

Notice of Public Meeting
Tuesday, October 13, 2020
2:00 p.m.

DOOR COUNTY
BOARD OF ADJUSTMENT

*Door County Government Center
County Board Room/Chambers Room
(C101, 1st floor)
421 Nebraska Street, Sturgeon Bay, WI*

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 and an Appeal.
 - 2.1 Karl W. Erickson; floor area limitation for accessory buildings; Gibraltar.
 - 2.2 Door Shakespeare, Inc.; appeal Door County Resource Planning Committee decision whereby the committee conditionally approved a commercial storage facility; Liberty Grove.
- 3.0 Old Business.
 - 3.1 Read and act on minutes of September 17 and September 22, 2020 meetings.
 - 3.2 Final disposition of the following case considered by the Board of Adjustment at the September 22, 2020, meeting: Town of Gibraltar.
- 4.0 Other Matters.
 - 4.1 Discuss future meeting dates.
- 5.0 Vouchers.
- 6.0 Adjournment.

Deviation from order shown may occur.

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

RB/lr
10/01/20

In response to the public health emergency in connection with the COVID-19 pandemic, the meeting will be virtual only. Applicants and members of the public may monitor and participate remotely only.

To join the hearings and meeting via computer, go to:

<https://doorcounty.webex.com/doorcounty/onstage/g.php?MTID=e880d4ab0daa09c16ed13115862e8d230> , enter your name and e-mail address when prompted (the password is entered for you), and then click "join."

OR, using the free smartphone app "Cisco WebEx Meetings," click "join" a meeting and then enter the meeting number/access code (146 993 0614) and password (Oct13boa2020).

OR, connect via phone by calling: 1-408-418-9388, and then enter the meeting number/access code.

Those who cannot attend remotely should call (920) 746-2323 or e-mail 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 hearing/meeting itself you have issues with meeting "entry" methods, please call (920) 746-2323 or e-mail Lriemer@co.door.wi.us so we may assist you in entering the virtual meeting.

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 72 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 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 hearings to be held by the Door County Board of Adjustment on Tuesday, October 13, 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 1st Floor) and Peninsula Room (C121 1st 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 hearing 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=e880d4ab0daa09c16ed13115862e8d230>, 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 (146 993 0614) and password (Oct13boa2020).

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 Door County Resource Planning Committee decision, as specified in the county comprehensive zoning ordinance:

TOWN OF GIBRALTAR

Karl W. Erickson petitions for a variance from Section 3.12(6)(a) of the Door County Comprehensive Zoning Ordinance which states, "The combined total floor area of accessory buildings on the lot shall not exceed the area of the building footprint of the principal building (residence) on the lot." The existing residence has a 672 sq. ft. building footprint. Mr. Erickson proposes to construct a 672 sq. ft. detached garage and retain an existing 144 sq. ft. shed, exceeding ordinance limitations by 144 sq. ft. The property is located at 9218 Spring Road in Section 33, Town 31 North, Range 27 East, in a Single Family Residential-20,000 (SF20) zoning district.

TOWN OF LIBERTY GROVE

Door Shakespeare, Inc. appeals the Door County Resource Planning Committee decision whereby the committee granted a Conditional Use Permit for a commercial storage facility to consist of three 40' x 230' commercial storage buildings, each exceeding a building footprint of 5,000 square feet (the size of which requires a conditional use permit in Liberty Grove), and two 40' x 90' commercial storage buildings, all on Tax Parcel Nos. 018-01-17312833F1, 33F2, and 33F3. The parcels are owned by Richard Berger and the Keith & Christine Bridenhagen Trust; Richard Bierman will purchase the properties if the Conditional Use Permit is approved. The parcels are located directly south of 10038 State Highway 57 and are located in Section 17, Town 31 North, Range 28 East, and in a Mixed Use Commercial (MC) 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 12:00 p.m. (noon) 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 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 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 26, 2020 & October 3, 2020

09/22/20

RB/lr

RECEIVED

JUL 28 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

PETITION FOR GRANT OF VARIANCE

FOR OFFICE USE ONLY
Receipt No. 2365 Fee 500 Date 7-28-20
Hearing Advertiser Dates: _____
Hearing Date _____
Decision _____

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

PETITION: (I) (We)

Full Name KARL W. ERICKSON Telephone No. 630-205-9772
Mailing Address 9218 SPRING ROAD Email: KARL@ERICKSONONLINE.ORG
City FISH CREEK State WI Zip 54212
hereby petition(s) the Door County Board of Adjustment for a variance from Section (s) 3-12(6)

of the Door County Zoning Ordinance which requires TOTAL FOOTPRINT OF ACCESSORY BUILDINGS NOT TO EXCEED THE BUILDING FOOTPRINT OF THE PRINCIPAL BUILDING A 2 STORY HOUSE.

(I) (We) propose to CONSTRUCT A 24'x28' 672 SQFT. GARAGE THAT IS THE SAME FOOTPRINT AS THE PRINCIPAL BUILDING WHILE KEEPING A 12FTx12x144 SHED BUILT PER PREVIOUS ACCESSORY BUILDING RULES IN PLACE WHEN THE PRIMARY BUILDING WAS CONSTRUCTED THAT WOULD HAVE ALLOWED BOTH THE SHED AND GARAGE (PREVIOUS RULE 70% OF TOTAL FLOOR AREA)
The description of the property involved in this petition is located at:
Fire # 9218 Road SPRING Township GIBRALTAR
Govt Lot _____ or ¼ - ¼ Section 33 Town T-31N North, Range R27E East
Tax Parcel No. 014-02-33312731J2
Zoning District SF20 Lot Size _____
Existing use of structure or land in question SINGLE FAMILY RESIDENCE

144 SQ FT VARIANCE

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:

PLAN UTILIZES EXISTING DRIVEWAY AND OPEN AREA ELIMINATING THE NEED TO CUT DOWN ADDITIONAL TREES THAT SHADE THE EXISTING HOUSE FROM SUMMER SUN.

JUL 28 2020

(b) No Harm to Public Interests

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

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

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

THE GARAGE PLAN AND ITS LOCATION ARE IN HARMONY WITH THE EXISTING WOODED LOT ENVIRONS AND SIMILAR NEIGHBORHOOD STRUCTURES. THE GARAGE IS LOCATED ADJACENT TO THE ~~EXISTING~~ EXISTING DRIVEWAY TO ALLOW FOR EFFICIENT ACCESS AND SNOW REMOVAL. CONSTRUCTION OF A PLANNED ATTACHED SCREEN ROOM WOULD BRING THIS REQUEST INTO COMPLIANCE WITH CURRENT ACCESSORY BUILDING REQUIREMENTS.

(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:

THE ZONING ACCESSORY BUILDING FLOOR AREA RULE CHANGE CAME AFTER I CONSTRUCTED MY 2 STORY HOUSE. MY HOUSE HAS A MANSARD ROOF DESIGN THAT MAKES A GARAGE ADDITION DIFFICULT. THE CURRENT ACCESSORY BUILDING RULE REALLY DISCRIMINATES AGAINST BUILDERS OF SMALLER 2 STORY HOMES.

- 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:

Karl W. Erickson

7-28-2020

SCHEDULING:

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

PETITION FOR GRANT OF VARIANCE

Karl W. Erickson

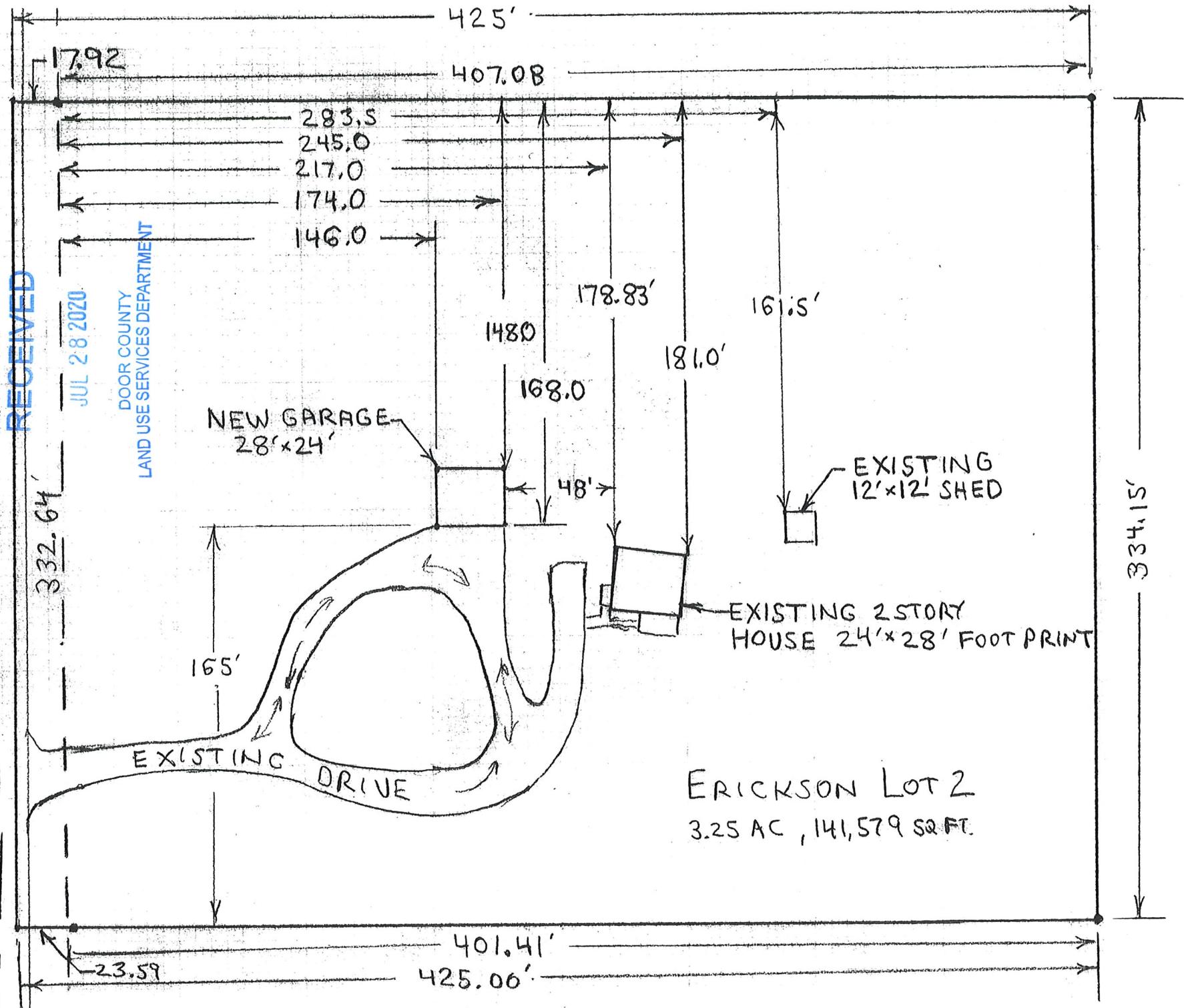
ATTACHMENT A

Karl W. Erickson petitions for a variance from Section 3.12(6)(a) of the Door County Comprehensive Zoning Ordinance which states that, “ The combined total floor area of accessory buildings on the lot shall not exceed the area of the building footprint of the principal building (residence) on the lot.”

The existing 24' x 28' residence has a 672 square foot footprint. Mr. Erickson proposes to construct a 24' x 28' (672 square foot) detached garage and retain an existing 12' x 12' (144 square foot) shed. Therefore, the combined total floor area of the accessory buildings would exceed ordinance limitations by 144 square feet.

N
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SPRING ROAD



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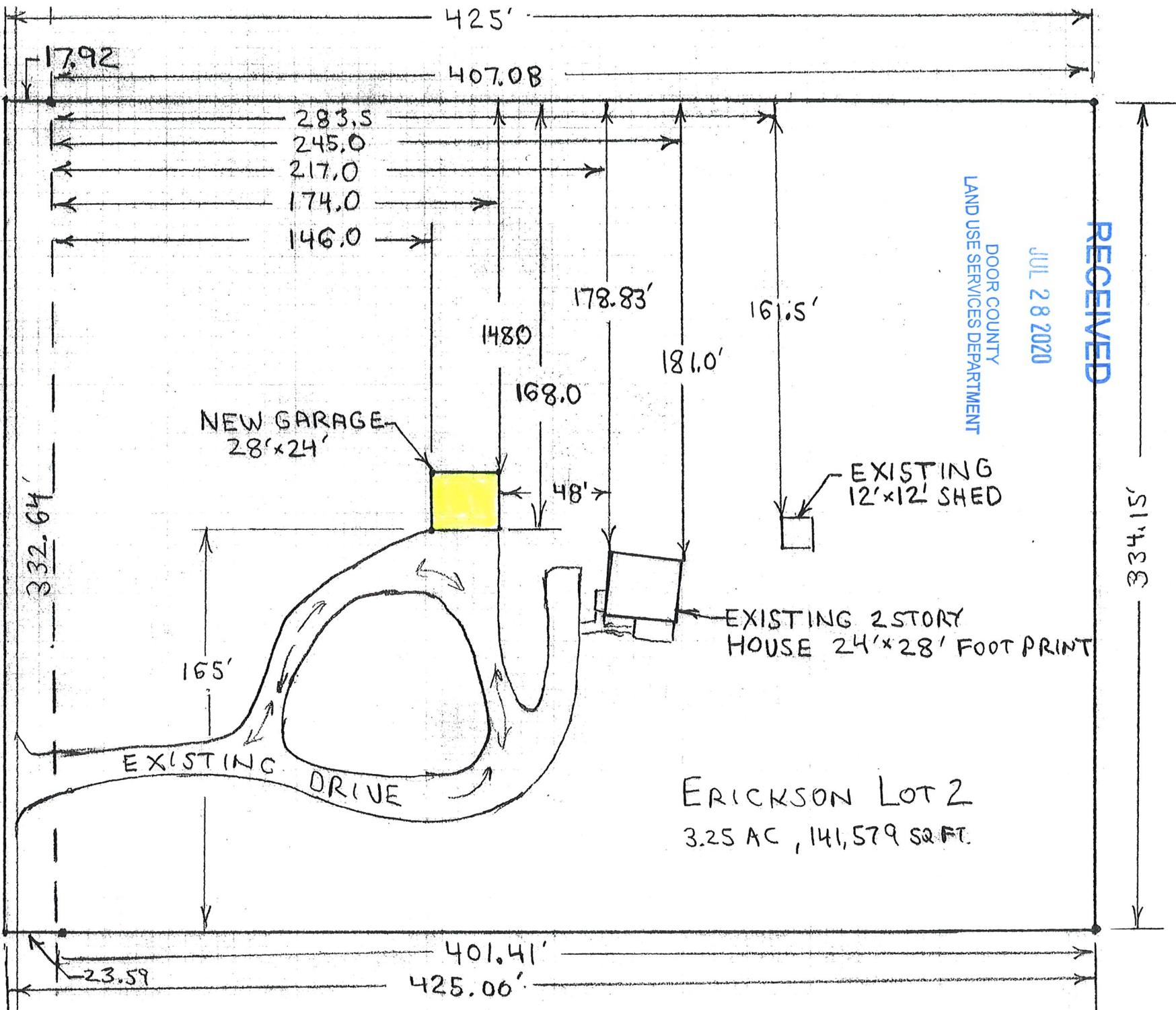
JUL 28 2020

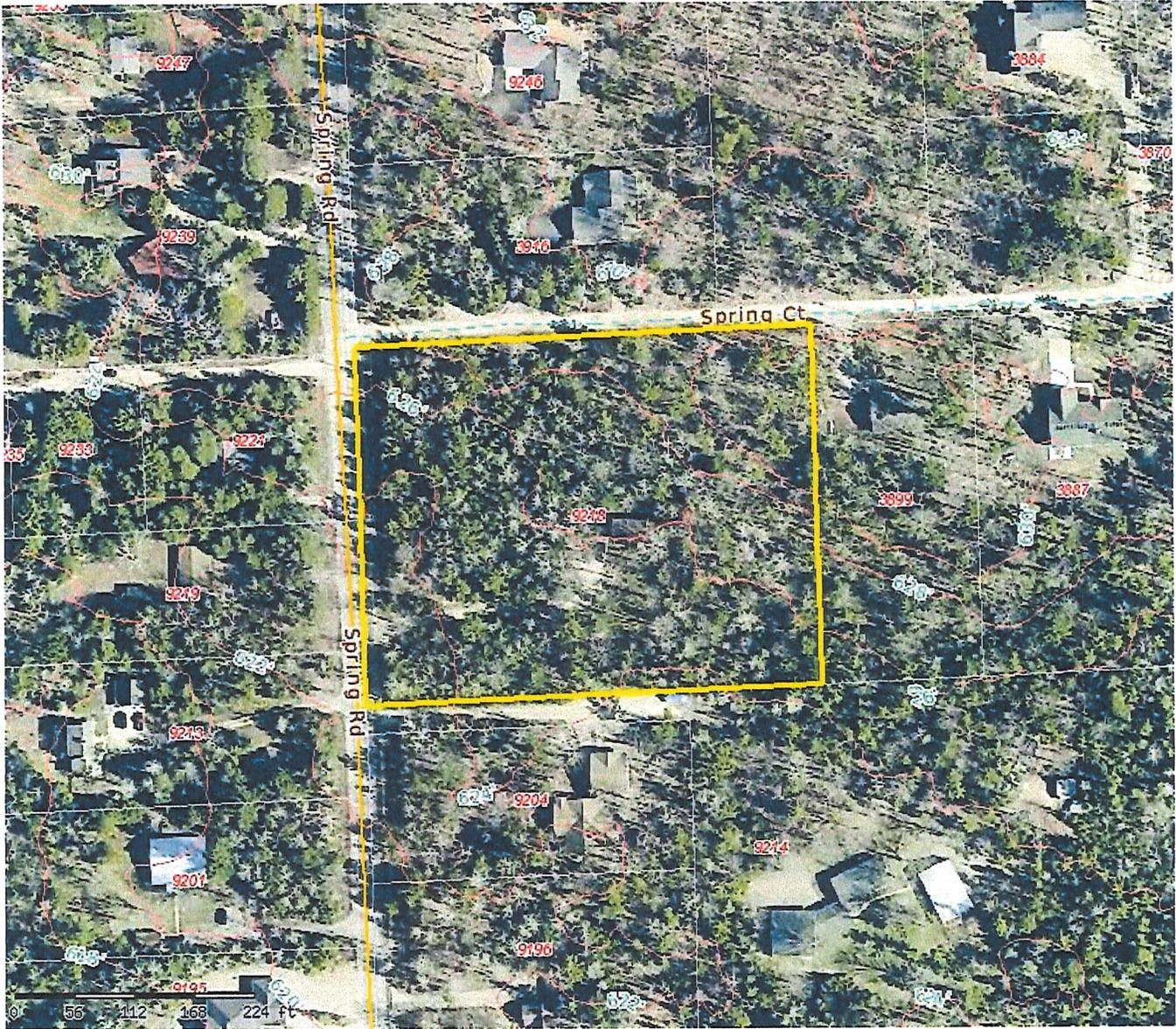
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

ERICKSON LOT 2
3.25 AC , 141,579 SQ. FT.



SPRING ROAD

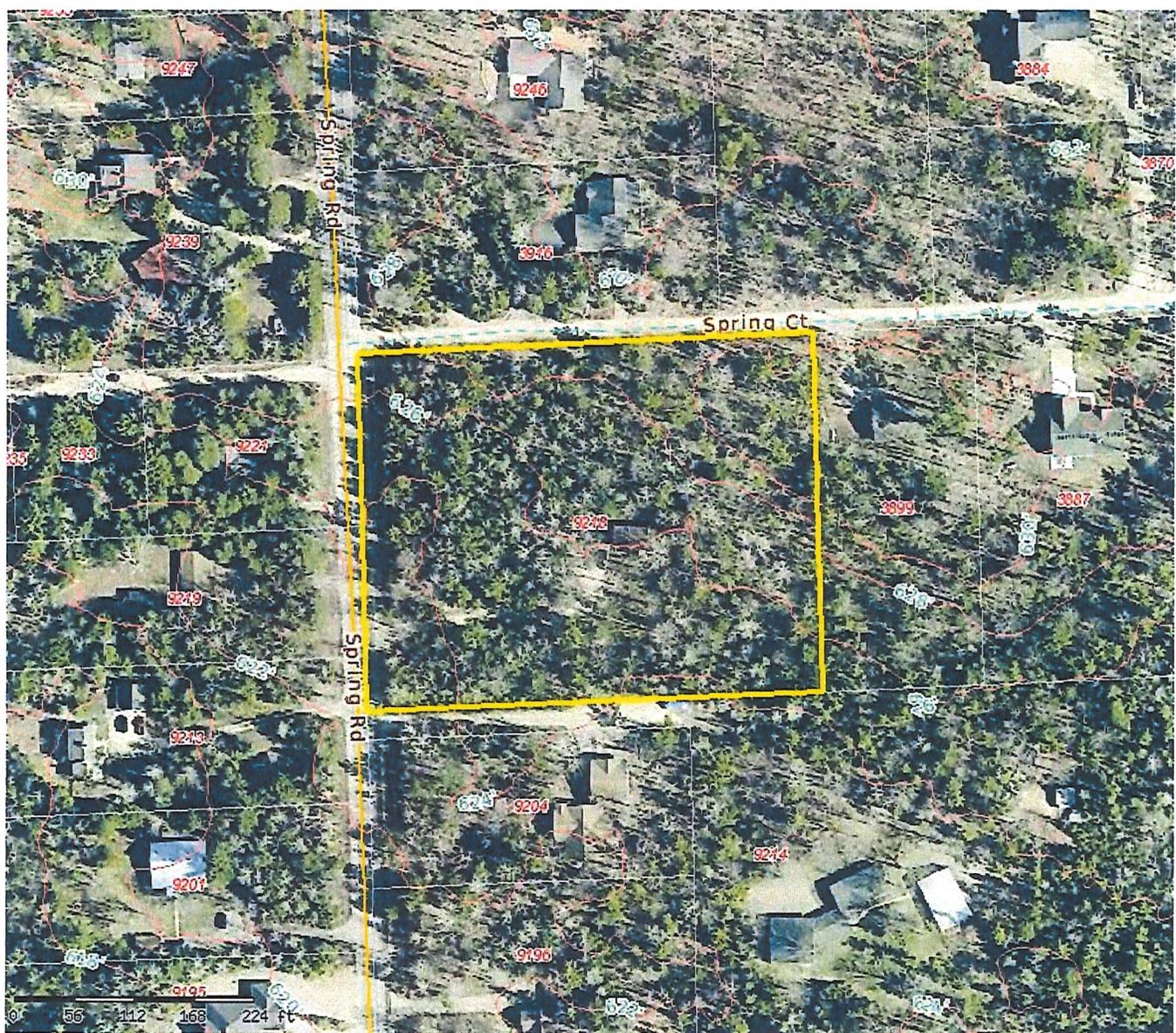




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JUL 28 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT



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JUL 28 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

CERTIFIED SURVEY MAP

SURVEY OF LOT 1, VOL. 12, CSM, PG. 255, MAP NO. 2066, DOC. NO. 685014, LOCATED IN THE NE 1/4 OF THE SW 1/4 OF SECTION 33, T31N-R27E, TOWN OF GIBRALTAR, DOOR COUNTY, WISCONSIN

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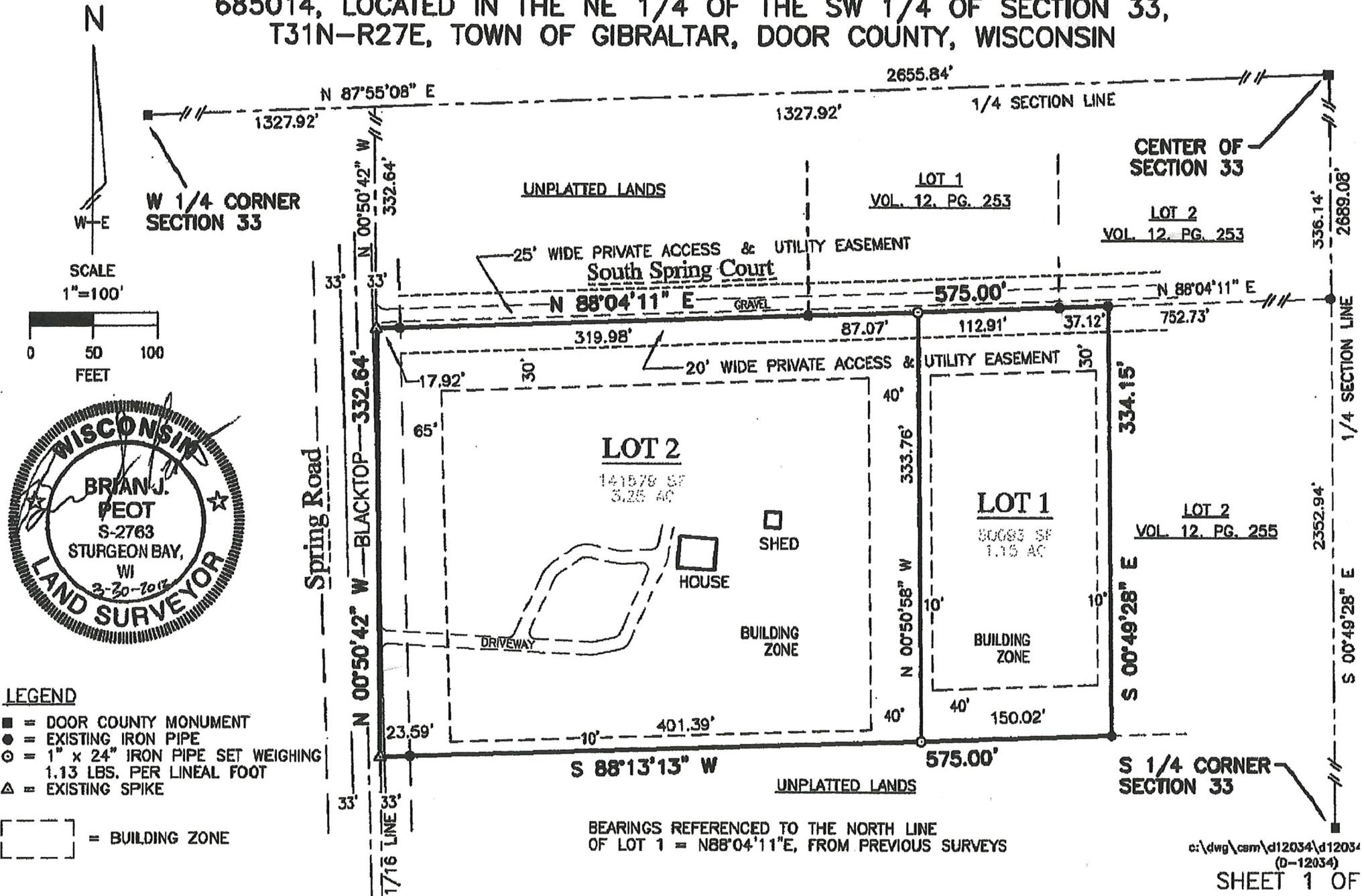
VOL 16 168

JUL 28 2020

758721

2695

DOOR COUNTY LAND USE SERVICES DEPARTMENT



LEGEND

- = DOOR COUNTY MONUMENT
- = EXISTING IRON PIPE
- = 1" x 24" IRON PIPE SET WEIGHING 1.13 LBS. PER LINEAL FOOT
- △ = EXISTING SPIKE

[] = BUILDING ZONE

BEARINGS REFERENCED TO THE NORTH LINE OF LOT 1 = N88°04'11"E, FROM PREVIOUS SURVEYS

c:\dwg\cam\d12034\d12034 (0-12034)

SHEET 1 OF

RECEIVED

JUL 28 2020

2695

758721 DOOR COUNTY LAND USE SERVICES DEPARTMENT

VOL 16 pg. 169

SURVEYOR'S CERTIFICATE:

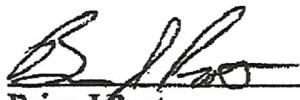
I, Brian J. Peot, registered land surveyor for Bay Surveying LLC, do hereby certify that I have surveyed the following described parcel:

Lot One (1) of Certified Survey Map No 2066, recorded at Volume 12, of Certified Survey Maps, Pages 255 through 256, Document No. 685014, located in the Northeast one-quarter of the Southwest one-quarter, Section 33, Township 31 North, Range 27 East., Town of Gibraltar, Door County, Wisconsin.

Parcel contains 191,672 square feet / 4.40 acres.

I further certify that I have surveyed, and mapped said property at the direction of Karl W Erickson and that the adjacent map is a true representation of said property and correctly shows the exterior boundaries and correct measurements thereof. Also, that I have fully complied with the requirements of Section 236.34 of the Wisconsin Statutes.

Dated this 30th day of March, 2012


Brian J Peot
R. L. S. S-2763

ACCEPTED FOR RECORDING AND FILING IN

THE OFFICE OF REGISTER OF DEEDS IN

DOOR COUNTY, WISCONSIN

AT 3:40 P M ON APRIL 4, 2012

AS DOCUMENT # 758721 AND

FILED IN Vol. 16 pg. 168


SIGNATURE OF REGISTER OF DEEDS

30th pd.



"CAVEAT: BUILDING ZONES DEPICTED ARE BASED ON ZONING SETBACKS IN EFFECT AT TIME THIS MAP WAS PRODUCED AND SHOULD NOT BE RELIED UPON WITHOUT FIRST OBTAINING WRITTEN VERIFICATION THEREOF FROM THE DOOR COUNTY PLANNING DEPARTMENT AND/OR ANY OTHER LOCAL ZONING AUTHORITIES."

CERTIFICATE OF THE DOOR COUNTY PLANNING DEPARTMENT

This Certified Survey Map has been submitted to and approved by the Door County Planning Department.

Dated this 29th day of March, 2012


Richard Brauer

SHEET 2 OF 2
dwg\csm\d12034\d12034.dwg

VOL 16 pg. 169

Current Ordinance

RECEIVED
JUL 28 2020
DOOR COUNTY
CONSTRUCTION SERVICES DEPARTMENT

(4) Accessory structures shall not be permitted until its associated principal structure is present or under construction, except that one accessory building may be permitted prior to the erection of a principal structure, provided the following requirements are met:

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

(5) Items prohibited as accessory structures. Such items as, but not limited to, boats, truck bodies, manufactured homes, buses, railroad cars, shipping containers, and trailers shall not be used as accessory structures.

* (6) Additional requirements in the SF10, SF20, SF30, HD, RC, and NR districts. Buildings which are accessory to single family residences and duplexes in the Single Family Residential-10,000, Single Family Residential-20,000, Single Family Residential-30,000, High Density Residential, Recreational Commercial and Neighborhood Residential districts shall comply with the following requirements: (Amended: 27 February 2007, Ord. No. 2007-04; Effective 12 March 2007) (Amended: 22 February 2011, Ord. No.2011-03)

* (a) No more than 4 accessory buildings shall be permitted on a lot in these districts. The combined total floor area of such accessory buildings shall not exceed the area of the building footprint of the principal building on the lot. (Amended: 28 May 2012, Ord. No. 2012-11)

OLD RULE ALLOWED 70% OF TOTAL FLOOR AREA

(b) The maximum height of an accessory building shall be determined by either of the following methods:

- 1. General method. No accessory building shall have a height greater than 16 feet above finished grade elevation. (Amended: 17 April 2012, Ord. No.2012-14)

10. Accessory Uses and Structures

a. Any permanent, roofed structure serving as an accessory use if attached to the principal building by an enclosed structure shall be considered a part of the principal building. If such structure is a building and is not attached to the principal building, it shall conform to the setback, and other dimensional requirements of the district within which it is located.

b. Accessory buildings permitted in residential or recreational districts, shall conform to the following requirements:

- (1) No more than two accessory buildings shall be permitted on a lot.
- (2) The total floor area of the two accessory buildings shall not exceed 70 percent of the floor area of the principal building on the lot.
- (3) The total floor area of the two accessory buildings shall not exceed 10 percent of the total lot area.

11. Unenclosed Storage

No large object other than passenger motor vehicles may be stored on a lot in a Recreational or Residential District, except within a garage or where it will at all times be completely shielded from view from the street or adjoining properties by landscaping, walls, or fencing. Such objects would include travel trailers, campers, coaches, boats, and other major recreational equipment. The mention of such things is not intended to exclude any other objects not specifically enumerated. Such equipment may be parked anywhere on a residential premises for a period not to exceed 72 hours, except boats or travel trailers shall be permitted to park anywhere on a residential premises for a period not to exceed 60 days. When such equipment is parked temporarily on premises, the Door County Planning Department must be notified or a violation can be cited. No such equipment shall be used for living or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. The storage of such equipment shall only be permitted adjacent to a residence and shall never be the principal use of an individual lot. The storage of such equipment prior to the adoption of this Ordinance shall be permitted to continue.

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County of Door
LAND USE SERVICES DEPARTMENT - ZONING

County Government Center
 421 Nebraska Street
 Sturgeon Bay, WI 54235

Richard D. Brauer - Zoning Administrator

Phone: (920) 746-2323

FAX: (920) 746-2387

August 11, 2020

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

Re: Petition for Grant of Variance
 Tax Parcel # 014-02-33312731J2
 9218 Spring Road

Greetings:

We are sending you this letter to notify the town that there will be a hearing regarding a request for a variance on a property in the Town of Gibraltar at an upcoming Door County Board of Adjustment meeting. The scheduling process for the hearing will begin on September 8, 2020, unless we hear from the town before that date. The hearing will be held no sooner than three weeks after the scheduling process is begun.

Karl W. Erickson petitions for a variance from Section 3.12(6)(a) of the Door County Comprehensive Zoning Ordinance which states that, "The combined total floor area of accessory buildings on the lot shall not exceed the area of the building footprint of the principal building (residence) on the lot." The existing 24' x 28' residence has a 672 square foot building footprint. Mr. Erickson proposes to construct a 24' x 28' (672 square foot) detached garage and retain an existing 12' x 12' (144 square foot) shed. Therefore, the combined total floor area of the accessory buildings would exceed ordinance limitations by 144 square feet. This property is located at 9218 Spring Road in Section 33, Town 31 North, Range 27 East, in the Town of Gibraltar.

Enclosed is a "Town Recommendation Worksheet" which we ask you to complete and send back to the Door County Planning Department. As a reminder, comments may be submitted to the Planning Department up to 12:00 p.m. the day before the public hearing, and/or the town may offer verbal testimony at the hearing.

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

Sincerely,

Richard D. Brauer
 Zoning Administrator

Enc.: Variance application packet & town recommendation worksheet

CC: Karl W. Erickson

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

Door County Planning Department Request for Town Recommendation

Karl W. Erickson petitions for a variance from Section 3.12(6)(a) of the Door County Comprehensive Zoning Ordinance which states that, "The combined total floor area of accessory buildings on the lot shall not exceed the area of the building footprint of the principal building (residence) on the lot." The existing 24' x 28' residence has a 672 square foot building footprint. Mr. Erickson proposes to construct a 24' x 28' (672 square foot) detached garage and retain an existing 12' x 12' (144 square foot) shed. Therefore, the combined total floor area of the accessory buildings would exceed ordinance limitations by 144 square feet. This property is located at 9218 Spring Road in Section 33, Town 31 North, Range 27 East, in the Town of Gibraltar.

The (circle one) Town Board / Planning Committee of the Town of Gibraltar held a legally noticed and posted meeting on 9/9/2020, at which, by a vote of 5 (Yea) to 0 (Nay), the town recommended (check one) **SUPPORT** **DENIAL** for a variance.

Reason(s) for the town's decision:

Support from Plan Commission meeting,
neighbor support, there is a hardship due to
the roof leak on the house. zoning has changed
since several buildings have been built

Is the proposal consistent with the Town Comprehensive Plan?

The Gibraltar Plan Commission did not specifically
answer this question.

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

The town has no concerns with this request.

TJ. Ha
Town Clerk Signature

9/10/2020
Date

RECEIVED

*See reverse for variance criteria.

SEP 28 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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

Door County, Wisconsin

NOTICE OF APPEAL TO BOARD OF ADJUSTMENT

(I) (We) Door Shakespeare, Inc (Name)
of PO Box 351 Baileys Harbor, WI 54202 (Mailing Address)
Telephone (920) 854-7111

hereby appeal to the Board of Adjustment from the decision of the Door County Resource Planning Committee whereby the Committee denied/granted application for a Conditional Use Permit to:

Construct a commercial storage facility by constructing three 40' x 230' and two 40' x 90' buildings on three vacant lots (to be combined, for a total lot area of 200,243 sq. ft.), with three of the buildings exceeding a footprint of 5,000 sq. ft.

The description of the property involved in this appeal is as follows:

- A. Location: 10038 STH 57, Town of Liberty Grove, Door County, Wisconsin, in Section 17, Town 31 North, Range 28 East, Tax Parcel Nos. 018-01-17312833F1, 33F2, and 33F3

Lot Size: 60,000 square feet Zoning District: Mixed Use Commercial (MC) zoning district

Present Use: Vacant land

Present Improvement Upon Land: Does not apply

Proposed Use: Create a commercial storage facility by constructing three 40' x 230' and two 40' x 90' buildings on three vacant lots (to be combined, for a total lot area of 200,243 sq. ft.), with three of the buildings exceeding a footprint of 5,000 sq. ft.,

The ISSUANCE of a permit for the above-named premises by the Door County Resource Planning Committee is APPEALED because:

See Attached statement of grounds for appeal

Date Filed: August 13, 2020 (Signed) Amy Enger Appellant(s) or Agent

Date Fee Paid (\$750.00): 8-13-2020 # 2603

Notice Published: Hearing Date:

Decision: RECEIVED

AUG 13 2020 DOOR COUNTY LAND USE SERVICES DEPARTMENT

12/28/2018

GROUNDS FOR APPEAL**Door County Resource Planning Committee dated July 20, 2020**

The proposed storage unit facility is to be located on Highway 57 in a mixed commercial use corridor. The present uses in this area on the corridor itself are mainly small commercial shops and businesses. Constructing these commercial storage unit buildings will be out of character with the neighborhood, particularly as related to their scale and commercial design.

Three proposed storage buildings will be constructed with approximately 138 units upon completion, and these will be, by far, be the largest buildings in the surrounding area along this portion of Highway 57.

Specifically, a building without windows, with metal siding, and with metal doors would also differ vastly from the character of the numerous small buildings and farms that line Highway 57 in that location, and would adversely affect the property values of those surrounding business and residential properties along the highway. Although there are several commercial storage units in the vicinity, which are also located within the same MC district, their presence in the area is distinguishable from the present request for a conditional use permit by reason of their not being placed directly along the Highway 57 corridor.

Issuance of conditional use permits for the purpose of constructing commercial storage facilities are permissible under 2.05(3)(a) in a Mixed Commercial District (MC), but the conditional use permit sought by the applicant in this case would combine three existing 20,000 square foot lots, as permitted in MC zoning districts, into one 60,000 square foot lot, as required by Light Industrial (LI) zoning districts, functionally creating thereby a Section (19) LI zoning district under the guise of simply requesting a conditional use permit for existing MC properties in order to put up commercial storage facilities of this size and placement.

While the criteria proposed in Section 11.04(5)(b) is whether the project is consistent with any officially adopted plan, which would be as described under Section (17), and under Wis. Stats. §66.1001(2m)(b) a conditional use permit may be issued by a political subdivision that is not consistent with the political subdivision's comprehensive plan as set forth in Section (17), it is respectfully contended that because this authority is permissive, there is no requirement that such permission be granted to build a commercial storage facility along the highway corridor, when that corridor has no such present usage fronting the highway and will be out of character with surrounding highway frontage uses.

Because these three large metal buildings will be completely out of character with the existing businesses, shops and homes along the Highway 57 corridor in this location, plus the fact that the functional effect of granting a conditional use permit in this case is to create a zoning change, from MC to LI, it will also adversely affect surrounding property values of the owners of business and homes along the Highway 57

RECEIVED**AUG 13 2020****DOOR COUNTY
LAND USE SERVICES DEPARTMENT**



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

Sue Vanden Langenberg, Zoning Administrator

Phone: (920) 746-2221

FAX: (920) 746-2387

Email: svanden@co.door.wi.us

Website: <https://www.co.door.wi.gov/164/Land-Use-Services>

July 20, 2020

Richard Bierman
 1574 Berkshire Drive
 Green Bay, WI 54313

Re: Commercial Storage Facility (018-01-17312833F1, F2 & F3)

Greetings:

At a public hearing on July 16, 2020, the Door County Resource Planning Committee took testimony on your application related to the above property. At a subsequent meeting that evening, there was a motion by Fisher, seconded by Enigl, that:

- A. Richard Berger and the Keith & Christine Bridenhagen Trust (on behalf of Richard Bierman) propose to establish a commercial storage facility by constructing three 40' x 230' and two 40' x 90' buildings on three vacant lots (to be combined, for a total lot area of 200,243 sq. ft.), with three of the buildings exceeding a footprint of 5,000 sq. ft., the property being located directly adjacent to and south of 10038 STH 57, Town of Liberty Grove, Door County, Wisconsin, in Section 17, Town 31 North, Range 28 East and in a Mixed Use Commercial (MC) zoning district, under a conditional use permit.
- B. Following a public hearing, the Resource Planning Committee (RPC) finds and concludes that:
 1. The applicant has demonstrated by substantial evidence that the application and all conditions and requirements relating to the proposed conditional use are or will be satisfied.
 2. There was no substantial evidence to support the opposite conclusion.
 3. A conditional use permit is hereby granted, subject to the following conditions and requirements:
 - a. A Door County Regular Zoning Permit authorizing construction of at least one of the buildings shall be obtained within 12 months; construction on the building(s) must begin within 12 months of the issuance of the regular zoning permit.
 - b. The project shall comply with all applicable local, state, and federal codes and ordinances, including obtaining all required approvals and permits prior to opening.

- c. All lighting associated with the project shall utilize lighting fixtures whose hood, lens, or combination thereof allow no direct beams of light to be seen from off the property or to be cast skyward, and the lighting elements of which shall not be visible from adjacent properties.
- d. Construction erosion control plans for the phased development of this site shall be developed, approved, installed, and maintained in accordance with applicable standards of the Wisconsin Department of Natural Resources and the Door County Soil & Water Conservation Department.
- e. Post-construction storm water runoff control plans based on a full build-out of the approved development hereby authorized shall be developed, approved, installed, and maintained in accordance with applicable standards of the Wisconsin Department of Natural Resources and the Door County Soil & Water Conservation Department.
- f. The properties shall be combined into one legal description prior to issuance of the first regular zoning permit.
- g. Documentation verifying authorization to directly access STH 57 with a new driveway from the proposed reconfigured lot shall be provided to the Door County Land Use Services Department before a regular zoning permit may be issued.
- h. Vegetative screening shall be installed and maintained parallel to STH 57 as required by Door County Comprehensive Zoning Ordinance Sections 3.10(4) and (5). In addition, vegetative screening consistent with the spacing and planting requirements in those same ordinance sections shall be installed from the northernmost point of the screening parallel to STH 57 extending to the east, along the northerly lot line, to the southeastern corner of the Door Shakespeare easterly lot line (parcel # 018-01-17312833D).
- i. All required vegetative screening must be installed within three months of commencing construction of the first building.
- j. No electrical service shall be provided within the interior of any of the individual storage units.
- k. The entire project shall be completed no later than December 31, 2026.

That motion carried unanimously.

Please note that subsequent owners of the property are generally allowed to continue the use, subject to conditions and requirements imposed on the original conditional use permit. Therefore, an affidavit is to be recorded along with the conditional use permit, letter and copy of the certified survey map (CSM) to provide successors in interest notice of the conditional use permit and conditions and requirements. The affidavit will be mailed to you in a subsequent mailing once the lots have been combined by CSM.

APPEAL: *Be advised that any party aggrieved by the Resource Planning Committee's decision to issue this zoning permit may appeal to the Board of Adjustment within 30 days of the date of this letter. Appeal forms are available from the Door County Planning Department.*

The conditional use permit is enclosed and is subject to the conditions of this letter. Enclosed is a regular zoning permit application which will need to be submitted to authorize construction of the buildings.

Please call me at 920-746-2221 if you have any questions.

Sincerely,



Sue Vanden Langenberg
Zoning Administrator

Enc.: Conditional Use Permit & regular zoning permit application

Pc: Anastasia Bell, Liberty Grove Town Clerk (via e-mail w/copy of C.U.P.)
Greg Coulthurst, Door County SWCD
Carl Zapffe (via e-mail w/copy of C.U.P.)
✓ Jean Thompson (via e-mail w/copy of C.U.P.)
✓ Don Thompson (via e-mail w/copy of C.U.P.)
✓ Amy Ensign (via e-mail w/copy of C.U.P.)
Judy Drew (via e-mail w/copy of C.U.P.)
David Clowers (via e-mail w/copy of C.U.P.)
Michael Stebbins (via e-mail w/copy of C.U.P.)

DOOR COUNTY CONDITIONAL USE PERMIT

23

PARCEL NO. 018-01-17312833F1

Pursuant to the Door County Zoning Ordinance, Ordinance Number 2-95, this Permit

is issued to KEITH & CHRISTINE BRIDENHAGEN

for the establishment of a commercial storage facility comprised of three 40' x 230' buildings and two 40' x 90' buildings with three of the buildings exceeding a footprint of 5,000 square feet.

Located at _____

in Section 17, T 31 N, R 28 E, Town of LIBERTY GROVE, Door County.

This Conditional Use Permit is issued subject to compliance with all provisions of the Door County Zoning Ordinance and subject to the following conditions:

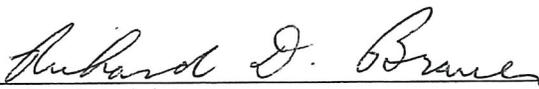
1. Structure or use authorized herein shall not be used or occupied until a Certificate of Compliance has been issued by the zoning administrator. Call the Door County Land Use Services Department for an inspection.
2. As per letter dated 7/20/20.

IMPORTANT:

A conditional use permit to establish a use shall expire 12 months from date of issuance if no action has commenced to establish the authorized use.

APPEAL: Any party aggrieved by the Zoning Administrator's decision to issue this conditional use permit may appeal to the Door County Board of Adjustment within 30 days from the the date of the issuance of this permit. Appeal forms are available from the Door County Land Use Services Department.

Date of Issuance: 07/20/2020



Zoning Administrator
Door County Land Use Services Department
421 Nebraska Street- Government Center
Sturgeon Bay, WI 54235
TEL 920-746-2323
FAX 920-746-2387

- (1) To hear and decide appeals where error is alleged, pursuant to s. 59.694, Wis. Stats., and ss. 10.02(4) (a) and 11.07, Door County Zoning Ordinance. (See Section E.)
- (2) To hear and decide appeals from a Conditional Use Permit decision by the Door County Resource Planning Committee. (See Section F.)
- (3) To hear and authorize upon appeal variances pursuant to ss. 10.02(4)(b) and (c) and 12.04, Door County Zoning Ordinance, and s. 59.694(7)(d), Wis. Stats. (See Section G.)

SECTION E. APPEALS WHERE ERROR IS ALLEGED.

(1) STANDARD OF REVIEW

The standard of review for such appeals shall be certiorari. That is, review shall be confined to the record related to the decision being appealed.

(2) HEARING TESTIMONY.

Public hearing testimony shall be limited to facts and relevant information pertinent to the decision being appealed. To aid the Board in understanding the facts and relevant information, the Board may ask questions of those testifying.

(3) ORDER OF HEARING.

- (a) Reading of the appeal by the Chairperson.
- (b) Discussion of the record by the Board.
- (c) Testimony by the appellant to support the challenge to the decision.
- (d) Testimony by the officer to support the decision.
- (e) Rebuttal by the appellant.
- (f) Rebuttal by the officer.
- (g) Close the hearing.
- (h) Consideration and decision.

(4) BASES FOR DECISION.

- (a) Whether the officer kept within its/his/her jurisdiction.
- (b) Whether the officer acted according to applicable laws and common law concepts of due process and fair play.
- (c) Whether the officer's action was arbitrary, oppressive, or unreasonable and represented the officer's will and not the officer's judgment.
- (d) Whether the evidence was such that the officer might reasonably make the order or determination in question.

SECTION F. APPEALS FROM A CONDITIONAL USE PERMIT DECISION BY THE DOOR COUNTY RESOURCE PLANNING COMMITTEE .

(1) STANDARD OF REVIEW .

The standard of review for such appeals shall be de novo. That is , the original decision of the Door County Resource Planning Committee shall be given no further consideration. Consequently, the Board shall consider the application for such Conditional Use Permit anew and without any consideration given to the Door County Resource Planning Committee's prior decision on the matter. Accordingly, the Board shall:

- (a) Conduct a hearing about the appeal.
- (b) Independently take evidence.
- (c) Render a decision on the appeal.

(2) FILING AN APPEAL.

- (a) Any person aggrieved may take appeals to the Board.
- (b) Such appeals shall be commenced by filing a notice of appeal and a nonrefundable fee as established by the Door County Board of Supervisors with the Door County Planning Department within 30 days after the date of written notice of the decision of the Door County Resource Planning Committee.
- (c) The notice of appeal shall specify the decision appealed.
- (d) The appellant may withdraw the appeal anytime prior to the Board's decision.

(3) RECORD ON APPEAL.

- (a) The Door County Planning Department shall cause the record to be compiled and transmitted to the Board in advance of the de novo hearing.
- (b) The record shall comprise of only the application for Conditional Use Permit and addendum or supplement thereto.

(4) ORDER OF HEARING.

- (a) Reading of the appeal by the chairperson.
- (b) Explanation of the appeal by the administrator.
- (c) Testimony by those in support of the Conditional Use Permit application.
- (d) Testimony by those in opposition to the Conditional Use Permit application.
- (e) Rebuttal by those in support of the Conditional Use Permit application.
- (f) Rebuttal by those in opposition to the Conditional Use Permit application.
- (g) Close the hearing.
- (h) Consideration and decision.

(5) BASES FOR DECISION.

The bases for decision shall be as set forth in s. 11.04(5), Door County Zoning Ordinance.

SECTION G. VARIANCES FROM THE TERMS OF THE DOOR COUNTY ZONING ORDINANCE.**(1) STANDARD OF REVIEW.**

The standard of review for variance appeals shall be original review. That is, the Board shall render the first decision on the matter.

(2) ORDER OF HEARING.

- (a) Statement by the chairperson of the purpose of the hearing.
- (b) Reading of the variance appeal by the chairperson.
- (c) Explanation of the appeal by the administrator.
- (d) Testimony by those in support of the appeal.
- (e) Testimony by those in opposition to the appeal.
- (f) Rebuttal by those in support of the appeal .
- (g) Rebuttal by those in opposition to the appeal.
- (h) Close the hearing.
- (i) Consideration and decision.

(3) BASES FOR DECISION.

The bases for decision shall be the standards for variance detailed in s. 11.06(3), Door County Zoning Ordinance, the Wisconsin Statutes, and common law.

(6) Termination. If the impervious surfaces or storm water runoff control system authorized do not comply with the issued impervious surface authorization permit or this Ordinance, the permit shall be terminated by the Zoning Administrator.

11.04 Conditional use permits.

(1) Applicability. A conditional use permit shall be required for the establishment of each use permitted as a conditional use and for an addition to, or the expansion or intensification of, a nonconforming use. Expansion of a use permitted as a conditional use shall also require a conditional use permit, except that the minor expansion of a building housing a use permitted as a conditional use which would not increase the scale or intensity of that use shall only require a regular zoning permit.

(2) Application.

(a) An application for a conditional use permit shall be submitted to the Zoning Administrator upon forms furnished by the Door County Land Use Services Department. The application shall contain facts and information, other than merely personal preferences or speculation, directly pertaining to the conditions and requirements relating to the conditional use, including the following:

1. All the facts and information required for a regular zoning permit listed in s. 11.01(2)(a), and a completed conditional use permit form addendum. (Amended: 30 September 1997; Ord. 29-97)

2. Upon written request by the Zoning Administrator, such additional facts and information as may be reasonably deemed necessary by the Zoning Administrator in order that the Resource Planning Committee can determine whether or not the application and all requirements and conditions the applicant must meet to obtain a conditional use permit are or will be satisfied. The written request shall contain an explanation of why the additional information is deemed necessary.

3. Water supply and sewage disposal. Where the proposed use involves human occupancy, satisfactory evidence that a safe and adequate supply of water and approved sewage disposal facilities will be provided, in accordance with the requirements of the Door County Sanitary Ordinance, shall be submitted.

(b) Fee. All conditional use permit applications shall be accompanied by a fee established by the County Board of Supervisors.

(c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Door County have been paid in full. The applicant bears the burden of ensuring and demonstrating that an application is complete.

(3) Public hearing. A public hearing shall be held by the Resource Planning Committee after a public notice has been given as provided in s. 11.09(1), notice for public hearings. At the public hearing, any party may appear in person or by agent or attorney. The applicant has the burden of proof and must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.

(4) Determination. Following review and public hearing, the Resource Planning Committee shall render a decision in writing.

(a) If the application is approved, such decision shall include an accurate and complete description of the use as permitted, including all the conditions and requirements attached thereto.

(b) If the application is denied, the reasons for denial shall be stated in the decision.

(5) Basis of approval or denial.

(a) The Resource Planning Committee shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this Ordinance. The Committee's decision to approve or deny the conditional use permit must be supported by substantial evidence.

(b) To aid in the review of and decision-making regarding the proposed conditional use project, the Resource Planning Committee shall evaluate the following specific criteria as applicable, but shall not be limited thereto: (Amended: 30 September 1997; Ord. 29-97)

1. Whether the proposed project will adversely affect property values in the area.
2. Whether the proposed use is similar to other uses in the area.
3. Whether the proposed project is consistent with the Door County Comprehensive and Farmland Preservation Plan or any officially adopted town plan. (Amended: 17 April 2012; Ord. No. 2012-14) (Amended: 20 Sept. 2016; Ord. 2016-14)
4. Provision of an approved sanitary waste disposal system.
5. Provision for a potable water supply.

6. Provisions for solid waste disposal.
7. Whether the proposed use creates noise, odor, or dust.
8. Provision of safe vehicular and pedestrian access.
9. Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
10. Adequacy of emergency services and their ability to service the site.
11. Provision for proper surface water drainage.
12. Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.
13. Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
14. Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or altering of the topography.
15. Whether, and in what amount and form, financial assurance is necessary to meet the objectives of this ordinance.
16. Whether, and to what extent, site-specific conditions should be imposed to mitigate potentially problematic impacts of the use.
17. The impact of the proposed project on public health, public safety, or the general welfare of the County.

The foregoing criteria are deemed reasonable and, to the extent practicable, measurable.

(c) An applicant's failure to demonstrate, by substantial evidence, that the application and all applicable requirements in this Ordinance and conditions established by the county relating to the conditional use are or will be satisfied shall be grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.

(d) In the Exclusive Agricultural district, no conditional use permit shall be granted unless the proposed use is consistent with agricultural use and is found to be necessary in light of the alternative locations available for such use. (Added: 28 March 2000; Ord. No. 05-00)

(6) **Conditions and requirements.** The Resource Planning Committee may, in approving an application for a conditional use permit, impose such conditions and requirements that it determines are required to prevent or minimize adverse effects from the proposed use or development on other properties in the neighborhood and on the general health, safety, and welfare of the county.

(a) Any conditions or requirements imposed must be:

1. reasonable.
2. measurable, to the extent practical;
3. consistent with this ordinance's general purpose and intent; and
4. based on substantial evidence.

(b) The applicant must demonstrate, by substantial evidence, that all conditions or requirements imposed will be met.

(7) Expiration, Duration, Transfer.

(a) Expiration. All conditional use permits shall expire 12 months from the date of authorization by the Resource Planning Committee where the Resource Planning Committee determines that no action has commenced to establish the authorized use. (Amended: 01 November 1999; Ord. 22-99)

(b) Duration. A conditional use permit will generally remain in effect as long as the conditions and requirements upon which the permit was issued are followed. The Resource Planning Committee may, at its discretion, grant a limited term conditional use permit if a reasonable basis exists for such limitation. Any limited term conditional use permit may be subject to renewal after a re-evaluation of the use via a hearing before the Resource Planning Committee.

(c) Transfer. Subsequent owners of the property are generally allowed to continue the use, subject to conditions and requirements imposed on the original conditional use permit. An affidavit is to be recorded with the deed to provide successors in interest notice of the conditional use permit and conditions and requirements.

(8) Project Completion. All conditional uses authorized by the Resource Planning Committee shall be given a specific amount of time within which the project must be completed. The time limit may be negotiated between the project applicant and the Resource Planning Committee. If the applicant fails to complete the approved project within the designated time period, the permit expires and the applicant must seek a new conditional use permit authorizing the remainder of the project. (Added: 01 November 1999; Ord. 22-99)

(9) Notification.

(a) (Deleted: 25 June 2013; Ord. 2013-11)



County of Door
LAND USE SERVICES DEPARTMENT - ZONING

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Richard D. Brauer - Zoning Administrator

Phone: (920) 746-2323

FAX: (920) 746-2387

August 17, 2020

Richard Bierman
1574 Berkshire Dr.
Green Bay, WI 54313

Re: Tax Parcel Nos. 018-01-17312833F1 (Keith & Christine Bridenhagen Trust – Owner
018-01-17312833F2 & 33F3 (Richard L. Berger – Owner)

Dear Mr. Bierman:

A Notice of Appeal to Board of Adjustment has been filed. A copy of the Appeal is enclosed for your records and information.

An appeal stays the decision appealed from (see s. 11.07(1)(c), Door County Comprehensive Zoning Ordinance; copy enclosed). The stay prevents further action on the Zoning Permits until the appeal is resolved. This means any and all activity authorized by the Zoning Permits must cease and desist during the pendency of the appeal.

Sincerely,

Richard D. Brauer
Zoning Administrator

Enc.: Appeal copy
Door County Comprehensive Zoning Ordinance Section 11.07(1)(c)

Cc: Door Shakespeare, Inc.
Keith & Christine Bridenhagen Trust
Richard L. Berger

11.07 Appeals.**(1) General provisions.**

(a) Where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator, Land Use Services Director, or Resource Planning Committee, an appeal may be taken to the Board of Adjustment by any person aggrieved, or by any officer, department, board, or bureau of the municipality affected.

(b) Such appeals shall be filed with the Land Use Services Department within 30 days after the date of written notice of the decision or order of the Zoning Administrator, Land Use Services Director, or Resource Planning Committee.

(c) **Stays.** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the Board of Adjustment, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

(2) Processing an appeal.

(a) Petitions for appeals shall include:

1. Name, address, and signature of the appellant.
2. Location of property affected by the appeal.
3. The decision being appealed and the grounds claimed for the appeal.
(Amended: 24 March 2015; Ord. 2015-02)
4. Such additional information as may be required by the Board of Adjustment.

(b) **Fee.** An appeal shall be accompanied by a fee established by the County Board of Supervisors.

(c) For appeals of Zoning Administrator or Land Use Services Director decisions, or Resource Planning Committee decisions other than conditional use permit application decisions, the Door County Land Use Services Department shall forthwith transmit to the Board of Adjustment the appeal and all the documents constituting the record upon which the action appealed from was taken. For appeals of Resource Planning Committee conditional use permit application decisions, the Door County Land Use Services Department shall

forthwith transmit to the Board of Adjustment the appeal, the conditional use permit application in question, and any supplementary materials developed by Land Use Services Department staff regarding the conditional use permit application. (Amended: 24 March 2015; Ord. 2015-02)

(d) **Public hearing.** (Amended: 24 March 2015; Ord. 2015-02) (Amended: 29 October 2019; Ord. 2019-13)

1. The Board of Adjustment shall hold a public hearing in accordance with §59.694, Wis. Stats., and this Ordinance.
2. The Board of Adjustment shall, after receipt of a completed and executed petition for appeal and payment of the associated fee, fix a reasonable time for the hearing of the appeal.
3. In the case of an appeal of the issuance or denial of a sign permit, the hearing of the appeal will be held within sixty (60) days of receipt of a completed and executed petition for appeal and payment of the associated fee.
4. At the hearing any party may appear in person or by agent or attorney.
5. The burden of proof at all times remains with the appellant, except that in appeals of Resource Planning Committee conditional use permit decisions, the Board of Adjustment will conduct a “de novo” hearing, meaning that the conditional use permit applicant has the burden of proof.

(e) **Decision.** The Board of Adjustment decision of the appeal shall be rendered in writing within 30 days after the public hearing. Such decision shall:

1. State the specific facts which are the basis for the Board's decision.
2. Either affirm, reverse, vary, or modify the order, requirement, decision or determination appealed from. The Board may also dismiss the appeal for lack of jurisdiction.

Commentary: An appeal decision made by the Board of Adjustment may be further appealed to a court of law.

(3) **Department of Natural Resources notification.** (Amended: 27 May 2014; Ord. 2014-10)
(Deleted: 20 Sept. 2016; Ord. 2016-14)

11.08 Amendments.

(1) The County Board of Supervisors may amend this Ordinance in accordance with 59.69(5), Wis. Stats., after a public notice has been given as provided in s. 11.09(1), notice for public hearings. At the hearing any party may appear in person or by agent or attorney. (Amended: 20 Sept. 2016; Ord. 2016-14)

Applicant

Project

The Door County Resource Planning Committee (RPC) decision to approve, approve with conditions, or deny a Conditional Use Permit (CUP) must be supported by substantial evidence. A CUP applicant has the burden of proof. S/he must demonstrate, by substantial evidence, that the application and all requirements and conditions established in the ordinance and by the RPC relating to the conditional use are or shall be satisfied. If an applicant meets their burden of proof, then the RPC must grant the CUP.

If an applicant fails to meet their burden of proof, the CUP will be denied. The CUP may also be denied if substantial evidence exists to support the opposite conclusion, i.e., that the conditions and requirements the applicant must meet to obtain the conditional use permit are not or will not be satisfied.

Substantial evidence: Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Standard	Has the applicant met their burden of proof? (Yes / No / N/A)	Has convincing opposing substantial evidence been provided? (Yes / No / N/A)	Are there conditions which should or can be attached, whether to: a) insure ordinance compliance, b) address the lack of substantial evidence, and/or c) address convincing and substantial opposing evidence?
1) Whether the proposed project will adversely affect property values in the area.			
2) Whether the proposed use is similar to other uses in the area.			
3) Whether the proposed project is consistent with the Door County Comprehensive and Farmland Preservation Plan or any officially adopted town plan.			
4) Provision of an approved sanitary waste disposal system.			
5) Provision for a potable water supply.			
6) Provisions for solid waste disposal.			
7) Whether the proposed use creates noise, odor, or dust.			
8) Provision of safe vehicular and pedestrian access.			

9) Whether the proposed project adversely impacts neighborhood traffic flow and congestion.			
10) Adequacy of emergency services and their ability to service the site.			
11) Provision for proper surface water drainage.			
12) Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.			
13) Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.			
14) Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or alteration of the topography.			
15) Whether, and in what amount and form, financial assurance is necessary to meet the objectives of this ordinance.			
16) Whether, and to what extent, site-specific conditions should be imposed to mitigate potentially problematic impacts of the use.			<i>For example: Access restrictions? Parking? Hours of operation? Hours open to public? Screening? Increased setbacks? Restrictions on signs?</i>
17) The impact of the proposed project on public health, public safety, or the general welfare of the County.			<i>For example: Compliance with local, state, and federal codes, laws, orders, ordinances, and rules?</i>
Other topics? (The RPC may consider topics in addition to the above.)			

The Resource Planning Committee shall establish a completion date for the proposed project: _____

The Resource Planning Committee may impose conditions regarding the permit's duration, transfer, or renewal.

GENERAL TEMPLATE FOR GRANTING A CONDITIONAL USE PERMIT

Motion by (RPC member), seconded by (RPC member), that:

A. The applicant seeks to establish a (specified use in specified building and/or on specified portion of a lot) at (street address), Town of (X), Door County, Wisconsin, Section (##), Town (##) North, Range (##) East under a conditional use permit.

B. Following a public hearing, the Resource Planning Committee (RPC) finds and concludes that:

1. The applicant has demonstrated, by substantial evidence, that the application and all conditions and requirements relating to the proposed conditional use are or will be satisfied.
2. There was no substantial evidence to support the opposite conclusion. (*OR*) Evidence exists to support an opposite conclusion, but it is not considered sufficient.
3. A conditional use permit is hereby granted, subject to the following conditions and requirements:

Standard conditions

- a) A regular zoning permit authorizing construction of the building shall be obtained within 12 months; construction must begin within 12 months of the issuance of the regular zoning permit. (Permit expiration.)
- b) The entire project shall be completed by (month/day/year). (Project duration.)
- c) The project shall comply with all applicable local, state, and federal codes, laws, ordinances, rules, and statutes.
- d) The conditional use permit will remain in effect as long as the conditions upon which the permit was issued are followed.
- e) County retains the authority to administer and enforce the conditional use permit. This includes the ability to revoke or add conditions if the conditions upon which the permit was issued are violated or the use changes.
- f) An affidavit is to be recorded with the deed by (set recording date, such as before issuance of regular zoning permit) to provide successors in interest notice of the conditional use permit and conditions and requirements.
- g) Any outdoor lighting erected in conjunction with this use shall utilize fixtures whose lens, hood, or combination thereof allow no direct beams to be seen from off the property or cast skyward, and the lighting elements of which shall not be visible from adjacent properties.

Statutory condition options

- h) Establish conditional use permit duration and renewal conditions/terms, if any.
- i) Establish conditional use permit transferability terms, if any.

Specific conditions/topics to address

- j) *See decision-making worksheet.*

4. The requirements and conditions described above are reasonable, objective and measurable to the extent practicable, related to the purpose of the ordinance, and based on substantial evidence.

C. The RPC's decision is supported by substantial evidence.

Motion carried unanimously.

GENERAL TEMPLATE FOR DENYING A CONDITIONAL USE PERMIT

Motion by (RPC member), seconded by (RPC member), that:

A. The applicant seeks to establish a (specified use in specified building and/or on specified portion of a lot) at (street address), Town of (X), Door County, Wisconsin, Section (##), Town (##) North, Range (##) East under a conditional use permit.

B. Following a public hearing, the Resource Planning Committee (RPC) finds and concludes that:

1. The applicant has not demonstrated by substantial evidence that the application and all conditions and requirements relating to the proposed conditional use are or will be satisfied. (Specify why... in context of the ordinance standards.)

(AND/OR)

2. Substantial evidence exists to support the conclusion that the conditions and requirements the applicant must meet to obtain the conditional use permit are not or will not be satisfied. (Specify why... in context of the ordinance standards.)

3. The particularized concerns set forth, including the ordinance standards at issue, in 1. and/or 2., above, cannot be adequately addressed by the placement of conditions on the permit.

4. The conditional use permit application is therefore hereby denied.

C. The RPC's decision is supported by substantial evidence.

Motion carried unanimously.

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MAY 22 2020

DOOR COUNTY LAND USE SERVICES
421 Nebraska Street - Door County Government Center
Sturgeon Bay, Wisconsin 54235
(920) 746-2323 - FAX (920) 746-2387

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

APPLICATION FOR CONDITIONAL USE PERMIT

TO THE ZONING ADMINISTRATOR. The undersigned hereby makes application for a CONDITIONAL USE PERMIT for the work described and located as shown herein. The undersigned agrees that all work shall be done in accordance with the requirements of the Door County Comprehensive Zoning Ordinance.

1. OWNER NAME AND MAILING ADDRESS

Name Richard Bierman
No. 1574 Street Berkshire Dr.
City Green Bay State WI Zip 54313
Home Phone #
Daytime Phone # 920 - 362 - 3478
Email: rbierman@wcbags.com

2. BUILDING SITE LOCATION

Fire # Road Hwy 57
Town of Liberty Grove
Local Phone #

3. DEVELOPER NAME AND MAILING ADDRESS

Name Richard Bierman
No. 1574 Street Berkshire Dr
City Green Bay State WI Zip 54313
Phone # 920 - 362 - 3478
Email: rbierman@wcbags.com

4. PROPERTY IDENTIFICATION

Parcel No. 018 - 01 - 1731283 F1
1731283 F2
1731283 F3

5. USE

Proposed use of land or structure:
Self Storage

6. SANITARY PERMIT

Type of System N/A
Sanitary Permit No.
Date of Issuance
Approximate date of installation

7. BUILDING PLANS AND SITE PLAN

TO SCALE BUILDING PLAN AND SITE PLAN REQUIRED. IF PLANS EXCEED AN 11" X 17" FORMAT, SUBMIT ONE COPY OF EACH SHEET REDUCED TO 11" X 17".

8. ROCKHOLES

A rockhole is any depression or opening in the ground surface through which gathered surface water enters bedrock and eventually joins groundwater.

To the best of your knowledge, do any rockholes exist on the lot?

X No Yes

If yes, show location on Site Plan.

9. FEE \$500.00

Make check payable to the Door County Treasurer.

10. AUTHORIZATION FOR INSPECTION

I hereby authorize the Zoning Administrator(s) to enter and remain in or on the premises for which this application is made at any reasonable time for all purposes of inspection relative to this petition.

11. SIGNATURE OF APPLICANT OR AGENT

Richard Bierman
Date 5-18-20

Receipt No. 1549
Date Permit Issued:
Certificate of Compliance: Date
Fee \$500
Date 5-22-20

Shoreland Zoning Yes/No (No)

Zoning District MC

(FOR OFFICE USE ONLY)

Inspections:

Date Inspector Remarks

Permit Issued: (by) TV (date) 7/20/20 (for) the establishment of a commercial storage facility comprised of three 40' x 230' buildings and two 40' x 90' buildings with three of the buildings exceeding a footprint of 5,000 square feet.

(w/conditions) As per letter dated 7/20/20.

Permit Denied (by) (date) for the following reasons:

MAY 22 2020

APPLICATION FOR CONDITIONAL USE PERMIT – ADDENDUM

DOOR COUNTY LAND USE SERVICES DEPARTMENT

A conditional use permit applicant has the burden of proof. S/he must demonstrate that the application and all requirements and conditions established by the Resource Planning Committee relating to the conditional use are or shall be satisfied, all of which must be supported by substantial evidence. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

If an applicant meets this burden of proof, the Resource Planning Committee will grant the conditional use permit. If an applicant fails to meet this burden of proof, the conditional use permit application will be denied.

To aid in its review of the proposed project, the Committee will consider the Door County Comprehensive Zoning Ordinance criteria set forth below. Answer all portions of all questions completely. State "not applicable," if appropriate, offering an explanation as to why facts and information were not provided.

Please provide the Resource Planning Committee members substantial evidence regarding:

1) Whether the proposed project will adversely affect property values in the area.

The proposed storage facility will add value to the area as it is currently vacant land. The south side is a gift shop, the north side is an office. Behind the property is a concrete sewerator. Across the hwy an old oil depot/gas station

2) Whether the proposed use is similar to other uses in the area.

There is a storage facility behind the property and 1/2 mile down Hwy 57. It would not be out of character for the surrounding area

3) Whether the proposed project is consistent with the Door County Comprehensive and Farmland Preservation Plan or any officially adopted town plan.

The current parcels are zoned MC with future use designated for commercial. The property is not prime farm land and is well drained

4) Provision of an approved sanitary waste disposal system.

Public Sewer Private Onsite Wastewater Treatment System (POWTS)
Check One Check One
Existing Conventional Septic
New Other In-ground System
Holding Tank

N/A

5) Provision for a potable water supply.

Public Water Supply Well
(Liberty Grove Sanitary District #1 and Maplewood only)
Check One Check One
Existing Private Well
New Shared Well

N/A

6) Provisions for solid waste disposal.

Commercial hauler
X Private delivery to collection site
Other

7) Whether the proposed use creates noise, odor, or dust.

Noise: There will be no noise

Odor: There will be no odor

Dust: There will be little to no dust

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MAY 22 2020

DOOR COUNTY LAND USE SERVICES DEPARTMENT

CONDITIONAL USE PERMIT ADDENDUM - PAGE 2

8) Provision of safe vehicular and pedestrian access.

Vehicular Access

Existing Driveway(s) to _____ (Road Name)

X New Driveway(s) to Highway 57 (Road Name)

A driveway has been approved by the state DOT for the purpose of the intended use

Pedestrian Access

Sidewalks

Path or Trail

X No Pedestrian Traffic

9) Whether the proposed project adversely impacts neighborhood traffic flow and congestion.

Existing traffic: _____ High Levels _____ Medium Levels X Low Levels

The frequency of use for a facility like this is traditionally low impact with low visitation

10) Adequacy of emergency services and their ability to service the site.

Take this form to the local Fire Chief with a copy of the plans for review. Have Fire Chief complete and sign below.

As Fire Chief of the Sister Bay & Liberty Grove Fire Department, I have reviewed the plans of this project. Our Department (can / cannot) access this site for fire protection purposes.

Other Fire Chief comments: - Fire Department approves with understanding actual facility size may change however access widths and layouts must be maintained.

[Signature], Fire Chief May 17, 2020 (Date)

11) Provision for proper surface water drainage.

Natural Infiltration (explain below)

X Some Grading of the Site (explain below)

Engineered Stormwater and/or Erosion Control Plan (attach)

There will be minimal amounts of excavation as the site is fairly flat with a slight drop in the rear of the property.

12) Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.

Buildings would be consistent with other properties in the area. The property will also be screened by trees to keep the aesthetics of the area.

MAY 22 2020

CONDITIONAL USE PERMIT ADDENDUM - PAGE 3

DOOR COUNTY LAND USE SERVICES DEPARTMENT

13) Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.

There will be exterior lighting with little overflow. There will be no pole lights or lighting that would create an adverse issue.

14) Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or alteration of the topography.

- Natural Vegetation: No Removal
- Some Removal
- Significant Removal (provide Landscape Plan)

The current field will be scraped down for the development. There will not be any material removed from the site.

- Topography: No Change
- Some Change
- Major Change (provide Grading Plan)

15) Whether, and in what amount and form, financial assurance is necessary to meet the objectives of this ordinance.

The proposed project is within the scope of making a financial commitment to finishing the project.

16) Whether, and to what extent, site-specific conditions should be imposed to mitigate potentially problematic impacts of the use.

The plan has the ability to be adjusted should it be necessary, and address any problematic concerns.

17) The impact of the proposed project on public health, public safety, or the general welfare of the County.

There is no impact to health, safety in the area. The general welfare will be improved by having a needed service.

The Resource Planning Committee will establish a completion date for the proposed project. By what month and year will the project be completed? Dec 31st, 2026 build only based on demand

The Resource Planning Committee is allowed to consider topics in addition to the above. Please provide information on additional topics you think the Committee should or may consider in evaluating this project.

I have the support of the people in the surrounding area. Everyone understands the need for storage as the lack of has created hardship for many in the area. I have and do operate a successful facility with very high reviews from customers and neighbors.

Note that a conditional use permit will generally remain in effect as long as the conditions and requirements upon which the permit was issued are followed. Subsequent owners of the property are generally allowed to continue the use, subject to those conditions and requirements. An affidavit is to be recorded with the deed to provide successors in interest notice of the conditional use permit and conditions and requirements.

The Resource Planning Committee may, however, impose conditions regarding the permit's duration, transfer, or renewal, in addition to any other conditions pertaining to ordinance standards or the specific criteria listed above. For example, the Committee may grant a limited term conditional use permit if a reasonable basis exists for such limitation. Any limited term conditional use permit may be subject to renewal after a re-evaluation of the use via a hearing before the Resource Planning Committee.

MAY 22 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

5/18/2020

To: The Door County Planning Resource Committee

I am proposing a self-storage facility on Highway 57 near County Q. I currently own and operate a facility in the area with excellent reviews and outstanding customer service. I make sure it is maintained at the highest standards and have never received anything but positive feedback on what we have accomplished. I would look to gradually develop another location based on demand from the surrounding area. Currently, there is a demand for specific units as many people are either moving to the area or have been displaced from current locations during the offseason due to a lack of housing. I have been able to service my current customers yet as their needs change, I also must adapt to their requests.

The current project will be very well maintained and screened from the road per the code. I will be using the slight undulation in the topography to accommodate the larger buildings to the rear of the property as to make them less visible. The current neighborhood could support the development as it meets the requirements of the zoning and long-range plans for this area. The proposed project will also provide a very low impact to the environment as well as a very light footprint of services provided by Liberty Grove. By approving this the project, we will be expanding a very much needed service, as the expansion of many apartments in Sister Bay and surrounding areas will be supported in their storage requirements. People I have spoken with about this project agreed it is very much needed in the area and would for sure be of benefit.

Request

1. I am requesting a Conditional Use Permit be granted for this site which is zoned (MC).
2. I am also requesting a Conditional Use Permit from the town of Liberty Grove for buildings over 5,000 sq. ft in total building volume per code 3.15 (5)(c) for each building.

Requirements

1. I have met all the setback requirements per the code.
2. I will have the front of the site screened per the code.
3. I have provided ample amount of parking per the code.
4. I have obtained a permit from the State for highway access.

In closing, I was raised in Ephraim and have strong ties to the community and have always focused on making sure we do the right thing. I plan on continuing to call this home as does my family for future generations, I am not developer looking to flip a property, more so provide a much-needed service. I look forward to working with everyone involved to create a very successful project that will benefit everyone in the area.

Thank you for your time and consideration.

Respectfully,



Rich Bierman

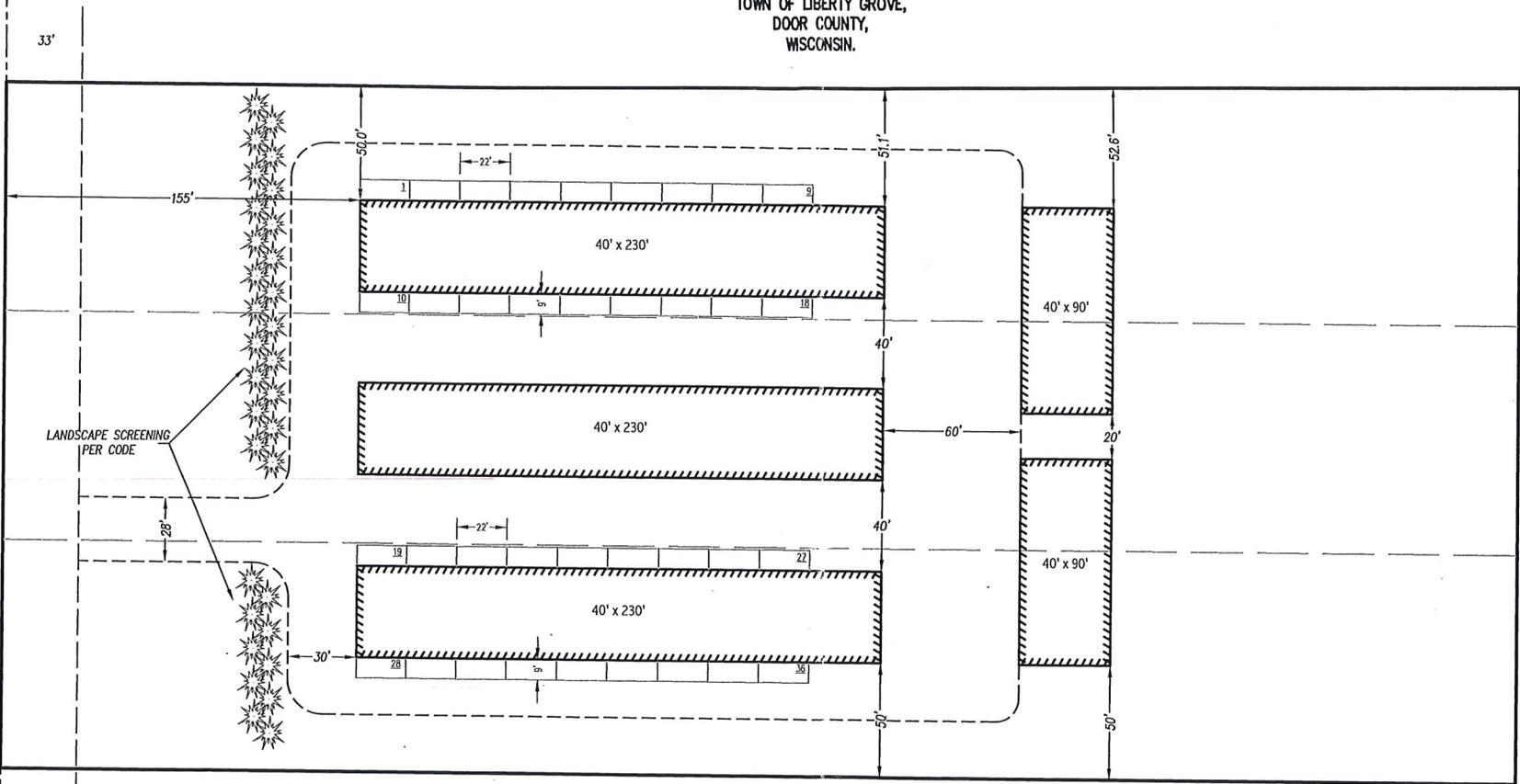
BEING:
 LOTS 1, 2, & 3 OF C.S.M. NO. 1274,
 RECORDED AT VOL. 7, PAGE 249 OF CERTIFIED SURVEY MAPS
 AS DOCUMENT NO. 613171
 LOCATED IN:
 THE SW 1/4 OF THE SW 1/4 OF SECTION 17,
 TOWNSHIP 31 NORTH, RANGE 28 EAST,
 TOWN OF LIBERTY GROVE,
 DOOR COUNTY,
 WISCONSIN.

RECEIVED
 JUN 01 2020
 DOOR COUNTY
 LAND USE SERVICES DEPARTMENT

JOB NO. 22472
 5-25-20

CALC: LDH/LDH/BERMAN 22472.DWG V12-SP208
 SHEET 1 OF 1

S.T.H. '57



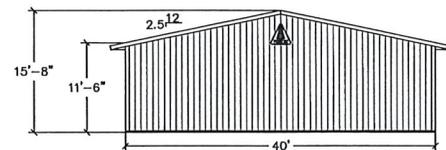
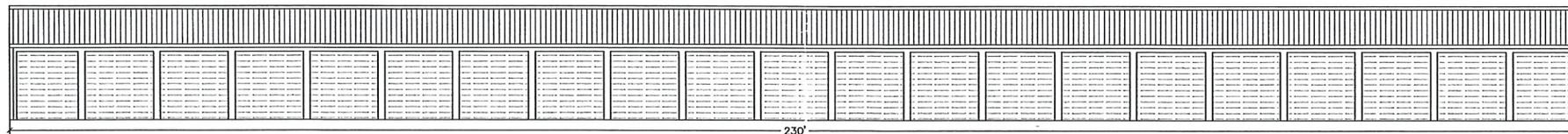
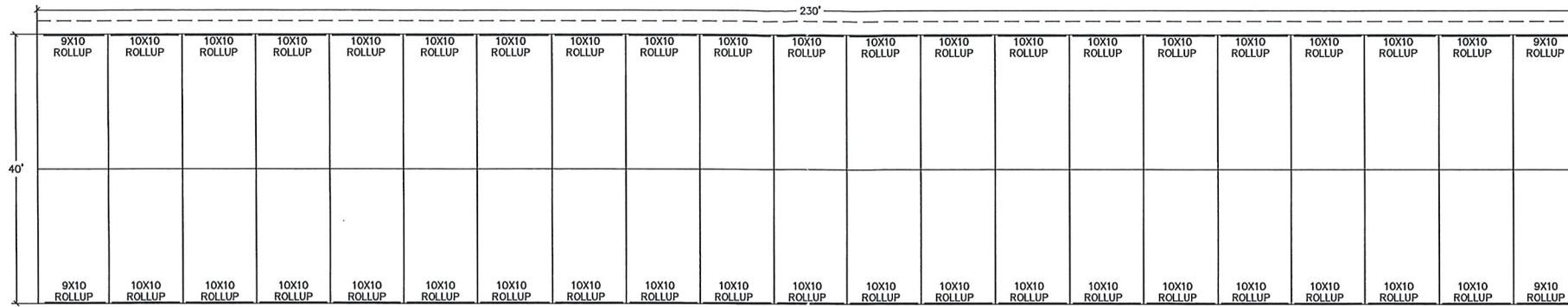
NORTH
 1" = 50'

AREA OF PARCEL	=	200,243 S.F.
IMPERVIOUS SURFACE	=	89,714 S.F.
PER CENT IMPERVIOUS	=	44.80%
AREA OF BUILDINGS	=	34,800 S.F.
PARKING SPACES REQ'D.	=	35
PARKING SPACES SHOWN	=	36

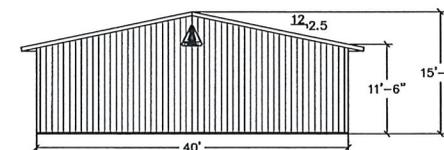
RP

PRELIMINARY PLANS

”NOT FOR CONSTRUCTION”



BUILDING A
 4-10'6"X20' UNITS WITH 9'X10' ROLL UP DOORS
 38-11'X20' UNITS WITH 10'X10' ROLL UP DOORS



DRAWN BY: R.Y.N.
 DATE: 04/30/2020
 SCALE: 1/16" = 1'

REVISED ON: 05/18/2020

NAME: RICH BIERMAN
 DESCRIPTION: MULTI STORAGE FACILITY
 LOCATION: LIBERTY GROVE, WI

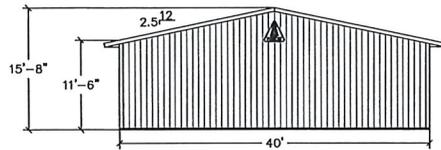
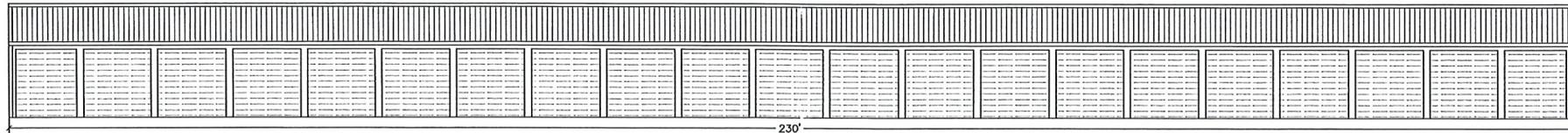
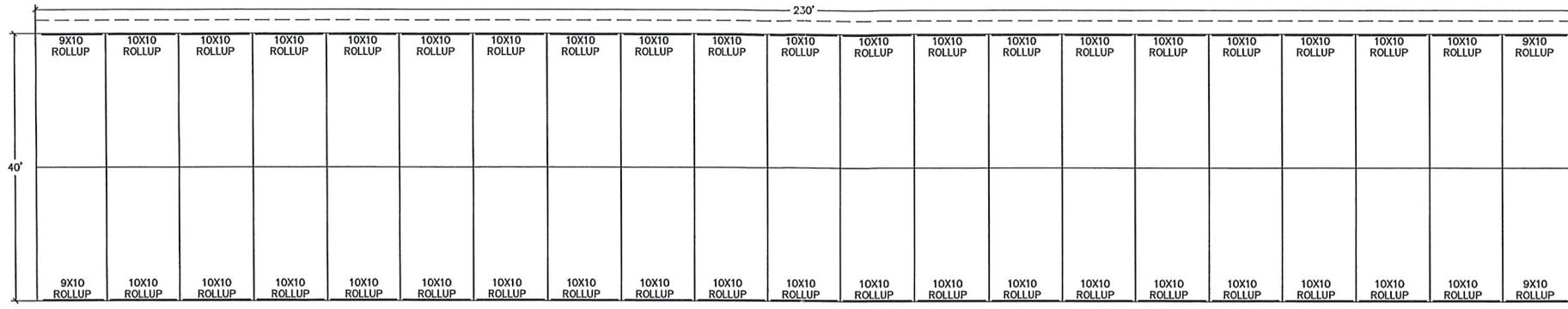
ADDITIONAL NOTES: VISIT OUR WEB SITE:
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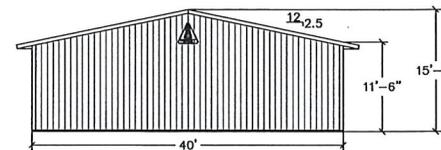
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PRELIMINARY PLANS

” NOT FOR CONSTRUCTION ”



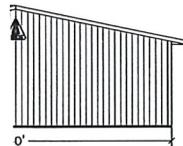
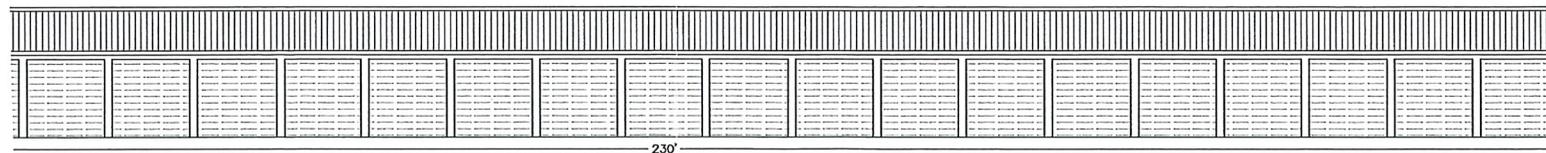
BUILDING B
 4-10'6"X20' UNITS WITH 9'X10' ROLL UP DOORS
 38-11'X20' UNITS WITH 10'X10' ROLL UP DOORS



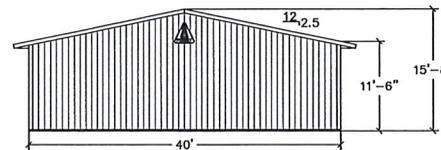
PRELIMINARY PLANS

” NOT FOR CONSTRUCTION ”

230'																		
10 UP	10X10 ROLLUP	9X10 ROLLUP																
10 UP	10X10 ROLLUP	9X10 ROLLUP																



BUILDING C
 4-10'6"X20' UNITS WITH 9'X10' ROLL UP DOORS
 38-11'X20' UNITS WITH 10'X10' ROLL UP DOORS



7/18/2020

NAME: RICH BIERMAN
 DESCRIPTION: MULTI STORAGE FACILITY
 LOCATION: LIBERTY GROVE, WI

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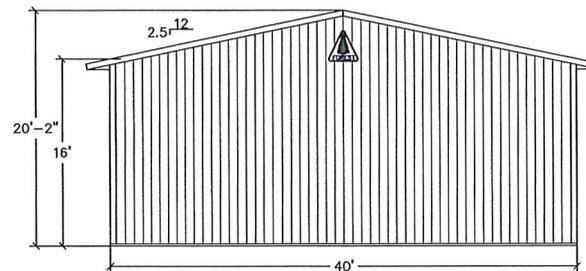
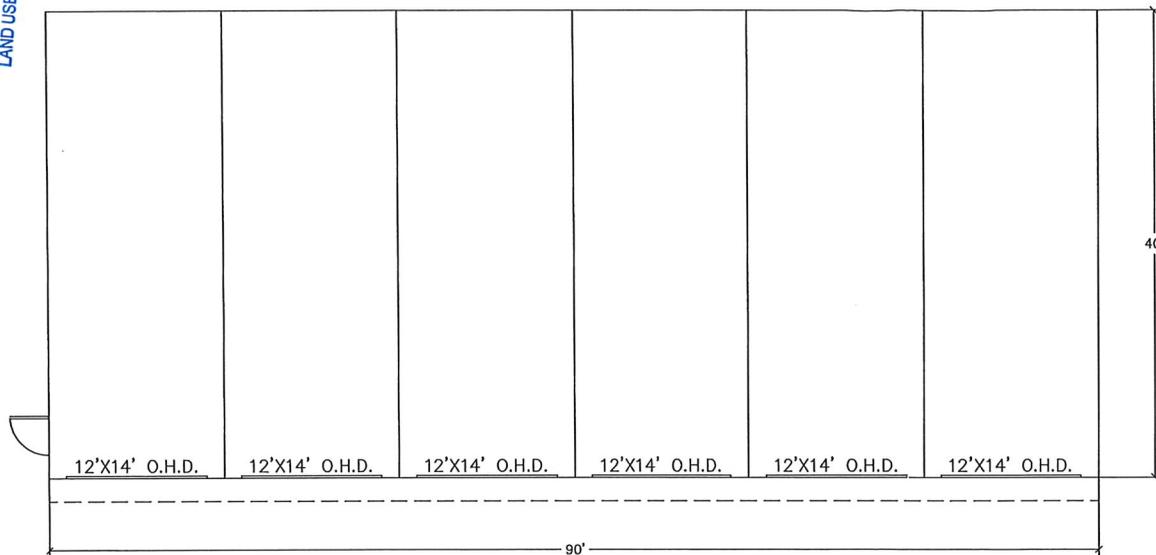


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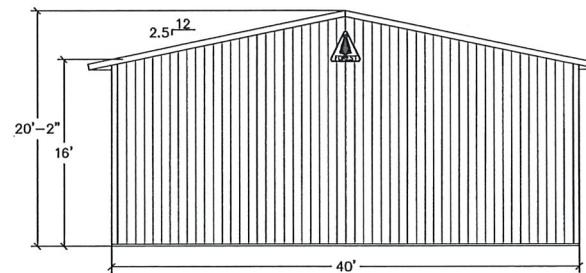
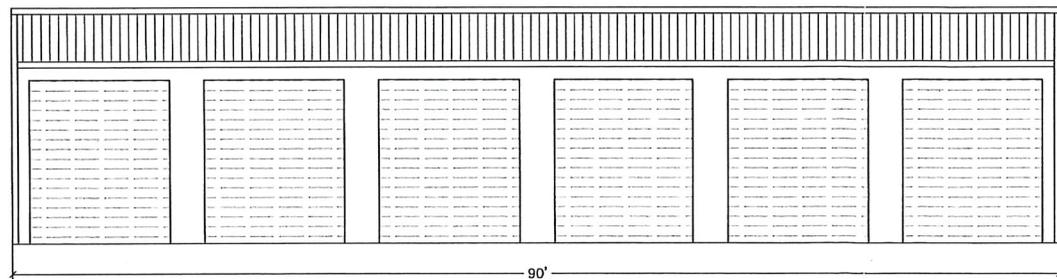
MAY 22 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

PRELIMINARY PLANS
"NOT FOR CONSTRUCTION"



BUILDING D
6-15'X40' UNITS WITH
12'X14' SECTIONAL DOORS



DRAWN BY: R.Y.N.
DATE: 04/30/2020
SCALE: 3/32"=1'

REVISED ON: 05/18/2020
REVISED ON:
REVISED ON:

NAME: RICH BIERMAN
DESCRIPTION: MULTI STORAGE FACILITY
LOCATION: LIBERTY GROVE, WI

ADDITIONAL NOTES:
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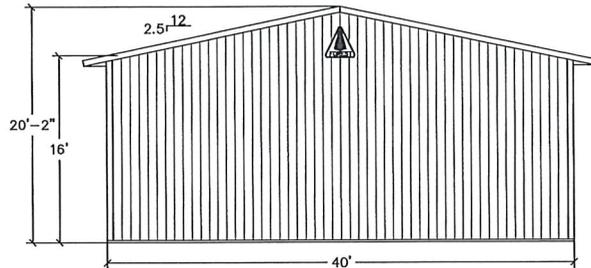
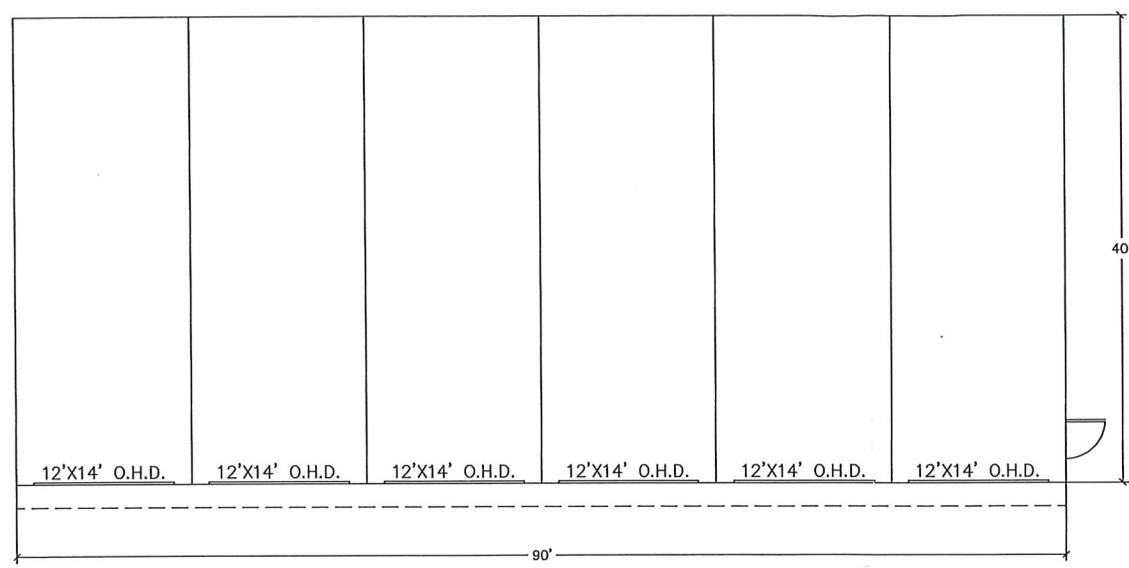


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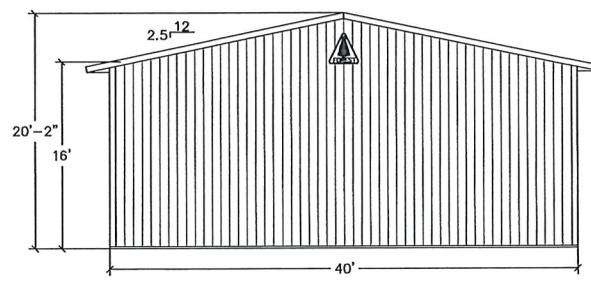
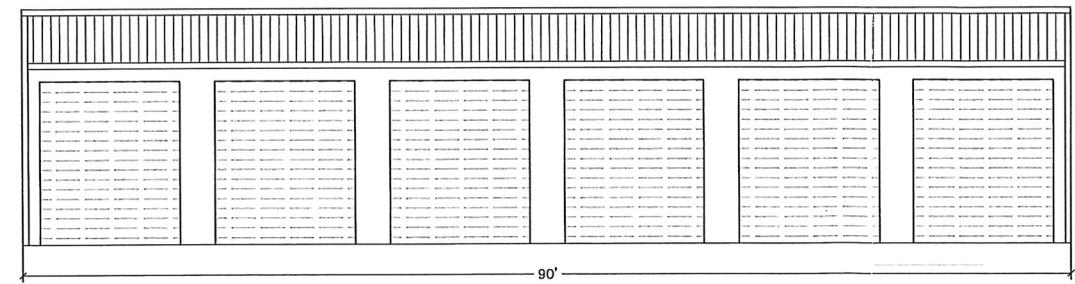
MAY 22 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

PRELIMINARY PLANS

” NOT FOR CONSTRUCTION ”



BUILDING E
6-15'X40' UNITS WITH
12'X14' SECTIONAL DOORS



DRAWN BY: R.Y.N.
DATE: 04/30/2020
SCALE: 3/32"=1'

REVISED ON: 05/18/2020
REVISED ON:

NAME: RICH BIERMAN
DESCRIPTION: MULTI STORAGE FACILITY
LOCATION: LIBERTY GROVE, WI

ADDITIONAL NOTES:
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SOILS REPORT

BIERMAN CUP



July 15, 2020

Mr. Richard Bierman

*Re: Soils Evaluation for Self-Storage Project near Sister Bay, WI
Parcel(s) 018-01-17312823F1, F2, F3*

Mr Bierman:

An evaluation of the on-site soils was completed for your proposed project today, July 15, 2020. Five separate pits were excavated at intervals throughout the property. Generally, the soil profiles concurred with published NRCS soil survey data. Bedrock was found to be a limiting factor in the western portion of the site; being encountered at depths from 2-4'. The eastern half of the site was found to have deep well-drained soils (7'+ without any limiting factors observed). The eastern half of the site will be used for storm water BMP's and in my professional opinion, there are no observed limitations impeding this use. Please see the attached soil evaluation log and NRCS Soil Survey for a more comprehensive analysis of the on-site soils.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Skyler Witalison'.



Skyler Witalison, P.E.
Baudhuin Surveying & Engineering
312 N. 5th Avenue
Sturgeon Bay, WI 54235
Office: (920) 743-8211 x231
Cell: (920) 868-2382
switalison@baudhuin.com



1002-TS-23
 Division of Industry Services
 P. O. Box 2658
 Madison, Wisconsin 53701
 Scott Walker, Governor
 Laura Gutierrez, Secretary

Attachment 2:

SOIL AND SITE EVALUATION – STORM

In accordance with SPS 382.365, 385, Wis. Adm. Code, and WDNR Standard 1002

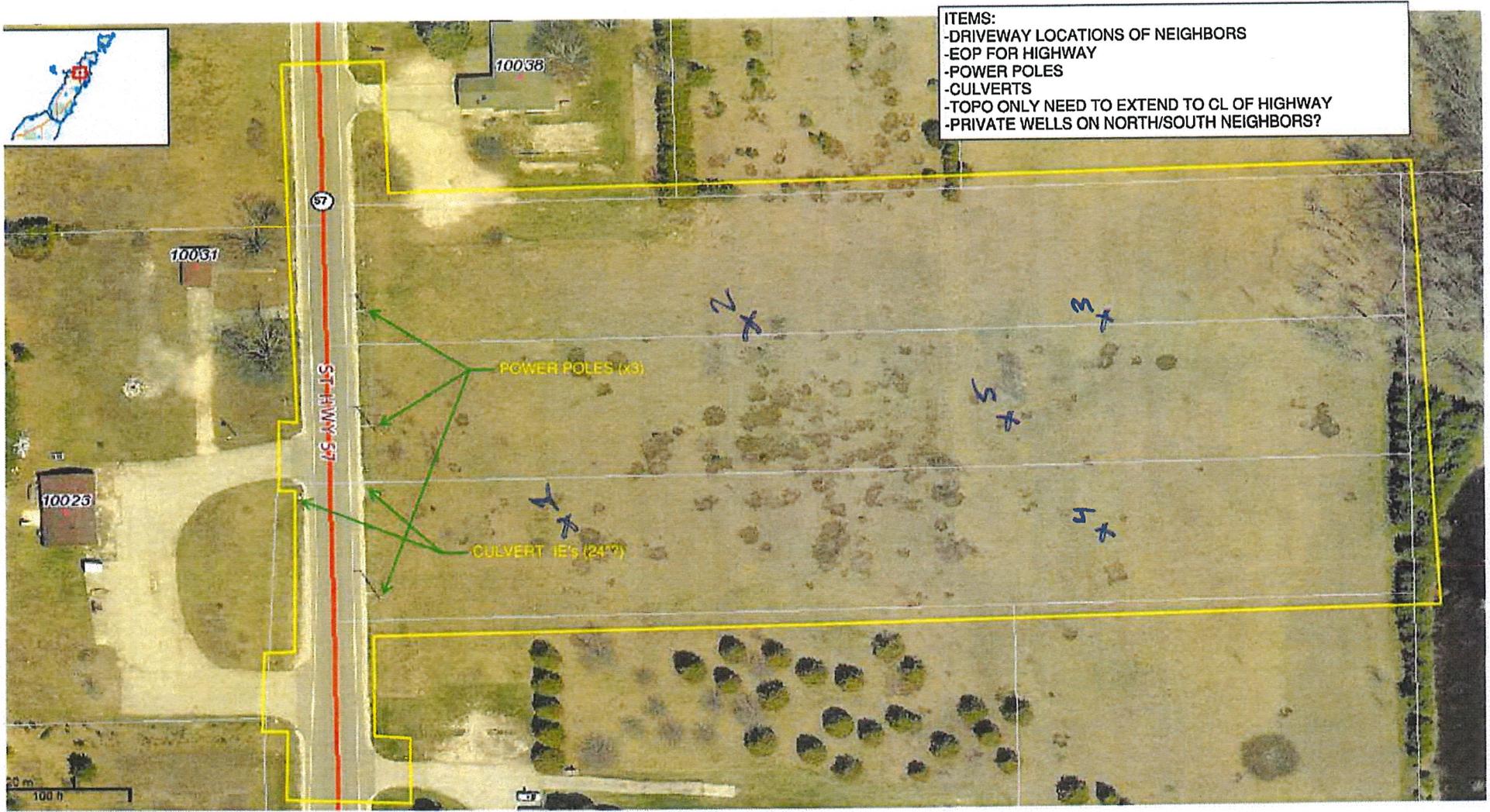
Attach a complete site plan on paper not less than 8 ½ x 11 inches in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and percent of slope, scale or dimensions, north arrow, and BM referenced to nearest road Please print all information Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m)]		County DOOR
		Parcel I.D. 0180117312833F2
		Reviewed by: Date:
Property Owner BIERMAN	Property Location	
Property Owner' Mail Address	Govt. Lot	¼ ¼ S T N R E (or) W
City State Zip Code Phone Number	Lot #	Block # Subd. Name or CSM #
Drainage area _____ <input type="checkbox"/> sq .ft <input type="checkbox"/> acres	<input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town Nearest Road TOWN OF LIBERTY GROVE	
Test site suitable for (check all that apply): <input type="checkbox"/> Site not suitable;	Hydraulic Application Test Method <input type="checkbox"/> Morphological Evaluation <input type="checkbox"/> Double Ring Infiltrometer <input type="checkbox"/> Other: (specify) _____	
<input type="checkbox"/> Bioretention; <input type="checkbox"/> Subsurface Dispersal System; <input type="checkbox"/> Reuse; <input type="checkbox"/> Irrigation; <input type="checkbox"/> Other _____	Soil Moisture Date of soil borings: _____ USDA-NRCS WETS Value: <input type="checkbox"/> Dry =1; <input type="checkbox"/> Normal = 2; <input type="checkbox"/> Wet = 3.	

1	#OBS. <input checked="" type="checkbox"/> Pit <input type="checkbox"/> Boring		Ground surface elevation +/- 651' ft.		Elevation of limiting factor -2.2' ft.					
Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	% Rock Frags.	% Fines	Hydraulic App Rate Inches/Hr
	0-16"			TOPSOIL						
	16-26"			sl						0.50
	26"+			BEDROCK						
Comments: BEDROCK AT 26". NO WATER PRESENT. NO REDOX OBSERVED.										

2	#OBS. <input checked="" type="checkbox"/> Pit <input type="checkbox"/> Boring		Ground surface elevation +/- 652.5' ft.		Elevation of limiting factor -2.0' ft.					
Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	% Rock Frags.	% Fines	Hydraulic App Rate Inches/Hr
	0-12"			TOPSOIL						
	12-24"			sl						0.50
	24"+			BEDROCK						
Comments: BEDROCK AT 24". NO WATER PRESENT. NO REDOX OBSERVED.										
Name (Please Print)		Signature				Credential Number				
SKYLER WITALISON						P.E.				
Address		Date Evaluation Conducted				Telephone Number				
BAUDHUIN, INC.		2020-07-15								

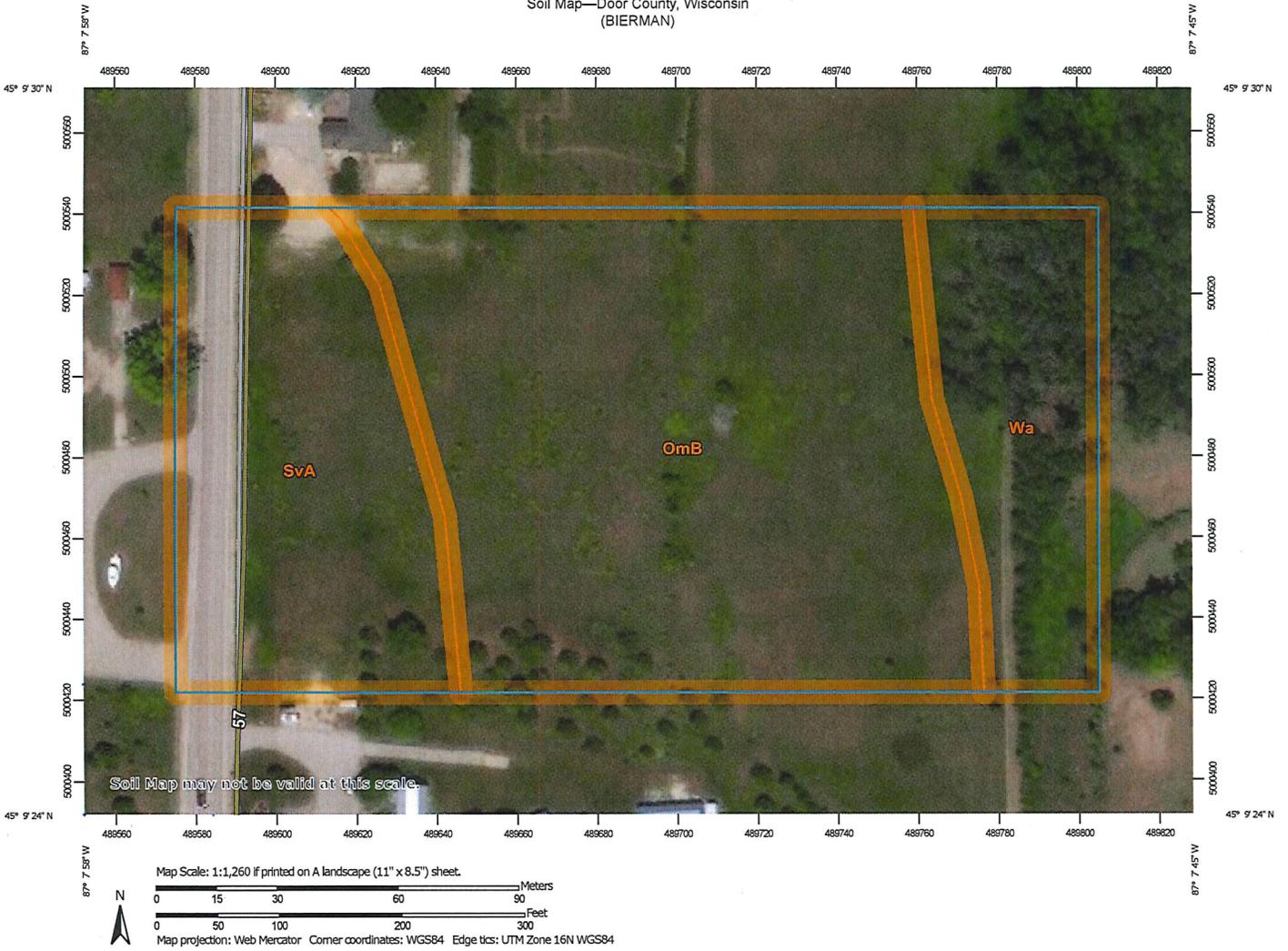
SBD-10793 (R01/17)

WDNR
September 2017



X = Soil borings

Soil Map—Door County, Wisconsin
(BIERMAN)



Soil Map—Door County, Wisconsin
(BIERMAN)

MAP LEGEND		MAP INFORMATION	
<p>Area of Interest (AOI)</p> <p> Area of Interest (AOI)</p> <p>Soils</p> <p> Soil Map Unit Polygons</p> <p> Soil Map Unit Lines</p> <p> Soil Map Unit Points</p> <p>Special Point Features</p> <p> Blowout</p> <p> Borrow Pit</p> <p> Clay Spot</p> <p> Closed Depression</p> <p> Gravel Pit</p> <p> Gravelly Spot</p> <p> Landfill</p> <p> Lava Flow</p> <p> Marsh or swamp</p> <p> Mine or Quarry</p> <p> Miscellaneous Water</p> <p> Perennial Water</p> <p> Rock Outcrop</p> <p> Saline Spot</p> <p> Sandy Spot</p> <p> Severely Eroded Spot</p> <p> Sinkhole</p> <p> Slide or Slip</p> <p> Sodic Spot</p>		<p> Spoil Area</p> <p> Stony Spot</p> <p> Very Stony Spot</p> <p> Wet Spot</p> <p> Other</p> <p> Special Line Features</p> <p>Water Features</p> <p> Streams and Canals</p> <p>Transportation</p> <p> Rails</p> <p> Interstate Highways</p> <p> US Routes</p> <p> Major Roads</p> <p> Local Roads</p> <p>Background</p> <p> Aerial Photography</p>	
		<p>The soil surveys that comprise your AOI were mapped at 1:15,800.</p> <p>Warning: Soil Map may not be valid at this scale.</p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.</p> <p>Please rely on the bar scale on each map sheet for map measurements.</p> <p>Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857)</p> <p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p> <p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p> <p>Soil Survey Area: Door County, Wisconsin Survey Area Data: Version 16, Jun 8, 2020</p> <p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p> <p>Date(s) aerial images were photographed: Dec 31, 2009—Mar 30, 2017</p> <p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>	

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
OmB	Omena sandy loam, 2 to 6 percent slopes	3.9	57.5%
SvA	Summerville loam, 0 to 2 percent slopes	1.8	26.3%
Wa	Wainola loamy fine sand	1.1	16.2%
Totals for Area of Interest		6.8	100.0%

Door County, Wisconsin

OmB—Omena sandy loam, 2 to 6 percent slopes

Map Unit Setting

National map unit symbol: g5d6
Elevation: 600 to 860 feet
Mean annual precipitation: 27 to 33 inches
Mean annual air temperature: 41 to 45 degrees F
Frost-free period: 130 to 160 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Omena and similar soils: 100 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Omena

Setting

Landform: Ground moraines
Landform position (two-dimensional): Summit, shoulder, backslope
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loamy till

Typical profile

A,E,Bs - 0 to 10 inches: sandy loam
Bt - 10 to 17 inches: loam
C - 17 to 60 inches: sandy loam

Properties and qualities

Slope: 2 to 6 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat):
 Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: About 60 to 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 30 percent
Available water storage in profile: Moderate (about 6.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: B
Forage suitability group: Mod AWC, adequately drained
 (G095AY005W1)
Hydric soil rating: No

Minor Components**Bedrock is at 40 to 60**

Percent of map unit:
Hydric soil rating: No

Emmet sandy loam

Percent of map unit:
Hydric soil rating: No

Omena variant sandy loam

Percent of map unit:
Hydric soil rating: No

Slope is greater than 6%

Percent of map unit:
Hydric soil rating: No

Slope is less than 2%

Percent of map unit:
Hydric soil rating: No

Data Source Information

Soil Survey Area: Door County, Wisconsin
Survey Area Data: Version 16, Jun 8, 2020

Door County, Wisconsin

SvA—Summerville loam, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: g5dv
Elevation: 600 to 860 feet
Mean annual precipitation: 27 to 33 inches
Mean annual air temperature: 41 to 45 degrees F
Frost-free period: 130 to 160 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Summerville and similar soils: 100 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Summerville

Setting

Landform: Ground moraines
Landform position (two-dimensional): Summit
Down-slope shape: Convex
Across-slope shape: Linear
Parent material: Loamy alluvium

Typical profile

Ap,E - 0 to 12 inches: loam
Bs - 12 to 15 inches: fine sandy loam
2R - 15 to 79 inches: bedrock

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: 10 to 20 inches to lithic bedrock
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to high (0.00 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 30 percent
Available water storage in profile: Very low (about 2.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3s
Hydrologic Soil Group: D
Forage suitability group: Low AWC, adequately drained (G095AY002WI)
Hydric soil rating: No

Minor Components**Bedrock outcrops**

Percent of map unit:
Hydric soil rating: No

Namur variant loam

Percent of map unit:
Hydric soil rating: No

Bonduel shallow variant

Percent of map unit:
Hydric soil rating: No

Longrie loam

Percent of map unit:
Hydric soil rating: No

Slope is greater than 2%

Percent of map unit:
Hydric soil rating: No

Data Source Information

Soil Survey Area: Door County, Wisconsin
Survey Area Data: Version 16, Jun 8, 2020

Door County, Wisconsin

Wa—Wainola loamy fine sand

Map Unit Setting

National map unit symbol: g5f2
Elevation: 600 to 860 feet
Mean annual precipitation: 27 to 33 inches
Mean annual air temperature: 41 to 45 degrees F
Frost-free period: 130 to 160 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Wainola and similar soils: 95 percent
Minor components: 5 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Wainola

Setting

Landform: Drainageways
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Concave
Parent material: Sandy glaciofluvial deposits

Typical profile

A - 0 to 5 inches: loamy fine sand
E - 5 to 13 inches: fine sand
Bs - 13 to 30 inches: fine sand
C - 30 to 60 inches: fine sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)
Depth to water table: About 0 to 24 inches
Frequency of flooding: None
Frequency of ponding: Occasional
Available water storage in profile: Low (about 4.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: A/D
Forage suitability group: Low AWC, high water table (G095AY001WI)
Hydric soil rating: No

Minor Components**Deford**

Percent of map unit: 3 percent
Landform: Depressions
Landform position (three-dimensional): Dip
Down-slope shape: Concave
Across-slope shape: Concave
Hydric soil rating: Yes

Rousseau

Percent of map unit: 2 percent
Landform: Rises
Landform position (three-dimensional): Rise, dip
Down-slope shape: Linear
Across-slope shape: Convex, concave
Hydric soil rating: No

Data Source Information

Soil Survey Area: Door County, Wisconsin
Survey Area Data: Version 16, Jun 8, 2020

Engineering Properties

This table gives the engineering classifications and the range of engineering properties for the layers of each soil in the survey area.

Hydrologic soil group is a group of soils having similar runoff potential under similar storm and cover conditions. The criteria for determining Hydrologic soil group is found in the National Engineering Handbook, Chapter 7 issued May 2007 (<http://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=17757.wba>). Listing HSGs by soil map unit component and not by soil series is a new concept for the engineers. Past engineering references contained lists of HSGs by soil series. Soil series are continually being defined and redefined, and the list of soil series names changes so frequently as to make the task of maintaining a single national list virtually impossible. Therefore, the criteria is now used to calculate the HSG using the component soil properties and no such national series lists will be maintained. All such references are obsolete and their use should be discontinued. Soil properties that influence runoff potential are those that influence the minimum rate of infiltration for a bare soil after prolonged wetting and when not frozen. These properties are depth to a seasonal high water table, saturated hydraulic conductivity after prolonged wetting, and depth to a layer with a very slow water transmission rate. Changes in soil properties caused by land management or climate changes also cause the hydrologic soil group to change. The influence of ground cover is treated independently. There are four hydrologic soil groups, A, B, C, and D, and three dual groups, A/D, B/D, and C/D. In the dual groups, the first letter is for drained areas and the second letter is for undrained areas.

The four hydrologic soil groups are described in the following paragraphs:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Depth to the upper and lower boundaries of each layer is indicated.

Texture is given in the standard terms used by the U.S. Department of Agriculture. These terms are defined according to percentages of sand, silt, and clay in the fraction of the soil that is less than 2 millimeters in diameter. "Loam," for example, is soil that is 7 to 27 percent clay, 28 to 50 percent silt, and less than 52 percent sand. If the content of particles coarser than sand is 15 percent or more, an appropriate modifier is added, for example, "gravelly."

Classification of the soils is determined according to the Unified soil classification system (ASTM, 2005) and the system adopted by the American Association of State Highway and Transportation Officials (AASHTO, 2004).

The Unified system classifies soils according to properties that affect their use as construction material. Soils are classified according to particle-size distribution of the fraction less than 3 inches in diameter and according to plasticity index, liquid limit, and organic matter content. Sandy and gravelly soils are identified as GW, GP, GM, GC, SW, SP, SM, and SC; silty and clayey soils as ML, CL, OL, MH, CH, and OH; and highly organic soils as PT. Soils exhibiting engineering properties of two groups can have a dual classification, for example, CL-ML.

The AASHTO system classifies soils according to those properties that affect roadway construction and maintenance. In this system, the fraction of a mineral soil that is less than 3 inches in diameter is classified in one of seven groups from A-1 through A-7 on the basis of particle-size distribution, liquid limit, and plasticity index. Soils in group A-1 are coarse grained and low in content of fines (silt and clay). At the other extreme, soils in group A-7 are fine grained. Highly organic soils are classified in group A-8 on the basis of visual inspection.

If laboratory data are available, the A-1, A-2, and A-7 groups are further classified as A-1-a, A-1-b, A-2-4, A-2-5, A-2-6, A-2-7, A-7-5, or A-7-6. As an additional refinement, the suitability of a soil as subgrade material can be indicated by a group index number. Group index numbers range from 0 for the best subgrade material to 20 or higher for the poorest.

Percentage of rock fragments larger than 10 inches in diameter and 3 to 10 inches in diameter are indicated as a percentage of the total soil on a dry-weight basis. The percentages are estimates determined mainly by converting volume percentage in the field to weight percentage. Three values are provided to identify the expected Low (L), Representative Value (R), and High (H).

Percentage (of soil particles) passing designated sieves is the percentage of the soil fraction less than 3 inches in diameter based on an oven-dry weight. The sieves, numbers 4, 10, 40, and 200 (USA Standard Series), have openings of 4.76, 2.00, 0.420, and 0.074 millimeters, respectively. Estimates are based on laboratory tests of soils sampled in the survey area and in nearby areas and on estimates made in the field. Three values are provided to identify the expected Low (L), Representative Value (R), and High (H).

Liquid limit and plasticity index (Atterberg limits) indicate the plasticity characteristics of a soil. The estimates are based on test data from the survey area or from nearby areas and on field examination. Three values are provided to identify the expected Low (L), Representative Value (R), and High (H).

References:

American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.

American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.

Report—Engineering Properties

Absence of an entry indicates that the data were not estimated. The asterisk "*" denotes the representative texture; other possible textures follow the dash. The criteria for determining the hydrologic soil group for individual soil components is found in the National Engineering Handbook, Chapter 7 issued May 2007 (<http://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=17757.wba>). Three values are provided to identify the expected Low (L), Representative Value (R), and High (H).

Engineering Properties—Door County, Wisconsin														
Map unit symbol and soil name	Pct. of map unit	Hydrologic group	Depth	USDA texture	Classification		Pct Fragments		Percentage passing sieve number—				Liquid limit	Plasticity index
					Unified	AASHTO	>10 inches	3-10 inches	4	10	40	200		
			<i>In</i>			<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	
OmB—Omena sandy loam, 2 to 6 percent slopes														
Omena	100	B	0-10	Sandy loam	SC-SM	A-4	0-0-0	0-5-10	90-95-100	75-88-100	55-70-85	25-38-50	15-20-25	2-5-8
			10-17	Loam, sandy loam	CL-ML	A-4	0-0-0	0-8-15	90-95-100	75-88-100	50-73-95	25-50-75	15-18-20	2-6-10
			17-60	Sandy loam	SC-SM	A-2-4	0-0-0	0-2-20	80-88-95	70-85-90	40-53-65	20-30-40	15-20-25	2-5-8
SvA—Summerville loam, 0 to 2 percent slopes														
Summerville	100	D	0-12	Loam	CL	A-4, A-6	0-0-0	0-5-10	95-98-100	90-95-100	75-85-95	55-65-75	25-30-35	7-11-15
			12-15	Fine sandy loam, sandy loam, loam	SC-SM, SC, CL, CL-ML	A-2-4, A-2-6, A-4	0-0-0	0-8-15	95-98-100	90-95-100	55-75-95	25-50-75	20-28-35	4-10-15
			15-79	Bedrock	—	—	—	—	0-0-0	0-0-0	—	—	—	—

Engineering Properties—Door County, Wisconsin														
Map unit symbol and soil name	Pct. of map unit	Hydrologic group	Depth	USDA texture	Classification		Pct Fragments		Percentage passing sieve number—				Liquid limit	Plasticity index
					Unified	AASHTO	>10 inches	3-10 inches	4	10	40	200		
			<i>In</i>				<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	<i>L-R-H</i>	
Wa—Wainola loamy fine sand														
Wainola	95	A/D	0-5	Loamy fine sand	SM	A-2-4	0-0-0	0-0-0	100-100-100	90-95-100	55-68-80	20-28-35	—	NP
			5-13	Fine sand, loamy fine sand, very fine sand	ML, SM	A-2-4, A-4	0-0-0	0-0-0	100-100-100	90-95-100	50-65-80	15-35-55	—	NP
			13-30	Fine sand, loamy fine sand, very fine sand	SM, ML	A-2-4, A-4	0-0-0	0-0-0	100-100-100	90-95-100	50-65-80	15-35-55	—	NP
			30-60	Fine sand, loamy fine sand, very fine sand	SM, ML	A-2-4, A-4	0-0-0	0-0-0	100-100-100	90-95-100	50-65-80	15-35-55	—	NP

Data Source Information

Soil Survey Area: Door County, Wisconsin
 Survey Area Data: Version 16, Jun 8, 2020

RECEIVED

MAY 22 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT



**County of Door
LAND USE SERVICES**

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Phone: (920) 746-2323
FAX: (920) 746-2387
Website: map.co.door.wi.us/planning

PROJECT SCOPE DECLARATION
[2017 Wisconsin Act 68; Effective November 29, 2017]

Please provide a description of your project.

My plan is to build a self storage facility with many different sizes to accommodate the demand from residents in the area

§ 66.10015(2)(b), Wisconsin Statutes, provides as follows:

"If a project requires more than one approval or approvals from one or more political subdivisions and the applicant identifies the full scope of the project at the time of filing the application for the first approval required for the project, the existing requirements applicable in each political subdivision at the time of filing the application for the first approval required for the project shall be applicable to all subsequent approvals required for the project, unless the applicant and the political subdivision agree otherwise."

Please check which of the following two statements applies to this project.

- This is the first application filed for the project in which the full scope of the project has been identified. I acknowledge and understand that, for purposes of § 66.10015(2)(b), Wis. Stats., the full scope of the project is identified in this application.
- This is not the first application filed for this project where the full scope of the project was identified. The first application was filed with the Town/Village/City/County/State of _____ on the _____ day of _____, 20 _____. I acknowledge and understand that, for purposes of § 66.10015(2)(b), Wis. Stats., the full scope of the project was identified in the first application.

This Declaration is incorporated into and made part of the associated Door County application.

Property Owner(s) Name(s):

Richard Bierman - property under contract

Signature Richard Bierman

Date: 5-18-20

Signature: _____

Date: _____

Parcel Number (of Project): 018 - 01 - 17312833 F1, F2, F3

Fire Number & Street Address (of Project): State Hwy 57



**DOOR
COUNTY
WISCONSIN**

(<http://www.co.door.wi.gov/>)



(<http://www.gcsoftware.com>)

Door County Web Portal

Directory of Municipal Officials (<https://www.co.door.wi.gov/635/4219/Treasurer-and-Assessor-Contact-Info>)

Wisconsin DOR

(<https://propertyinfo.revenue.wi.gov/wisconsinprod/search/advancedsearch.aspx?mode=advanced>)

Tax Year	Prop Type	Parcel Number	Municipality	Property Address	Billing Address
2020 ▾	Real Estate	0180117312833F1	018 - T OF LIBERTY GROVE		KEITH & CHRISTINE BRIDENHAGEN TRST 11085 BEACH RD SISTER BAY WI 54234
Tax Year Legend: ←\$ = owes prior year taxes ☒ = not assessed \$ = not taxed Delinquent Current					

Property Summary

Parcel #:	0180117312833F1
Alt. Parcel #:	15 018 4 31 28 17 3 03 000
Parcel Status:	Current Description
Creation Date:	1/1/2002
Historical Date:	
Acres:	1.540

Property Addresses

No Property Addresses were found

Owners

Name	Status	Ownership Type	Interest
BRIDENHAGEN TRST, KEITH & CHRISTINE	CURRENT OWNER		

Parent Parcels

No Parent Parcels were found

Child Parcels

No Child Parcels were found

Workflow History and Messages

Tax Year	Last Updated	Type	Level
2020	1/1/1900 12:00:00 AM	MESSAGE	LOW
2019	1/1/1900 12:00:00 AM	MESSAGE	LOW

2018	1/1/1900 12:00:00 AM	MESSAGE	LOW
2017	1/1/1900 12:00:00 AM	MESSAGE	LOW
2016	1/1/1900 12:00:00 AM	MESSAGE	LOW
2015	1/1/1900 12:00:00 AM	MESSAGE	LOW
2014	1/1/1900 12:00:00 AM	MESSAGE	LOW
2013	1/1/1900 12:00:00 AM	MESSAGE	LOW
2012	1/1/1900 12:00:00 AM	MESSAGE	LOW
2011	1/1/1900 12:00:00 AM	MESSAGE	LOW
2010	1/1/1900 12:00:00 AM	MESSAGE	LOW
2009	1/1/1900 12:00:00 AM	MESSAGE	LOW
2008	1/1/1900 12:00:00 AM	MESSAGE	LOW
2007	1/1/1900 12:00:00 AM	MESSAGE	LOW
2006	1/1/1900 12:00:00 AM	MESSAGE	LOW
2005	1/1/1900 12:00:00 AM	MESSAGE	LOW
2004	1/1/1900 12:00:00 AM	MESSAGE	LOW
2003	1/1/1900 12:00:00 AM	MESSAGE	LOW
2002	1/1/1900 12:00:00 AM	MESSAGE	LOW
2002	1/1/1900 12:00:00 AM	NEW PARCEL	LOW

Abbreviated Legal Description

(See recorded documents for a complete legal description)

LOT 1 CSM #1274 V.7 PG.249 SEC. 17-31-28 SWSW

Public Land Survey - Property Descriptions

Primary	Section ▲	Town	Range	Qtr 40	Qtr 160	Gov Lot	Block/Condo Bldg	Type	#	Plat
<input checked="" type="checkbox"/>	17	31 N	28 E	SW	SW			LOT	1	CERTIFIED SURVEY MAP 1274

District

Code ▲	Description	Category
	DOOR COUNTY	OTHER DISTRICT
	LOCAL	OTHER DISTRICT
	STATE OF WISCONSIN	OTHER DISTRICT
2114	GIBRALTAR	REGULAR SCHOOL
7070	LIBERTY GROVE 1	SANITARY
1300	N.W.T.C.	TECHNICAL COLLEGE

Associated Properties

No Associated properties were found



DOOR COUNTY WISCONSIN

(http://www.co.door.wi.gov/)



(http://www.gcssoftware.com)

Door County Web Portal

Directory of Municipal Officials (<https://www.co.door.wi.gov/635/4219/Treasurer-and-Assessor-Contact-Info>)

Wisconsin DOR
(<https://propertyinfo.revenue.wi.gov/wisconsinprod/search/advancedsearch.aspx?mode=advanced>)

Tax Year	Prop Type	Parcel Number	Municipality	Property Address	Billing Address
2020	Real Estate	0180117312833F2	018 - T OF LIBERTY GROVE		RICHARD L BERGER JUDY B BERGER 8878 CANA COVE RD BAILEYS HARBOR WI 54202
Tax Year Legend: = owes prior year taxes <input checked="" type="checkbox"/> = not assessed = not taxed Delinquent Current					

Property Summary

Parcel #:	0180117312833F2
Alt. Parcel #:	15 018 4 31 28 17 3 03 000
Parcel Status:	Current Description
Creation Date:	1/1/2002
Historical Date:	
Acres:	1.520

Property Addresses

No Property Addresses were found

Owners

Name	Status	Ownership Type	Interest
BERGER, RICHARD L	CURRENT OWNER		
BERGER, JUDY B	CURRENT CO-OWNER		

Parent Parcels

No Parent Parcels were found

Child Parcels

No Child Parcels were found

Workflow History and Messages

Tax Year	Last Updated	Type	Level
.....

2020	1/1/1900 12:00:00 AM	MESSAGE	LOW
2019	1/1/1900 12:00:00 AM	MESSAGE	LOW
2018	1/1/1900 12:00:00 AM	MESSAGE	LOW
2017	1/1/1900 12:00:00 AM	MESSAGE	LOW
2016	1/1/1900 12:00:00 AM	MESSAGE	LOW
2015	1/1/1900 12:00:00 AM	MESSAGE	LOW
2014	1/1/1900 12:00:00 AM	MESSAGE	LOW
2013	1/1/1900 12:00:00 AM	MESSAGE	LOW
2012	1/1/1900 12:00:00 AM	MESSAGE	LOW
2011	1/1/1900 12:00:00 AM	MESSAGE	LOW
2010	1/1/1900 12:00:00 AM	MESSAGE	LOW
2009	1/1/1900 12:00:00 AM	MESSAGE	LOW
2008	1/1/1900 12:00:00 AM	MESSAGE	LOW
2007	1/1/1900 12:00:00 AM	MESSAGE	LOW
2006	1/1/1900 12:00:00 AM	MESSAGE	LOW
2005	1/1/1900 12:00:00 AM	MESSAGE	LOW
2004	1/1/1900 12:00:00 AM	MESSAGE	LOW
2003	1/1/1900 12:00:00 AM	MESSAGE	LOW
2002	1/1/1900 12:00:00 AM	MESSAGE	LOW
2002	1/1/1900 12:00:00 AM	NEW PARCEL	LOW

Abbreviated Legal Description

(See recorded documents for a complete legal description)

LOT 2 CSM #1274 V.7 PG.249 SEC. 17-31-28 SWSW

Public Land Survey - Property Descriptions

Primary	Section ▲	Town	Range	Qtr 40	Qtr 160	Gov Lot	Block/Condo Bldg	Type	#	Plat
<input type="checkbox"/>	17	31 N	28 E	SW	SW			LOT	2	CERTIFIED SURVEY MAP 1274

District

Code ▲	Description	Category
	DOOR COUNTY	OTHER DISTRICT
	LOCAL	OTHER DISTRICT
	STATE OF WISCONSIN	OTHER DISTRICT
2114	GIBRALTAR	REGULAR SCHOOL
7070	LIBERTY GROVE 1	SANITARY
1300	N.W.T.C.	TECHNICAL COLLEGE

Associated Properties

No Associated properties were found



**DOOR
COUNTY
WISCONSIN**

(<http://www.co.door.wi.gov/>)



(<http://www.gcssoftware.com>)

Door County Web Portal

Directory of Municipal Officials (<https://www.co.door.wi.gov/635/4219/Treasurer-and-Assessor-Contact-Info>)

Wisconsin DOR
(<https://propertyinfo.revenue.wi.gov/wisconsinprod/search/advancedsearch.aspx?mode=advanced>)

Tax Year	Prop Type	Parcel Number	Municipality	Property Address	Billing Address
2020 ▼	Real Estate	0180117312833F3	018 - T OF LIBERTY GROVE		RICHARD L BERGER JUDY B BERGER 8878 CANA COVE RD BAILEYS HARBOR WI 54202
Tax Year Legend: = owes prior year taxes = not assessed = not taxed Delinquent Current					

Property Summary

Parcel #:	0180117312833F3
Alt. Parcel #:	15 018 4 31 28 17 3 03 000
Parcel Status:	Current Description
Creation Date:	1/1/2002
Historical Date:	
Acres:	1.520

Property Addresses

No Property Addresses were found

Owners

Name	Status	Ownership Type	Interest
BERGER, RICHARD L	CURRENT OWNER		
BERGER, JUDY B	CURRENT CO-OWNER		

Parent Parcels

No Parent Parcels were found

Child Parcels

No Child Parcels were found

Workflow History and Messages

Tax Year	Last Updated	Type	Level
-----	-----	-----	-----

2020	1/1/1900 12:00:00 AM	MESSAGE	LOW
2019	1/1/1900 12:00:00 AM	MESSAGE	LOW
2018	1/1/1900 12:00:00 AM	MESSAGE	LOW
2017	1/1/1900 12:00:00 AM	MESSAGE	LOW
2016	1/1/1900 12:00:00 AM	MESSAGE	LOW
2015	1/1/1900 12:00:00 AM	MESSAGE	LOW
2014	1/1/1900 12:00:00 AM	MESSAGE	LOW
2013	1/1/1900 12:00:00 AM	MESSAGE	LOW
2012	1/1/1900 12:00:00 AM	MESSAGE	LOW
2011	1/1/1900 12:00:00 AM	MESSAGE	LOW
2010	1/1/1900 12:00:00 AM	MESSAGE	LOW
2009	1/1/1900 12:00:00 AM	MESSAGE	LOW
2008	1/1/1900 12:00:00 AM	MESSAGE	LOW
2007	1/1/1900 12:00:00 AM	MESSAGE	LOW
2006	1/1/1900 12:00:00 AM	MESSAGE	LOW
2005	1/1/1900 12:00:00 AM	MESSAGE	LOW
2004	1/1/1900 12:00:00 AM	MESSAGE	LOW
2003	1/1/1900 12:00:00 AM	MESSAGE	LOW
2002	1/1/1900 12:00:00 AM	MESSAGE	LOW
2002	1/1/1900 12:00:00 AM	NEW PARCEL	LOW



Abbreviated Legal Description

(See recorded documents for a complete legal description)

LOT 3 CSM #1274 V.7 PG.249 SEC. 17-31-28 SWSW

Public Land Survey - Property Descriptions

Primary	Section ▲	Town	Range	Qtr 40	Qtr 160	Gov Lot	Block/Condo Bldg	Type	#	Plat
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7070	LIBERTY GROVE 1	SANITARY
1300	N.W.T.C.	TECHNICAL COLLEGE

Associated Properties

No Associated properties were found



County of Door LAND USE SERVICES DEPARTMENT

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

STAFF REPORT Conditional Use Permit Application

Applicant Information

- **Name & property address:** Richard Bierman (proposed buyer); three (3) vacant parcels located north of 10002 State Highway 57.
- **Parcel identification numbers:** 018-01-17312833F1, 33F2, and 33F3.
- **Zoning district:** Mixed Use Commercial (MC).
- **Petition request, including sections of zoning ordinance requiring permit:** Richard Bierman proposes to construct three 40' x 230' commercial storage buildings and two 40' x 90' commercial storage buildings on the properties mentioned above. The petitioner understands that the parcels will have to be combined into one legal description if the conditional use permit is approved. In addition, section 3.15(5) of the Door County Comprehensive Zoning Ordinance states that, "For each individual building in the Town of Liberty Grove, the total area of the building footprint shall not exceed 5,000 square feet unless a conditional use permit is issued." The three 40' x 230' buildings all exceed a building footprint of 5,000 square feet and will require this authorization.

Ordinance sections: 2.05(3)(a), 11.04., & 3.15(5)

Description of Subject Property and Surrounding Area

Subject Property

- **Lot area:** 4.6 acres (total of 3 lots).
- **Frontage - water, road:** No water frontage; 300 feet of frontage along State Highway 57.
- **Existing uses/structures:** Currently vacant/mainly open field.
- **Access:** The property will be accessed from State Highway 57.
- **Traffic patterns/road usage:** State Highway 57 is a heavily travelled road. (Note: This is a straight stretch of highway, with a 45 mph speed limit. There are a number of other uses and driveways in the nearby area.)
- **Water and sanitation:** There will be no well or septic service provided on the property.
- **Significant topography or vegetation:** This is a fairly level site. Drops about 10 feet from west to east.

Surrounding Area:

- **North:** The properties directly north are Door Shakespeare, Inc., a bakery, and a vacant lot. These parcels are all zoned Mixed Use Commercial (MC). The lots further north include residences, an older farm with rental rooms, and a vacant lot. These properties are all zoned MC. There is a large vacant lot zoned Heartland-10 (HL10) located further to the northeast.
- **South:** The lot directly south of the subject property is a retail shop that is zoned MC. There is also a vacant lot located directly south that is zoned MC. County Highway Q is

located south of these properties. There is a residence, church, and Acqualand campground located further south. They are zoned MC and then HL10 further south.

- **East:** The properties to the east are zoned MC with some Wetlands (W). There is a trade and contractor shop located directly east and then commercial storage buildings a little further east. There are two large vacant lots located to the northeast that are zoned MC with some wetlands. There are some homes located further to the east on properties zoned MC and Small Estate Residential (SE). Those homes are over 800 feet from the proposed buildings and are well screened from the site by existing trees.
- **West:** State Highway 57 runs along the western property line. The properties across the road are zoned MC and include a restaurant, storage building, a residence, and a residence with a greenhouse. The properties further west are zoned HL10 and include a couple of homes that are located over 1,000 feet from the proposed building site.

Background/History

The properties are currently owned by Richard Berger and Keith and Christine Bridenhagen Trust. Mr. Bierman will purchase the properties if the conditional use permit is approved. There is a history of commercial use at the intersection of State Highway 57 and County Highway Q so the proposed use will not be out of character with the area. There are existing commercial storage buildings that were previously approved by the Resource Planning Committee located approximately 800 feet to the east. This property was also developed by Mr. Bierman.

Zoning Considerations

Purpose of zoning district: DCZO Section 2.03(17) Mixed Use Commercial (MC) This district permits both residential and commercial uses and is designed to accommodate those areas of Door County with an existing desirable mixture of uses, or where such a mixture of uses is wanted. Typically, this district will be located within or near existing communities, but it is also intended for outlying or smaller nodes of development. In addition, this district can be used as a transition between business centers and strictly residential areas. Lot sizes of at least 20,000 square feet are required for new lots which are not served by public sewer.

- **Does the use meet the zoning ordinance's stated purpose and intent?** Yes.
- **Specific requirements for proposed use and/or possible conditions that may be relevant.** If the Resource Planning Committee determines the conditional use permit should be approved, the following are possible conditions that may be relevant:
 1. The use must be established within 12 months of the issuance of the conditional use permit.
 2. The project shall comply with all applicable local, state, and federal codes and ordinances, including obtaining all required approvals and permits prior to opening.
 3. The properties shall be combined into one legal description if the conditional use permit is approved.
 4. All lighting associated with the project shall utilize lighting fixtures whose hood, lens, or combination thereof allow no direct beams of light to be seen from off the property or to be cast skyward, and the lighting elements of which shall not be visible from adjacent properties.

Comprehensive Plan Considerations

- **County comprehensive plan land use map designation and description.**

The area of the parcel under consideration for the proposed commercial storage buildings is designated as “Commercial” on the comprehensive plan’s future land use map, as described below and shown on the attached map.

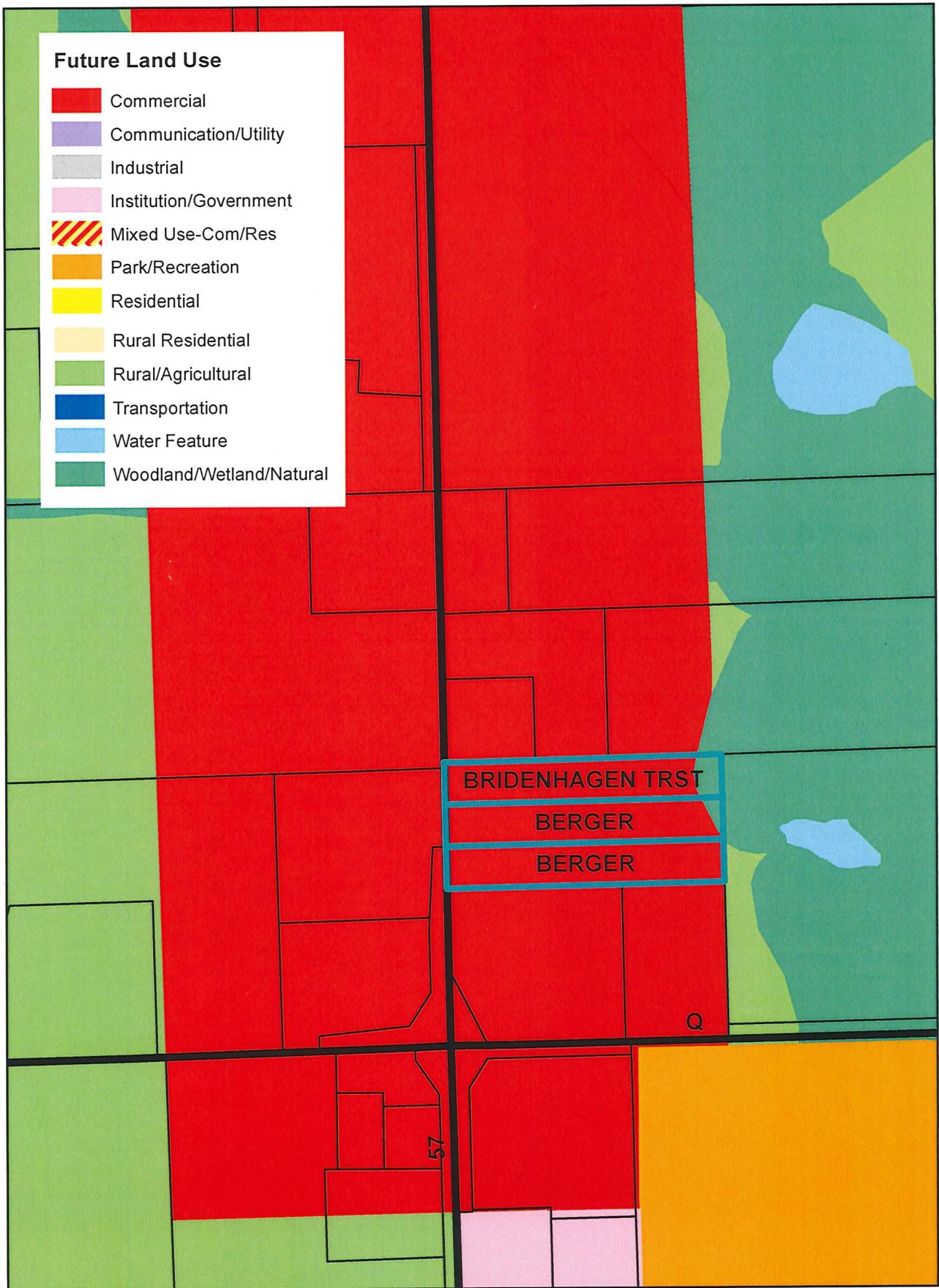
***Commercial** – “Commercial” areas are those intended for development with retail sales, trade of goods and/or services, commercial offices, and commercial lodging establishments and are found largely in community centers, core areas, or “downtowns.” Commercial areas should maintain defined boundaries, avoid excessive access points to major roads by encouraging shared driveways or internal circulation patterns, and have buffering or screening of light industrial uses and storage and parking areas from adjacent public rights-of-way and residential areas. Highway corridor development should avoid further strip development and loss of community separation by limiting future development density, employing stringent setbacks, and requiring screening of new uses. Note that the future land use maps depict many “outlying” (i.e., non-core) commercial areas, reflecting existing commercial zoning or businesses such as multiple occupancy developments; when redevelopment is proposed for the latter, it should be undertaken carefully and with consideration for neighborhood compatibility.*

Commercial storage buildings are consistent with the Commercial future land use designation as long as appropriate buffering or screening from adjacent public rights-of-way and residential areas occurs. The residential homes east of the area proposed for the Bierman storage buildings are over 800 feet away and already screened by existing trees. The Resource Planning Committee may want to consider visibility of the proposed storage buildings from State Highway 57 and County Highway Q and any need for buffering or screening from these public rights-of-way.

- **Relevant goals/policies/action items from comprehensive plan.** None.
- **Other relevant text from county comprehensive plan.** None.

RB/RYP
07/09/2020

Conditional Use Permit
Bierman: 018-01-17312833F1, F2, & F3
Proposed Use: Commercial Storage Buildings



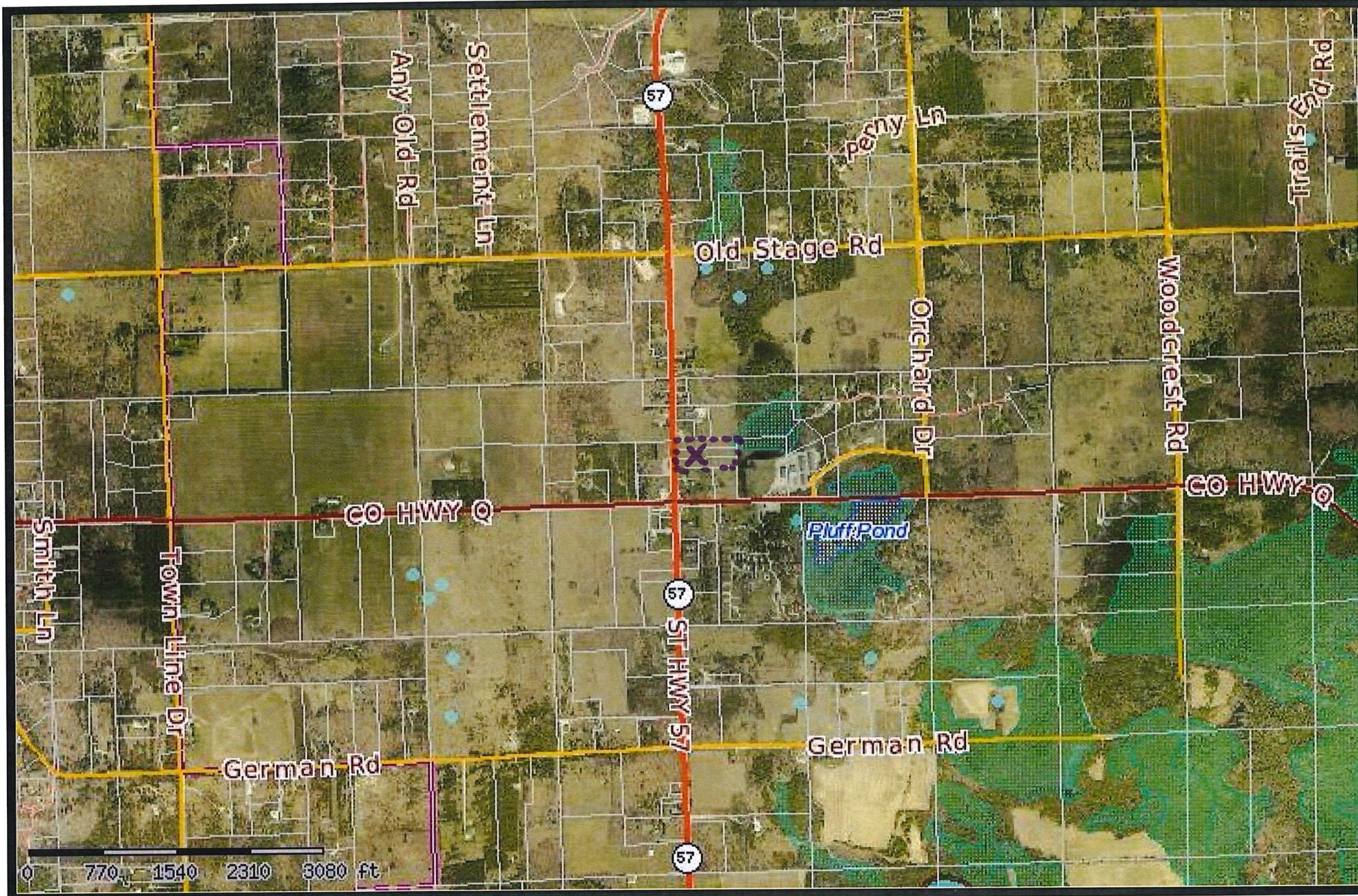
BIERMAN

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Door County, Wisconsin
... for all seasons!



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LETTER IN OPPOSITION TO APPEAL
(IN FAVOR OF CONDITIONAL USE
PERMIT)

gaper 1/10/2020 **82**

Door County Planning Department Request for Town Recommendation

Door Shakespeare, Inc. is appealing the Door County Resource Planning Committee decision whereby the committee conditionally granted a Conditional Use Permit for the establishment of a commercial storage facility consisting of three 40' x 230' commercial storage buildings that exceed a building footprint of 5,000 square feet and two 40' x 90' commercial storage buildings on the parcels mentioned above. The applicant realizes that the parcels will have to be combined if the project is eventually approved. The parcels are currently owned by Richard Berger and the Keith & Christine Bridenhagen Trust. Richard Bierman will purchase the properties if the Conditional Use Permit is approved. (Note: Section 3.15(5) of the Door County Comprehensive Zoning Ordinance also states that, "For each individual building in the Town of Liberty Grove, the total area of the building footprint shall not exceed 5,000 square feet unless a conditional use permit is issued.")

The (circle one) Town Board / Planning Committee of the Town of LIBERTY GROVE held a legally noticed and posted meeting on 09-08-2020, at which, by a vote of 6 (Yea) to 0 (Nay), the town recommended (check one) SUPPORT DENIAL for conditional use permit

Reason(s) for the town's decision:

THE JOINING OF THE 3 PARCELS DOES NOT CREATE A LIGHT INDUSTRIAL ZONING DISTRICT. THE TOWN PLAN COMMISSION HAS PREVIOUSLY APPROVED THE CUP FOR THE STRUCTURES GREATER THAN 5,000 SQ. FT. FOR THE PARCELS OF OIB-01-17312833F1, 33F2, & 33F3

Is the proposal consistent with the Town Comprehensive Plan?

YES

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

NONE

Anastasia P. Bill
Town Clerk Signature

09/10/2020
Date

See attached for conditional use permit criteria

SEP 10 2020

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**

September 17, 2020

1.0 Call to order and declaration of quorum.

Motion by Anderson, seconded by Horvath, to appoint Bob Ryan as Chair for this meeting.
Motion carried unanimously (4-0).

Board of Adjustment Members Present

Bob Ryan
Monica Nelson
Arps Horvath
Chris Anderson, Second Alternate

Staff Present:

Richard D. Brauer, Zoning Administrator
Mariah Goode, Land Use Services Director
Grant P. Thomas, Corporation Counsel

Excused

Fred Frey, Chair
Aric Weber, Vice-Chair
Cheryl Mick, First Alternate

The meeting was called to order by Acting Chair Ryan at 4:06 p.m. on Thursday, September 17, 2020 in the County Board Room (C101) of the Door County Government Center, Sturgeon Bay, Wisconsin.

Note: Agenda items 3.0 and 2.0 were handled in reverse order.

3.0 Review, discuss, finalize, and issue decision: Attorney James R. E. Smith on behalf of Ted Gardner and Juliann Gardner; appeal Door County Resource Planning Committee decision whereby the committee conditionally approved a nonmetallic mine; Washington.

Motion by Nelson, seconded by Anderson, to add a condition to the list of conditions in the draft decision letter, either as part of or immediately after condition "P", to read as follows:

Owner/operator will provide prompt written notification to the Door County Land Use Services Department when Phase I, as described in the August 31, 2020 letter from WDNR Storm Water Specialist Sarah Anderson to Thomas Jordan and/or corresponding WPDES permit, is completed.

Motion carried unanimously (4-0).

After some discussion of condition "L" as presented, there was a motion by Nelson, seconded by Anderson, to clarify that the advance notification of blasting should be made to property owners within 1700 feet of the exterior boundaries of the subject property; to create, reference in the condition, and attach to the decision letter a map that delineates the lands within that boundary; and to specify that the notification should be in writing.

Motion carried unanimously (4-0).

After Acting Chair Ryan asked if there were any additional concerns on the part of BOA members regarding the draft decision documents as presented, and hearing none, there was a motion by Nelson, seconded by Horvath, to accept all of the conditions and decision documents discussed and amended, and to grant the conditional use permit (thereby denying the appeal).

Motion carried unanimously (4-0).

2.0 Read and act on minutes of September 8, 2020 meeting.

Motion by Anderson, seconded by Horvath, to approve the minutes as presented. Motion carried unanimously (4-0).

4.0 Future meeting dates.

Goode reminded BOA members that there is a meeting at 2:00 p.m. on Tuesday, September 22nd, with one variance case scheduled. Attending will be Frey, Weber, Nelson, Horvath, and Micks.

Goode informed BOA members that there will be one, possibly two, hearings on Tuesday, October 13th. BOA member availability for that meeting will be discussed on the 22nd.

5.0 Vouchers.

All of the board members present submitted vouchers.

6.0 Adjournment.

Motion by Nelson, seconded by Anderson, to adjourn. Motion carried unanimously (4-0). Acting Chair Ryan declared the meeting adjourned at 4:23 p.m.

Respectfully submitted,

Mariah K. Goode

MKG/lr

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

September 22, 2020

1.0 Call to order and declaration of quorum.

The meeting was called to order by Chairperson Frey at 2:17 p.m. on Tuesday, September 22, 2020 in the County Board Room (C101) of the Door County Government Center, Sturgeon Bay, Wisconsin.

Board of Adjustment Members

Present:

Fred Frey, Chairperson
Aric Weber, Vice-Chairperson
Monica Nelson
Arps Horvath
Cheryl Mick, First alternate

Staff

Richard D. Brauer, Zoning Administrator
Mariah Goode, Land Use Services Dept. Director

Excused:

Bob Ryan

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.

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

Aye: Frey, Weber, Nelson, Horvath, Mick.

The reasons for the decision are set forth on the attached Board of Adjustment decision-making worksheet and reflected in the record of the proceeding, and will be expressed in the coming written decision.

3.0 Old Business.

3.1 Read and act on Minutes of September 8, 2020, meeting.

Brauer announced that these minutes had been approved at the September 17, 2020, meeting.

3.2 Final disposition of the following case considered by the Board of Adjustment at the September 8, 2020, meeting: Lori Litersky.

Motion by Nelson, seconded by Weber, to approve the final disposition of the case. Motion Carried unanimously.

4.0 Other Matters.

4.1 Announce next meeting.

Brauer announced that the next meeting will be held on October 13, 2020. One variance case and an appeal of a Resource Planning Committee decision have been scheduled for public hearing that day. All of the board members present indicated that they would be available for that meeting.

5.0 Vouchers.

All of the board members present submitted vouchers.

6.0 Adjournment.

Motion by Horvath, seconded by Nelson, to adjourn. Motion carried unanimously (5-0). Chairperson Frey declared the meeting adjourned at 2:57 p.m.

Respectfully submitted,

Richard D. Brauer
Zoning Administrator

RDB
09/22/20

DOOR COUNTY BOARD OF ADJUSTMENT
Decision – Area Variance

Hearing Date: September 22, 2020 Decision Date: September 22, 2020

Applicants: Town of Gibraltar

Property: 4108 & 4112 Main St. / 014-15-0303B & 014-15-0105

Description of variance requested:

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.

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
Cheryl Mick: Aye
Fred Frey: Aye

Signed _____
Chairperson

Signed _____
Recording Clerk

Dated: October 13, 2020
Filed: October 14, 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: Town of Gibraltar

PROPERTY ADDRESSES / P.I.N.s: 4108 & 4112 Main St. / 014-15-0303B & 014-15-0105

HEARING DATE: September 22, 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: High water levels have made it difficult for the public to access the beach and thus, have created a hazardous situation.

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: The high water levels have eliminated most of the beach area and made it difficult and hazardous for the public to access the water. The proposed walkways will provide a safe and adequate access for the public and will be ADA compliant. The wider walkways will enable emergency service vehicles to safely access the beach area.

OR

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

EXPLAIN: The denial of the variance would be unnecessarily burdensome in that it would prevent the town from providing a safe and adequate access to the water and beach area. The proposed project will benefit the public.

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: The proposal will provide a safer access to the beach and the water for the general public. Granting of the variance allows the Town to improve a public park. The seawall and walkway may ultimately help to prevent future erosion and improve water quality. The improvements will also provide a safer access for people who are physically handicapped.

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 22, 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.