

## **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, September 22, 2020 beginning at 2:00 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=e28361216667d79a1cb8ef2babbee80ae> , 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 (146 143 8700) and password (Sept22boa2020).

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 Discuss and arrive at a decision on a Petition for Grant of Variance.
  - 2.1 Town of Gibraltar; encroach into setback from ordinary high water mark, shoreline access walkway that would exceed 60 inches in width; Gibraltar.
- 3.0 Old Business.
  - 3.1 Read and act on minutes of September 8, 2020 meeting.
  - 3.2 Final disposition of the following case considered by the Board of Adjustment at the September 8, 2020, meeting: Lori Litersky.
- 4.0 Other Matters.
  - 4.1 Discuss future meeting dates.
- 5.0 Vouchers.
- 6.0 Adjournment.

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

Fred Frey, Chair  
Board of Adjustment

09/09/20

\* 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.

**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 hearing to be held by the Door County Board of Adjustment on Tuesday, September 22, 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 (C101, 1<sup>st</sup> Floor) and Peninsula Room (C121, 1<sup>st</sup> Floor) at 421 Nebraska St., Sturgeon Bay, WI. "Virtual only" is exactly what the name implies: the hearings will be conducted by means of remote communication (i.e., teleconference or video conference).

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 hearings and meeting remotely only.

To join the hearings and meeting via computer, click on the following link, : <https://doorcounty.webex.com/doorcounty/onstage/g.php?MTID=e28361216667d79a1cb8ef2babbee80ae>, 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 (146 143 8700) and password (Sept22boa2020).

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

The hearings will begin at 2:00 p.m., to give consideration to the applications listed below for a variance and an appeal of a Resource Planning Committee decision, as specified in the county shoreland and comprehensive zoning ordinances:

**TOWN OF Gibraltar**

The Town of Gibraltar petitions for a variance from sections IV.B.2.b. and IV.B.2.d.4) of the Door County Shoreland Zoning Ordinance which require structures be setback at least 75 feet from the ordinary high water mark of Green Bay and limit walkways that are necessary to provide pedestrian access to the shoreline to 60 inches in width. The petitioner proposes to construct a shoreline access walkway that would be up to 96 inches wide. Approximately 56 feet of the walkway would parallel the shoreline and have a 0 foot setback from the ordinary high water mark. This property is located at 4108 and 4112 Main Street in Section 29, Town 31 North, Range 27 East, and in a Village Commercial (VC) zoning district.

All interested parties are urged to view the hearings and/or give oral testimony remotely via the free software application WebEx. In-person attendance and testimony will not be permitted. Anyone wishing to offer oral testimony needs to register in advance with the Door County Land Use Services Dept.

**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 on how to register to testify, may be found at: <https://www.co.door.wi.gov/AgendaCenter> .

Written testimony will be accepted on 8 1/2" x 11" paper only and must be received by 3:30 p.m. the day before the hearing. Anonymous correspondence will not be accepted. Letters may be made available for public inspection upon request filed with the Land Use Services Dept. Letters will be entered into the hearing record, but individual letters will not be read aloud. **Please note: any correspondence or testimony submitted for town-level proceedings regarding these matters does NOT get forwarded to the Board of Adjustment.**

All application materials may be viewed by request. Application materials may also be viewed on-line approximately four business days before the hearing at: <https://www.co.door.wi.gov/AgendaCenter> . Additional materials may be posted up until 4:30 p.m. the day before the hearing.

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

Those who cannot participate remotely should call (920) 746-2323 or e-mail [Lriemer@co.door.wi.us](mailto:Lriemer@co.door.wi.us) so we may endeavor to facilitate reasonable access for you. Likewise, if on the day of the hearing/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.

The list of names to whom this notice was sent via regular mail is available upon request filed with the Land Use Services Dept.

Fred Frey, Chair  
Door County Board of Adjustment  
c/o Door County Land Use Services Dept.  
Door County Government Center  
421 Nebraska St.  
Sturgeon Bay, WI 54235  
Phone: (920) 746-2323  
FAX: (920) 746-2387

**Publication Dates: September 5, 2020 & September 12, 2020**

08/31/20

RB/lr

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

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 observe or participate remotely via the free software application Cisco WebEx. Information on how to participate via WebEx 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 12:00 p.m. (noon) the day prior to the hearing.

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

- **Anyone wishing to offer live 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.
  - Cell phone number at which you may be reached the day of the hearing.
  - Case/project about which you wish to provide testimony.
  - Whether you wish to speak in favor or in opposition.
- All live testimony will use the free software application Cisco WebEx. Information about how to access the meeting may be found on the hearing notice or business meeting agenda.
- You will not have the ability to provide handouts to committee members. 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 12:00 p.m. (noon) 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.

DOOR COUNTY BOARD OF ADJUSTMENT  
DECISION-MAKING WORKSHEET

APPLICANT NAME \_\_\_\_\_  
PROPERTY ADDRESS / P.I.N. \_\_\_\_\_  
HEARING DATE \_\_\_\_\_

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 \_\_\_\_\_ NO \_\_\_\_\_

EXPLAIN:

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

**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 \_\_\_\_\_ NO \_\_\_\_\_**  
**EXPLAIN:** \_\_\_\_\_  
 \_\_\_\_\_

**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 \_\_\_\_\_

EXPLAIN: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**For variances granted: Unless the Board establishes an alternate expiration date, the privileges granted by this decision shall become void after one (1) year, during which time the action authorized by the variance must be commenced and/or completed, as specified by the Board. This variance shall become void in (choose one):**

\_\_\_one year (the privileges granted by this decision shall become void after one year unless the zoning permit for the authorized project has been obtained with such time.)

\_\_\_other (specify the expiration year and actions that must occur, if any)

Dated this \_\_\_\_\_.

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

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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

PETITION FOR GRANT OF VARIANCE

FOR OFFICE USE ONLY  
Receipt No. \_\_\_\_\_  
Hearing Adversely Affects: \_\_\_\_\_  
Hearing Date \_\_\_\_\_

Decision \_\_\_\_\_  
Fee Waived

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 Town of Gibraltar Telephone No. 920 - 868 - 1714  
Mailing Address 4097 Hwy 42 Email: clerk@townofgibraltar.com  
City Fish Creek State WI Zip 54212  
hereby petition(s) the Door County Board of Adjustment for a variance from Section (s) Door Co. Shoreland Zoning Ordinance IV.B.2

of the Door County Zoning Ordinance which requires walkways and stairways to provide pedestrian access maximum of 60-inches wide. As well as no structure within 75' of OHWM.

(I) (We) propose to construct a retaining wall above the OHWM to protect park from further erosion and provide a small beach area. All accessible by brick walkway.

LOCATION:

The description of the property involved in this petition is located at:  
Fire # 4108/4112 Road Main St. Township Gibraltar  
Govt Lot 4 or  $\frac{1}{4}$  -  $\frac{1}{4}$  Section 29 Town 31 North, Range 27 East  
Tax Parcel No. 014 - 15 - 0303B, 0302B and 0105  
Zoning District VC Lot Size \_\_\_\_\_  
Existing use of structure or land in question Public beach and bathhouse

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:

High water levels eliminated historic beach and have impacted historic wall near OHWM. Riprap protection to be added through DNR permit. New wall extended to provide access and protection of park area. Sidewalk and steps to provide access for large quantity of visitors to the park and beach. 10' wide walk for emergency vehicle access to beach.

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

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 DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT

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

The proposed measures protect public access and future preservation of public park. Wall and riprap will prevent erosion and increase water quality, add scenic beauty, prevent property damage, and be in the public's best interest based on easier beach access.

(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:

High water levels have eliminated usable beach creating a hardship for continued use of the water front. Adequate brick walkways provide ADA access tot he waterfront which is currently unavailable.

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:

*Steve Sabus*

7-1-2020

**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.

**Brauer, Rick**

---

**From:** Steve Parent <sparent@baudhuin.com>  
**Sent:** Monday, August 31, 2020 11:03 AM  
**To:** Brauer, Rick  
**Subject:** Fish Creek Beach Variance

Rick,

The walkway from the existing concrete at the pavilion down to the dock is 8' wide. The curved walkway along the beach is 6' wide, so stating "up to 96" wide" would cover it.

Thanks.

Steve

---

Steven J. Parent, P.E.  
Baudhuin Surveying & Engineering  
312 North Fifth Avenue  
PO Box 105  
Sturgeon Bay, WI 54235

Phone (920) 743-8211  
Cell (920) 421-1413

# Map

Printed 07/16/2020 courtesy of Door County Land Information Office

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

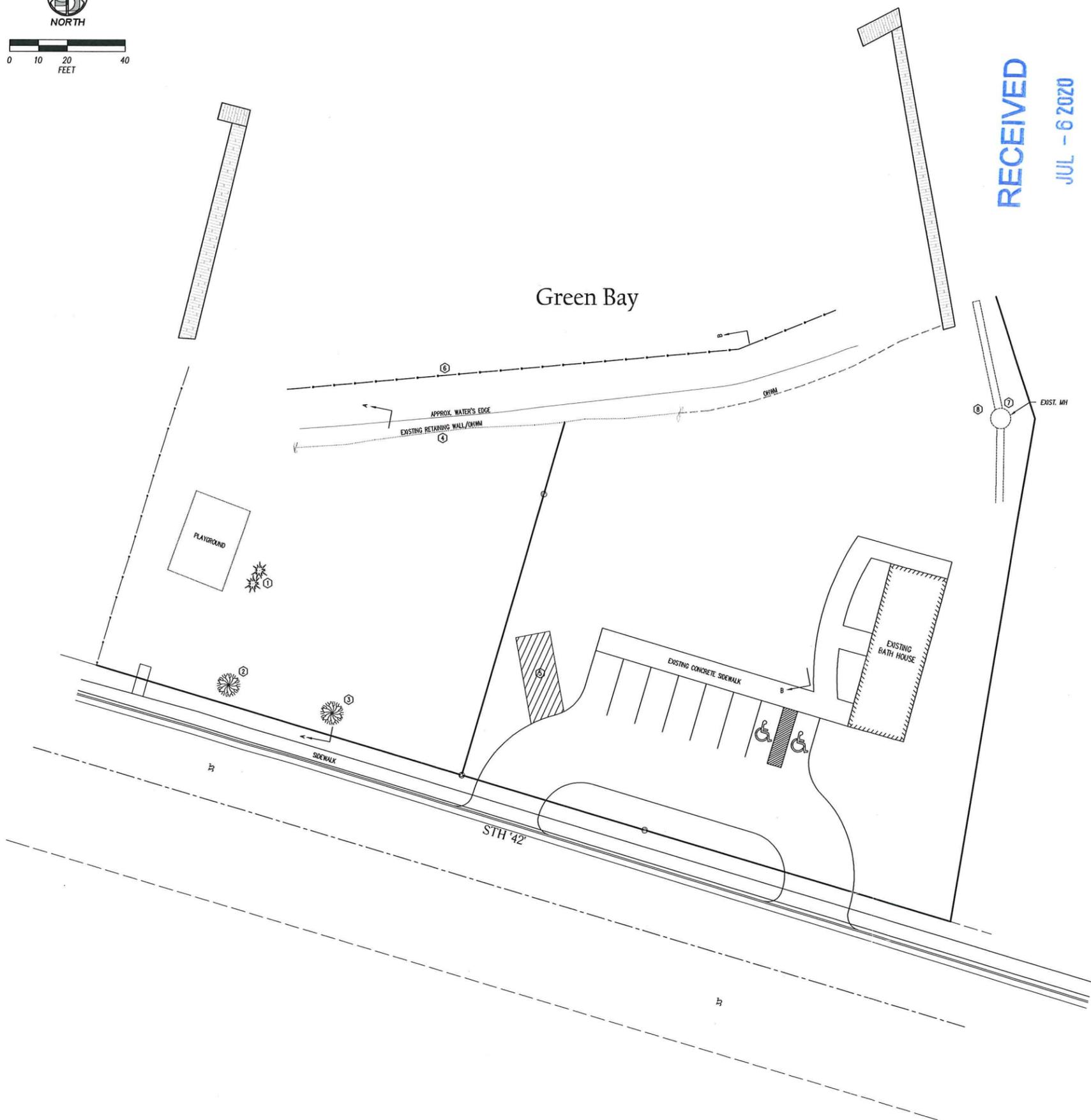
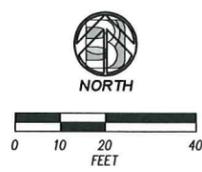


**Door County, Wisconsin**  
**... for all seasons!**



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.





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 JUL - 6 2020  
 DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT

**SHEET KEY NOTES**

1. REMOVE EXISTING CEDAR TREES AND STUMPS.
2. EXISTING TREE TO BE SAVED. USE TREE SPADE TO REMOVE TREE AND REPLANT IN SIMILAR LOCATION AFTER SITE GRADING IS COMPLETED.
3. EXISTING TREE TO BE SAVED AND KEPT IN PLACE. SURROUND TREE WITH LANDSCAPE RETAINING WALL AND COVER WITH TREE GRATE. FILL BEHIND RETAINING WALL PER PLAN. SEE CROSS SECTION A-A, SHEET C202.
4. REMOVE EXISTING STONE RETAINING WALL, 133 LF. TO BE REPLACED.
5. TEMPORARY STONE TRACKOUT PAD EROSION CONTROL, AS NEEDED. SEE DETAIL A, SHEET C200.
6. TURBIDITY BARRIER EROSION CONTROL, 193 LF. SEE DETAIL B, SHEET C200.
7. EXISTING CULVERT DAYLIGHTING INTO BAY TO REMAIN. WIER TO BE PLACED INSIDE EXISTING MANHOLE AT OUTFALL CULVERT WITH TOP OF WIER AT ELEV. 584.60. REMAINING OPENING OF EXISTING CULVERT TO BE USED AS EMERGENCY OVERFLOW. SEE DETAIL XXX, SHEET CXXX.
8. REMOVE 3 CEDAR TREES FOR NEW CULVERT AND CONNECTION TO EXISTING MANHOLE.

Y:\RME\DWG\Cib Beach - 23256.dwg\23256-DES20.dwg

REUSE OF DOCUMENTS  
 THIS DOCUMENT HAS BEEN DEVELOPED FOR A SPECIFIC APPLICATION AND NOT FOR USE WITHOUT THE WRITTEN APPROVAL OF BAUDHUIN INCORPORATED. UNAPPROVED USE IS THE UNAUTHORIZED USER.

**DEMOLITION & EROSION CONTROL PLAN**

**Town of Gibraltar - Fish Creek Beach**  
 4108/4112 Main St.  
 Fish Creek, WI 54212



**BAUDHUIN**  
 SURVEYING & ENGINEERING

312 N. 5TH AVE.  
 P.O. BOX 105  
 STURGEON BAY, WI  
 54235  
 PHONE: 920-743-8211

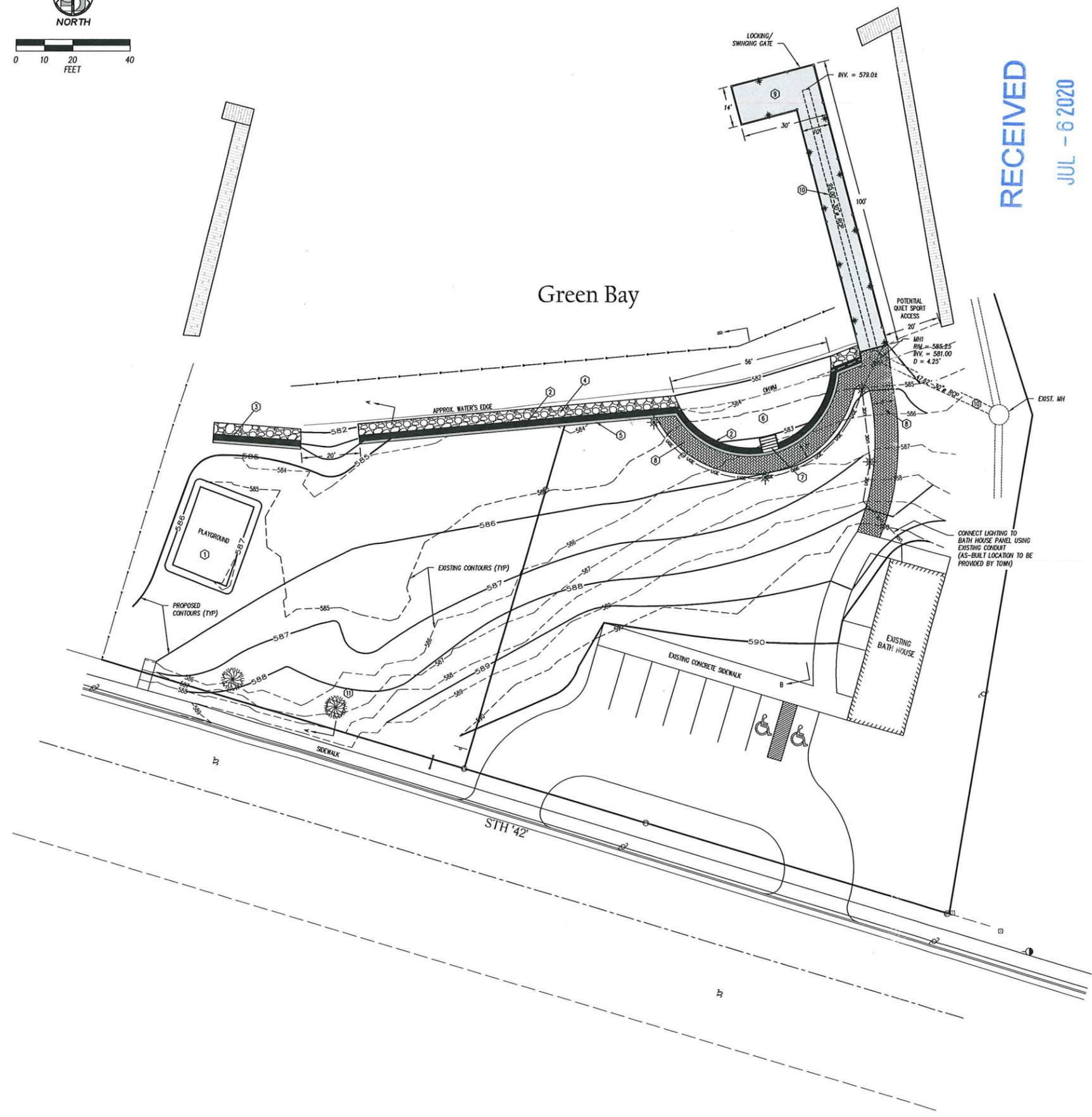
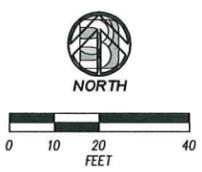
DESIGNED BY:	DESCRIPTION:
DATE:	REVISION DATE:
JOB NUMBER:	
23256	

SHEET KEY NOTES

1. PLAYGROUND FINISHED GRADE = 587.00. SURROUND PLAYGROUND WITH TREATED TIMBERS TO 8" ABOVE FINISHED PLAYGROUND GRADE.
2. 24" WIDE NEW RETAINING WALL, 228' LONG WITH 20' WIDE OPENING FOR WALKING ACCESS TO WATER. TOP OF WALL ELEVATION = 585.60. SEE DETAILS A AND B, SHEET C201.
3. RETAINING WALL TOP ELEVATION = 584.60. SEE NOTE 2, THIS SHEET FOR ADDITIONAL NOTES.
4. TEMPORARY RIPRAP PROTECTION PLACED IN FRONT OF ENTIRE LENGTH OF RETAINING WALL EXCEPT FOR WALL AT BEACH. SEE DETAIL A, SHEET C201.
5. 12" WIDE GRASS / PLANTING STRIP IMMEDIATELY BEHIND WALL AND BETWEEN WALL AND WALKWAY. SEE DETAL A, THIS SHEET.
6. BEACH AREA. UNDERCUT AND PLACE 3' MIN. SAND. SEE DETAILS B, SHEET C201 AND SECTION B-B, SHEET C202.
7. STAIRWAY FROM LAWN DOWN TO BEACH. 6" RISE TO 12" RUN, CAST-IN-PLACE CONCRETE. RAILINGS TO BE ADA COMPLIANT. SEE SECTION B-B, SHEET C202.
8. 6' WIDE WALKWAY, TYP., 8' WIDE IN SOME AREAS, AS SHOWN ON PLAN. USE CONCRETE, SEE DETAIL C, SHEET C201. ALTERNATE MATERIAL TO BE BRICK PAVERS, SEE DETAIL D, SHEET C201. APPROX. 1,087 SF.
9. PROPOSED VIEWING DOCK. SEE DETAILS E AND F, SHEET C201
10. RE-DIRECT STORM SEWER UNDER DOCK. SEE PLAN VIEW FOR SIZE AND LENGTH. SEE DETAIL A, SHEET C202.
11. EXISTING TREE TO BE SAVED AND KEPT IN PLACE. SURROUND TREE WITH LANDSCAPE RETAINING WALL AND COVER WITH TREE GRATE. FILL BEHIND RETAINING WALL PER PLAN. SEE CROSS SECTION A-A, SHEET C202.

LEGEND

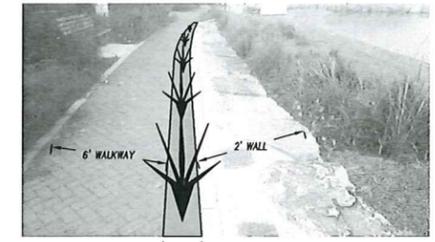
-  BOLLARD LIGHT, 4 EA. SEE SPEC SHEET FOR DETAILS
-  SCALLOP DOCK LIGHT, 11 EA @ 20' O.C. TYP. SEE SPEC SHEET FOR DETAILS
-  ELECTRICAL LINE



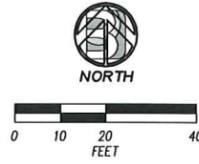
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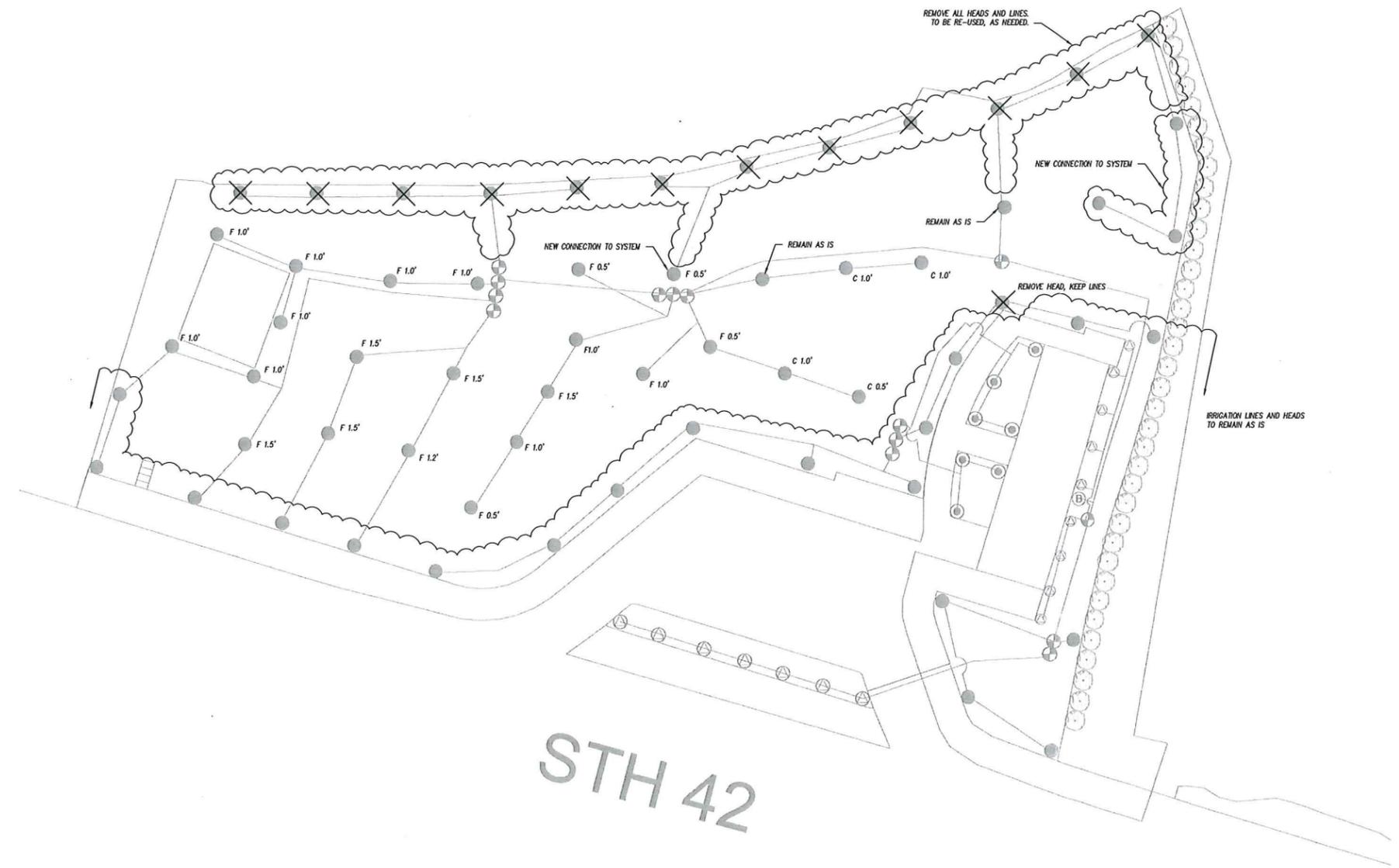
A.M.S. GRASS / PLANTING STRIP



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**NOTES**

1. IRRIGATION LAYOUT, LOCATION, AND LABELS PROVIDED BY CLIENT AND IS NOT GUARANTEED TO BE ACCURATE NOR CORRECT.
2. IRRIGATION HEADS AND LINES TO BE REMOVED OR MODIFIED AS INDICATED ON PLAN VIEW, DUE TO FILLING AND GRADING OPERATIONS.
3. CONTRACTOR HAS OPTION TO RE-USE / EXTEND HEADS OR REPLACE.
4. RAISE CONTROL VALVE / MANIFOLD BOXES, AS NEEDED.

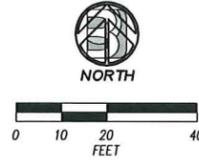


**IRRIGATION LEGEND**

- RAIN BIRD 5004 ROTOR NOZZLE & ARC VARY
- ⊙ RAIN BIRD 1812 SPRAY HEAD MPR OR VAN NOZZLE & ARC VARY
- ⊕ RAIN BIRD 1804 SPRAY HEAD MPR OR VAN NOZZLE & ARC VARY
- ⊕ CONTROL VALVE
- ▲ 3RC QUICK COUPLER VALVE
- ⊘ ISOLATION VALVE
- Ⓡ RAIN SENSOR
- Ⓢ CONTROLLER
- Ⓟ AVB - MASTER VALVE
- ⊠ WIRE JUNCTION BOX

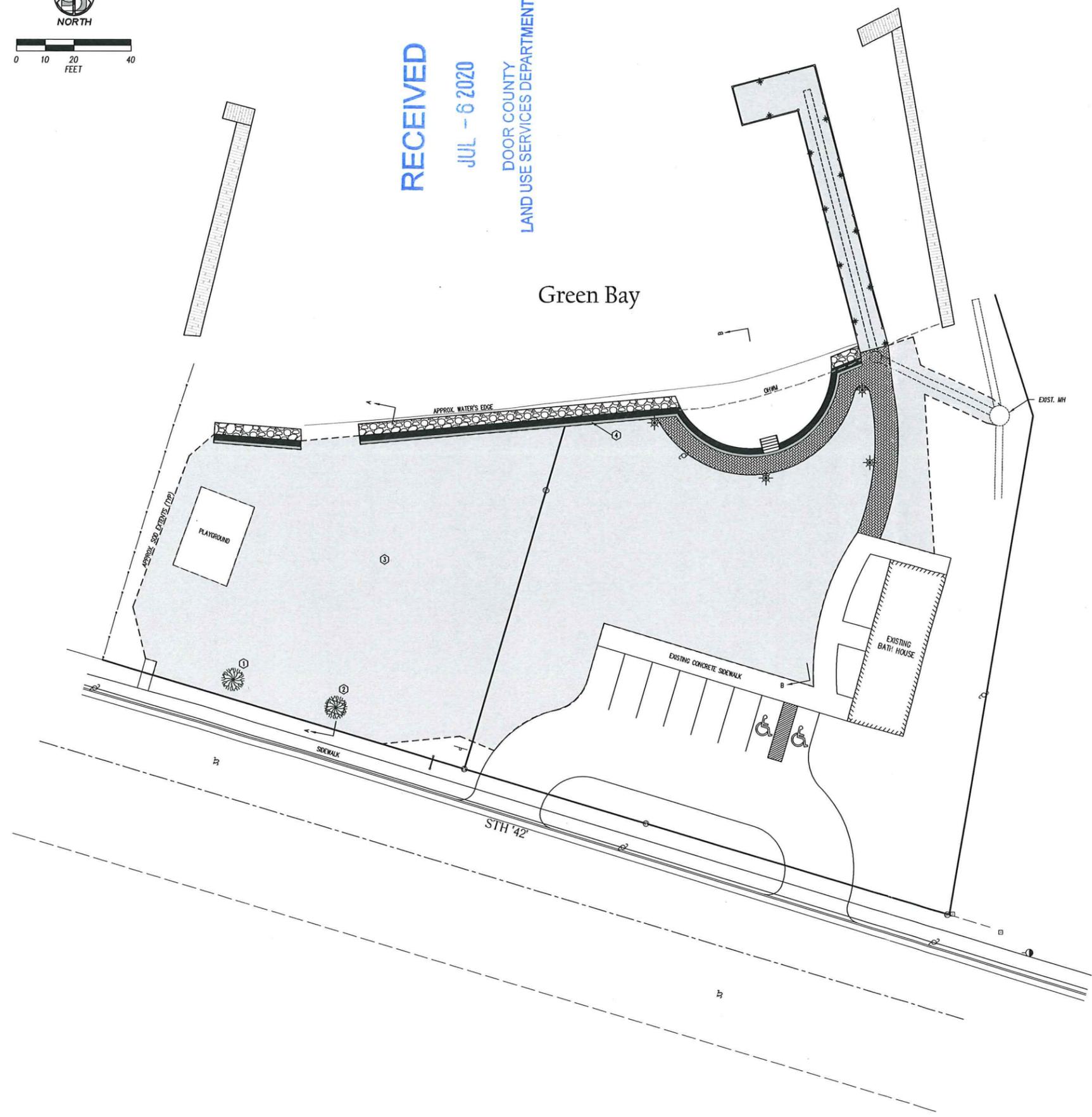
DRAWN BY: RMB DESIGNED BY: P.J.H. DATE: 06-20-20 JOB NUMBER: 23258	REVISION DATE: _____ DESCRIPTION: _____	312 N. 5TH AVE. P.O. BOX 105 STURGEON BAY, WI. 54235 PHONE: 920-743-8211
<b>BAUDHUIN</b> SURVEYING & ENGINEERING		
Town of Gibraltar - Fish Creek Beach 4108/4112 Main St. Fish Creek, WI 54212		
<b>LANDSCAPE &amp; IRRIGATION PLAN</b>		
REUSE OF DOCUMENTS THIS DOCUMENT HAS BEEN DEVELOPED FOR GENERAL USE. THEREFORE, IT MAY NOT BE USED WITHOUT THE WRITTEN APPROVAL OF BAUDHUIN SURVEYING & ENGINEERING. IT IS THE SOLE RESPONSIBILITY OF THE UNAUTHORIZED USER.		
<b>C102</b>		8 of 4

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Green Bay



SHEET KEY NOTES

1. EXISTING TREE TO BE SAVED. USE TREE SPADE TO REMOVE TREE AND REPLANT IN SIMILAR LOCATION AFTER SITE GRADING IS COMPLETED.
2. EXISTING TREE TO BE SAVED AND KEPT IN PLACE. SURROUND TREE WITH LANDSCAPE RETAINING WALL AND COVER WITH TREE GRATE. FILL BEHIND RETAINING WALL PER PLAN. SEE CROSS SECTION A-A, SHEET C202.
3. SOD TO BE PREPPED AND PLACED PER SUPPLIER INSTRUCTIONS. APPROX. 22,010 SF.
4. 12" WDE GRASS / PLANTING STRIP IMMEDIATELY BEHIND WALL AND BETWEEN WALL AND WALKWAY. SEE DETAL A, SHEET C101.

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Town of Gibraltar - Fish Creek Beach  
 4108/4112 Main St.  
 Fish Creek, WI 54212



312 N. 5TH AVE  
 P.O. BOX 105  
 STURGEON BAY, WI.  
 54235  
 PHONE: 920-743-8211

REVISION DATE	DESCRIPTION
DESIGNED BY: P.J.H.	
DATE: 06-30-20	
JOB NO.:	
DATE PLOTTED:	

**PROCEDURES OF CONSTRUCTION**

1. INSTALL EROSION CONTROL MEASURES PER PHASE OF CONSTRUCTION WORK PER PLAN.
2. REMOVE IRRIGATION HEADS AND PIPING AS NEEDED FOR MASS GRADING AND RE-USE.
3. INSTALL STORM SEWER & UTILITIES PER PLAN.
4. CONSTRUCT RETAINING WALL, BEACH, AND RIPRAP PROTECTION.
5. PLACE BASE COURSE AND CONSTRUCT PAVED WALKWAY.
6. CONSTRUCT DOCK.
7. LANDSCAPE AND STABILIZE DISTURBED SOIL WITH SOD PER PLAN.
8. RE-CONNECT AND EXTEND IRRIGATION AS NEEDED PER PLAN.
9. REMOVE EROSION CONTROL MEASURES WHEN GRASS HAS BEEN WELL ESTABLISHED.

**EROSION CONTROL NOTES**

1. IN ACCORDANCE WITH NR 216.46(9) AND NR 216.48(4), THE LANDOWNER, OR THE LANDOWNER'S REPRESENTATIVE, SHALL INSPECT EROSION AND SEDIMENT CONTROL PRACTICES WEEKLY, AND WITHIN 24 HOURS FOLLOWING A RAINFALL OF 0.5 INCHES OR GREATER. WRITTEN DOCUMENTATION OF EACH INSPECTION SHALL BE MAINTAINED AT THE CONSTRUCTION SITE AND SHALL INCLUDE THE TIME, DATE, LOCATION OF INSPECTION, PHASE OF LAND DISTURBANCE AT THE CONSTRUCTION SITE, PERSON CONDUCTING THE INSPECTION, ASSESSMENT OF CONTROL PRACTICES, AND A DESCRIPTION OF ANY EROSION OR SEDIMENT CONTROL MEASURE INSTALLATION OR MAINTENANCE PERFORMED IN RESPONSE TO THE INSPECTION.
2. ANY SOIL STOCKPILE THAT REMAINS FOR MORE THAN 7 DAYS SHALL BE COVERED OR TREATED WITH STABILIZATION PRACTICES SUCH AS TEMPORARY OR PERMANENT SEEDING AND MULCHING. SEEDING SHALL FOLLOW THE REQUIREMENTS OF WDNR TECHNICAL STANDARDS 1058 AND 1059 AND WIS. DOT STANDARD SPECIFICATIONS, SECTION 630.
3. A MINIMUM OF 4 TO 6 INCHES OF TOPSOIL MUST BE APPLIED TO ALL AREAS TO BE SEEDED OR SODDED ACCORDING TO WDNR TECHNICAL STANDARD 1059.
4. ALL OFF-SITE SEDIMENT DEPOSITS OCCURRING AS A RESULT OF CONSTRUCTION WORK OR STORM EVENT SHALL BE CLEANED UP BY THE END OF EACH DAY. FLUSHING SHALL NOT BE ALLOWED. IMPLEMENT TEMPORARY GRADING PRACTICES AS DESCRIBED IN WDNR TECHNICAL STANDARDS 1066 AND 1067 TO PREVENT SEDIMENT FROM LEAVING THE SITE.
5. ALL DISTURBED AREAS SHALL BE TREATED WITH STABILIZATION MEASURES, AS SPECIFIED, WITHIN 3 WORKING DAYS OF FINAL GRADING.
6. ANY SOIL EROSION THAT OCCURS AFTER FINAL GRADING AND/OR APPLICATION OF STABILIZATION MEASURES MUST BE REPAIRED AND STABILIZATION WORK REDONE. TREAT ANY DISTURBED AREA THAT REMAINS INACTIVE FOR GREATER THAN 30 WORKING DAYS OR WHERE GRADING WORK EXTENDS BEYOND THE PERMANENT SEEDING DEADLINES WITH TEMPORARY BEST MANAGEMENT PRACTICES (BMPs) SUCH AS LAND APPLICATION OF ANIONIC POLYACRYLAMIDE, STRAW BALES, SILT FENCE, MULCHING, TEMPORARY SEEDING, AND SEDIMENT TRAPS AS RESPECTIVELY REQUIRED BY WDNR TECHNICAL STANDARDS 1050, 1055, 1056, 1058, 1059, AND 1063.
7. ALL TEMPORARY BMPs SHALL BE MAINTAINED UNTIL THE SITE IS STABILIZED.
8. WIND EROSION SHALL BE KEPT TO A MINIMUM DURING CONSTRUCTION. WATERING, MULCHING, OR A TACKING AGENT MAY NEED TO BE UTILIZED TO PROTECT NEARBY RESIDENTS AND WATER RESOURCES. DUST CONTROL MEASURES SHALL BE IMPLEMENTED ACCORDING TO WDNR TECHNICAL STANDARD 1068.
9. WHEN THE DISTURBED AREA HAS BEEN STABILIZED BY PERMANENT VEGETATION OR OTHER MEANS, TEMPORARY BMPs SUCH AS SILT FENCE, STRAW BALES, AND SEDIMENT TRAPS SHALL BE REMOVED.
10. ALL REMAINING TOPSOIL STOCKPILES SHALL BE SEEDED OR HAULED OFF-SITE WITHIN 60 DAYS OF CONSTRUCTION COMPLETION.
11. **WINTER STABILIZATION:** ALL AREAS REQUIRING SEED AFTER OCTOBER 15TH SHALL BE STABILIZED BY AN APPROVED WINTER STABILIZATION METHOD. THE RECOMMENDED METHOD IS UTILIZING A HYDROSEEDER CONTAINING ADEQUATE TACKIFIER POLYMER MIXED WITH WINTER WHEAT OR RYE SEED. ANOTHER ACCEPTABLE EROSION CONTROL METHOD IS THE LAND APPLICATION OF ANIONIC POLYACRYLAMIDE IN CONFORMANCE WITH WDNR TECHNICAL STANDARD 1050.
12. ADDITIONAL EROSION CONTROL METHODS SUCH AS SILT FENCE, BALE CHECKS, EROSION MAT, (ABOVE AND BEYOND THE QUANTITIES LISTED IN THE BID PROPOSAL) AS NEEDED TO PREVENT WASHOUT OR SILT TRANSFER PROBLEMS WITHIN THE CONSTRUCTION AREA OR DOWNSTREAM SHALL BE CONSIDERED INCIDENTAL TO THIS PROPOSAL.

**STABILIZATION SPECIFICATIONS**

(REFER TO EROSION CONTROL PLAN FOR APPLICABLE AREAS)

**MULCH:** MATERIAL SHALL CONSIST OF ANY STRAW, HAY, WOOD EXCELSIOR FIBER OR OTHER SUITABLE MATERIAL OF A SIMILAR NATURE WHICH IS SUBSTANTIALLY FREE OF NOXIOUS WEED SEEDS AND OBJECTIONABLE FOREIGN MATTER. MULCH SHALL CONFORM TO WDNR TECHNICAL STANDARD 1058.

**STANDARD BIODEGRADABLE MAT:** CLASS 1, TYPE A, AS LISTED IN THE LATEST EDITION OF THE WIS. DOT EROSION CONTROL P.A.L. PRODUCTS WITH UV DEGRADABLE NETTING SHALL NOT BE INSTALLED AFTER SEPTEMBER 1ST. TYPE B MAT MAY BE USED IN REPLACEMENT FOR TYPE A MAT AT THE OPTION OF THE CONTRACTOR WITH NO ADDITIONAL COST TO THE OWNER. EROSION MAT SHALL ALSO MEET THE REQUIREMENTS OF WDNR TECHNICAL STANDARD 1053.

**HIGH VELOCITY EROSION MAT:** CLASS 1, TYPE B, AS LISTED IN THE LATEST EDITION OF THE WIS. DOT EROSION CONTROL P.A.L. PRODUCTS WITH UV DEGRADABLE NETTING SHALL NOT BE INSTALLED AFTER SEPTEMBER 1ST. EROSION MAT SHALL ALSO MEET THE REQUIREMENTS OF WDNR TECHNICAL STANDARD 1053.

**STAPLES:** USE U-SHAPED STAPLES NO. 11 GAUGE OR HEAVIER STEEL WIRE OR OTHER APPROVED MATERIALS, WITH A WIDTH OF ONE TO TWO INCHES, AND A LENGTH NOT LESS THAN 6 INCHES FOR FIRM SOILS AND NOT LESS THAN 12 INCHES FOR LOOSE SOILS.

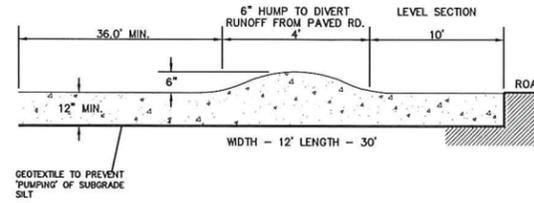
**INSTALLATION:** ALL EROSION MATTING SHALL BE INSTALLED WITH DOWNSLOPE EDGE BURIED OR OVERLAPPED A MINIMUM OF 3 INCHES BY UPSLOPE MATTING TO PREVENT UNDERFLOWS.

**RIPRAP LIGHT:** 4-13" ROCK, 0% > 16", 2% OR LESS < 1", OVER 8 OZ. GEOTEXTILE FILTER FABRIC. DECORATIVE STONE MAY BE USED AS LONG AS IT MEETS SPECIFICATIONS.

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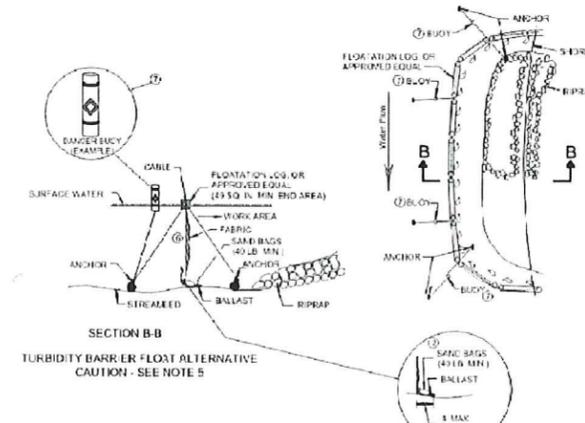
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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



- SPECIFICATIONS:**
- CLEAR THE ENTRANCE / EXIT AREA OF ALL VEGETATION, ROOTS, AND OTHER OBJECTIONABLE MATERIAL.
  - GRADE THE ROAD FOUNDATION SO THAT THE ENTRANCE/EXIT WILL HAVE A CROSS SLOPE.
  - PLACE STONE TO THE DIMENSIONS, GRADE AND ELEVATION SHOWN.
  - USE WASHED STONE 3" TO 6" IN SIZE. DO NOT COMPACT AGGREGATE.
  - MAINTAIN THE STONE PAD IN A CONDITION TO PREVENT MUD OR SEDIMENT FROM LEAVING THE SITE.
  - MUD OR SEDIMENT THAT IS TRACKED OR WASHED ONTO ROAD MUST BE REMOVED IMMEDIATELY.
  - TRACKOUT PAD SHALL CONFORM TO WDNR TECHNICAL STANDARD 1057.

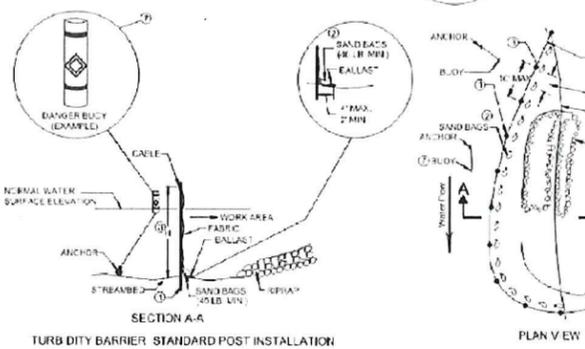
**A.N.T.S. TEMPORARY STONE TRACKING PAD**



**GENERAL NOTES**

DETAILS OF CONSTRUCTION, MATERIALS AND WORKMANSHIP NOT SHOWN ON THIS DRAWING SHALL CONFORM TO THE PERTINENT REQUIREMENTS OF THE STANDARD AND THE APPLICABLE SPECIAL PROVISIONS.

- TURBIDITY BARRIER MAY BE REMOVED AT THE ENGINEER'S OR PROJECT MANAGER'S DISCRETION WHEN PERMANENT EROSION CONTROL MEASURES HAVE BEEN ESTABLISHED.
1. DRIVEN STEEL POSTS, PILES OR CHANNELS LENGTH SHALL BE SUFFICIENT TO SECURELY SUPPORT BARRIER AT HIGH WATER ELEVATIONS.
  2. SANDBAGS TO BE USED AS ADDITIONAL BALLAST WHEN ORDERED BY THE ENGINEER OR PROJECT MANAGER TO MEET ADVERSE FIELD CONDITIONS. SPACE AS APPROPRIATE FOR SITE CONDITIONS.
  3. PILEN BARRIER HEIGHT, IF EXCEEDS 8 FT., POST SPACING MAY NEED TO BE DECREASED.
  4. IN WATERWAYS SUBJECT TO FLUCTUATING WATER ELEVATIONS PROVISIONS SHOULD BE MADE TO ALLOW THE WATER TO FLOW OVER EACH SIDE OF THE BARRIER. THIS MAY BE ACCOMPLISHED BY LEAVING A PORTION OF THE BARRIER OPEN OR THE UPSTREAM END FLAT ALTERNATIVE WILL ONLY BE ALLOWED WITH THE APPROVAL OF THE ENGINEER OR PROJECT MANAGER. AND IS MEANT FOR LOCATIONS WHERE BED ROCK PREVENTS THE INSTALLATION OF POSTS.
  5. ALLOW SUFFICIENT SPACING VERTICALLY AND HORIZONTALLY SO THAT SEDIMENT BUILD UP WILL NOT SPILL OR OVERFLOW THE TURBIDITY BARRIER.
  6. USE AS DIRECTED BY COST GRADER OR DRIVER WHEN WORKING IN INACCESSIBLE WATERWAYS.



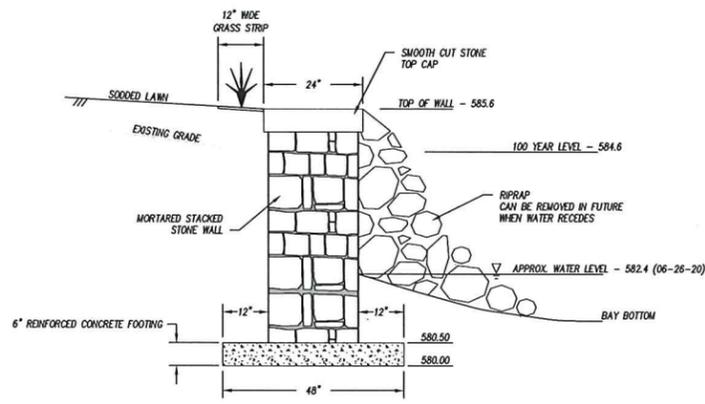
NOT TO SCALE

This drawing based on Wisconsin Department of Transportation Standard Detail Drawing 6E 1'-2.

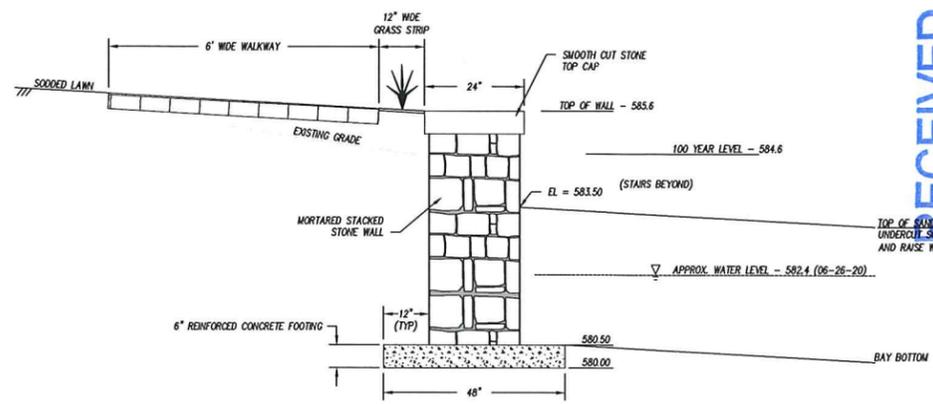
**B.N.T.S. TURBIDITY BARRIER**

CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE AND DOCUMENTATION OF EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION PHASE. OWNER IS RESPONSIBLE FOR MAINTENANCE AFTER CONTRACTOR LEAVES THE SITE.

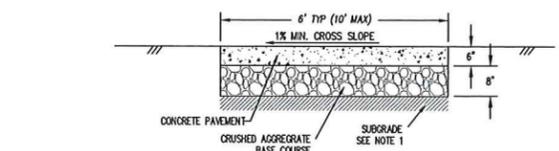
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<p>BAUDHUIN SURVEYING &amp; ENGINEERING</p>	<p>Town of Gibraltar - Fish Creek Beach 4108/4112 Main St. Fish Creek, WI 54212</p>
<p>C200</p>	<p>CONSTRUCTION DETAILS</p>



A N.T.S. NEW WALL CROSS-SECTION, AT LAWN



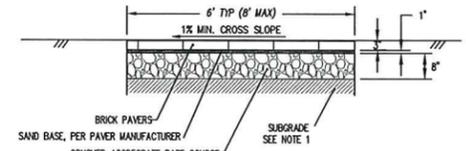
B N.T.S. NEW WALL CROSS-SECTION, AT BEACH



NOTES  
 1. COMPACT SUBGRADE TO 95% STANDARD PROCTOR. SUBGRADE TO BE INSPECTED BY PROJECT FOREMAN PRIOR TO PLACEMENT OF AGGREGATE BASE COURSE.

SPECIFICATIONS  
 • BASE COURSE SHALL BE 3/4\"/>

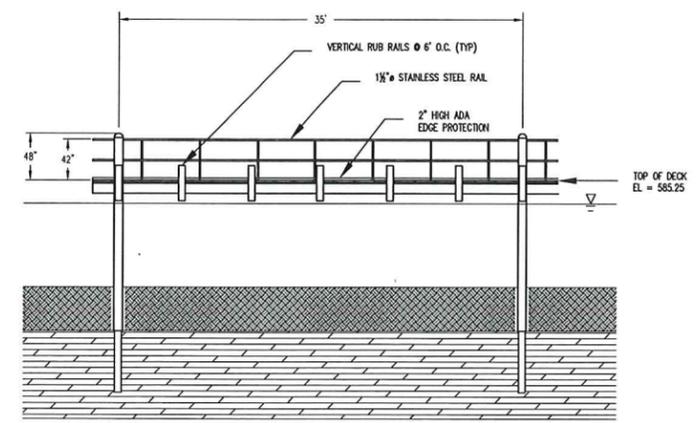
C N.T.S. CONCRETE WALKWAY - 6\"/>



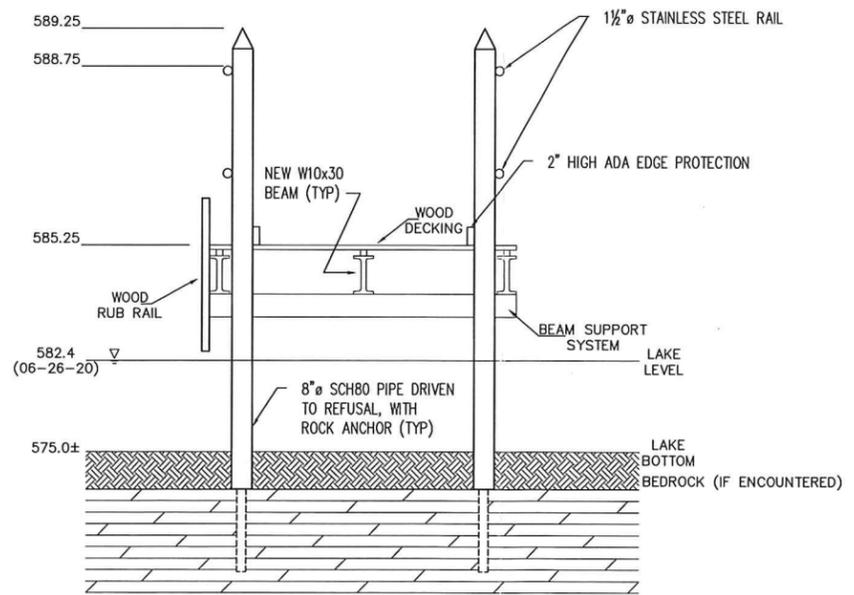
NOTES  
 1. COMPACT SUBGRADE TO 95% STANDARD PROCTOR. SUBGRADE TO BE INSPECTED BY PROJECT FOREMAN PRIOR TO PLACEMENT OF AGGREGATE BASE COURSE.

SPECIFICATIONS  
 • BASE COURSE SHALL BE 3/4\"/>

D N.T.S. ALTERNATE: BRICK PAVERS WALKWAY



E N.T.S. PROPOSED DOCK TYPICAL TRANSVERSE SECTION



F N.T.S. PROPOSED DOCK TYPICAL CROSS-SECTION



G N.T.S. PROPOSED RAILING, SIMILAR TO PICTURED

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DATE:	
06-30-20	
JOB NUMBER:	
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 54235

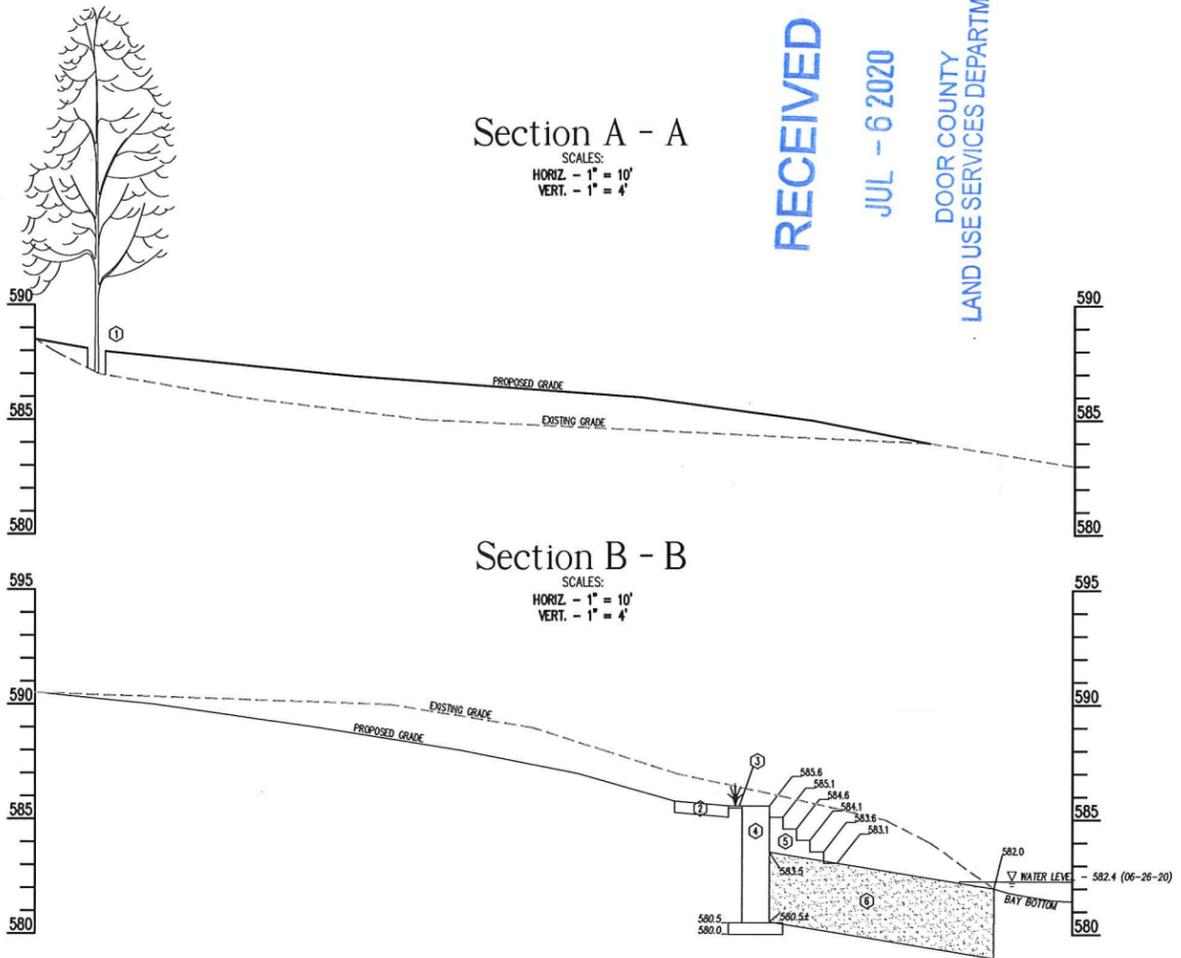
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CONSTRUCTION DETAILS

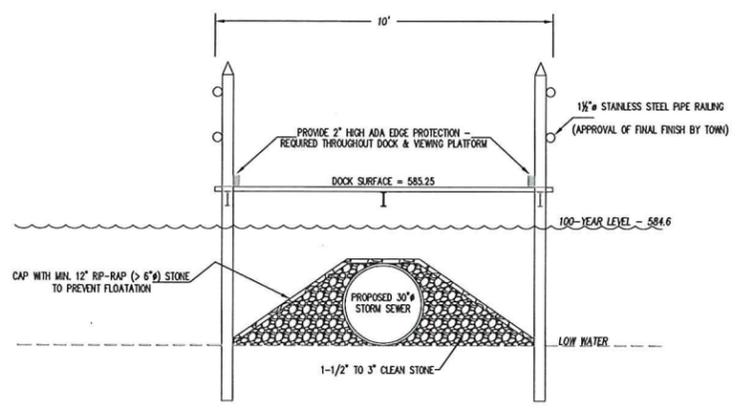
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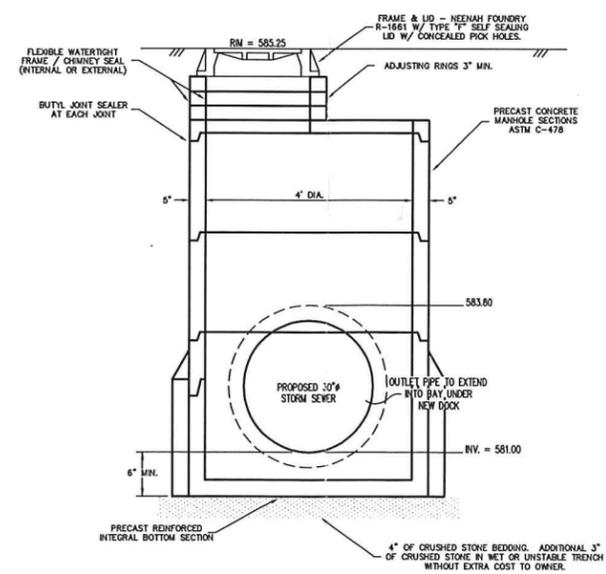


**SHEET KEY NOTES**

- EXISTING TREE TO BE SAVED AND KEPT IN PLACE. USE LANDSCAPE STACKABLE STONE RETAINING WALL (FINAL PRODUCT TO BE SELECTED BY OWNER) SURROUNDING TREE AND TOPPED WITH 48"x72" TREE GRATE WITH 30" OPENING, NEENAH R-8819 OR APPROVED EQUAL. SEE SPEC. SHEETS FOR GRATE DETAILS. FILL AND GRADE SURROUNDING AND BEHIND WALL PER PLAN. STONE WALL HEIGHT TO BE 18" MAX.
- 6' WIDE WALKWAY (TYPICAL), SEE DETAILS C AND D, SHEET C201.
- 12" WIDE GRASS / PLANTING STRIP, SEE DETAIL A, SHEET C101.
- NEW RETAINING WALL. SEE DETAILS A & B, SHEET C201.
- STAIRS, 6" RISE : 12" RUN, CAST-IN-PLACE CONCRETE. RAILINGS (NOT SHOWN) TO BE ADA COMPLIANT.
- SAND PLACEMENT. UNDERCUT GROUND AND PLACE 3' MINIMUM SAND. GRADATIONS PER SPEC SHEETS.



**A** N.T.S. PROPOSED STORM SEWER OUTLET, CROSS-SECTION



**B** N.T.S. PROPOSED STORM SEWER MANHOLE 1

REVISION DATE	DESCRIPTION

DRAWN BY: RMB  
 DESIGNED BY: P.J.H.  
 DATE: 06-30-20  
 JOB NO.: 23258

**BAUDHUIN**  
 SURVEYING &  
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Town of Gibraltar - Fish Creek Beach  
 4108/4112 Main St.  
 Fish Creek, WI 54212

**CONSTRUCTION DETAILS**

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State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
2984 Shawano Avenue  
Green Bay, WI 54313-6727

Tony Evers, Governor  
Preston D. Cole, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



August 27, 2020

IP-NE-2020-15-02407,02408, 02409, 02410

Beth Hagen  
PO Box 850  
Fish Creek, WI 54212

Dear Ms. Hagen:

This letter contains important information regarding your DNR permit application to place an outfall structure, construct a pier, construct a seawall, and construct a connected enlargement on the bed of Lake Michigan in Door County. Your application has reached its date of closure and is considered complete. Wisconsin law (chapters 30 and 281, Wisconsin Statutes) requires that the public be allowed an opportunity to comment on projects like yours. The next step in the individual permit review process is a Notice of Pending Application and public comment period. You have asked the Department to publish the notice on your behalf.

The enclosed document is a "Notice of Pending Application" for your project. The Department will arrange for newspaper publication of the notice and will publish the notice on our Internet website. The 30-day period to submit written public comment and the 20-day period to request a public hearing in writing will begin on the date on which the Department first publishes the notice on our Internet website. If a public hearing is held, the period to submit written public comment will end 10 days after the date the hearing is completed.

State law requires that a copy of the enclosed notice be delivered by U.S. Mail as Certified Mail - Return Receipt Requested to interested members of the public. The Department will arrange for these mailings. For your information, the Department has determined the parties listed below will be notified. You may notify others at your discretion.

John and Marilyn Good Trust, 13645 Park Circle N., Elm Grove, WI 53122.  
Robert Reinhard Jr., 1505 Berwick Drive, McKinney, TX 75070.

Please write or call me at (715) 416-3827 or email Sarah.Szabo@wisconsin.gov if you have any questions.

Sincerely,

Sarah Szabo  
Water Management Specialist

Notice of Pending Application for Outfall, Pier, Seawall, and Connected Enlargement

Beth Hagen, PO Box 850, Fish Creek, WI 54212 has applied to the Department of Natural Resources for a permit to place an outfall structure, construct a pier, construct a seawall, and construct a connected enlargement on the bed of Lake Michigan.

The project is located in the SW1/4 of the SE1/4 of Section 29, Township 31 North, Range 27 East, Town of Gibraltar, Door County.

The project consists of extending storm sewer outfall 95 feet from shoreline, constructing a pier with viewing platform, constructing a seawall, and excavating a connected enlargement to function as a small beach area at the Town of Gibraltar Beach.

The Department will review the proposal provided by the applicant and any information from public comments and a public informational hearing, if requested. The Department will determine whether the proposal complies with ss. 1.11 and 30.12(3m), Stats., and ch. NR 150, Wis. Adm. Code, and ensure that the required mitigation meets the standards in s. 281.36(3r), Stats. if the project impacts wetlands.

The Department has made a tentative determination that it will issue the permit or contract for the proposed activity.

If you would like to know more about this project or would like to see the application and plans, please visit the Department's permit tracking website at <https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx> and search for WP-IP-NE-2020-15-X07-12T19-23-55.

Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

Any person may submit comments and/or request a public informational hearing by emailing Sarah.Szabo@wisconsin.gov or over the phone at 715-416-3827. If you are submitting general comments on the proposal, they must be emailed or verbalized within 30 days after the date this notice is published on the Department's website. If you are requesting a public informational hearing, the request must be emailed or verbalized within 20 days after the date this notice is published on the Department's website. A request for hearing must include the docket number or applicant name and specify the issues that the party desires to be addressed at the informational hearing.

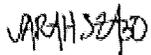
If no hearing is requested, the Department may issue its decision without a hearing. If a public informational hearing is held, comments must be postmarked no later than 10 days following the date on which the hearing is completed.

The final decision may be appealed as indicated in the decision document.

Docket Number IP-NE-2020-15-02407

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES**

For the Secretary




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Sarah Szabo  
Water Management Specialist

08/27/2020  
Date

DOOR COUNTY BOARD OF ADJUSTMENT  
Decision – Area Variance

Hearing Date: September 8, 2020                      Decision Date: September 8, 2020

Applicants: Lori Litersky

Property: 3360 S. Willow Road / 0120-02-10272411

**Description of variance requested:**

Lori Litersky 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 the limits of a residence located in the floodplain. The petitioner proposes to lift and place the existing nonconforming residence on fill in the same exact footprint in order to bring the structure into compliance with the ordinance. The applicant is requesting relief from the extent of fill since the residence is located as close as 7.72 feet from the south lot line. The fill will extend 15 feet around the remainder of the residence. The property is located at 3360 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:

Arps Horvath:            Aye  
Aric Weber:             Aye  
Monica Nelson:        Aye  
Chris Anderson:       Aye  
Bob Ryan:                Aye

Signed \_\_\_\_\_

Signed \_\_\_\_\_

Chairperson

Recording Clerk

Dated: September 22, 2020  
Filed: September 23, 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: Lori Litersky

PROPERTY ADDRESSES / P.I.N.s: 3360 S. Willow Road / 012-02-10272411I

HEARING DATE: September 8, 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: Small grandfathered lot prevents owner from relocating residence in a complying location. High lake/bay levels have flooded property.

**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: Small grandfathered lot, required setbacks, and locations of existing driveway and septic system prevent the owner from complying with all ordinance standards. The property will not be useable unless a variance is granted and the owners are allowed to raise the residence to prevent further flooding.

**OR**

- B. Is conformity with the regulation(s) unnecessarily burdensome?**  
 YES  X  NO \_\_\_\_\_

EXPLAIN: See reasons for # 1. The denial of a variance would be unnecessarily burdensome in that it would prevent the owner from floodproofing the structure and as a result the residence would no longer be habitable.

### **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: It has been shown that the proposed fill on this property will not cause additional flooding on the neighbor's properties. In that the neighbors on both sides have also dealt with flooding issues, the proposed project will not be out of character with the surrounding area. The granting of this variance will allow the neighbor to fill his property without the need of a seawall and an additional variance. The granting of a variance will help to protect property values and the property tax base. The proposal will help to protect the beauty of the landscape.

**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 September 9, 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.