) that would prevent compliance with the ordinance?**

YES   X   NO           

EXPLAIN: The question does not really fit the circumstance, but if the mine is to be approved it cannot operate without removing trees. It is adjacent to other mines and will fill a need for dimensional stone that the high water levels are creating. The denial of the variance would prevent the applicants from establishing a use that is allowed in this zoning district.

**2. UNNECESSARY HARDSHIP.**

Unnecessary hardship exists when a literal enforcement of the ordinance would unreasonably prevent the owner from using the property for a permitted purpose or when conformity with ordinance standards would be unnecessarily burdensome.

Considerations:

- Unnecessary hardship should be determined in light of the purpose and intent of the zoning ordinance in question, as well as any statute or administrative rule upon which the ordinance is based. (See page 4.) The facts of the case should be analyzed in light of these purposes. Only after considering the purpose(s) of the statute and/or ordinance, and the nature of the specific restriction(s) at issue, may a decision be made as to whether or not failure to grant a variance will cause an unnecessary hardship.

- Unnecessary hardship may arise due to a unique property limitation of a parcel (see #1, above). A variance is not warranted if the physical character of the property allows a landowner to develop or build in compliance with the zoning ordinance.
- Unnecessary hardship does not include considerations personal to the property owner (e.g., personal preference, desire to maximizing the economic value of the property, or financial hardship caused by ordinance compliance).
- Any self-created hardship, and/or any hardship that existed irrespective of the zoning ordinance in question are not proper grounds upon which to grant a variance.
- Alternatives to a variance (e.g., conditional use permit or restrictive covenant) may, as neither runs with the land, be preferable to accommodate a disability of the owner or owner's dependent.

***In order for a variance to satisfy the unnecessary hardship test, one of the questions below (A or B) must be answered affirmatively.***

- A. Does denial of the variance -- i.e., requiring compliance with the strict letter of the ordinance provision(s) in question (e.g., setbacks, height limitations, etc.) -- unreasonably prevent the owner from using the property for a permitted purpose?**

YES  NO

EXPLAIN: This is a historic use for adjacent land and is allowed in this zoning district. The denial of the variance will prevent the applicants from establishing a use that is allowed in this zoning district.

OR

- B. Is conformity with the regulation(s) unnecessarily burdensome?**

YES  NO

EXPLAIN: The denial of the variance would prevent the applicant from developing a use that is allowed in this zoning district. The town needs this dimensional stone to protect its shorelines during this time of high water levels. Shipping stones from the mainland is becoming a huge financial burden for property owners on the island.

### **3. PUBLIC INTEREST/SPIRIT AND INTENT OF THE ORDINANCE.**

A variance may not be granted which results in harm to public interests, nor thwarts the spirit and intent of the ordinance. In applying this test, the board should review the purpose statements of the ordinance (and any statute or administrative rule upon which the ordinance is based) in order to identify public interests. (See page 4.) The short-term and long-term impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the community, and even the state, should be considered. Review should focus on the general public interest, rather than just the narrow interests or impacts on neighbors, patrons, or residents in the vicinity of the project.

Cumulative effects are a proper consideration. For instance, in the context of shoreland zoning, the general availability of variances permitting the horizontal expansion of structures so close to the water's edge may have the cumulative effect of enclosing our lakes within a wall of impermeable surfaces to the exclusion of vegetation and impairing the ecological functions of the shoreland buffer.

A variance is not a popularity contest. The mere fact of public support or opposition is not, in and of itself, determinative of whether or not a variance is contrary to the public interest.

The board may grant only the minimum variance needed, i.e., the minimum variance necessary to relieve the unnecessary hardship. For instance, if the request is for a variance of 30 feet from the minimum setback, and a finding is made that a 10-foot setback reduction would allow the petitioner to use the property for a permitted purpose, then only a 10-foot setback reduction may be authorized.

Distinguish between hardships that are unnecessary in light of the unique conditions of the property and the purpose of the zoning ordinance from hardships that are inconsequential or not unique or because a variance would unduly undermine the purpose of the ordinance or the public interest.

***In order for a variance to satisfy the public interest test, the question below must be answered negatively.***

**Does the granting of the variance result in harm to the public interest?**

YES \_\_\_\_\_ NO  X

EXPLAIN: An overriding public benefit will be provided by allowing construction material to be supplied without transport from the mainland. The main use for this material now will be for shoreline protection during this period of high water. The mine will be screened from adjoining properties by a 50 foot wide buffer of existing trees. There are similar uses in the area. The granting of the variance will help to eliminate the expense of shipping stone from the mainland. The granting of the variance will promote planned and orderly land use development. The granting of a variance will protect property values and the property tax base. The granting of the variance will advance the use of this land with its character and suitability. The project will aid in implementing the county development plan.

**Has the applicant seeking a variance demonstrated that each of the three standards has been satisfied in this case? YES  X  NO \_\_\_\_\_.** If yes, then substantial justice will be done by granting the variance.

**The privileges granted by this decision shall become void after one year unless the property owners obtain the appropriate zoning permits within such time.**

Dated this March 11, 2020

## Door County Zoning Ordinance Purpose Statements

**"1.04 Purpose.** The purpose of this Ordinance is to promote and protect public health, safety, aesthetics, and other aspects of the general welfare. Further purposes of this Ordinance are to:

- (1) Aid in implementing the county development plan.
- (2) Promote planned and orderly land use development.
- (3) Protect property values and the property tax base.
- (4) Fix reasonable dimensional requirements to which buildings, structures, and lots shall conform.
- (5) Prevent overcrowding of the land.
- (6) Advance uses of land in accordance with its character and suitability.
- (7) Provide property with access to adequate sunlight and clean air.
- (8) Aid in protection of groundwater and surface water.
- (9) Preserve wetlands.
- (10) Protect the beauty of landscapes.
- (11) Conserve flora and fauna habitats.
- (12) Preserve and enhance the county's rural characteristics.
- (13) Protect vegetative shore cover.
- (14) Promote safety and efficiency in the county's road transportation system.
- (15) Define the duties and powers of administrative bodies in administering this Ordinance.
- (16) Prescribe penalties for violation of this Ordinance."

## Wisconsin Statutes Purpose Statement

### 281.31. Navigable waters protection law

"(1) To aid in the fulfillment of the state's role as trustee of its navigable waters and to promote public health, safety, convenience and general welfare, it is declared to be in the public interest to make studies, establish policies, make plans and authorize municipal shoreland zoning regulations for the efficient use, conservation, development and protection of this state's water resources. The regulations shall relate to lands under, abutting or lying close to navigable waters. The purposes of the regulations shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty." (*Emphasis added.*)

### **Examples as to how to use the above in conjunction with analysis of a variance request**

When considering a variance request to relax the required ordinary high water mark setback, county zoning ordinance purposes (8), (10), (11), and (13) are likely relevant to consider. Purposes (2), (3), (4), and (5) may also be relevant. Depending upon the nature of the variance request, any of the components of the statutory purposes behind shoreland zoning (above) may be relevant to consider.

When considering a variance request to relax a required yard (setback), county zoning ordinance purposes (2), (3), (4), and (5) are likely relevant to consider.