

## 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, July 28, 2020 beginning at 3:30 p.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 (C101, First Floor) and Peninsula Room (C121, First Floor) at 421 Nebraska Street, Sturgeon Bay, Wisconsin. Applicants and members of the public may monitor and participate remotely only.

To join the meeting via computer, click on the following link, <https://doorcounty.webex.com/doorcounty/onstage/g.php?MTID=e89bd5b9b25b902dd4a0a458893cdc41d>, enter your name and e-mail address when prompted (the password is entered for you), and then click “join.”

Alternatively, using the free smartphone app “Cisco WebEx Meetings,” click “join” a meeting and then enter the meeting number/access code (146 667 1464) and password (July28boa2020).

You may also simply call (408) 418-9388 and enter the meeting number/access code.

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. Likewise, if on the day of the meeting itself you have issues with meeting “entry” methods, please call (920) 746-2323 or e-mail [Lriemer@co.door.wi.us](mailto:Lriemer@co.door.wi.us) so we may assist you in entering the virtual meeting.

## AGENDA

- 1.0 Call to order and declaration of quorum.
- 2.0 Old Business.
  - 2.1 Read and act on minutes of July 14, 2020 meeting.
  - 2.2 Final disposition of the following cases considered by the Board of Adjustment at the July 14, 2020, meeting: Mary Edwards & Thomas Meier; and William S. Nuhs, Jr.
- 3.0 Other Matters.
  - 3.1 Discuss/decide request from applicants appealing the March 16, 2020 Resource Planning Committee conditional use permit denial for the Quarry Bluff Development, LLC multiple occupancy development and RV park project on Bayshore Drive, Town of Sevastopol, to postpone beginning the appeal scheduling procedures until January 2021.
  - 3.2 Discuss future meeting dates.
- 4.0 Vouchers.
- 5.0 Adjournment.

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

Fred Frey, Chair

07/22/20

\* Application materials may be viewed on-line beginning approximately four business days before the hearing at: <https://www.co.door.wi.gov/AgendaCenter>

Notice in compliance with the Americans with Disabilities Act: 1) 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 this meeting. 2) Door County is committed to making its electronic and information technology (e.g., website and contents) accessible for all persons. If you encounter difficulty accessing the posted materials for this meeting, located on-line at <https://www.co.door.wi.gov/AgendaCenter> under the committee name, please call (920) 746-2323, or send a FAX to (920) 746-2387, or send an e-mail [Lriemer@co.door.wi.us](mailto:Lriemer@co.door.wi.us) so that we may determine how to best assist you.

These minutes have not been reviewed by the oversight committee and are subject to approval or revision at the next regular committee meeting.

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

**July 14, 2020**

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

Working off of an amended agenda (item 3.2), the meeting was called to order by Chairperson Frey at 2:02 p.m. on Tuesday, July 14, 2020 in the County Board Room (C101) of the Door County Government Center, Sturgeon Bay, Wisconsin.

**Board of Adjustment Members**

Fred Frey, Chairperson  
Monica Nelson  
Aric Weber, Vice-Chair  
Chris Anderson, Second Alternate  
Bob Ryan (joining remotely at approximately 3:10 p.m., participating in items 3.0-6.0 only)

**Staff Present:**

Sue Vanden Langenberg, Zoning Administrator  
Michelle Schuster, Zoning Administrator  
Mariah Goode, Land Use Services Dept. Director  
Grant P. Thomas, Door County Corporation Counsel

**Excused**

Arpad Horvath

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

**2.1 Mary Edwards & Thomas Meier; encroach into setback from ordinary high water mark; Gardner.**

Motion by Weber, second by Anderson, to grant the petition for grant of variance. Motion carried unanimously (4-0 [Ryan not present]).

**2.2 William S. Nuhs, Jr.; reduction in floodplain fill requirement, encroach into setback from ordinary high water mark; Gardner.**

Motion by Nelson, seconded by Weber, to grant the petition for grant of variance. Motion carried unanimously (4-0 [Ryan having just joined the meeting during final deliberations and therefore not voting]).

**3.0 Old Business.**

**3.1 Read and act on Minutes of July 7, 2020 meeting.**

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

**\* 3.2 Review, discuss, finalize and issue decision – Camp Zion, Inc. Petition for Grant of Variance (July 7, 2020 Hearing).**

After review and discussion with County Corporation Counsel Grant Thomas about the particular findings in the decision document related to the Americans with Disabilities Act and the Religious Land Use and Institutionalized Persons Act, as well as the accompanying decision-making worksheet detailing the findings regarding the specific statutory zoning variance criteria,

there was a motion by Anderson, seconded by Ryan, to strike the sentence in criteria three of the decision-making worksheet which read, “The size of the proposed building is out of character with other buildings in this area.”, and to accept the decision document and the worksheet as amended. Motion carried (3-1; Nelson “nay”, Weber abstaining due to not having participated in the July 7<sup>th</sup> hearing).

#### **4.0 Other Matters.**

##### **4.1 Announce next meeting.**

Goode announced that the next meeting would be held on July 28<sup>th</sup>. There will be no hearings; the purpose of the meeting will be to sign the decision documents from today’s hearings and discuss scheduling of upcoming hearings. Discussion ensued and consensus reached to start the July 28<sup>th</sup> meeting at 3:30 p.m. Frey, Weber, Nelson, and Anderson all indicated availability for the meeting. Ryan will likely be unavailable. Goode will check with Horvath as to his availability.

#### **5.0 Vouchers.**

All of the board members present submitted vouchers. Bob Ryan, who participated remotely for a portion of the meeting, will deliver his voucher to the Door County Land Use Services Department.

#### **6.0 Adjournment.**

Motion by Weber, seconded by Nelson, to adjourn. Motion carried unanimously (5-0). Chairperson Frey declared the meeting adjourned at 3:43 p.m.

Respectfully submitted,

Mariah Goode

MKG/lr

DOOR COUNTY BOARD OF ADJUSTMENT  
Decision – Area Variance

Hearing Date: July 14, 2020                      Decision Date: July 28, 2020

Applicants: Mary Edwards and Thomas Meier

Property: 3270 N. Stevenson Pier Road / PIN: 012-09-0001B

**Description of variance requested:**

Mary Edwards & Thomas Meier 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. The petitioners propose to retain an 8' x 10' shed and cement slab placed on site by a previous owner, located as close as 7.5' to the ordinary high water mark of Krueger Creek. The property is at 3270 N Stevenson Pier Road in Section 11, Town 27 North, Range 24 East, in the Town of Gardner.

**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  
Monica Nelson:                Aye  
Chris Anderson:               Aye

Signed \_\_\_\_\_

Signed \_\_\_\_\_

Chairperson

Recording Clerk

Dated: July 28, 2020  
Filed: July 29, 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: Mary Edwards and Thomas Meier

PROPERTY ADDRESSES / P.I.N.s: 3270 N. Stevenson Pier Road / 012-09-0001B

HEARING DATE: July 14, 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 small size and configuration of the parcel (nearly surrounded by wetlands and/or water, with a county road running through it) prevent placement of the storage shed anywhere that will be compliant – there is no building envelope. The property has significant water level issues due to the water elevations of the Bay of Green Bay and Lake Michigan, and water level in the wetlands.

**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:**

**OR**

**B. Is conformity with the regulation(s) unnecessarily burdensome?**  
**YES  X  NO \_\_\_\_\_**  
**EXPLAIN: The high water issues in the area of their building prevent them from using it as has been intended. Relocation of the shed is pointless. Removal of the shed and slab, leaving tools and machinery outside or stored offsite, is an unnecessary hardship. There are no other reasonable options for the property owner on this lot.**

**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: Safe, inside storage of equipment and machinery, above flood elevations, will be accomplished. Without use of the shed the contents would then sit outside and would not be attractive to surrounding neighbors. The storage shed size is reasonable. No neighbors have filed an objection, and no general harm has been documented.

**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 July 28, 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.

DOOR COUNTY BOARD OF ADJUSTMENT  
Decision – Area Variance

Hearing Date: July 14, 2020                      Decision Date: July 28, 2020

Applicants: William S. Nuhs, Jr.

Property: 3356 S. Willow Road / 012-02-10272411J

**Description of variance requested:**

William S. Nuhs, Jr. petitions for a variance from section 4.3(1)(a) of the Door County Floodplain Zoning Ordinance which requires fill be placed at least 15 feet beyond a residence in the floodplain and Sections IV.B.2.b. and IV.B.2.c.2) of the Door County Shoreland Zoning Ordinance, which require accessory structures be set back at least 75 feet and the residence at least 48 feet from the ordinary high water mark of Green Bay. The petitioner proposes to replace an existing residence with a new 26' x 31' two-story residence. The home will comply with floodplain ordinance elevation standards, but the required fill will extend only 10.5' from the home's north side. The project also includes retaining walls to hold fill on the lot. The retaining wall along the northwest property line will be as close as 12 feet from the ordinary high water mark of a navigable lagoon and the retaining wall along the north line will extend to the edge of the ordinary high water mark (0' setback). In addition, the proposed residence would be set back 41 feet from the ordinary high water mark, and a patio, 32 feet. The property is at 3356 S. Willow Road in Section 10, Town 27 North, Range 24 East, in the Town of Gardner.

**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
Monica Nelson:	Aye
Chris Anderson:	Aye

Signed \_\_\_\_\_

Signed \_\_\_\_\_

Chairperson

Recording Clerk

Dated: July 28, 2020  
Filed: July 29, 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: William S. Nuhs, Jr.

PROPERTY ADDRESSES / P.I.N.s: 3356 S. Willow Road / 012-02-10272411J

HEARING DATE: July 14, 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: Property dimensions and setbacks prevent the construction of a replacement dwelling of reasonable dimension in a compliant location. Due to the proximity of the ordinary high water mark on three sides, and the size and physical features of the lot, it is impossible to meet the shoreland and floodplain requirements for the proposed residence without relief – it cannot be located anywhere on the lot that is compliant. Due to high water issues this property is flooding on a regular basis, preventing the occupants from improving their residence and property from erosion and structural damage.

**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   X   NO \_\_\_\_\_

EXPLAIN: See responses to #1. Also, without being allowed to rebuild this residence the owner cannot use the property as a livable residence. The proposed residence will be built closer to compliance than the existing.

**OR**

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

YES   X   NO \_\_\_\_\_

EXPLAIN: The high water levels of the Bay of Green Bay waters cause this property to flood, making it difficult to live in, therefore a new home and property improvement are necessary as requested.

### **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: According to the plans provided, there will be less encroachment upon the environment and new materials will provide better options for the health and safe of residence occupants. Construction of a replacement house, with modest dimensions, which allow it to be livable is in the public's best interests. They are improving a dated structure to match new construction in the neighborhood and compete with rising water levels. Retaining wall construction and filling in of water under boathouse are positives. Retaining walls and riprap will assist neighbors from their property flooding. Town of Gardner supports by vote of 5-0.

**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 July 28, 2020

**"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.

RECEIVED

To: Door County Board of Adjustment

JUL 22 2020

From: Quarry Bluff Development, LLC

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

All,



The purpose of this letter is to request a postponement in the scheduling of the hearing for our proposed project at the old stone quarry on Bayshore Drive, adjacent to Pinney Park. We are currently negotiating possible alternative uses for the property which, if realized, will negate the necessity for the hearing all together. While we want to preserve the rights to possibly have the hearing in the future, we feel if we have some more time it is likely we will be able to avoid the substantial time commitment on the part of your board, ourselves, and especially County staff and council.

For these reasons we would like to respectfully request that the scheduling for the hearing be postponed until January 2021.

Thank you,

Quarry Bluff Development, LLC

Tom Goelz &amp; Mike Parent

  
 7/22/2020

7-22-20

Druetzer Trust

Margaret Turk

RECEIVED

JUL 22 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

To: Door County Board of Adjustment  
From: Quarry Bluff Development, LLC

All,

The purpose of this letter is to request a postponement in the scheduling of the hearing for our proposed project at the old stone quarry on Bayshore Drive, adjacent to Pinney Park. We are currently negotiating possible alternative uses for the property which, if realized, will negate the necessity for the hearing all together. While we want to preserve the rights to possibly have the hearing in the future, we feel if we have some more time it is likely we will be able to avoid the substantial time commitment on the part of your board, ourselves, and especially County staff and council.

For these reasons we would like to respectfully request that the scheduling for the hearing be postponed until January 2021.

Thank you,

Quarry Bluff Development, LLC

Tom Goelz & Mike Parent

*[Handwritten signature]* 7-22-2020

Druetzer Trust

Margaret Turk

*[Handwritten signature]* 7/22/20