

**PUBLIC MEETING**

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

The Door County Board of Adjustment will hold a meeting on **Tuesday, January 28, 2020**, at **6:30 p.m.** in the **Peninsula Room (C121), Door County Government Center**, at Sturgeon Bay, WI 54235.

**AGENDA**

- 1.0 Call to order and declaration of quorum.
- 2.0 Discuss and arrive at a decision on an Appeal.
  - 2.1 Stephan B. Nordstrom, Graycliffe, LLC, Carl M. Curry, and Cynthia M. Curry; appeal Zoning Administrator decision whereby the Zoning Administrator authorized the construction of a single family residence; Gibraltar.
- 3.0 Old Business.
  - 3.1 Read and act on Minutes of January 14, 2020, meeting.
  - 3.2 Final disposition of the following cases considered by the Board of Adjustment at the January 14, 2020, meeting: Properties of Baileys Harbor, LLC; Richard R. & Kerstin L. Ellefson, The Johnson-Lennon Family Asset Trust dated October 30, 2015, and Randy Ellefson et.al.
- 4.0 Other Matters.
  - 4.1 Announce next meeting.
- 5.0 Vouchers.
- 6.0 Adjournment.

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

Fred Frey, Chair  
Board of Adjustment

1/09/20

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

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

**PUBLIC HEARING BEFORE  
THE DOOR COUNTY BOARD OF ADJUSTMENT**

**Door County, Wisconsin**

A public hearing will be held by the Door County Board of Adjustment on **Tuesday, January 28, 2020, at 6:30 p.m.** in the "**Peninsula Room**" (C121) – **First Floor** of the **Door County Government Center**, 421 Nebraska Street, Sturgeon Bay, Wisconsin. The purpose of this hearing is to give consideration to the following appeal as specified in the County zoning ordinance.

**Starting at 6:30 p.m.**

**TOWN OF GIBRALTAR**

Stephan B. Nordstrom, Graycliffe, LLC, Carl M. Curry, and Cynthia M. Curry appeal the decision of the Door County Zoning Administrator whereby the Zoning Administrator authorized the construction of a single family residence. The specific reasons for the appeal are available for review at the Door County Land Use Services Department. This property is located south of and adjacent to 9091 Cottage Row Road in Section 6, Town 30 North, Range 27 East, and in a Single Family Residential-20,000 (SF20) zoning district.

(Note: The specific reasons for the appeal are available for review at the Door County Land Use Services Department).

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

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

Fred Frey, Chairman  
Door County Board of Adjustment

RDB  
12/23/19

Door County, Wisconsin

NOTICE OF APPEAL TO BOARD OF ADJUSTMENT

(I) (We) Stephan B. Nordstrom; Graycliffe, LLC; Carl M. Curry and Cynthia M. Curry  
(Name)  
of See attached Exhibit D for full listing of mailing addresses.  
(Mailing Address)

hereby appeal to the Board of Adjustment from the decision of the Door County Zoning Administrator whereby the zoning administrator determined that:

Issuance of Door County Regular Zoning Permit for 9099 Cottage Row. A Copy of the Permit is attached as Exhibit A.

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

Location: \_\_\_\_\_  
\_\_\_\_\_

Lot Size: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Present Use: \_\_\_\_\_

Present Improvement Upon Land: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

The DECISION of the Door County Zoning Administrator is **APPEALED** because:

The Site Plan dated 9-11-19 incorrectly depicts the setback from the ordinary High Water Mark. A Copy of the Site Plan is attached as Exhibit B. In addition, the parcel at 9099 Cottage Row is not a "Lot of Record" because the Condominium Plat did not comply with all applicable law. A copy of the Condominium Plat is attached as Exhibit C.

Date Filed: October 24, 2019 Thomas O. Gartner  
Thomas O. Gartner  
(Signed) Appellant(s) or Agent  
Attorney for Appellants

Date Fee Paid (\$750.00): 10-24-19

Notice Published: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

Decision: \_\_\_\_\_

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12/28/2018

OCT 24 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

# DOOR COUNTY REGULAR ZONING PERMIT

Exhibit A

PARCEL NO. 014-01-06302711C

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

is issued to STEVEN KANE

for a single family residence with a basement, attached garage, patios, porches, and decks, all as per plans  
submitted on 9/12/19.

Located at 9099 COTTAGE ROW

in Section 06, T 30 N, R 27 E, Town of GIBRALTAR, Door County.

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

1. The building shall be located as shown on the staking plan submitted on 9/12/19.
2. The building shall not exceed an average of 35 feet in height above the finished grade  
elevation, or 37 feet in height above pre-construction grade elevation, whichever is lower.

**IMPORTANT:**

1. The structure or land use authorized herein shall not be 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. A regular zoning permit to establish a use shall expire 12 months from date of issuance if no action has commenced to establish the use. Any change of land use after the expiration of a zoning permit shall be considered a violation of this Ordinance.
3. A regular zoning permit for construction of a structure shall expire 12 months from the date of issuance. Any exterior construction after the expiration of the zoning permit shall be considered a violation of this Ordinance.

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

Date of Issuance: 09/25/2019

- TOWN BUILDING PERMIT REQUIRED -  
CALL: BRETT GUILLETTE  
920-495-3232

- TOWN DRIVEWAY PERMIT REQUIRED-NEW  
DRIVEWAYS ONLY  
CALL: TOWN OF GIBRALTAR  
(920) 868-1714

*Richard J. Brauer*  
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

**RECEIVED**

**OCT 24 2019**

LR

**DOOR COUNTY  
LAND USE SERVICES DEPARTMENT**

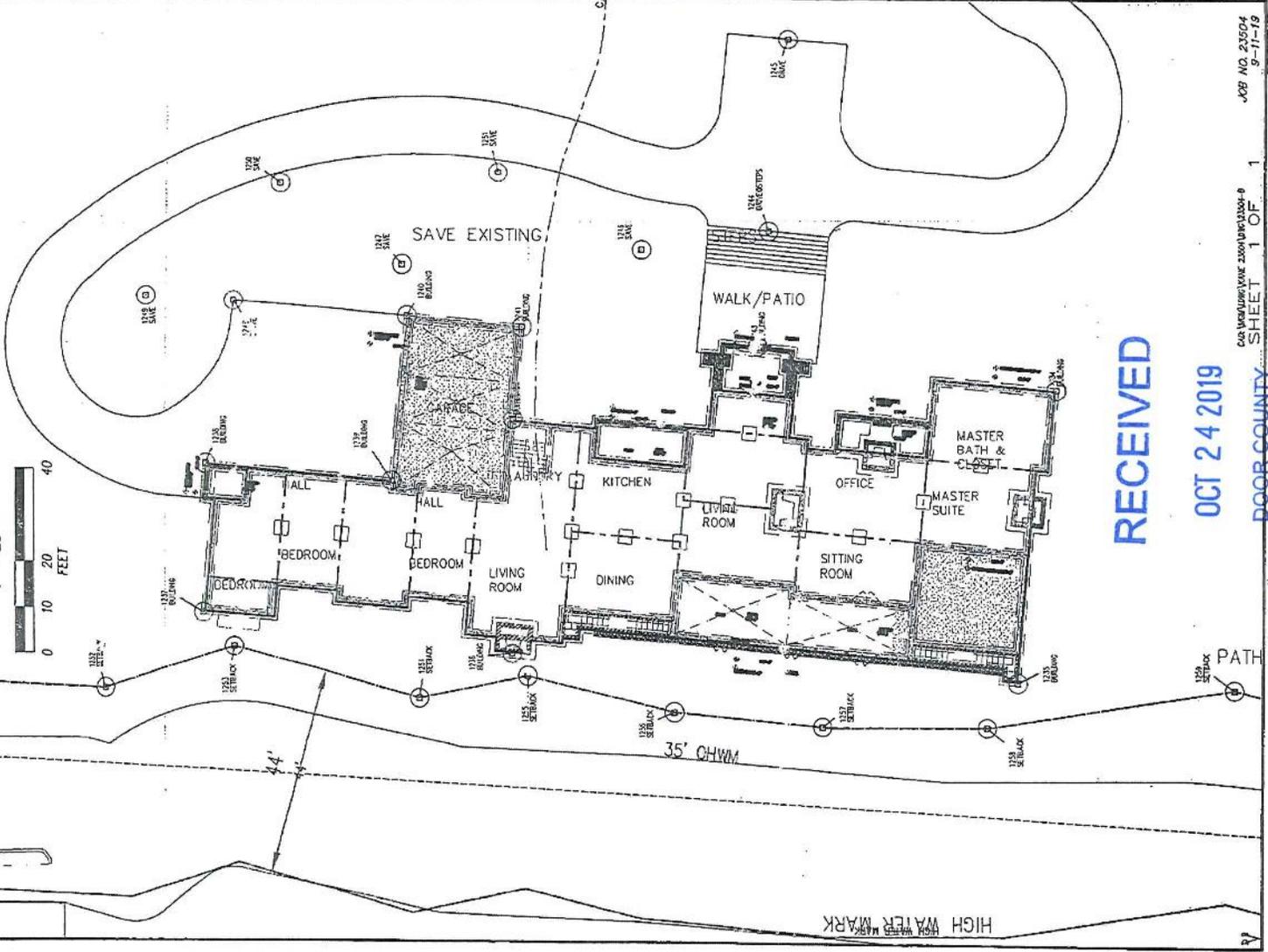
**PLEASE KEEP ON PREMISES DURING CONSTRUCTION**

# SITE PLAN

LOCATED IN:  
GOVERNMENT LOT 1 OF SECTION 6,  
TOWNSHIP 30 NORTH, RANGE 27 EAST,  
TOWN OF GIBRALTAR, DOOR COUNTY,  
WISCONSIN



1" = 20'



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OCT 24 2019

DOOR COUNTY SERVICES DEPARTMENT  
SHEET 1 OF 1  
JOB NO. 23504  
9-11-19

RECEIVED  
SEP 12 2019  
DOOR COUNTY

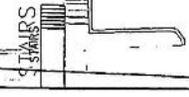


Exhibit C

COTTAGE ROW CONDOMINIUM



LOCATED IN  
GOVERNMENT LOT 1 OF SECTION 6,  
TOWNSHIP 33 NORTH, RANGE 27 EAST,  
TOWN OF GREATLAKES,  
DOOR COUNTY,  
WISCONSIN.



Certificate of Door County Land Use Services Department  
The Cottage Row Site Condominium Plat has been submitted to and approved by the Door County Land Use Services Department.  
Date 9-18-19  
*Richard Brown*  
Richard Brown, zoning Administrator

**COVER**  
Building areas depicted are based on building contracts to effect the construction of the building and are not to be construed as a warranty of the building's construction. Plans filed with the Door County Land Use Services Department.

**NOTES**  
Any land below the approximation of the water table shall not be included in the calculation of acreage under Article II, Section 1 of the State Constitution.  
The existing 10' riparian stream, 4' wide, is shown for the benefit of the public and is not to be used for any purpose to the south of the Cottage Row Parcel. This area is to be used for a boat launch and is not to be used for any other purpose.

I, ARIC R. WEBER, PROFESSIONAL LAND SURVEYOR FOR BUILDING SURVEYING & ENGINEERING, CERTIFY THAT I AM A LICENSED LAND SURVEYOR AUTHORIZED TO PRACTICE THAT PROFESSION IN THIS STATE AND THAT THE CONDOMINIUM PLAT TO WHICH THIS CERTIFICATE IS ATTACHED IS A CORRECT REPRESENTATION OF THE CONDOMINIUM RESOURCES, AND THAT THE IDENTIFICATION AND LOCATION OF EACH UNIT, COMMON ELEMENTS, AND LIMITED COMMON ELEMENTS CAN BE DETERMINED FROM THE PLAT.  
DATED 9-12-19  
*Aric R. Weber*  
ARIC R. WEBER, S-2584

DEVELOPER  
COTTAGE ROW PROPERTIES LLC  
2845 STRASBOURG COURT  
RENO, NV  
89511

- ⊙ - DOOR COUNTY MEASUREMENT
- - FOUND 1 1/2" STEEL PIPE
- - FOUND 1" STEEL PIPE
- ⊙ - FOUND 3/4" STEEL PIPE
- ⊙ - FOUND 4" X 4" CONCRETE MONUMENT
- ⊙ - LOCATOR
- ⊙ - COMMON ELEMENT
- ⊙ - LIMITED COMMON ELEMENT

**NOTE**  
ALL BEARINGS BASED ON THE SOUTH LINE OF GOVERNMENT LOT 2 SECTION 31-31-27

| LOCATIONS |         |          |
|-----------|---------|----------|
| No.       | Easting | Northing |
| 1         | 102329  | 123539   |
| 2         | 22648   | 110371   |
| 3         | 22668   | 80543    |
| 4         | 101521  | 78920    |
| 5         | 91525   | 81873    |
| 6         | 91115   | 81723    |
| 7         | 79253   | 82448    |
| 8         | 71672   | 84045    |
| 9         | 51234   | 85468    |
| 10        | 50257   | 88595    |
| 11        | 32833   | 90385    |
| 12        | 31859   | 82616    |

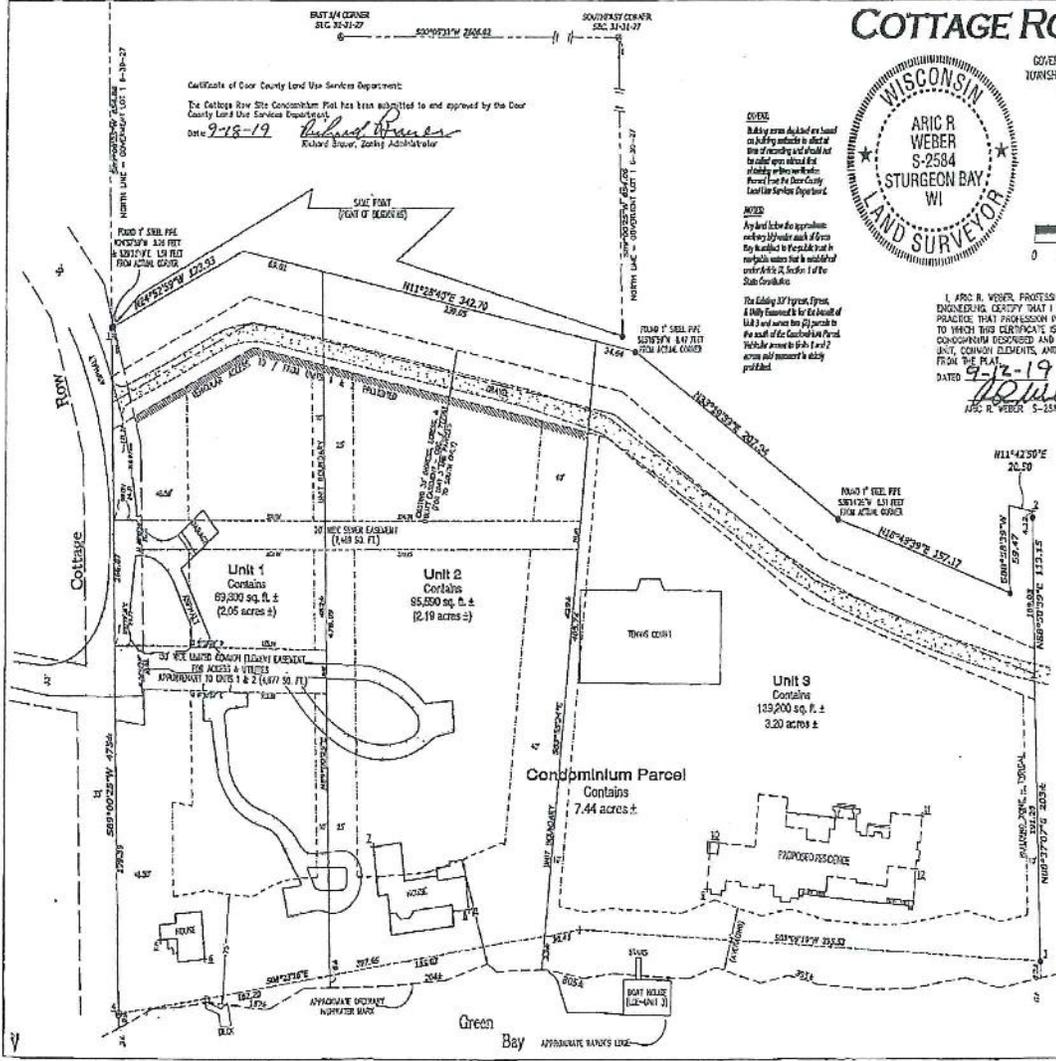


EXHIBIT A

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OCT 24 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

# COTTAGE ROW CONDOMINIUM

LOCATED IN:  
GOVERNMENT LOT 1 OF SECTION 6,  
TOWNSHIP 30 NORTH, RANGE 27 EAST,  
TOWN OF GIBRALTAR,  
DOOR COUNTY,  
WISCONSIN.

### Description - Condominium Parcel:

A parcel of land located in Government Lot 1 of Section 6, Township 30 North, Range 27 East, Town of Gibraltar, Door County, Wisconsin described as follows:

Commencing at the Southeast corner of Section 31-31-27; thence S89°00'25"W - 654.86 feet along the north line of said Government Lot 1 to the point of beginning of lands to be described; thence continuing S89°00'25"W - 466.25 feet to a found 3/4" steel rod, said rod being N89°00'25"E - 92 feet from the approximate ordinary highwater mark of Green Bay; thence along a meander line as follows: S08°23'16"E - 397.65 feet; thence S03°08'19"W - 395.53 feet to a found 1" steel pipe, said pipe being N88°37'07"E - 123 feet from said approximate ordinary highwater mark of Green Bay; thence N88°37'07"E - 181.20 feet; thence N88°56'39"E - 113.15 feet; thence N11°42'58"E - 20.50 feet; thence S88°58'39"W - 59.47 feet; thence N18°46'36"E - 157.17 feet; thence N33°19'39"E - 207.94 feet; thence N11°28'40"E - 342.70 feet; thence N24°52'59"W - 123.93 feet to the point of beginning.

Said parcel contains 7.444 acres and includes all lands lying between aforementioned meander line and the approximate ordinary high water mark of Green Bay. Said parcel is subject to and benefited by an existing easement for ingress, egress, and utilities recorded at Document No. 777081.

Said parcel is subject to and benefited by the following described 20' wide sewer easement:

A 20' wide easement for the installation and maintenance of sanitary sewer located in Government Lot 1 of Section 6, Township 30 North, Range 27 East, Town of Gibraltar, Door County, Wisconsin. Described as follows:

Commencing at the Southeast corner of Section 31-31-27; thence S89°00'25"W - 786.13 feet along the north line of said Government Lot 1; thence South - 24.31 feet to the southerly right of way line of Cottage Row and the point of beginning of said easement; thence continue South - 374.74 feet; thence N83°55'24"W - 20.00 feet; thence North - 372.15 feet to the aforementioned southerly right of way line of Cottage Row; thence N88°41'55"E - 20.01 feet along said right of way line to the point of beginning.

Said easement contains 7,460 square feet.

Said parcel is also subject to and benefited by the following described 30' wide limited common element access and utility easement:

A 30' wide limited common element access and utility easement appurtenant to Units 1 & 2 located in Government Lot 1 of Section 6, Township 30 North, Range 27 East, Town of Gibraltar, Door County, Wisconsin. Described as follows:

Commencing at the Southeast corner of Section 31-31-27; thence S89°00'25"W - 871.73 feet along the north line of said Government Lot 1; thence S00°59'35"E - 24.77 feet to the southerly right of way line of Cottage Row and the point of beginning of said easement; thence S01°03'07"W - 156.94 feet; thence N89°00'25"W - 30.03 feet; thence N01°03'07"E - 155.86 feet to the aforementioned southerly right of way line of Cottage Row; thence N88°41'55"E - 30.03 feet along said right of way line to the point of beginning.

Said easement (Limited Common Element) contains 4,677 square feet.



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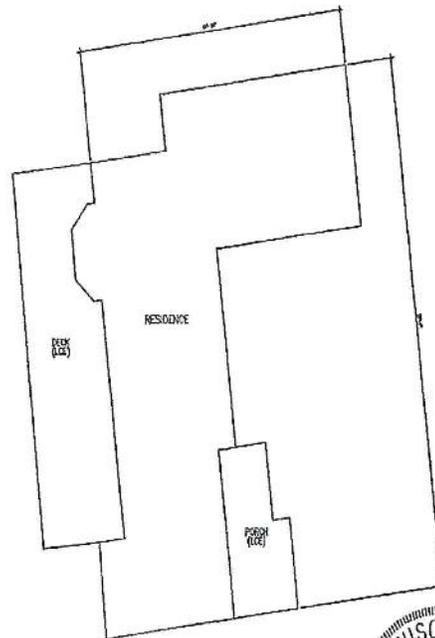
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

# COTTAGE ROW CONDOMINIUM

LOCATED IN:  
GOVERNMENT LOT 1 OF SECTION 6,  
TOWNSHIP 30 NORTH, RANGE 27 EAST,  
TOWN OF GBRALTAR,  
DOOR COUNTY,  
WISCONSIN.



RESIDENCE - UNIT 1 MAIN FLOOR PLAN  
883 SQ. FT. ±  
NO SCALE



RESIDENCE - UNIT 2 MAIN FLOOR PLAN  
2,100 SQ. FT. ±  
NO SCALE



DOOR COUNTY LAND USE SERVICES DEPARTMENT  
SHEET 3 OF 4

JOB NO. 23204  
9-10-19

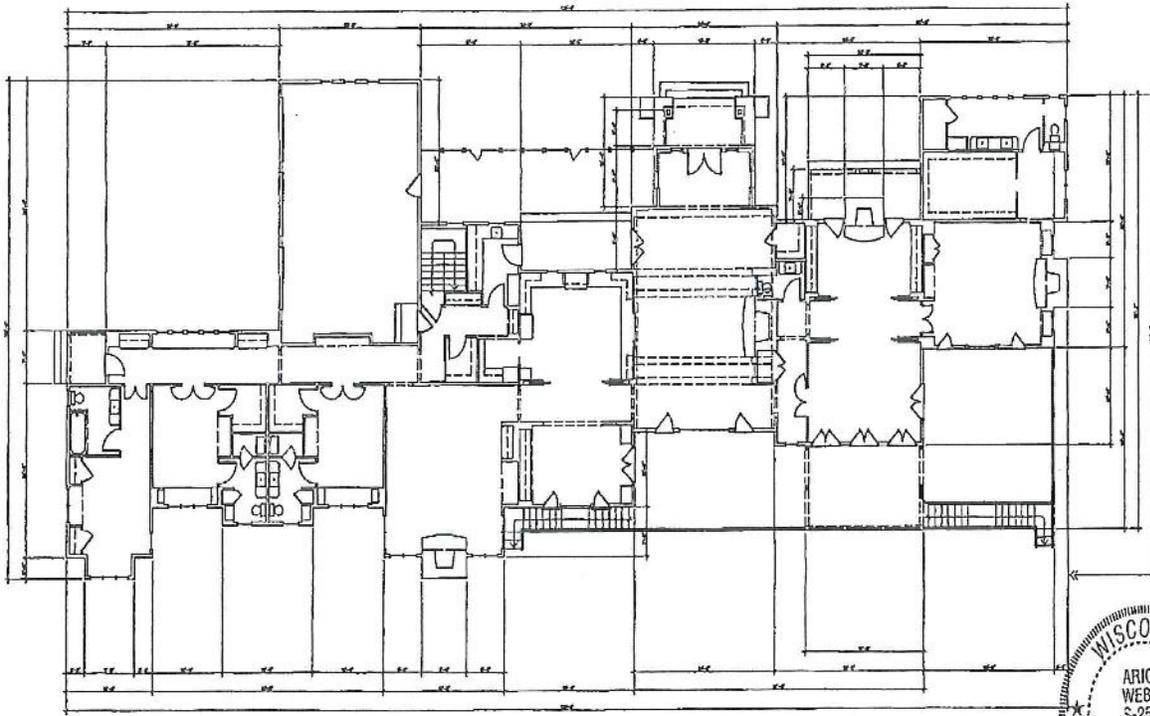
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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

# COTTAGE ROW CONDOMINIUM

LOCATED IN:  
GOVERNMENT LOT 1 OF SECTION 6,  
TOWNSHIP 30 NORTH, RANGE 27 EAST,  
TOWN OF GERALDIN,  
DOOR COUNTY,  
WISCONSIN



RESIDENCE - UNIT 3 MAIN FLOOR PLAN  
6,997 SQ. FT. ±  
NO SCALE



DOOR COUNTY LAND USE SERVICES DEPARTMENT  
SHEET 4 OF 4

JOB NO. 23504  
8-10-18

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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**Exhibit D**

**Addresses of the Appellants**

Stephan B. Nordstrom in his capacity as trustee  
for the Stephan B. Nordstrom Living Trust  
14035 N Pine Bluff Rd.  
Mequon, WI 53097,

Graycliffe, LLC  
1102 West Sixth Street  
Austin, Texas 78703,

Carl M. Curry in his capacity as trustee for the  
Carl M. Curry Declaration of Trust  
dated September 28, 2001  
740 South Elm  
Hinsdale, IL 60521,

Cynthia M. Curry in her capacity as trustee for  
the Cynthia M. Curry Declaration of Trust  
dated September 28, 2001  
740 South Elm  
Hinsdale, IL 60521

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**OCT 24 2019**

**DOOR COUNTY  
LAND USE SERVICES DEPARTMENT**



Step 1: Select Payments    Step 2: Review and Submit    Step 3: Confirmation and Receipt

### Step 3: Confirmation and Receipt

## Result: Payment Authorized

### Confirmation Number: 65894482

Your payment has been authorized successfully and payment will be processed.

Door County Planning Department thanks you for your payment. For questions about your account, please call 920-746-2323. Credit card payments will show up as Door Co Planning. E-check payments will show up as PNP BILLPAYMENT 8888916064. Thank you for using our bill payment services.

Please save or print a copy of this receipt for record keeping purposes.

#### My Bills

| Description                                                                                         | Amount          |
|-----------------------------------------------------------------------------------------------------|-----------------|
| Permits payment of \$750.00 on Property Owner Address 100 East Wisconsin Avenue Milwaukee, WI 53202 | \$750.00        |
| <b>Subtotal:</b>                                                                                    | <b>\$750.00</b> |
| <b>Convenience Fee:</b>                                                                             | <b>\$24.00</b>  |
| <b>Total Payment:</b>                                                                               | <b>\$774.00</b> |

#### Customer Information

First Name: joy  
 Last Name: calmes  
 Address Line 1: Michael Best  
 Address Line 2: 100 East Wisconsin Ave.  
 City: Milwaukee  
 State: Wisconsin  
 Zip Code: 53202  
 Phone Number: (414) 270-2716  
 Email Address: togartner@michaelbest.com

#### Payment Information

Payment Date: 10/24/2019  
 Card Type: MasterCard  
 Card Number: \*\*\*\*\*8855

Print

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**OCT 24 2019**  
**DOOR COUNTY**  
**LAND USE SERVICES DEPARTMENT**

(c) Conditions not self-created. That the condition creating the hardship or difficulty was not caused by the petitioner nor by any person still having an interest in the property.

(d) Public interest. That in granting the variance there will not be a substantial detriment to neighboring property and the grant of variance will not be contrary to the purpose of this Ordinance and the public interest.

(e) Effect on uses. No variance shall have the effect of allowing in any district a use not permitted in that district.

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

(5) Resubmission. A variance petition that has been heard and decided shall not be eligible to be resubmitted during the 6 months following the decision. The 6 month period may be waived by the Board of Adjustment provided that the petitioner submits a written report identifying how the new petition differs materially from the previous petition or identifying substantial new evidence that will be offered and provided that the Board of Adjustment votes by simple majority that the changes or new evidence would be of such significance that the Board might consider changing the previous decision.

(6) Road projects. When a structure becomes a nonconforming structure as to setback from a road, because the road was widened or relocated by the county, a town, or the Wisconsin Department of Transportation, such structure shall not require a variance and shall not be considered a nonconforming structure in regards to setback from a road or highway. However, no such structure shall thereafter be enlarged or rebuilt in such a manner that it will be closer to the right-of-way of the road.

(7) Repairs, restoration, and reconstruction. A structure that was authorized by a variance may be repaired, restored, or reconstructed with the issuance of a regular zoning permit provided the repair, restoration, or reconstruction of the structure conforms fully to the structure authorized by the variance, except that structures located in the floodplain may be elevated as necessary to comply with floodplain zoning requirements. (Added: 25 June 1996; Ord. 16-96) (Amended: 20 Sept. 2016; Ord. 2016-14)

## 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

## PROCEDURES 11.07(2)

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. The Board of Adjustment shall hold a public hearing in accordance with s. 59.694, Wis. Stats., and 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. 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. (Amended: 24 March 2015; Ord. 2015-02)

(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)

(2) Petition. A petition for an amendment to this Ordinance shall be submitted to the Door County Land Use Services Department using forms furnished by the Land Use Services Department. Such petition shall include the following:

- (a) Name and address of the petitioner.
- (b) Signature of the petitioner.
- (c) If the petition is for a zoning text amendment, the proposed text changes including reference(s) to the affected section(s) of this Ordinance.
- (d) If the petition is for a zoning map amendment, a description of the affected property, the current zoning district classification(s), and the proposed zoning district classification(s)
- (e) Fee. A petition for an amendment shall be accompanied by a fee



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

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SEP 04 2019

**APPLICATION FOR MINOR LAND DIVISION**

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**1. NAME AND ADDRESS OF PROPERTY OWNER**

Name STEVEN E. KANE  
Street 9091 COITAGE RD, BOX 188  
City FISH CREEK State WI Zip 54212  
Home Telephone # 650-464-1000  
Daytime Telephone # 920-868-5221  
(If additional property owners, list them below)

Name JACQUELINE KANE  
Street 7823 WHITE CLIFF RD  
City EGG HARBOR State WI Zip 54209  
Home Telephone # 650 464 1001  
Daytime Telephone # 775 800 1139

**2. LOCATION OF LAND DIVISION**

Tax Parcel No. 014-01-06302711C  
Section 6 Town 30, Range 27  
Town of: Gibraltar

**3. TOTAL NUMBER OF PARCELS CREATED**

Number of parcels 3

**4. SURVEYOR AND/OR AGENT**

Surveyor BANDHUN'S  
Primary Contact DENNIS VAN BRAEMER  
Phone No. 743-8211  
Agent \_\_\_\_\_  
Phone No. \_\_\_\_\_

**5. FEE**

**\$150.00** plus \$25.00 for each lot created. Make check payable to the Door County Treasurer in the amount of \$ 225.00.

\*Note: When combining lots only, there is no fee.

**6. SIGNATURE OF APPLICANT OR AGENT**

[Signature]

Date 8/4/2019

**7. Who should be called when CSM is signed?**

DENNIS VAN BRAEMER

**8. Special Instructions:**

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

**FOR OFFICE USE ONLY**

Shoreland Zoning Yes/No

CSM SENT TO REAL PROPERTY YES / NO

Receipt No. 3086 Fee 225.00 Date 9-4-19

Check for Register of Deeds in drawer?

Yes X No \_\_\_\_\_

Delivered to Deeds – Date: \_\_\_\_\_ Name: \_\_\_\_\_



454 KENTUCKY STREET  
P.O. BOX 89  
STURGEON BAY, WISCONSIN 54235-0089

TELEPHONE (920)743-6505  
FACSIMILE (920)743-2041

WRITER'S E-MAIL [jsmith@pinkertlawfirm.com](mailto:jsmith@pinkertlawfirm.com)

HERMAN J. LEASUM (1910-2006)

RETIRED:

JEFFERY M. WEIR  
ROGER PINKERT  
MARK A. JINKINS

NORTHERN DOOR OFFICE:

2294 SUNSET DRIVE  
SISTER BAY, WISCONSIN 54234  
TELEPHONE (920) 854-2616

JAMES R. SMITH  
RANDALL J. NESBITT\*†  
RICHARD A. HAUSER  
JON R. PINKERT  
JENNIFER C. HOBART  
AMY M. SULLIVAN  
TYLER D. PLUFF  
\* Court Commissioner  
† Certified Civil Trial Specialist by  
National Board of Trial Advocacy

September 17, 2019

Mr. Richard Brauer  
Door County Land Use Services  
Door County Government Center  
421 Nebraska  
Sturgeon Bay, Wisconsin 54235

**Re: Cottage Row Condominium**

Dear Rick:

Enclosed please find the condominium plat for Cottage Row Condominium. Please review the plat and if it meets with your approval, please sign and date page 1 of the Plat and also sign and date the plat which is attached as Exhibit A to the Condominium Declaration.

Please forward the Condominium Plat, the Declaration, and the check for the recording fee to the Register of Deeds.

If you have any questions regarding the enclosed documents, please contact me immediately. Thank you for your assistance in this matter.

Sincerely,

PINKERT LAW FIRM LLP

James R. Smith

RECEIVED

SEP 17 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

JRS/mah  
Enclosures

f:\clients\k\kane steven & jacqueline\cottage row\brauer.docx

Hanger 321

# COTTAGE ROW CONDOMINIUM

LOCATED IN:  
 GOVERNMENT LOT 1 OF SECTION 6,  
 TOWNSHIP 30 NORTH, RANGE 27 EAST,  
 TOWN OF GIBRALTAR,  
 DOOR COUNTY,  
 WISCONSIN



NORTH  
 1" = 60'



DOC #: 824968  
 RECORDED ON:  
 09/18/2019 02:05:12 PM  
 CAREY PETERSILKA  
 REGISTER OF DEEDS  
 DOOR COUNTY, WI  
 FEE AMOUNT PAID: 50.00

Certificate of Door County Land Use Services Department:

The Cottage Row Site Condominium Plat has been submitted to and approved by the Door County Land Use Services Department.

Date: 9-18-19

*Richard Brauer*  
 Richard Brauer, Zoning Administrator

**CAVEAT:**

Building zones depicted are based on building setbacks in effect at time of recording and should not be relied upon without first obtaining written verification thereof from the Door County Land Use Services Department.

**NOTES:**

Any land below the approximate ordinary highwater mark of Green Bay is subject to the public trust in navigable waters that is established under Article IX, Section 1 of the State Constitution.

The Existing 33' Ingress, Egress, & Utility Easement is for the benefit of Unit 3 and serves two (2) parcels to the south of the Condominium Parcel. Vehicular access to Units 1 and 2 across said easement is strictly prohibited.

I, ARIC R. WEBER, PROFESSIONAL LAND SURVEYOR FOR BAUDHWIN SURVEYING & ENGINEERING, CERTIFY THAT I AM A LICENSED LAND SURVEYOR AUTHORIZED TO PRACTICE THAT PROFESSION IN THIS STATE AND THAT THE CONDOMINIUM PLAT TO WHICH THIS CERTIFICATE IS AFFIXED IS A CORRECT REPRESENTATION OF THE CONDOMINIUM DESCRIBED AND THAT THE IDENTIFICATION AND LOCATION OF EACH UNIT, COMMON ELEMENTS, AND LIMITED COMMON ELEMENTS CAN BE DETERMINED FROM THE PLAT.

DATED 9-12-19  
*Aric R. Weber*  
 ARIC R. WEBER S-2584



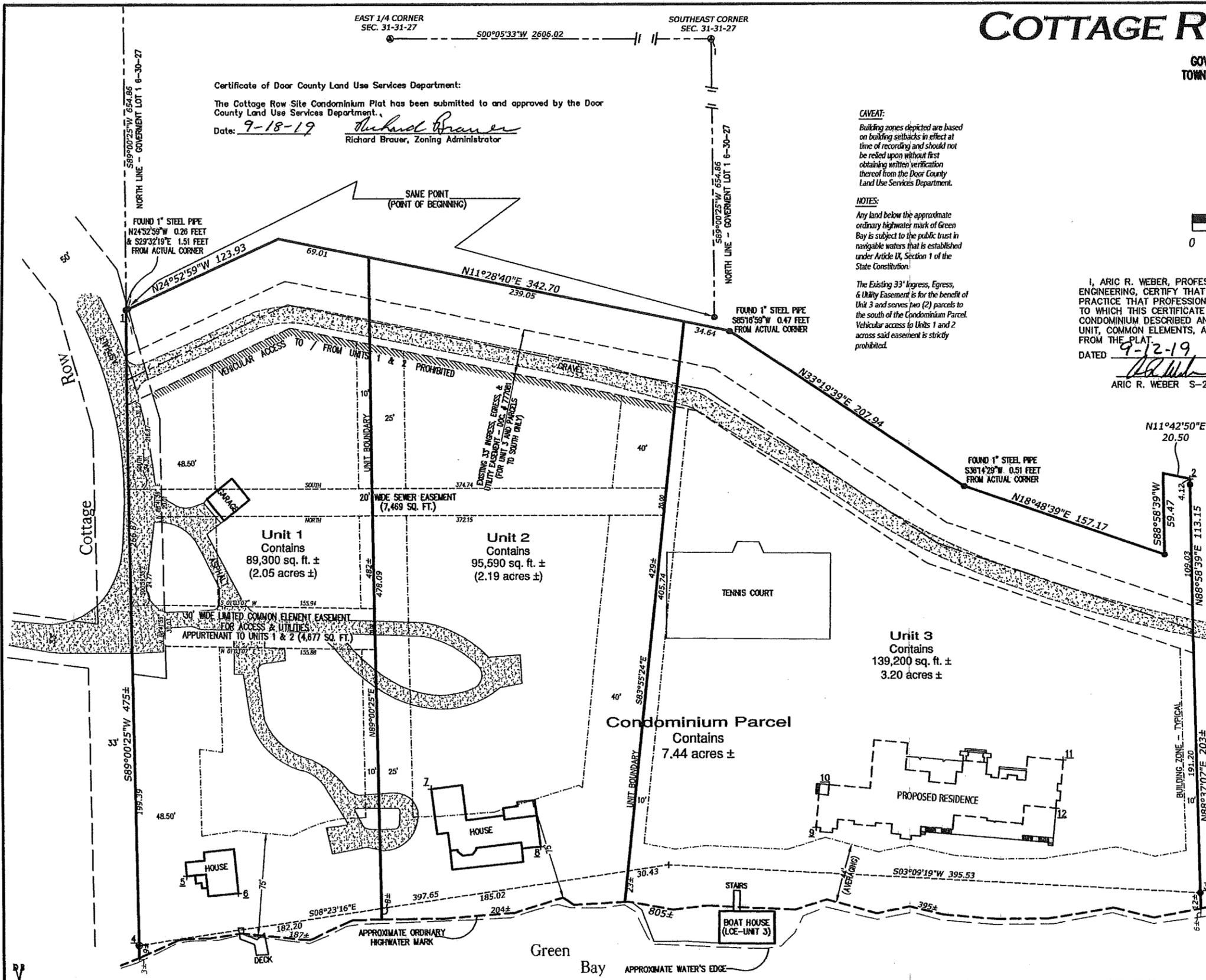
DECLARANT:  
 COTTAGE ROW PROPERTIES LLC  
 5845 STRASBOURG COURT  
 RENO, NV  
 89511

- ⊙ - DOOR COUNTY MONUMENT
- - FOUND 1.5" STEEL PIPE
- - FOUND 1" STEEL PIPE
- ⊙ - FOUND 3/4" STEEL ROD
- ⊠ - FOUND 4"x4" CONCRETE MONUMENT
- ⊕ - LOCATOR
- CE - COMMON ELEMENT
- LCE - LIMITED COMMON ELEMENT

**NOTE**

ALL BEARINGS BASED ON THE SOUTH LINE OF GOVERNMENT LOT 2 SECTION 31-31-27

| LOCATORS |          |         |
|----------|----------|---------|
| No.      | Northing | Easting |
| 1        | 1023.29  | 1235.39 |
| 2        | 233.49   | 1109.71 |
| 3        | 226.88   | 805.43  |
| 4        | 1015.21  | 769.20  |
| 5        | 979.25   | 819.73  |
| 6        | 941.16   | 807.23  |
| 7        | 797.53   | 883.48  |
| 8        | 716.72   | 840.86  |
| 9        | 512.34   | 854.68  |
| 10       | 502.57   | 885.95  |
| 11       | 328.38   | 903.55  |
| 12       | 333.99   | 868.18  |



Hanger 321

# COTTAGE ROW CONDOMINIUM

LOCATED IN:  
GOVERNMENT LOT 1 OF SECTION 6,  
TOWNSHIP 30 NORTH, RANGE 27 EAST,  
TOWN OF GIBRALTAR,  
DOOR COUNTY,  
WISCONSIN

Description - Condominium Parcel:

A parcel of land located in Government Lot 1 of Section 6, Township 30 North, Range 27 East, Town of Gibraltar, Door County, Wisconsin described as follows:

Commencing at the Southeast corner of Section 31-31-27; thence S89°00'25"W - 654.86 feet along the north line of said Government Lot 1 to the point of beginning of lands to be described; thence continuing S89°00'25"W - 466.26 feet to a found 3/4" steel rod, said rod being N89°00'25"E -- 9± feet from the approximate ordinary highwater mark of Green Bay; thence along a meander line as follows: S08°23'16"E - 397.65 feet; thence S03°09'19"W - 395.53 feet to a found 1" steel pipe, said pipe being N88°37'07"E - 12± from said approximate ordinary highwater mark of Green Bay; thence N88°37'07"E - 191.20 feet; thence N88°58'39"E - 113.15 feet; thence N11°42'50"E - 20.50 feet; thence S88°58'39"W - 59.47 feet; thence N18°48'39"E - 157.17 feet; thence N33°19'39"E - 207.94 feet; thence N11°28'40"E - 342.70 feet; thence N24°52'59"W - 123.93 feet to the point of beginning.

Said parcel contains 7.44± acres and includes all lands lying between aforementioned meander line and the approximate ordinary high water mark of Green Bay. Said parcel is subject to and benefited by an existing easement for ingress, egress, and utilities recorded at Document No. 777061.

Said parcel is subject to and benefited by the following described 20' wide sewer easement:

A 20' wide easement for the installation and maintenance of sanitary sewer located in Government Lot 1 of Section 6, Township 30 North, Range 27 East, Town of Gibraltar, Door County, Wisconsin. Described as follows:

Commencing at the Southeast corner of Section 31-31-27; thence S89°00'25"W - 786.13 feet along the north line of said Government Lot 1; thence South - 24.31 feet to the southerly right of way line of Cottage Row and the point of beginning of said easement; thence continue South - 374.74 feet; thence N83°55'24"W - 20.00 feet; thence North - 372.15 feet to the aforementioned southerly right of way line of Cottage Row; thence N88°41'59"E - 20.01 feet along said right of way line to the point of beginning.

Said easement contains 7,469 square feet.

Said parcel is also subject to and benefited by the following described 30' wide limited common element access and utility easement:

A 30' wide limited common element access and utility easement appurtenant to Units 1 & 2 located in Government Lot 1 of Section 6, Township 30 North, Range 27 East, Town of Gibraltar, Door County, Wisconsin. Described as follows:

Commencing at the Southeast corner of Section 31-31-27; thence S89°00'25"W - 871.73 feet along the north line of said Government Lot 1; thence S00°59'35"E - 24.77 feet to the southerly right of way line of Cottage Row and the point of beginning of said easement; thence S01°03'07"W - 155.94 feet; thence N89°00'25"W - 30.03 feet; thence N01°03'07"E - 155.86 feet to the aforementioned southerly right of way line of Cottage Row; thence N88°41'59"E - 30.03 feet along said right of way line to the point of beginning.

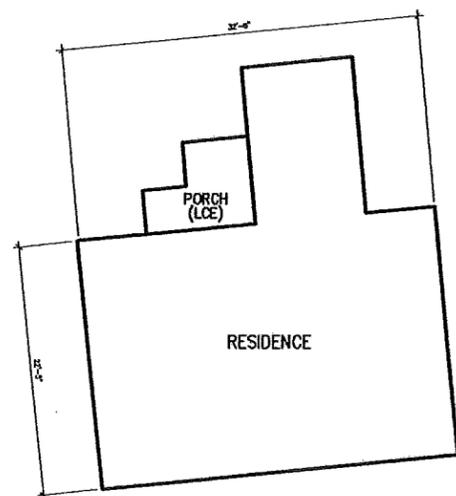
Said easement (Limited Common Element) contains 4,677 square feet.



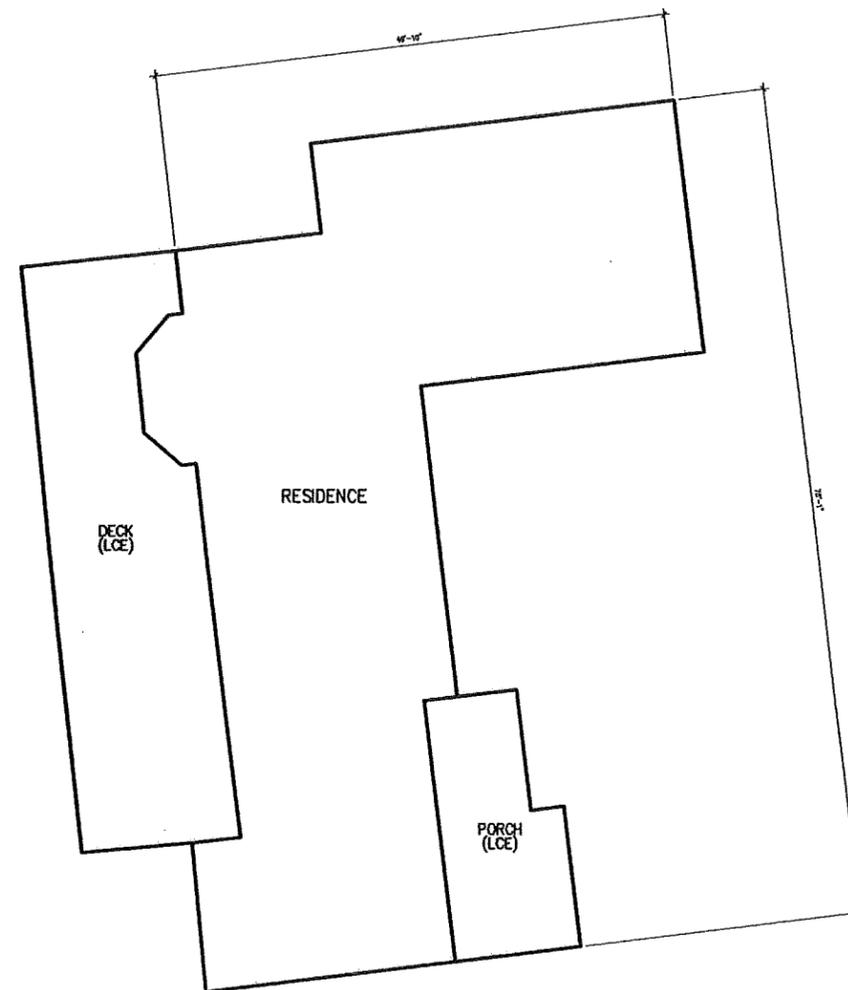
Hanger 321

# COTTAGE ROW CONDOMINIUM

LOCATED IN:  
GOVERNMENT LOT 1 OF SECTION 6,  
TOWNSHIP 30 NORTH, RANGE 27 EAST,  
TOWN OF GERALTAR,  
DOOR COUNTY,  
WISCONSIN.



**RESIDENCE - UNIT 1 MAIN FLOOR PLAN**  
880 SQ. FT. ±  
NO SCALE



**RESIDENCE - UNIT 2 MAIN FLOOR PLAN**  
2,100 SQ. FT. ±  
NO SCALE

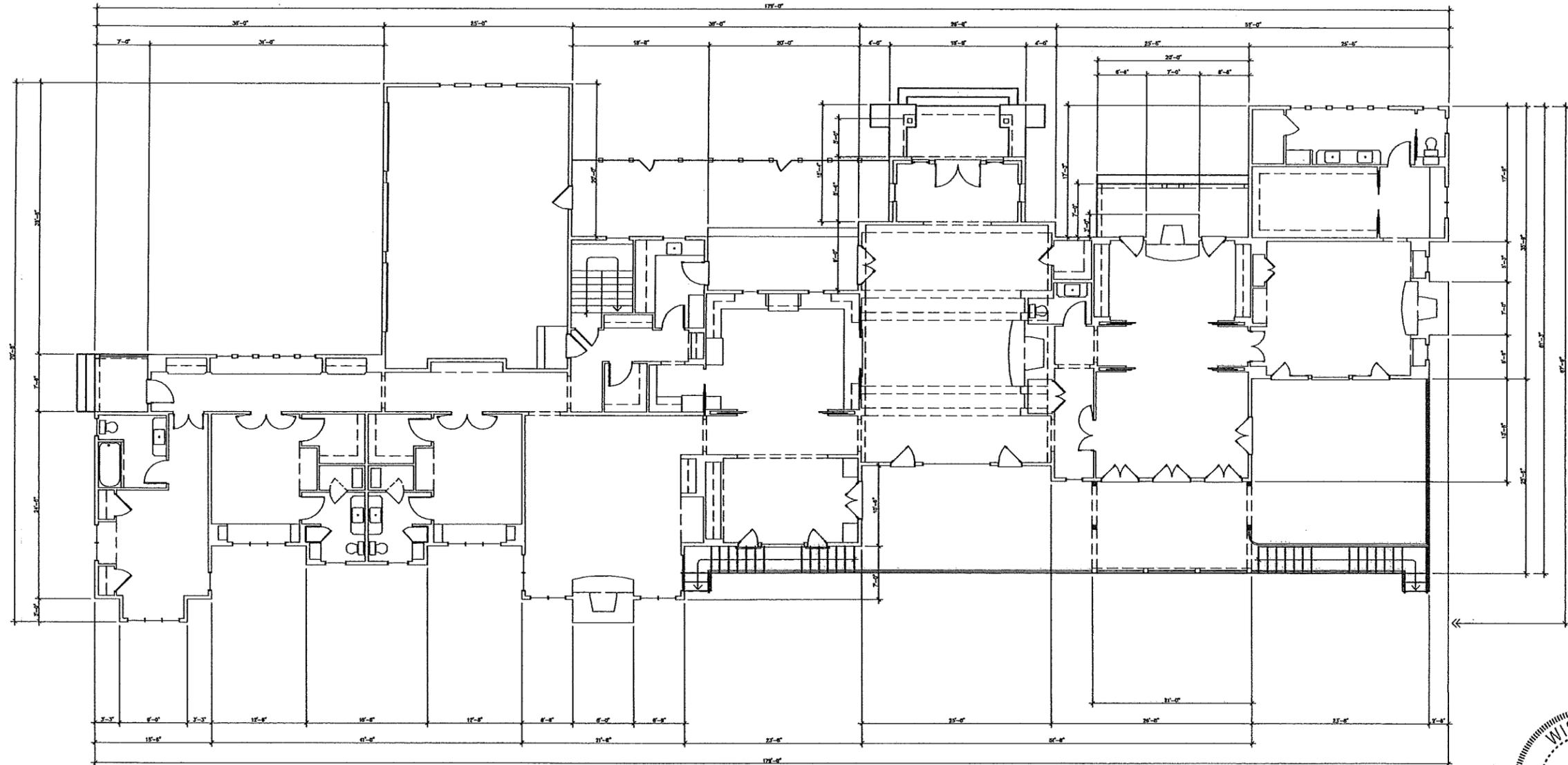


VP

Hanger 321

# COTTAGE ROW CONDOMINIUM

LOCATED IN:  
GOVERNMENT LOT 1 OF SECTION 6,  
TOWNSHIP 30 NORTH, RANGE 27 EAST,  
TOWN OF GERRALTAR,  
DOOR COUNTY,  
WISCONSIN.



**RESIDENCE - UNIT 3 MAIN FLOOR PLAN**  
6,990 SQ. FT. ±  
NO SCALE



VP

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 DOOR COUNTY, WISCONSIN

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Adopted: 27 March 2012, Ord. No. 2012-10; Effective: 01 April 2012  
 Amended: 24 March 2015, Ord. No. 2015-03; Effective: 30 March 2015  
 Amended: 27 February 2018, Ord. No. 2018-03; Effective: 04 March 2018  
 Amended: 26 March 2019, Ord. No. 2019-04; Effective 4 April 2019

*Note: Ordinance 2019-04 (4 April 2019) replaced all references throughout this ordinance to the "Door County Planning Department" with "Door County Land Use Services Department".*

## CHAPTER 1 GENERAL PROVISIONS

**1.01 Title.** This Ordinance shall be known as the "Door County Land Division Ordinance", hereinafter referred to as "this Ordinance."

**1.02 Authority.** The provisions of this Ordinance are adopted by the Door County Board of Supervisors pursuant to the authority granted by ss. 236.45 and 703.27, Wis. Stats.

**1.03 Purpose and Intent.** The purpose and intent of this Ordinance are to act in accordance with ss. 59.692, 236.45, and 703.27(1), Wis. Stats., NR 115.05(2), Wis. Admin. Code, and to accomplish the goals listed below. (Amended: 27 February 2018, Ord. No. 2018-03; Effective: 04 March 2018)

- (1) Promote the orderly layout of lots, units, and vehicular rights-of-way.
- (2) Ensure accurate legal descriptions of lots and units.
- (3) Ensure proper monumenting of lots and units.
- (4) Ensure adequate storm water management, when necessary.
- (5) Ensure a system for review of proposed site condominiums that is identical to the review procedures for land divisions. Such review of site condominiums is deemed appropriate because they function in the same manner as, and have the same neighborhood and environmental impacts as, land divisions.

**1.04 "State Plats."** Land divisions that result in a "subdivision" as defined in s. 236.02(12), Wis. Stats. (such land divisions commonly referred to as "state plats"), are subject to both the applicable requirements of Chapter 236, Wis. Stats., and this Ordinance.

### **1.05 Abrogation and Interpretation.**

(1) It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, or regulations or permits previously adopted or issued pursuant to laws. After enactment, where it imposes greater restrictions, the provisions of this Ordinance shall govern.

(2) This Ordinance shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any requirement or power granted or appearing in this Ordinance or elsewhere relating to the subdivision or other division of land or creation of a site condominium.

(3) Nothing in this Ordinance shall be construed to prohibit a town from adopting an ordinance. Where a town has adopted a land division ordinance pursuant to the authority granted to the town by ss. 60.22(3), 236.45, or 703.27, Wis. Stats., the subdivider or declarant shall first obtain approval from such town in which the land division or site condominium is located, prior to submittal to the County.

(4) State plats abutting a state trunk highway are subject to and shall comply with all applicable Wisconsin Administrative Codes. The onus relative to applicability of, compliance with, or waiver from Wisconsin Administrative Codes lies with the landowner.

**1.06 Effective Date.** Upon enactment, this Ordinance and any amendments shall be in effect the day following publication.

**1.07 Severability.** If any provision of this Ordinance is held to be invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby and shall be valid and in force to the fullest extent permitted by law.

**1.08 Applicability.** The provisions of this Ordinance shall apply to divisions of land or creation of site condominiums in the unincorporated areas of the County as follows:

(1) Land divisions that create 4 or fewer parcels that are less than 10 acres in area, either through a single division or successive divisions by either the same or subsequent owner(s) within a period of 5 years, shall comply with the requirements of Chapter 2, Minor Land Divisions.

(2) Land divisions that create 5 or more parcels that are less than 10 acres in area, either through a single division or successive divisions by either the same or subsequent owner(s) within a period of 5 years, shall comply with the requirements of Chapter 3, Major Land Divisions.

(3) Site condominiums that create 4 or fewer units that are less than 10 acres in area, either as an original condominium or an addition to a condominium under s. 703.26, Wis. Stats. by either the same or subsequent owner(s) within a period of 5 years, shall comply with the requirements of Chapter 4, Minor Site Condominiums.

(4) Site condominiums that create 5 or more units that are less than 10 acres in area, either as an original condominium or an addition to a condominium under s. 703.26, Wis. Stats. by either the same or subsequent owner(s) within a period of 5 years, shall comply with the requirements of Chapter 5, Major Site Condominiums.

(5) Exceptions. The provisions of this Ordinance shall not apply to:

(a) Transfers of interest in land by will or pursuant to court order.

(b) Leases for a term not to exceed 10 years, mortgages, or easements.

(c) The sale or exchange of parcels of land between owners of adjoining property if additional lots or units are not thereby created and the lots or units resulting are not reduced below the minimum sizes required by this or other applicable ordinances or laws.

(d) Cemetery plats created under s. 157.07, Wis. Stats.

(e) Assessors plats created under s. 70.27, Wis. Stats, but such plats shall comply with ss. 236.15(1)(a) to (g), 236.20(1), and 236.20(2)(a) to (e), Wis. Stats., unless waived under s. 236.20(2)(L), Wis. Stats.

(f) Condominium plats created under Ch. 703, Wis. Stats., except for site condominium plats.

**1.09 Compliance.** Any division of land or creation of a condominium subject to the requirements of this Ordinance shall not be entitled to recording unless such division or condominium is in compliance with all the requirements of this Ordinance. All approved certified survey maps, major land division plats, and site condominium plats shall be filed for recording with the Register of Deeds of Door County prior to transferring ownership of any lots created by a land division or units created by a condominium.

## CHAPTER 2 MINOR LAND DIVISIONS

### 2.01 General.

(1) Land divisions that create 4 or fewer parcels that are less than 10 acres in area, either through a single division or successive divisions by either the same or subsequent owner(s) within a period of 5 years, shall comply with the requirements of this chapter.

(2) Municipal landfills shall not be divided into parcels.

### 2.02 Certified Survey Map.

(1) Submittal and Information Requirements. A certified survey map shall be submitted to the Land Use Services Department. The certified survey map shall be prepared according to s. 236.34, Wis. Stats., shall contain or have attached thereto all of the information required by Chapter 6, Design Standards, Improvements and Dedications, and shall also show clearly on its face the following:

(a) Date the map was prepared.

(b) Lakes, ponds, navigable streams, wetlands, escarpment areas, and regional flood elevation and floodway data. (Amended: 27 February 2018, Ord. No. 2018-03; Effective 04 March 2018)

(c) Location of existing buildings, structures, driveways, and access and utility easements.

(d) Area of proposed lots in square feet.

(e) Building zones, if applicable.

(2) Review and Decision. The Land Use Services Department shall review the certified survey map for compliance with this Ordinance and shall approve or reject the certified survey map within 15 working days of its submission, unless such time is mutually extended by both parties, or unless the approval of governmental entity(ies) is required under s. 2.03, Minor Land Divisions Involving Dedication of Land. Failure of the Land Use Services Department to act within the time limits imposed in this subsection shall constitute an approval.

(a) Approval. If approved, a written statement certifying approval by the Land Use Services Department shall be affixed to the certified survey map.

(b) Rejection. If rejected, the applicant shall be notified in writing of the reasons for rejection.

(3) Recordation. The certified survey map shall be recorded within six months of approval by the Land Use Services Department. Failure to record within this time limit shall void the Land Use Services Department's approval

**2.03 Minor Land Divisions Involving Dedication of Land.** Minor land divisions that involve the dedication of public rights-of-way or other dedications of public lands shall require approval of the applicable governmental entity(ies). The Land Use Services Department shall not approve such minor land divisions until approval of the applicable governmental entity(ies) has been obtained.

## CHAPTER 3 MAJOR LAND DIVISIONS

### 3.01 General.

(1) Land divisions that create 5 or more parcels that are less than 10 acres in area either through a single division or successive divisions by either the same or subsequent owner(s) within a period of 5 years, shall comply with the requirements contained in this chapter.

(2) Municipal landfills shall not be divided into parcels.

### 3.02 Conceptual Sketch Plan.

(1) Submittal and Information Requirements. Before submitting a preliminary plat for approval, the subdivider shall submit a conceptual sketch plan to the Land Use Services Department. The conceptual sketch plan shall be submitted as one 24 inch by 36 inch copy of the plan and one copy of the plan reduced to 11 inches by 17 inches. The conceptual sketch plan shall have the date the map was prepared and contain or have attached thereto the following information:

(a) Existing Conditions.

1. Total acreage of the entire area proposed for subdividing.
2. Topographic data provided at vertical intervals of 2 feet.
3. Municipal boundaries, government section lines, and government lot lines within the area proposed for subdividing.
4. Owners of lands abutting the area proposed for subdividing.
5. Location of existing natural and built features within the area proposed for subdividing.
  - a. Lakes, ponds, navigable streams, wetlands, escarpment areas, and regional flood elevation and floodway data. (Amended: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015) (Amended: 27 February 2018, Ord. No. 2018-03; Effective 04 March 2018)
  - b. Utilities and utility easements, including sewers, water mains, power transmission poles and lines, and underground utilities.
  - c. Right-of-way width of roads, alleys, and easements.
  - d. Buildings, structures, and driveways.
6. Parcel Identification Numbers for all parcels proposed to be subdivided.

(b) Design Features.

1. Number and layout of lots and outlots.
  - a. Area in square feet.
  - b. Building zones, if applicable. Where s. 236.02(12), Wis. Stats., is applicable and any portion of the platted property abuts a highway under its jurisdiction, the setbacks per Trans 233.08(1) – (3), Wisconsin Administrative Code shall be shown. (Amended: 26 March 2019, Ord. No. 2019-02; Effective 4 April 2019)

2. Layout of roads and alleys.
3. Sites, if any, to be reserved for public uses.
4. Easements.

(c) Supplementary Data.

1. Provision for water supply.
2. Provision for sewage disposal.

(2) Review. After the Land Use Services Department has determined the conceptual sketch plan to be complete and accurate, it will be scheduled for review at the next available Committee meeting. The subdivider or an agent acting on behalf of the subdivider shall present the conceptual sketch plan to the Committee in order to facilitate discussion regarding the layout and design of the proposed land division.

**3.03 Preliminary Major Land Division Plat.** The preliminary major land division plat shall conform substantially to the conceptual sketch plan presented to the Committee. Such plat shall be prepared by a professional land surveyor and shall conform to the requirements of this Ordinance. (Amended: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015)

(1) Submittal and Information Requirements. The applicant shall prepare and file with the Land Use Services Department one full-size copy and one copy reduced to 11 inches by 17 inches of all pages of the preliminary plat. The preliminary plat shall contain or have attached thereto all of the information required by 3.02(1) and Chapter 6, Design Standards, Improvements and Dedications, and the following:

- (a) Date of preparation and date of subsequent revisions.
- (b) Names, phone numbers, and addresses of the owner, any agent having control of the land, subdivider, surveyor, and engineer of the plat.
- (c) Proposed name of the subdivision. Such name shall not duplicate or be alike in pronunciation of any plat heretofore recorded in the County, unless considered an addition to an existing subdivision.
- (d) Legal description of the property.
- (e) Graphic scale not more than one inch to 100 feet, unless agreed to by Land Use Services Department staff.
- (f) Small detailed scale drawing of the land division in relation to its location within the section(s).
- (g) North point arrow or symbol.
- (h) Proposed names of roads.
- (i) Locations and widths of proposed sidewalks and hiking or biking paths or trails.

(j) Any sites, in addition to roads, sidewalks, hiking or biking paths or trails, and utility easements, intended to be dedicated or reserved for parks or other public use. The dimensions and acreage of such sites shall be shown.

(k) Dimensions of blocks, lots, and outlots.

(l) An identification system for the consecutive numbering of all blocks and lots within the subdivision.

(m) Written explanation of all proposed private restrictions.

(n) Wetland delineation report and map reviewed by and approved by the Land Use Services Department, if applicable.

(2) Review and Decision.

(a) A complete preliminary plat application shall include supporting materials and shall comply with this Ordinance as in effect when the subdivider submitted the preliminary plat application. The Committee shall review and approve, approve conditionally, or reject the preliminary plat application and shall state in writing any conditions of approval or reasons for rejection. Conditions of approval may include the kind and extent of improvements to be made by the applicant.

(b) Failure of the Committee to act within 40 calendar days of submittal of a complete preliminary plat application shall constitute an approval of the preliminary plat, unless such time is extended by agreement between the Committee and the applicant.

**3.04 Final Major Land Division Plat.** The final major land division plat shall be prepared by a professional land surveyor and shall conform to the requirements of this Ordinance. Such plat shall conform substantially to the approved preliminary plat, except contours lines do not have to be shown. (Amended: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015)

(1) Submittal and Information Requirements. The applicant shall prepare and file with the Land Use Services Department a final plat in accordance with the following:

(a) The final plat shall show the location and provide a description of survey monuments.

(b) The final plat shall be legible and shall have a binding margin 1½ inches wide on the left side and a one-inch margin on all other sides. Its graphic scale shall not be more than 100 feet to one inch, unless agreed to by Land Use Services Department staff.

(c) The final plat shall be a permanent nonfading black image on durable white media that is 22 inches wide by 30 inches long.

(d) If the major land division results in a subdivision as defined in s. 236.02(12), Wis. Stats., the applicant shall also submit the original drawing of the final plat to the appropriate state plat review agency, in accordance with s. 236.12(6), Wis. Stats.

(e) Certificates. All final plats shall provide the following certificates:

1. Surveyor's certificate of compliance with statute, as described in s. 236.21(1)(a) – (c), Wis. Stats.;

2. Certificate of taxes paid as described in s. 236.21(3), Wis. Stats.

3. Where s. 236.02(12), Wis. Stats., is applicable and any portion of the platted property abuts a highway under its jurisdiction, the Wisconsin Department of Transportation Trans 233 Certification Number. (Added: 26 March 2019, Ord. no. 2019-02; Effective 4 April 2019)

(f) The final plat shall show on its face all lands reserved for future public dedication or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use, maintenance, and ownership must also be provided with the plat.

(g) The final plat shall show on its face evidence of acceptance of any dedications by the governmental entity(ies) receiving the dedications.

(h) A complete final plat application shall include any legal easements or agreements required, such as but not limited to storm water runoff management plans and road agreements, as approved by the county and recorded by the subdivider.

(2) Review and Decision.

(a) A final major land division plat is entitled to approval if it is submitted within 36 months after approval of the preliminary plat and conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to county ordinances adopted as authorized by law. If the final plat is not submitted within 36 months after the approval of the preliminary plat, any approving authority may refuse to approve the final plat or may extend the time for submission of the final plat. The final plat may, if permitted by the approving authority, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time.

(b) The Land Use Services Department shall approve or reject the final plat and shall state in writing any reasons for rejection. If approved, a written statement certifying approval shall be affixed to the final plat.

(c) The Land Use Services Department shall act within 40 calendar days of final plat submittal, unless such time is mutually extended by both parties, or unless the approval of the governmental entity(ies) is required under s. 3.05, Major Land Divisions Involving Dedication of Land. Failure of the Land Use Services Department to act within the time limits imposed in this subsection shall constitute an approval.

**3.05 Major Land Divisions Involving Dedication of Land.** Major land divisions that involve the dedication of public rights-of-way or other dedications of public lands shall require approval of the applicable governmental entity(ies). The Land Use Services Department shall not approve such major land divisions until approval of the applicable governmental entity(ies) has been obtained.

**3.06 Recordation.** The final plat shall be recorded within 12 months of the date of the last approval of the plat and within 36 months after the first approval. Failure to record the plat within the time specified shall nullify the approval of the final plat.

**3.07 Replats.** Any replat of a recorded plat or part thereof that does not alter areas dedicated to the public shall comply with all requirements of this Ordinance. Any replat of a recorded plat or part thereof that alters areas dedicated to the public shall comply with all requirements of this ordinance and shall comply with s. 236.36, Wis. Stats.

## CHAPTER 4 MINOR SITE CONDOMINIUMS

### 4.01 General.

- (1) Establishment of site condominiums that create 4 or fewer units that are less than 10 acres in area, either as an original condominium or an addition to a condominium under s. 703.26, Wis. Stats. by either the same or subsequent owner(s) within a period of 5 years, shall comply with the requirements of this chapter.
- (2) Municipal landfills shall not be used to create units.

### 4.02 Minor Site Condominium Plat.

(1) Submittal and Information Requirements. A minor site condominium plat shall be submitted to the Land Use Services Department. Such plat shall be prepared according to s. 703.11, Wis. Stats., and shall contain or have attached thereto all of the information required by Chapter 6, Design Standards, Improvements and Dedications, of this Ordinance. The plat shall also show clearly on its face the following:

- (a) Date the site condominium plat was prepared.
- (b) Lakes, ponds, navigable streams, wetlands, escarpment areas, and regional flood elevation and floodway data. (Amended: 27 February 2018, Ord. No. 2018-03; Effective: 04 March 2018)
- (c) Location of existing buildings, structures, driveways, and access and utility easements.
- (d) Area of proposed units in square feet.
- (e) Building zones, if applicable.

(2) Review and Decision. The Land Use Services Department shall review the minor site condominium plat for compliance with this Ordinance and shall approve or reject the plat within 15 working days of its submission, unless such time is mutually extended by both parties, or unless the approval of the governmental entity(ies) is required under s. 4.03, Minor Site Condominiums Involving Dedication of Land. Failure of the Land Use Services Department to act within the time limits imposed in this subsection shall constitute an approval.

- (a) Approval. If approved, a written statement certifying approval shall be affixed to the condominium plat.
- (b) Rejection. If rejected, the applicant shall be notified, in writing, of the reasons for rejection.

(3) Recordation. The minor site condominium plat shall be recorded within six months of approval by the Land Use Services Department. Failure to record within this time limit shall void the Land Use Services Department's approval.

**4.03 Minor Site Condominiums Involving Dedication of Land.** Minor site condominiums that involve the dedication of public rights-of-way or other dedications of public lands shall require approval of the applicable governmental entity(ies). The Land Use Services Department shall not approve the condominium plat until approval of the applicable governmental entity(ies) has been obtained.

**4.04 Modifications and Corrections.** Any modification or correction of a recorded site condominium plat or part thereof shall conform to all requirements of this Ordinance and shall be done in accordance with s. 703.095, Wis. Stats.

## CHAPTER 5 MAJOR SITE CONDOMINIUMS

### 5.01 General.

(1) Establishment of site condominium plats that create 5 or more units that are less than 10 acres in area, either as an original condominium or an addition to a condominium under s. 703.26, Wis. Stats. by either the same or subsequent owner(s) within a period of 5 years, shall comply with the requirements of this chapter.

(2) Municipal landfills shall not be used to create units.

### 5.02 Conceptual Sketch Plan.

(1) Submittal and Information Requirements. Before submitting a preliminary major site condominium plat for approval, the declarant shall prepare a conceptual sketch plan and shall submit to the Land Use Services Department one 24 inch by 36 inch copy of the plan and one copy of the plan reduced to 11 inches by 17 inches. The conceptual sketch plan shall have the date the map was prepared and contain or have attached thereto the following information:

#### (a) Existing Conditions.

1. Total acreage of the entire area proposed for development.
2. Topographic data provided at vertical intervals of 2 feet.
3. Municipal boundaries, government section lines, and government lot lines within the area proposed for development.
4. Owners of lands abutting the area proposed for development.
5. Location of existing natural and built features within the area proposed for development.
  - a. Lakes, ponds, navigable streams, wetlands, escarpment areas, and regional flood elevation and floodway data. (Amended: 27 February 2018, Ord. No. 2018-03; Effective 04 March 2018)
  - b. Utilities and utility easements, including sewers, water mains, power transmission poles and lines, and underground utilities.
  - c. Right-of-way width of roads, alleys, and easements.
  - d. Buildings, structures, and driveways.
6. Parcel Identification Numbers for all units proposed to be included in the condominium plat.

#### (b) Design Features.

1. Number and layout of units.
  - a. Area of units in square feet.
  - b. Building zones, if applicable. Where s. 236.02(12), Wis. Stats., is applicable and any portion of the platted property abuts a highway under its jurisdiction, the setbacks

per Trans 233.08(1) – (3), Wisconsin Administrative Code shall be shown. (Amended: 26 March 2019, Ord. No. 2019-02; Effective 4 April 2019)

2. Layout of roads and alleys.
3. Location of common elements.
4. Location of limited common elements.

(c) Supplementary Data.

1. Provision for water supply.
2. Provision for sewage disposal.

(2) Review. After the Land Use Services Department has determined the conceptual sketch plan to be complete and accurate, it will be scheduled for review at the next available Committee meeting. The declarant or an agent acting on behalf of the declarant shall present the conceptual sketch plan to the Committee in order to facilitate discussion regarding the layout and design of the proposed condominium plat.

**5.03 Preliminary Major Site Condominium Plat.** The preliminary major site condominium plat shall be prepared by a professional land surveyor and shall conform to the requirements of this Ordinance. Such plat shall conform substantially to the conceptual sketch plan presented to the Committee. (Amended: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015)

(1) Submittal and Information Requirements. The declarant shall prepare and file with the Land Use Services Department one full-size copy and one copy reduced to 11 inches by 17 inches of all pages of the preliminary condominium plat. The preliminary plat shall contain or have attached thereto all of the information required by 5.02(1) and Chapter 6, Design Standards, Improvements and Dedications, and the following:

- (a) Date of preparation and date of subsequent revisions.
- (b) Names, phone numbers, and addresses of the declarant, any agent having control of the land, surveyor, and engineer of the plan and certification of ownership or declarant's authorization of agent.
- (c) Proposed name of the condominium. Such name shall not duplicate or be alike in pronunciation of any condominium plat heretofore recorded in the County, unless considered an addition to an existing condominium plat.
- (d) Legal description and survey of the property as provided in s. 703.11(2)(b), Wis. Stats.
- (e) Graphic scale not more than one inch to 100 feet, unless agreed to by Land Use Services Department staff.
- (f) Small detailed scale drawing of the area proposed for development in relation to its location within the section(s).
- (g) North point arrow or symbol.
- (h) Proposed names of roads.
- (i) Locations and widths of proposed sidewalks and hiking or biking paths or trails.

(j) Any sites, in addition to roads, sidewalks, hiking or biking paths or trails, and utility easements, intended to be dedicated or reserved for parks or other public use. The dimensions and acreage of such sites shall be shown.

(k) Dimensions of blocks, units, common elements, and limited common elements.

(l) A unit identification system as provided in s. 703.11(3), Wis.Stats.

(m) Written explanation of the proposed condominium declaration.

(n) Wetland delineation report and map reviewed by and approved by the Land Use Services Department, if applicable.

(2) Review and Decision.

(a) A complete preliminary condominium plat application shall include supporting materials and shall comply with this Ordinance as in effect when the declarant submitted the preliminary plat application. The Committee shall review and approve, approve conditionally, or reject the preliminary plat application and shall state in writing any conditions of approval or reasons for rejection. Conditions of approval may include the kind and extent of improvements to be made by the declarant.

(b) Failure of the Committee to act within 40 calendar days of submittal of a complete preliminary condominium plat application shall constitute an approval of the preliminary plat, unless such time is extended by agreement between the County and the declarant.

**5.04 Final Major Site Condominium Plat.** The final major site condominium plat shall be prepared by a professional land surveyor and shall conform to the requirements of this Ordinance. Such plat shall conform substantially to the approved preliminary plat, except contour lines do not have to be shown. (Amended: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015)

(1) Submittal and Information Requirements. The applicant shall prepare and file with the Land Use Services Department the final plat in accordance with s. 703.11(2)(d), Wis. Stats. and the following:

(a) The final plat shall show the location and provide a description of survey monuments.

(b) A copy of the final condominium declaration.

(c) Certificates. All final plats shall provide all the certificates required by s. 703.11(4), Wis. Stats. Where s. 236.02(12), Wis. Stats., is applicable and any portion of the platted property abuts a highway under its jurisdiction, the Wisconsin Department of Transportation Trans 233 Certification Number shall be provided. (Amended: 26 March 2019, Ord. No. 2019-02; Effective 4 April 2019)

(d) The final condominium plat shall show on its face all lands reserved for future public dedication or reserved for the common use of unit owners within the plat. If common property is located within the plat, then provisions for its use, maintenance, and ownership must also be provided with the plat.

(e) The final plat shall show on its face evidence of acceptance of any dedications by the governmental entity(ies) receiving the dedications.

(f) A complete final condominium plat application shall include any agreements required, such as but not limited to storm water runoff management plans and road agreements, as approved by the county and recorded by the declarant.

(2) Review and Decision.

(a) A final condominium plat is entitled to approval if it is submitted within 36 months after approval of the preliminary plat and conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to county ordinances adopted as authorized by law. If the final condominium plat is not submitted within 36 months after approval of the preliminary plat, any approving authority may refuse to approve the final plat or may extend the time for submission of the final plat. The final condominium plat may, if permitted by the approving authority, constitute only that portion of the approved preliminary plat that the declarant proposes to record at that time.

(b) The Land Use Services Department shall approve or reject the final plat and shall state in writing any reasons for rejection. If approved, a written statement certifying approval shall be affixed to the condominium declaration and plat.

(c) The Land Use Services Department shall act within 40 calendar days of final plat submittal, unless such time is mutually extended by both parties, or unless the approval of the governmental entity(ies) is required under s. 5.05, Major Site Condominiums Involving Dedication of Land. Failure of the Land Use Services Department to act within the time limits imposed in this subsection shall constitute an approval.

**5.05 Major Site Condominiums Involving Dedication of Land.** Major site condominiums that involve the dedication of public rights-of-way or other dedications of public lands shall require approval of the applicable governmental entity(ies). The Land Use Services Department shall not approve such major site condominiums until approval of the applicable governmental entity(ies) has been obtained.

**5.06 Recordation.** The final condominium plat shall be recorded within 12 months of the date of the last approval of the plat and within 36 months after the first approval. Failure to record the plat within the time specified shall nullify the approval of the final plat.

**5.07 Modifications and Corrections.** Any modification or correction of a recorded site condominium plat or part thereof shall conform to all requirements of this Ordinance and shall be done in accordance with s. 703.095, Wis. Stats.

**CHAPTER 6  
DESIGN STANDARDS, IMPROVEMENTS AND DEDICATIONS**

**6.01 Roads and Alleys.** These standards shall apply to roads or alleys being created or those portions of existing roads being extended to accommodate land divisions and condominiums reviewed under this ordinance.

(1) Requirements for All Private and Public Roads.

(a) Proposed road names shall conform to the Door County Uniform Addressing System Ordinance.

(b) Ingress to and egress from all lots and units shall be via the lowest class road available. An access restriction clause shall be affixed to the face of the certified survey map or plat to ensure access from the lowest class road.

(2) Private Roads.

(a) Requirements for Roads Serving Minor Land Divisions (certified survey maps) or Minor Site Condominiums.

1. Roads shall terminate within at least one of the lots or units such that the road may not be extended to serve more than 4 lots or units. Roads that do not terminate within at least one of the lots or units shall possess the characteristics as described in s. 6.01(2)(b)3.

2. Roads shall have a minimum right-of-way width of 30 feet and a minimum travel surface width of 16 feet.

3. The centerline radius shall be a minimum of 50 feet at all changes in direction of roads, except at T-intersections and crossroad intersections.

4. The road shall be designed with width, surface, and grade to assure safe passage and maneuverability of private vehicles and police, fire, ambulance, and other safety vehicles.

(b) Requirements for Roads Serving Major Land Divisions or Major Site Condominiums.

1. A design/construction plan shall be submitted by a professional engineer registered in the State of Wisconsin. Plans need to be in compliance with professional road engineering standards.

2. The road shall be designed with width, surface, and grade to assure safe passage and maneuverability of private vehicles and police, fire, ambulance, and other safety vehicles.

3. The road shall not have less than 66 feet of right-of-way width, 22 feet of roadway width, and 18 feet of travel surface width.

4. Spacing of private road intersections along arterial roads shall be at least 2,640 feet, wherever practicable.

5. Road intersections with centerline offsets shall not be less than 250 feet between intersections.

6. Not more than 2 roads shall intersect at one point.

7. The intersection angle of a road to a road shall not be less than 75 degrees.

8. A cul-de-sac shall not exceed 1,000 feet in length, unless a greater distance is approved by the Committee.
  9. If a cul-de-sac is to be used, the outside travel surface within the bulb of a cul-de-sac shall have a minimum radius of 45 feet.
  10. The road shall have a vertical clear zone of 14 feet and a horizontal clear zone of 22 feet.
  11. The road rights-of-way shall be platted as an outlet in major land divisions or as a common element in major site condominiums.
  12. The centerline radius shall be a minimum of 50 feet at all changes in direction of the road, except at T-intersections and crossroad intersections.
  13. The Committee may require that provision be made for the extension of a cul-de-sac to the boundary of a major land division or major site condominium.
- (c) A recorded and binding private road agreement shall be required. This agreement shall contain the following provisions: (Amended: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015)
1. The subdivider or declarant, or their designee, is solely responsible for: (Amended: 26 March 2019, Ord. No. 2019-02; Effective 4 April 2019)
    - Compliance with s. 6.01(1)(a) and (b) and either s. 6.01(2)(a), or s.6.01(2)(b), as applicable.
    - Road construction.
  2. The owner(s) of lots and units that benefits from the road are solely responsible for:
    - Road maintenance and repair, including dust control, snow and ice removal, and elimination of potholes and rutting, maintenance of required clear zones; and
    - Ensuring potential passage by law enforcement vehicles, fire trucks, ambulances and other emergency vehicles, and vehicles for sanitation purposes (trash, recycling, and private septic system maintenance and repair).
  3. The County is not obliged to accept the road into the county-maintained road system and that County is not responsible for road construction or road maintenance and repair, as described in a. above.

### (3) Public Roads.

- (a) Roads that are to be dedicated as public roads shall be constructed according to the standards established by the governmental entity(ies) accepting the roads.
- (b) Roads that are to be dedicated as public roads shall require acceptance of the dedication by the governmental entity(ies) to receive the dedication.

### (4) Alleys.

- (a) A design/construction plan shall be submitted by a professional engineer registered in the State of Wisconsin. Plans need to be in compliance with professional engineering standards.

(b) Alleys shall have a minimum right-of-way width and hard subsurface of 20 feet and a maximum right-of-way width of 30 feet. A minimum of 15 feet within the alley right-of-way shall be surfaced with gravel or paved and pitched to prevent ponding.

(c) The alley shall have a vertical clear zone of 14 feet and a horizontal clear zone of 20 feet.

(d) Alleys shall not exceed 600 feet in length, as measured from the intersecting road rights-of-way.

(e) The intersection angle of an alley to a road shall not be less than 75 degrees.

(f) Dead-end alleys shall be prohibited.

(g) Alley rights-of-way shall be platted as outlots in the case of major land divisions or as common elements in the case of major site condominiums.

(h) A recorded and binding private alley agreement shall be required. This agreement shall contain the following provisions:

a. The subdivider or declarant is solely responsible for alley construction.

b. The owner(s) of lots and units that abut an alley are solely responsible for:

- Alley maintenance and repair, including dust control, snow and ice removal, and elimination of potholes and rutting, maintenance of required clear zones; and
- Ensuring potential passage by law enforcement vehicles, fire trucks, ambulances and other emergency vehicles, and vehicles for sanitation purposes (trash, recycling, and private septic system maintenance and repair).

(i) Alleys that are to be dedicated as public alleys shall require acceptance of the dedication by the governmental entity(ies) to receive the dedication.

**6.02 Lots and Units.** The following requirements shall apply to minor and major land divisions and minor and major site condominiums, unless otherwise specified.

(1) No lot or unit shall be approved that does not have road access. Any lot that abuts an alley shall also abut a road. Property owners shall be responsible for securing road access. (Amended: 26 March 2019, Ord. No. 2019-02; Effective 4 April 2019)

(2) Lot and unit area and width shall conform to the requirements of the Door County Zoning Ordinance, if applicable. Where the lot or unit is not under the jurisdiction of the Door County Zoning Ordinance, the lot or unit area shall not be less than 1.5 acres.

(3) Side lot or unit lines shall be at an angle of at least 75 degrees to the road right-of-way.

(4) Lot or unit lines shall follow municipal boundary lines rather than cross them.

(5) For major land divisions and major site condominiums, double frontage lots and units shall be disallowed, except where lots and units abut an existing or proposed arterial road or where necessary to overcome specific disadvantages of topography and orientation.

(6) All lots and units created that fall under county or town jurisdiction for building setbacks shall depict the building zone for each lot or building site, or, if more restrictive, the building zone designated by the developer. The building zone shall be clearly designated as the "building zone" and a written statement shall be prominently displayed on the CSM or final plat stating that the

depicted building zones are based on setbacks in effect at time of final approval and should not be relied upon without first obtaining written verification thereof from the appropriate agency(ies).

(7) Ordinary High Water Mark

- (a) Property lines for all lots and units that front navigable water shall go to the water's edge and shall be shown on the CSM or final plat with the following statement included: "Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1 of the state constitution." (Added: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015) (Amended: 27 February 2018, Ord. No. 2018-03; Effective 04 March 2018)
- (b) Any CSM or final plat that show an approximate ordinary high water mark shall state on its face that the mark is shown for reference only. (Added: 24 March 2015, Ord. No. 2015-03; Effective: 30 March 2015) (Amended: 27 February 2018, Ord. No. 2018-03; Effective 04 March 2018)
- (c) If the building zone described in par. (a) includes an ordinary high water mark setback, this setback shall be in effect if all of the following apply: (Amended: 27 February 2018, Ord. No. 2018-03; Effective 04 March 2018)
  - 1. The map, plat, or survey was prepared by a professional land surveyor, licensed under Ch. 443, Wis. Stats., after April 28, 2016.
  - 2. The Wisconsin Department of Natural Resources has not identified the ordinary high water mark on its Internet site as is required under s. 30.102, Wis. Stats.

(8) Floodplain. All CSMs or plats located in the floodplain districts described in ss. 1.5(1) and (2), Door County Floodplain Ordinance, shall show the following: (Amended: 27 February 2018, Ord. No. 2018-03; Effective 04 March 2018)

- (a) Regional flood elevation and floodway data.
- (b) Public utilities and facilities, such as sewer, gas, electrical, and water systems, are located to reduce exposure to flood hazards and minimize or eliminate flood damages.

**6.03 Utility Easements.**

- (1) For major land division plats and major site condominium plats, the subdivider or declarant shall provide the Land Use Services Department with correspondence from all relevant utility companies identifying their needs, if any, for easements. Easement areas shall be identified on such plats.
- (2) For major land division plats and major site condominium plats, lots and units shall be served by underground electric, gas, telephone, and cable television lines, if available, unless waived by the Committee. Land disturbed by installing the underground lines shall be stabilized by the subdivider or declarant.

**6.04 Blocks.** When blocks are used, the following shall apply:

- (1) The length, width, and shape of blocks shall be appropriate to the need for convenient access, control, and safety of street traffic and the limitations and opportunities of the topography.

(2) Blocks shall generally have sufficient width to provide for 2 tiers of lots or building sites of appropriate depth, except one tier of lots or building sites is sufficient where blocks abut a lake, stream, plat boundary, park, or an arterial street.

(3) Within blocks, pedestrian rights-of-way of at least 15 feet in width may be required by the Committee to provide improved circulation or access to schools, playgrounds, parks, shopping centers, waterways, and other community facilities.

(4) Blocks adjoining arterial streets shall be so oriented that the long dimension of the block shall front on the arterial street in order to create as few intersections as possible along the arterial street.

#### **6.05 Storm Water Runoff Control Plans for Major Land Divisions and Major Site Condominiums.**

(1) For major land divisions and major site condominiums, storm water runoff control plans, as approved by the Door County Soil and Water Conservation Department, shall be presented at the time of preliminary plat submittal. The Door County Soil and Water Conservation Department shall notify the subdivider or declarant in writing of the decision to approve or deny the submitted plan and forward a copy of the decision to the Land Use Services Department.

(2) If required by the County, a "Storm Water Runoff Control Easement" shall be prepared by the applicant and approved by the Door County Soil and Water Conservation Department, Door County Land Use Services Department, and the Door County Corporation Counsel. After the Resource Planning Committee gives preliminary plat approval, but before the Door County Land Use Services Department approves and signs the final plat, the applicant shall record the easement in the Register of Deeds office with Door County listed as the grantee. The easement shall include covenants, terms, conditions, and restrictions to ensure proper installation and the long-term operation and maintenance of such storm water runoff control plan.

**6.06 Public Water/Sanitary Sewer Systems.** In areas that have a public water and/or public sanitary sewer system on or near the proposed major land division or major site condominium, the local municipality furnishing such service shall determine the feasibility of serving the land division or condominium. The Committee may require the subdivider or declarant to join the water and/or sanitary district.

**6.07 Improvements Required.** Prior to the issuance of any zoning or building permit, verification of the installation of all improvements required to be installed by the subdivider or declarant that serve the lot or unit for which the permit is being issued shall be provided to the Land Use Services Department.

**6.08 Land Dedicated to the Public.** All land dedicated to the public, including roads and alleys, shall be clearly marked "Dedicated to the Public." (Added: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015)

**CHAPTER 7  
ADMINISTRATION AND ENFORCEMENT**

**7.01 Administration.** The administration and enforcement of the provisions of this Ordinance shall be the responsibility of the Committee or its authorized representative in the Land Use Services Department.

**7.02 Fee.**

(1) Minor land division or minor site condominium. The subdivider or declarant shall pay all fees as established by the Door County Board of Supervisors at the times specified before being entitled to review of a minor land division or minor site condominium:

(a) Application fee to be paid at submittal.

(b) Re-submittal fee paid at re-submittal.

(2) Major land division or major site condominium. The subdivider or declarant shall pay all fees as established by the Door County Board of Supervisors at the times specified before being entitled to review of a major land division or major site condominium:

(a) Submittal of preliminary plat:

1. Application fee to be paid at submittal.

2. Re-submittal fee paid at re-submittal.

(b) Submittal of final plat:

1. Application fee to be paid at submittal.

2. Re-submittal fee paid at re-submittal.

(3) The subdivider or declarant shall pay a fee equal to the cost of any extraordinary legal, administrative, or fiscal work that is done in connection with a minor or major land division or minor or major site condominium. Legal work shall include the drafting or review of proposed agreements between the subdivider or declarant and the County, the utility companies, lot or unit owners, and others. These fees may also include the cost of obtaining professional work or opinions including, but not limited to, attorneys, engineers, landscape architects, land planners, or the Door County Zoning Administrator.

**7.03 Violations.** No person shall divide, convey, record, or monument any land or create a condominium in violation of this Ordinance. The County shall institute action or proceedings to enjoin violations of this Ordinance.

**7.04 Waiver of Requirements.**

(1) Where the Committee finds that extraordinary hardships will result from strict compliance with the regulations of this Ordinance, it may waive the requirements so that substantial justice may be done and the public interest secured, provided that such waiver of requirements will not have the effect of nullifying the intent and purpose of this Ordinance.

(2) A majority vote of the entire membership of the Committee shall be required to waive any requirements. Any waiver of requirement shall be entered into the minutes of the Committee setting forth the reasons that, in the judgment of the Committee, justified the waiver.

**7.05 Appeals.** Any person aggrieved by an objection to a plat or failure to approve a plat, certified survey map, or condominium plat may appeal as provided in s. 236.13(5), Wis. Stats.

**7.06 Penalties.** Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$500 nor more than \$1,000 and the cost of prosecution for each violation, and in default of payment of such forfeiture and the cost, shall be imprisoned in the County jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. Compliance therewith may also be enforced by an injunction at the suit of the County or the owner or owners of real estate within the area affected by the regulations of this Ordinance, as provided by law.

**7.07 Amendments.** The Door County Board of Supervisors may from time to time amend the regulations imposed by this Ordinance. The Committee shall hold a public hearing on all proposed amendments as required by s. 236.45, Wis. Stats. Notice of the hearing shall be given by publication of a class 2 notice, as required by s. 236.45(4), Wis. Stats.

## CHAPTER 8 DEFINITIONS

**8.01 Authority Cited.** References herein to the administrative code, ordinances, or statutes are to those in effect as of the date this Ordinance is enacted and as subsequently amended or revised.

**8.02 Word Usage.** For purposes of this Ordinance, words used in the present tense include the future; singular number includes the plural number; and the plural number includes the singular number. The word "shall" is intended to be mandatory.

**8.03 Definitions.** For purposes of this Ordinance, the following definitions shall be used:

**Alley:** A right-of-way that provides only secondary access to abutting properties and which is not intended for general traffic circulation.

**Arterial Road:** A road used, or intended to be used, primarily for fast or heavy through traffic, including freeways, expressways, as well as standard arterial road, highways and parkways.

**Block:** A group of lots or units existing within well defined and fixed boundaries, bounded on at least one side by a road, bounded on the other sides by other roads, natural or man-made barriers, or unplatted land, and having an assigned number, letter or other name through which it may be identified.

**Building Zone:** The horizontal plane within a lot or unit bounded by all applicable setbacks.

**Certified Survey Map:** A map of a minor land division, as defined in this Ordinance, prepared in accordance with s. 236.34, Wis. Stats.

**Committee:** The Door County Resource Planning Committee.

**Common Element:** All of a condominium except its units.

**Conceptual Sketch Plan:** A concept drawing made to approximate scale of a proposed land division or condominium submitted to the Door County Resource Planning Committee for discussion purposes prior to the filing of a preliminary plat.

**Condominium:** As used in this Ordinance, it shall mean minor site condominiums and major site condominiums, unless one is specifically stated or is implied by context.

**County:** Door County, including any agency, department or committee thereof.

**Cul-de-sac:** A minor road with only one outlet and having a turnaround for the safe and convenient reversal of traffic movement.

**Declarant:** Any owner who subjects his or her property to a condominium declaration established under Ch. 703, Wis. Stats.

**Final Plat:** The map of record of a major land division or major site condominium and any accompanying material.

**Land Division:** The act or process of dividing land into two or more lots.

**Land Use Services Department:** Door County Land Use Services Department.  
(Added: 26 March 2019, Ord. No. 2019-02; Effective 4 April 2019)

**Limited Common Element:** A common element identified in a declaration or on a condominium plat as reserved for the exclusive use of one or more but less than all of the unit owners.

**Lot:** Designated parcel, tract, or area of land established by plat, land division, or as otherwise permitted by law to be used, developed, or built upon.

**Lot Depth:** The shortest distance between the front lot line and the rear lot line.

**Lot Width:** The shortest distance between side lot lines, measured through the midpoint of the shortest line that can be drawn between the front lot line and the rear lot line.

**Lot, Double Frontage:** A lot, other than a corner lot, with frontage on more than one road.

**Lot Line, Front:** The lot line nearest to the centerline of the public or private road from which the lot takes access, except that for essentially rectangular lots abutting cul-de-sacs, the front lot line shall be that lot line that is generally parallel and closest to the centerline of the access road.

**Lot Line, Rear:** In the case of a rectangular or most trapezoidal shaped lots, that lot line that is generally parallel to and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to, and at the maximum possible distance, from the front lot line.

**Lot Line, Side:** Any lot line other than a front or rear lot line.

**Major Land Division:** The creation of five or more parcels that are less than 10 acres in area either through a single division or successive divisions by either the same or subsequent owner(s) within a period of 5 years.

**Major Site Condominium:** The creation of a site condominium containing 5 or more units where the units are less than 10 acres in area either through a single division or successive divisions by either the same or subsequent owner(s) within a period of 5 years.

**Minor Land Division:** The creation of 4 or fewer parcels that are less than 10 acres in area either through a single division or successive divisions by either the same or subsequent owner(s) within a period of 5 years.

**Minor Site Condominium:** The creation of a site condominium containing 4 or fewer units where the units are less than 10 acres in area either through a single division or successive divisions by either the same or subsequent owner(s) within a period of 5 years.

**Outlot:** A parcel of land not to be used for building purposes, so designated on the certified survey map or plat.

**Planning Department:** Door County Planning Department. (Deleted and replaced with Land Use Services Department throughout 26 March 2019, Ord. No. 2019-02; Effective 4 April 2019)

**Plat:** A map of a major land division or major site condominium.

**Preliminary Plat:** A map showing the salient features of a proposed major land division or major site condominium submitted to the Door County Resource Planning Committee for purposes of preliminary consideration.

**Private Road:** A road that has not been dedicated to and accepted by a government entity.

**Professional Land Surveyor:** A person who is granted a license in the State of Wisconsin to engage in the practice of professional land surveying. (Added: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015)

**Replat:** The process of changing, or the map or plat which changes, the boundaries of a recorded major land division plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.

**Road:** A right-of-way that provides vehicular access to lots, but not including alleys or driveways.

**Road, Minor:** A road used, or intended to be used, primarily for access to abutting properties.

**Site Condominium:** A condominium as provided in Ch. 703, Wis. Stats., whereby the type of "unit" is the first type described in s. 703.02(15), Wis. Stats. Such "unit" provides the unit owner with the right to occupy a specific land area, or site.

**Subdivision:** As used in this Ordinance, the term means the same as a land division, except where it is used with specific reference to s. 236.02(12), Wis. Stats.

**Unit:** The specific land area within which the unit owner has the sole right to occupy, but does not take title.

**Unit Owner:** As defined in s.703.02 (17), Wis. Stats.

**Wetland:** Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

**Working Day:** Any day in which the office of the Door County Land Use Services Department is open for public business, regardless of whether the office is open for a full day or not.

# DOOR COUNTY BOARD OF ADJUSTMENT RULES OF PROCEDURE

## SECTION A. GENERAL PROVISIONS.

### (1) AUTHORITY.

The Door County Board of Adjustment, hereinafter referred to as "the Board, " is established under the authority of s. 59.694, Wis. Stats . , and the Door County Zoning Ordinance, or as amended. The Board assumes the powers, duties, and responsibilities as provided by Wisconsin law and the Door County Zoning Ordinance. These rules are supplementary to the requirements of the Wisconsin law and the provisions of the Door County Zoning Ordinance as they relate to the powers, duties, and responsibilities of the Board.

### (2) CONFLICT AND SEVERABILITY.

In case of conflict between these rules and Wisconsin law, the Door County Zoning Ordinance, or other Door County ordinances, the more restrictive provisions shall prevail, unless precluded by superior authority. In such case, all portions of these rules not in such conflict shall continue in full force and effect.

### (3) TITLE.

The official title of the Board is Door County Board of Adjustment.

### (4) DEFINITIONS.

Unless otherwise indicated by the context in these rules:

"Administrator" means the Door County Senior Zoning Administrator, or designee, who shall be an employee of the Door County Planning Department.

"Appeal" means a formal request to the Board requesting a change in a decision or relief from requirements of the Door County Zoning Ordinance.

"Appellant" means the person entering an appeal or that person's attorney, agent, or other authorized representative.

"Chairperson" means the member who is the presiding officer at a meeting or hearing.

"Hearing" means a meeting at which witnesses are heard and testimony is taken.

"Meeting" means an assemblage of the Board's members in order to conduct the Board's business .

"Member" means a person who has been duly appointed to serve in all business of the Board .

### (5) CONFLICT OF INTEREST.

- ( a ) Any member who has any direct or significant indirect interest in a matter before the Board shall not vote thereon nor participate in the deliberation of such matter at any meeting at which the matter is under consideration.
- ( b ) A conflict of interest shall be deemed to exist when:
  1. The member is the appellant or spouse of the appellant, or is related to the appellant within the third degree of consanguinity, or is the spouse or in loco parentis of someone so related, or
  2. The appellant is the employer, employee, or partner of the member, or is a corporation in which the member is a major shareholder or has a major financial interest, or
  3. The member owns property within 300 feet of the property that is the subject of the appeal, or

4. The member determines that a party in interest is someone for whom an impartial decision could not be made.

(6) EX PARTE DISQUALIFICATION.

A member may disqualify himself/herself from participating in any matter whenever a party in interest has sought to influence the vote of the member on that matter outside of a hearing.

(7) OFFICE OF RECORD.

The office of the Board shall be at the same location as that of the Door County Planning Department, which, at the time of adoption of these rules, is the Door County Government Center, Sturgeon Bay, Wisconsin .

**SECTION B. ELECTION OF OFFICERS. DUTIES OF OFFICERS AND STAFF ASSISTANCE.**

(1) ELECTION OF OFFICERS.

The Board shall elect a chairperson and a vice-chairperson from among its members at its annual organizational meeting, which shall be the first meeting in July of each year or as soon as possible thereafter. Their term of office shall be until the next annual organizational meeting, or until their successors are elected as soon as possible thereafter. The Board may, at any meeting, elect from among its members a replacement for an officer who is unable to perform the duties of that office. The officer so elected as a replacement shall serve until the next annual organizational meeting of the Board, or until their successors are elected as soon as possible thereafter.

(2) DUTIES OF OFFICERS.

- ( a ) Chairperson: The chairperson shall preside over and direct the conduct of all meetings of the Board. The chairperson shall, subject to these rules, determine the dates, times, and locations of meetings; direct the official business of the Board; and decide all points of procedure or order. The chairperson may be overruled by a majority vote of a quorum. (See s. C(3)(c)3. for voting requirements.)
- (b) Vice chairperson: The vice-chairperson shall assume the duties of the chairperson if absent from a meeting or temporarily incapacitated. In the event that the vice-chairperson is absent from a meeting or temporarily incapacitated, the Board shall elect a member to assume the duties of the chairperson for the applicable meeting. The term of such chairperson shall not extend beyond the meeting for which the member was elected chairperson.

(3) OTHER ASSISTANCE.

- ( a ) The administrator shall provide clerical assistance, including acting as recording secretary for the Board. As recording secretary, the administrator shall record and maintain permanent minutes of the Board's proceedings, showing the vote of each member upon every question, or if abstaining from voting, indicating that fact; shall keep records of the Board's official actions; shall accurately reduce to writing the testimony of those appearing before the Board, when necessary, and keep a verbatim recording of all hearings until the appeal period for the applicable case has been exhausted; shall record the names and addresses of all persons appearing before the Board; conduct the correspondence of the Board; have published in the official Door County newspaper public notices of meetings and hearings as required by law; file minutes and records in the office of record of the Board; and shall be the custodian of the files of the Board and keep all records. The administrator shall attend and advise the Board at meetings and hearings, except as determined otherwise by the chairperson.

- ( b ) The Door County Corporation Counsel, or designated representative, shall be the legal counsel for the Board, except in those cases where independent legal counsel is obtained or in those cases where ethical considerations prevent such counsel .

## **SECTION C . MEETINGS.**

### **(1) ORDER OF BUSINESS.**

- (a) Call to order and declaration of quorum.
- (b) Hearing of cases and decisions.
- (c) Approval of minutes of previous meeting.
- (d) Specified old business.
- (e) Specified other business.
- (f) Adjournment.

### **(2) RULES OF ORDER.**

Robert's Rules of Order in the most recent published version shall govern during meetings, except where otherwise prescribed by Wisconsin law, Door County Zoning Ordinance, or these rules .

### **(3) VOTING**

- ( a ) Who Shall Vote. Unless abstaining because of a conflict of interest, each member, including the chairperson, shall vote on each motion or other decision to be taken by the Board.
- (b) Abstention. Any member having a conflict of interest in a matter shall not participate in the discussion of, or decision on, that matter. A member having such conflict of interest shall exit the meeting room before the matter is taken up and shall not return until after a decision on the matter. Abstentions shall be recorded in the minutes of the proceedings.
- (c) Decisions.
  1. Decisions on appeals shall be by majority vote of the Board. Therefore, 3 concurring votes are needed to determine a decision. If only 3 members are voting on a motion, the motion is lost if the vote is other than unanimous. A vote on a motion that results in a tie means that the motion is lost.
  2. Decisions on amending these rules shall be by majority vote of the Board. Therefore, 3 concurring votes are needed to determine a decision. If only 3 members are voting on a motion, the motion is lost if the vote is other than unanimous. A vote on a motion that results in a tie means that the motion is lost.
  3. Decisions on all other matters shall be by a majority vote of a quorum. A vote on a motion that results in a tie means that the motion is lost.

### **(4) RECONSIDERATION DISALLOWED.**

To lend finality to decisions of the Board, the Board shall not reconsider its decisions.

## **SECTION D. POWERS AND DUTIES OF THE BOARD.**

The powers and duties of the Board are identified in applicable sections of the Wisconsin Statutes and in the Door County Zoning Ordinance. The Board shall have the following general powers :

- (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.

**SECTION H. DECISIONS ON APPEALS AND DISPOSITION OF APPEAL CASES.****(1) TIME OF DECISION.**

The Board of Adjustment will render a final decision within a reasonable time after the hearing. Final decisions of the Board of Adjustment will be reduced to writing and executed by the recording secretary.

**(2) FORM OF THE DECISION.**

The final disposition of an appeal shall be in the form of a written decision signed by the recording secretary. Such decision shall state the vote of each member upon each question and the reasons for the Board's decision. The recording secretary shall transmit the Board's decision to the appellant and other parties of interest. All conditions imposed with respect to the granting of the appeal shall be stated in the Board's decision.

**(3) EXPIRATION.**

A decision requiring the administrator to issue a zoning permit shall become void after one year, unless the appellant obtains a zoning permit for the project within such time. However, the Board may extend the time period for obtaining the zoning permit .

**(4) FILING OF THE DECISION.**

Every decision of the Board shall be filed in the office of the Board

**SECTION I. SCHEDULING OF HEARINGS.**

The Board of Adjustment generally meets on the second and fourth Tuesday of every month at 6:30 p.m. in the Government Center, Peninsula Room, 421 Nebraska Street, Sturgeon Bay, WI 54235.

Matters (i.e., administrative appeals, variances, and appeals from a conditional use permit decision) will be scheduled for consideration at a hearing within the earliest reasonable time period. This earliest reasonable time period will be decided by the Planning Department in consultation with the Board of Adjustment Chairperson, subject to the following limitations:

- (1) No more than 5 appeals shall be scheduled at any one meeting, except as provided in sub. (2).
- (2) Only one appeal from a Conditional Use Permit decision by the Door County Resource Planning Committee shall be considered at any one meeting. No other appeals shall be scheduled at such meeting.

**SECTION J . CONSOLIDATION OF APPEALS.**

The Board may consolidate separate appeals that involve the same case. Consolidation may occur, with the Board's approval, at the request of one or more of the appellants, or by action of the Board.

**SECTION K. AMENDING RULES.**

The Board may amend these rules at any meeting. (See s. C(3)(c)2. for voting requirements.)

**SECTION L. SUSPENSION OF THE RULES.**

These rules may be suspended at any meeting. (See s. C(3)(c)3. for voting requirements.)  
Such suspension of the rules shall not extend beyond adjournment of the meeting at which the  
suspension was approved.

Amended: May 11, 2010

Susan Kohout  
Susan Kohout - Chairperson

Lars Johnson  
Lars Johnson - Vice-chairperson

James Drascic  
James Drascic

Monica Nelson  
Monica Nelson

Kristen Pell  
Kristen Pell

With concurrence:

(Vacant)  
First Alternate

Harvey Kroboth  
Harvey Kroboth Second Alternate

*Comprehensive  
Zoning Ordinance*

## PROCEDURES 11.07(1)

- (c) Conditions not self-created. That the condition creating the hardship or difficulty was not caused by the petitioner nor by any person still having an interest in the property.
- (d) Public interest. That in granting the variance there will not be a substantial detriment to neighboring property and the grant of variance will not be contrary to the purpose of this Ordinance and the public interest.
- (e) Effect on uses. No variance shall have the effect of allowing in any district a use not permitted in that district.
- (4) Department of Natural Resources notification. (Amended: 27 May 2014; Ord. 2014-10) (Deleted: 20 Sept. 2016; Ord. 2016-14)
- (5) Resubmission. A variance petition that has been heard and decided shall not be eligible to be resubmitted during the 6 months following the decision. The 6 month period may be waived by the Board of Adjustment provided that the petitioner submits a written report identifying how the new petition differs materially from the previous petition or identifying substantial new evidence that will be offered and provided that the Board of Adjustment votes by simple majority that the changes or new evidence would be of such significance that the Board might consider changing the previous decision.
- (6) Road projects. When a structure becomes a nonconforming structure as to setback from a road, because the road was widened or relocated by the county, a town, or the Wisconsin Department of Transportation, such structure shall not require a variance and shall not be considered a nonconforming structure in regards to setback from a road or highway. However, no such structure shall thereafter be enlarged or rebuilt in such a manner that it will be closer to the right-of-way of the road.
- (7) Repairs, restoration, and reconstruction. A structure that was authorized by a variance may be repaired, restored, or reconstructed with the issuance of a regular zoning permit provided the repair, restoration, or reconstruction of the structure conforms fully to the structure authorized by the variance, except that structures located in the floodplain may be elevated as necessary to comply with floodplain zoning requirements. (Added: 25 June 1996; Ord. 16-96) (Amended: 20 Sept. 2016; Ord. 2016-14)

### 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

## PROCEDURES 11.07(2)

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)

## PROCEDURES 11.08(2)

(d) Public hearing. The Board of Adjustment shall hold a public hearing in accordance with s. 59.694, Wis. Stats., and 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. 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. (Amended: 24 March 2015; Ord. 2015-02)

(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)

(2) Petition. A petition for an amendment to this Ordinance shall be submitted to the Door County Land Use Services Department using forms furnished by the Land Use Services Department. Such petition shall include the following:

- (a) Name and address of the petitioner.
- (b) Signature of the petitioner.
- (c) If the petition is for a zoning text amendment, the proposed text changes including reference(s) to the affected section(s) of this Ordinance.
- (d) If the petition is for a zoning map amendment, a description of the affected property, the current zoning district classification(s), and the proposed zoning district classification(s)
- (e) Fee. A petition for an amendment shall be accompanied by a fee

highways.

**Institutional Recreation Camp:** An area containing one or more permanent buildings used periodically for the accommodation of members of associations or groups for recreational purposes.

**Institutional Residential:** Convents, monasteries, sheltered care facilities, nursing homes, and protective living facilities where the residents live in an institutional environment. The residents may be members of an institution, or would have institutional care, or would be treated by staff.

**Intensive agriculture:** See Agriculture, Intensive.

**Junk Material:** Any inoperable motor vehicles, used tires which are not being put to a use, unusable household appliances, or unusable parts of motor vehicles.

**Kennel:** Any establishment wherein or whereon 8 or more dogs over the age of 5 months are kept for breeding, sale, or sporting purposes, or where boarding care is provided for compensation.

**Land Disturbance:** Any filling, grading, dredging, excavating or similar activity which alters the surface of a site for the purposes of preparing a site for development, creating ponds, or altering the topography of a site. Activities which meet the definition of nonmetallic mining or solid waste facility shall not be considered as a land disturbance.

**Land Use Services Department:** Door County Land Use Services Department. (Added: 27 March 2018; Ord. 2018-06)

**Land Use Services Director:** An authorized representative of the Resource Planning Committee appointed by the County of Door to supervise the operation of the Land Use Services Department and to carry out, or to delegate carrying out, the assigned responsibilities of this Ordinance. (Added: 27 March 2018; Ord. 2018-06)

**Landing:** A horizontal platform, the purpose of which is to provide a turn or resting place in a stairway.

**Livestock:** Any bovine, sheep, goat, pig, elk or other deer, llama, alpaca, or domestic fowl, including game fowl, raised in captivity, except that the keeping of up to eight chickens, excluding roosters, for personal use shall not be considered the keeping of livestock. (Added: 26 August 1997; Ord. 21-97) (Amended: 17 April 2012; Ord. 2012-14)

**Living Quarters:** A building or a portion of a building which provides, as a minimum, an area equipped or furnished for sleeping purposes, or those finished portions of a building in which normal residential activities occur. (Amended: 4 April 2011; Ord. No. 2011-04)

**Lot:** A continuous parcel of land, not divided by a public right-of-way, occupied or intended to be occupied by a principal structure or use and the accessory structures or

uses permitted thereto, and sufficient in size to meet the lot width and lot area provisions of this ordinance.

**Lot Area:** The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.

**Lot Line:** A line bounding a lot which divides one lot from another lot or from a street or road.

**Lot Line, Front:** The lot line nearest to the centerline of the public or private road from which the lot takes access, except that for essentially rectangular lots abutting cul de sacs, the front lot line shall be that lot line which is generally parallel and closest to the centerline of the access road. (Amended: 23 March 1999; Ord.4-99)

**Lot Line, Rear:** In the case of rectangular or most trapezoidal shaped lots, that lot line which is generally parallel to and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line.

**Lot Line, Side:** Any lot line other than a front or rear lot line.

**Lot of Record:** Any lot, the description of which is properly recorded with the Door County Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

**Lot Width:** The shortest distance between side lot lines, measured through the midpoint of the shortest line that can be drawn between the front lot line and the rear lot line. (Amended: 23 March 1999; Ord. 4-99)

**Manufactured Home:** A dwelling unit which is, or was as originally constructed, designed to be transported after fabrication on its own wheels, or by a motor powered vehicle, arriving at a site where it is to be occupied as a residence (whether occupied or not) complete and ready for occupancy (with or without major appliances and furniture) except for minor and incidental unpacking and hook-up operations, and designed, equipped and used primarily for living quarters or is intended to be so used, and includes any additions, attachments, annexes, foundations, and appurtenances. (Amended: 4 April 2011; Ord. No. 2011-04)

Structures which are delivered to the site in halves or other modular arrangements (consisting of complete wall sections or large units fabricated off-premise by the manufacturer of the basic unit and designed and intended to be attached to the basic unit) and which when joined together exceed 18 feet in width throughout, meet minimum floor area requirements of this Ordinance, have a length to width ratio of not more than 2.5 to one (with length measured along the center of the longest roof axis and width measured perpendicular to the above at the completed unit's most narrow span), and which are placed upon a permanent foundation are considered single family residences

immediately surrounding it, any associated existing accessory structures, and fixed surface infrastructure (e.g., driveway).

- o. "Regional flood" (§ NR 115.03(7), Wis. Adm. Code): A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.
- p. "Routine maintenance of vegetation" (§ NR 115.03(7m), Wis. Adm. Code): Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
- q. "Shorelands" (§ NR 115.03(8), Wis. Adm. Code and § 59.692(1)(b), Wis. Stats.): Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- r. "Shoreland setback" or "Shoreland setback area" (§ 59.692(1)(bn), Wis. Stats.) An area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under § 59.692, Wis. Stats.
- s. "Shoreland-wetland district" (§ NR 115.03(9), Wis. Adm. Code): A zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the Department.
- t. "Structure" (§ 59.692(1)(e), Wis. Stats.): A principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch, or firepit.
- u. "Wetlands" (NR § 115.03(13), Wis. Adm. Code): Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

- 2. If a term used in this ordinance is not defined in pars. a - t, above, then the definition in Door County's general zoning ordinance, enacted under § 59.69, Wis. Stats., titled "Door County Comprehensive Zoning Ordinance" is applicable to this ordinance.
- 3. Terms not defined in pars. 1 or 2, above, shall have the meaning customarily assigned to them, as defined in the current version of Merriam-Webster's Collegiate Dictionary.

**D. Variances and Appeals [§ 59.692(4)(b), Wis. Stats.]**

- 1. Variances (to a dimensional standard) and appeals hereunder regarding shorelands shall be heard by the Door County Board of Adjustment.
- 2. The procedures of § 59.694, Wis. Stats., and the Door County Comprehensive Zoning Ordinance apply.

**E. Interpretation**

- 1. In its interpretation and application, this ordinance shall be liberally construed in favor of Door County, and shall not be construed to limit or repeal any powers possessed by the County.
- 2. Any reference to the Wisconsin Statutes or Wisconsin Administrative Code herein include the Statutes and Code that is in full force and effect at the time this ordinance is enacted or as the Statutes or Code are thereafter revised.

**F. Severability**

- 1. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

immediately surrounding it, any associated existing accessory structures, and fixed surface infrastructure (e.g., driveway).

- o. "Regional flood" (§ NR 115.03(7), Wis. Adm. Code): A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.
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F. Severability

1. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

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

RECEIVED  
SEP 23 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

APPLICATION FOR MITIGATION

TO THE ZONING ADMINISTRATOR. The undersigned hereby makes application for a MITIGATION 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 Zoning Ordinance and Mitigation Handbook.

1. OWNER NAME AND MAILING ADDRESS

Name STEVE AND JACKIE KANE  
No. 7823 Street WHITECLIFF RD  
City EGG HARBOR State WI Zip 54209  
Home Phone # 650 - 464 - 1000 (S)  
Daytime Phone # 650 - 464 - 1001 (J)  
Cell Phone # \_\_\_\_\_  
Email: \_\_\_\_\_

5. REQUIRED

- 1) A site plan showing expansion & written description of the proposed mitigation measures:  
(See Mitigation Handbook)
  - a) • Provide existing Impervious Surface Ratio.
  - Provide calculation of Impervious Surface Ratio proposed project.
- b) The mitigation shall be designed and implemented to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
- c) The mitigation measures shall be proportional to the amount and impacts of the expansion being permitted.

2. BUILDING SITE LOCATION

Fire # \_\_\_\_\_ Road LOTTAGE ROW ROAD  
Town of GIBRALTAR  
Parcel No. 014 - 01 - 06302711C

3. ENGINEER OR LANDSCAPE ARCHITECT NAME AND MAILING ADDRESS

Name BAUDHUI LLC  
No. 312 Street N 5TH AVE P.O. Box 105  
City STURGEON BAY State WI Zip 54235  
Phone # 920 - 743 - 8211  
Cell # \_\_\_\_\_

4. PROPOSED PROJECT (Check all that apply)

- Increase Impervious Surface Ration 15-30%
- 200 Sq. Ft. lateral expansion
- Relocate principal structure

Parcel No. 014 - 01 - 06302711C

- (2) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures.
  - a) The enforceable obligations shall be evidenced by an instrument created by Door County Staff, signed by owner in front of a notary public and recorded in the office of the Register of Deeds prior to issuance of the permit (\$30.00 recording fee, payable to The Register of Deeds).

6. FEE

Make check payable to the Door County Treasurer in the amount of \$500.00 (If Shoreland Mitigation Permit) or \$1,000.00 (If Mitigation with Storm Water Runoff Control Plan)

7. 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.

8. SIGNATURE OF APPLICANT OR AGENT

[Signature]  
Date 09-19-19

(FOR OFFICE USE ONLY)

Mitigation Project: New Residence Receipt 3342 Fee 500 Date 9-23-19

Number of points required: 2 Shoreland Zoning District: Yes  No

over →

# SITE PLAN

LOCATED IN:  
GOVERNMENT LOT 1 OF SECTION 6,  
TOWNSHIP 30 NORTH, RANGE 27 EAST,  
TOWN OF GIBRALTAR, DOOR COUNTY,  
WISCONSIN

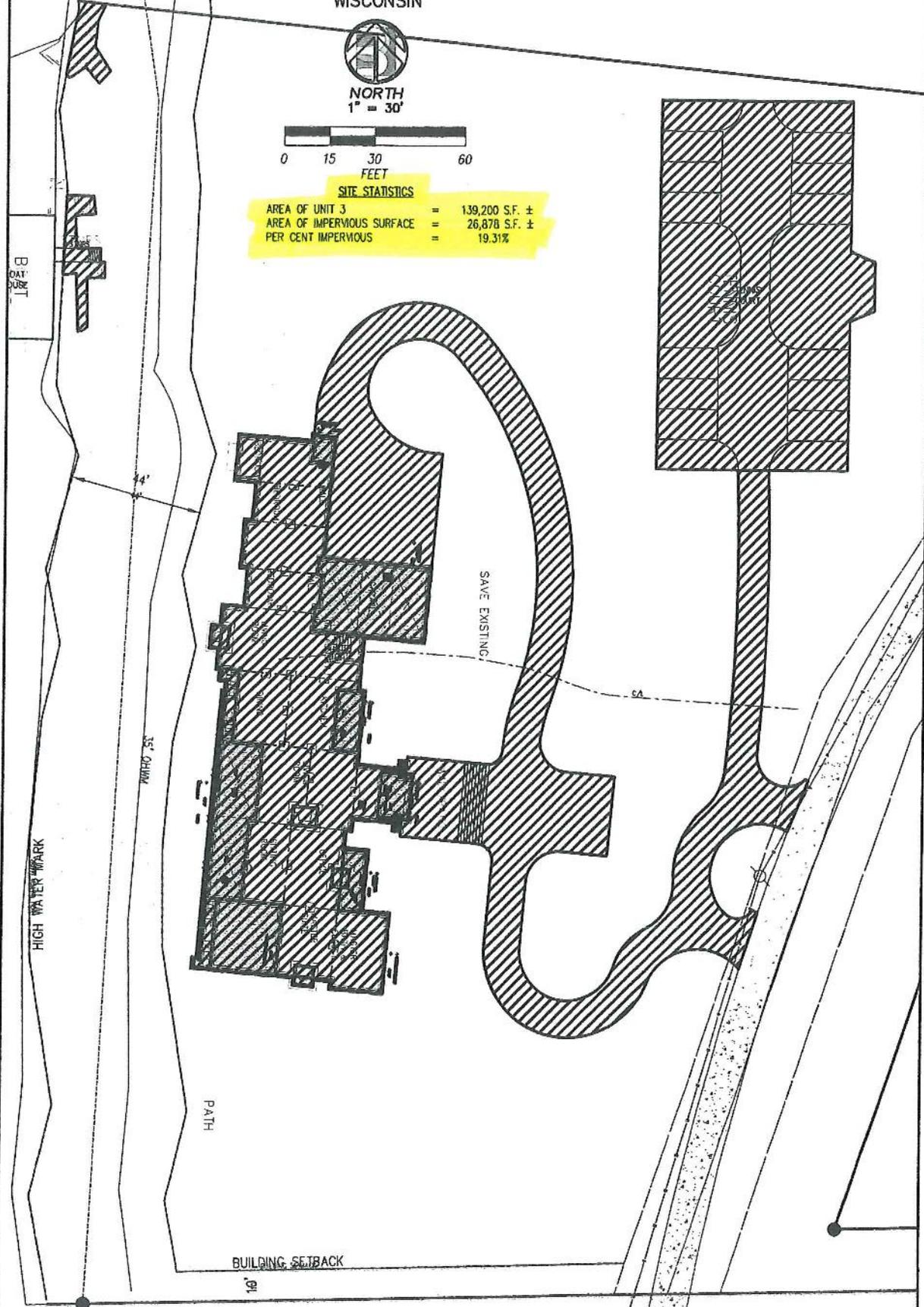


NORTH  
1" = 30'



### SITE STATISTICS

|                            |   |                |
|----------------------------|---|----------------|
| AREA OF UNIT 3             | = | 139,200 S.F. ± |
| AREA OF IMPERVIOUS SURFACE | = | 26,878 S.F. ±  |
| PER CENT IMPERVIOUS        | = | 19.31%         |



8.5  
10  
4

**Mitigation Options**  
(See pages 5-14 for further information)

| MITIGATION TYPE                                                                                                                                               | NUMBER OF POINTS                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| A. Maintain existing natural buffer<br>(OHWM extended 35' landward)                                                                                           | 3 points                                                                     |
| B. Restoration of a primary buffer<br>(7' deep x 35' long area parallel to OHWM)                                                                              | 2 points                                                                     |
| C. Restoration of (or maintain existing) sideyard buffer<br>(7' wide x 35' long area adjacent and parallel to side lot line<br>and within 0' – 75' from OHWM) | 1 point                                                                      |
| D. Decrease access and viewing corridor                                                                                                                       | 1 point / 5% decrease from 35%<br>(max. of 4 points)                         |
| E. Increasing setback of proposed and future structures from<br>OWHM                                                                                          | 1 point per 5' of increased setback<br>beyond required<br>(max. of 3 points) |
| F. Use of earth-tone materials or colors                                                                                                                      | 1 point                                                                      |
| G. Removal of a non-conforming structure                                                                                                                      | 2 points for accessory structures<br>3 points for principal structures       |
| H. Removal of existing shore lighting or<br>replacement with downcast lighting                                                                                | 1 point                                                                      |
| I. Stormwater plan                                                                                                                                            | 4 points                                                                     |
| J. Method approved by Planning Department staff                                                                                                               | Based on proposal                                                            |

**Mitigation Required**

|             | <b>When is mitigation required?</b>                                             | <b>How much mitigation is required?</b> |
|-------------|---------------------------------------------------------------------------------|-----------------------------------------|
| Situation A | ≤ 200 square feet of lateral expansion of a non-conforming principal structure. | 2 points                                |
| Situation B | Replacement or relocation of a nonconforming principal structure.               | 2 points                                |
| Situation C | Increase Impervious Surface Ratio (ISR) from 15% or more to up to 30%.          | 2 points                                |



## County of Door DOOR COUNTY LAND USE SERVICES

County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235

### IMPERVIOUS SURFACE RATIO WORKSHEET

**IMPERVIOUS SURFACE (IS):** An area that releases as runoff all or a majority of the precipitation that falls on it which includes rooftops, sidewalks, driveways, parking lots, decks/patios, concrete asphalt, gravel, retaining walls pavers and private roads. Public roads and public sidewalks within public rights-of-way are not considered impervious surfaces.

**COMPREHENSIVE IMPERVIOUS SURFACE RATIO (ISR):** A measure of the intensity of use of a parcel of land determined by dividing the total area of all impervious surfaces within the site by the total area of the site.

*Example: 10,000 sq. ft. (IS area) / 40,000 Sq. ft. (lot area) = 0.25 or 25%*

**SHORELAND IMPERVIOUS SURFACE RATIO (ISR):** For riparian lots and non-riparian lots that are located fully within 300' of the ordinary high water mark (OHWM), this shall be calculated by dividing the total area of all impervious surfaces located within 300' of the OHWM within the site by the total area of the site.

*Example: 4,000 sq. ft. (IS area w/in 300' of OHWM) / 40,000 Sq. ft. (lot area) = 0.10 or 10%*

**LOT AREA:** The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.

Parcel Number: 014-01-06302711C

Lot Area 139,200 square feet

#### Comprehensive ISR Calculation

##### Impervious Surfaces:

1. Building footprint \_\_\_\_\_ sq.ft.  
\_\_\_\_\_ sq.ft.  
\_\_\_\_\_ sq.ft.
2. Driveway & Parking \_\_\_\_\_ sq.ft.
3. Decks/patios \_\_\_\_\_ sq.ft.
4. Walkways \_\_\_\_\_ sq.ft.
5. Other \_\_\_\_\_ sq.ft.

Total IS 26,878 sq.ft.

Total IS \_\_\_\_\_ / lot area = ISR 19.31%

#### Shoreland ISR Calculation

##### Impervious Surfaces (w/in 300' of OHWM):

1. Building footprint \_\_\_\_\_ sq.ft.  
\_\_\_\_\_ sq.ft.  
\_\_\_\_\_ sq.ft.
2. Driveway & Parking \_\_\_\_\_ sq.ft.
3. Decks/patios \_\_\_\_\_ sq.ft.
4. Walkways \_\_\_\_\_ sq.ft.
5. Other \_\_\_\_\_ sq.ft.

Total IS (w/in 300' of OHWM) \_\_\_\_\_ sq.ft.

Total IS \_\_\_\_\_ / lot area = ISR \_\_\_\_\_

*\*Attach site plan showing corresponding IS.*

I, Bob Dyke (Signature) certify that the calculations submitted above for the Impervious Surface Ratio are accurate and complete to the best of my knowledge. Date: 09/12/19.

8 0 5 8 7 0 2  
Tx:4025167

Document No.

**RESTRICTIVE COVENANT.  
Mitigation Agreement**

Cottage Row Properties, LLC (Owner) does hereby declare and agree as follows:

This Restrictive Covenant applies to Tax Parcel Number 014-67-0003 situated in the Town of Gibraltar, County of Door, State of Wisconsin ("subject property") and more particularly described as Unit #3 of Cottage Row Condominium as in declaration recorded at Document # 824697 in the Door County Register of Deeds office.

Cottage Row Properties, LLC is the owner of, and has the right to possess, use, and convey, the subject property.

On September 23, 2019, Owner made application for a Door County ("County") mitigation permit to allow greater than 15% and up to a maximum of 30% impervious surface ratio on the subject property.

Greater than 15% and up to a maximum of 30% impervious surface ratio on a property is only allowed if and to the extent such complies with Sec. IV.B.5. Door County Shoreland Zoning Ordinance, Door County Shoreland Mitigation Handbook, and all other applicable codes, laws, ordinances, and regulations.

County's decision to authorize and allow up to 30% impervious surface ratio is expressly conditioned on, among other things, this Restrictive Covenant, the Mitigation Permit, and the Mitigation Plan. The Mitigation Permit and Mitigation Plan are on file at the County Planning Department, and are incorporated herein by reference as if set forth in full. Owner must timely implement the Mitigation Plan and establish or maintain measures that the County determines are adequate to offset the impacts of the permitted impervious surface ratio.

Door County has the authority to enforce this Restrictive Covenant.

This Restrictive Covenant runs with the land in perpetuity and binds the Owner and Owners' successors, heirs, and assigns.

Owner must execute and then record this Restrictive Covenant with the Door County Register of Deeds, and provide a copy with recording information to the Door County Planning Department, before issuance of a zoning permit authorizing the residence proposed.

Owner acknowledges having read and understood this Restrictive Covenant.

Accepted and approved this 24th day of September, 2019.

DOC #: 825125  
RECORDED ON:  
09/24/2019 02:40:39 PM  
CAREY PETERSILKA  
REGISTER OF DEEDS  
DOOR COUNTY, WI  
FEE AMOUNT PAID: 30.00

RETURN TO:

Door County Planning Department  
421 Nebraska Street  
Sturgeon Bay, WI 54235

Parcel ID Number 014-67-0003

*Steven Kane*

Signature of Steven Kane, Member

STATE OF WISCONSIN

Door County } SS

Personally came before me, this 24 day of September 2019, the above named Steven Kane known to me to be the person who executed this instrument.

*Mary Hartwig*

Mary Hartwig

Notary Public Door County, WI  
My Commission expires 1/14/2020 (permanent)

This document was drafted by:  
Richard D. Brauer, Zoning Administrator  
Door County Land Use Services Department



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

SEP 23 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

APPLICATION FOR ZONING PERMIT(S)

TO THE ZONING ADMINISTRATOR: The undersigned hereby makes application for ZONING PERMIT (S) 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 applicable Door County Zoning Ordinance(s).

1. OWNER NAME AND MAILING ADDRESS

Name STEVE and JACQUE KANE  
No. 7823 Street WHITECLIFF RD  
City EGLI HARBOUR State WI Zip 54209  
Phone # 650 - 464 - 1000 (S)  
Cell Phone # 650 - 464 - 1001 (J)  
Email: \_\_\_\_\_

2. BUILDING SITE LOCATION

Fire # \_\_\_\_\_ Road LOTTAGE ROW ROAD  
Town of GIBRALTAR

3. BUILDER NAME AND MAILING ADDRESS

Name CARLSON AND ERICKSON BLDGS. INC  
No. P.O. Box Street 75  
City SISTER BAY State WI Zip 54234  
Phone # 920 - 854 - 2162  
Cell Phone # \_\_\_\_\_  
Email: bzakcebuilders@gmail.com

4. SURVEYOR/ENGINEER CONTACT INFORMATION  
(If applicable)

Name BAUDHUIS, INC.  
No. P.O. Box 105 Street 312 N. 5TH AVE  
City STURGEON BAY State WI Zip 54235  
Phone # 920 - 743 - 8211  
Cell Phone # \_\_\_\_\_  
Email: \_\_\_\_\_

5. PROPERTY IDENTIFICATION

Parcel No. 014 - 01 - 06302711C

6. PROPOSED USE OR PROJECT

NEW SINGLE FAMILY DWELLING

7. SANITARY PERMIT

Type of System \_\_\_\_\_  
Sanitary Permit No. \_\_\_\_\_  
Date of Issuance \_\_\_\_\_  
Approximate Date of Installation \_\_\_\_\_

8. TOTAL NUMBER OF BEDROOMS

Existing \_\_\_\_\_ + Proposed 4 = Total 4

9. BUILDING PLANS & SITE PLAN - REQUIRED

**Must be drawn to scale**

(For requirements see forms attached)

FLOODPLAIN ZONING PERMITS ONLY:

Site Plan with Surveyed Elevations

10. FEE SCHEDULE:

Note: The footprints of multiple structures shall be added together to arrive at one total square footage.

Please complete a), b), and/or c) as appropriate.

a) Comprehensive Zoning and/or Shoreland Zoning (waterfront lot)

|                                            |                   |
|--------------------------------------------|-------------------|
| Footprint of structure/use - please check. |                   |
| ≤ 120 sq. ft.                              | \$100.00 _____    |
| 121 - 999 sq. ft.                          | \$175.00 _____    |
| 1,000 - 1,999 sq. ft.                      | \$250.00 _____    |
| 2,000 - 4,999 sq. ft.                      | \$350.00 _____    |
| 5,000 sq. ft. and greater                  | \$500.00 <u>X</u> |
| Misc. uses/activities                      | \$150.00 _____    |
| Land Disturbance                           | \$250.00 _____    |
| Permit Renewal                             | \$100.00 _____    |

b) Shoreland Zoning Only (Non-waterfront lot)

|                |                |
|----------------|----------------|
| Permit Renewal | \$100.00 _____ |
|----------------|----------------|

c) Floodplain Zoning \$100.00 \_\_\_\_\_

Note: Double fee will be charged for comprehensive & shoreland zoning permit(s) for projects started without permit(s).

Make check payable to the Door County Treasurer in the amount of \$ 500.00

Receipt # \_\_\_\_\_ Fee \_\_\_\_\_ Date \_\_\_\_\_

11. 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.

12. SIGNATURE OF APPLICANT OR AGENT

[Signature] agent  
Date 09-19-19

THIS SIDE FOR OFFICE USE ONLY

Comprehensive Zoning  Yes /  No

Zoning District SF20

Shoreland Zoning  Yes /  No

Floodplain Zoning Yes /  No

Zoning District \_\_\_\_\_

Inspections:

Located in Floodplain of: \_\_\_\_\_

Date Inspector Remarks

| Date | Inspector | Remarks |
|------|-----------|---------|
|      |           |         |
|      |           |         |
|      |           |         |
|      |           |         |

Regular Zoning Permit Issued: (by) R.B. (date) 9-25-19 (for) a single family residence with a basement, attached garage, patios, porches, and decks, all as per plans submitted on 9-12-19.

(w/ conditions) 1) The building shall be located as shown on the siting plan submitted on 9-12-19  
2) The building shall not exceed an average of 35 feet in height above the finished grade elevation, or

Shoreland Zoning Permit Issued: (by) R.B. (date) 9-25-19 (for) (same as above)

(w/ conditions) \_\_\_\_\_

Floodplain Zoning Permit issued: (by) \_\_\_\_\_ (date) \_\_\_\_\_ (for) \_\_\_\_\_

(w/ conditions) \_\_\_\_\_

37 feet in height above pre-construction grade elevation, whichever is lower.

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

# SITE PLAN

LOCATED IN:  
GOVERNMENT LOT 1 OF SECTION 6,  
TOWNSHIP 30 NORTH, RANGE 27 EAST,  
TOWN OF GIBALTAR, DOOR COUNTY,  
WISCONSIN



NORTH  
1" = 20'

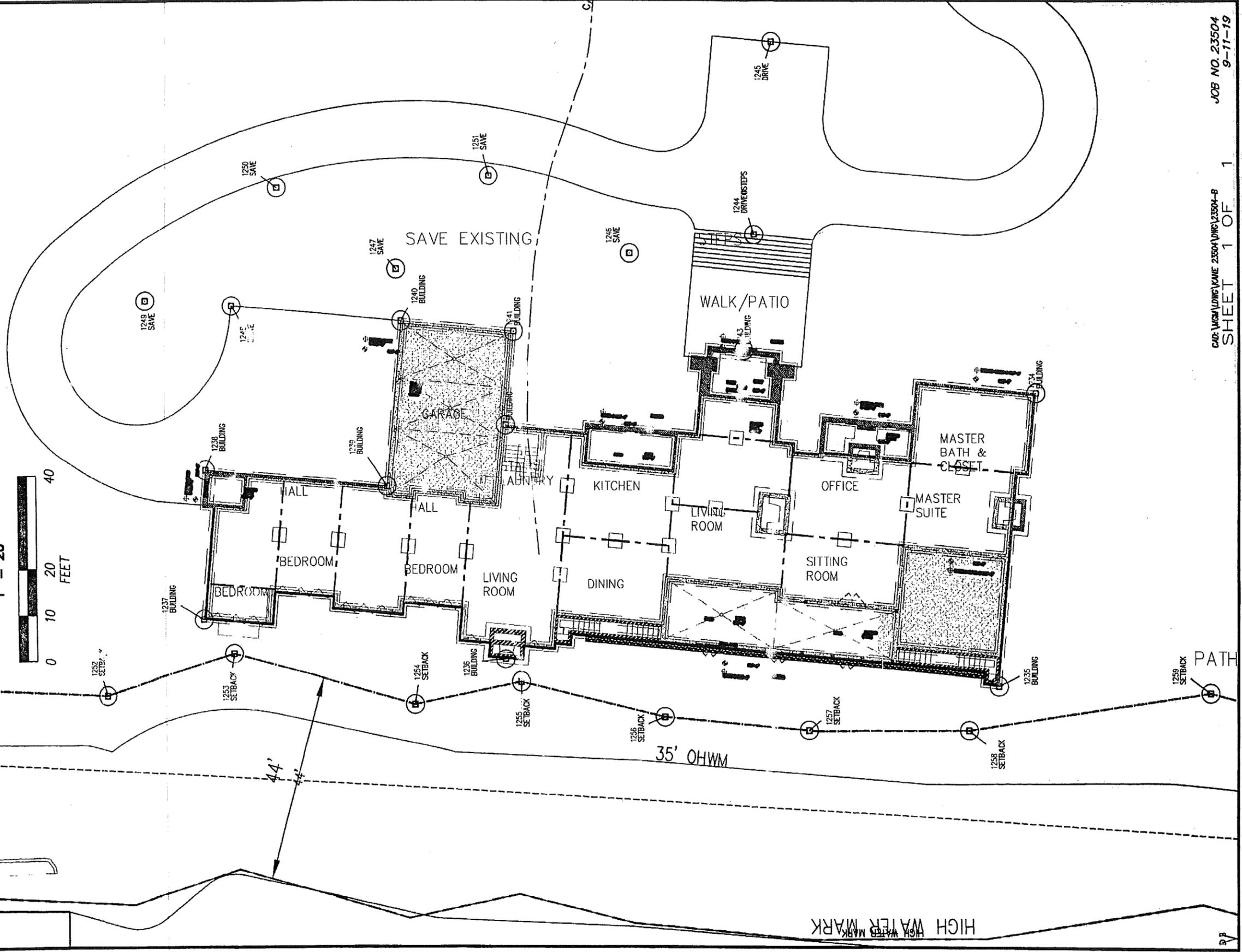


RECEIVED  
SEP 12 2019  
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

STAIRS

STAIRS

HIGH WATER MARK



JOB NO. 23504  
9-11-19  
CAD: WAC/LONG/VALE 23504.DWG/23504-B  
SHEET 1 OF 1

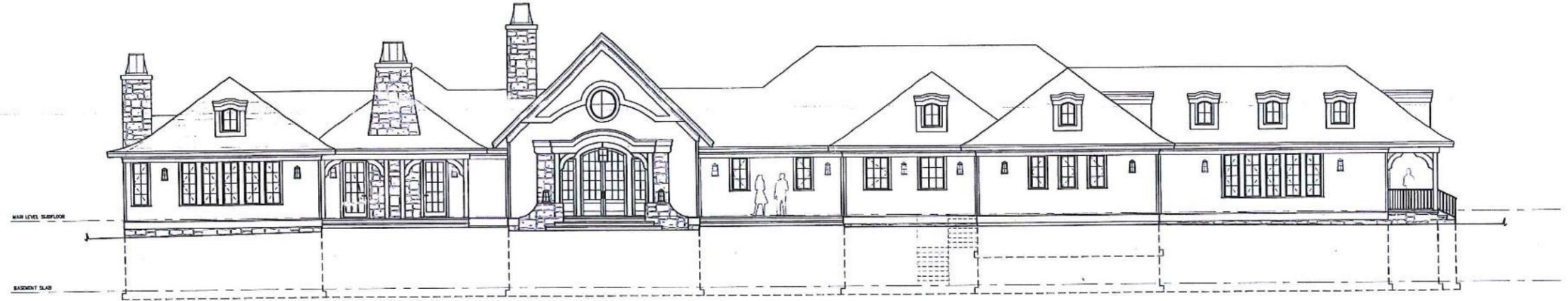
RF





3 SOUTH ELEVATION  
3/16" = 1'

4 NORTH ELEVATION  
3/16" = 1'



2 EAST ELEVATION (FRONT ENTRY)  
3/16" = 1'



1 WEST ELEVATION  
3/16" = 1'

KANE RESIDENCE  
9831 COTTAGE ROW - FISH CREEK - DOOR COUNTY

RECEIVED  
SEP 12 2010  
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

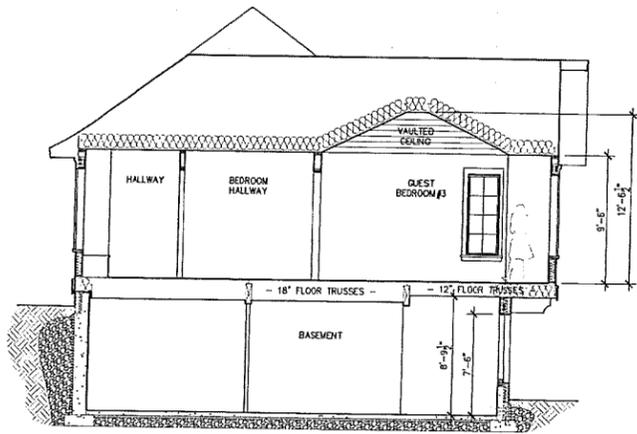
|          |       |
|----------|-------|
| ISSUANCE |       |
| DATE     |       |
| BY       |       |
| SCALE    | A2.00 |

37.5 x 31.2 = 685  
Area = 3435' Includes chimney

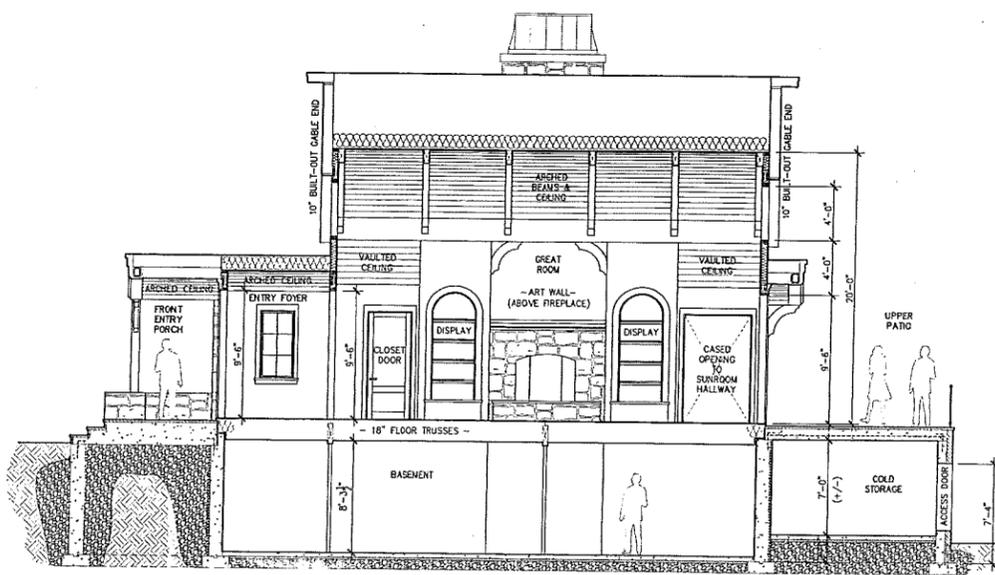




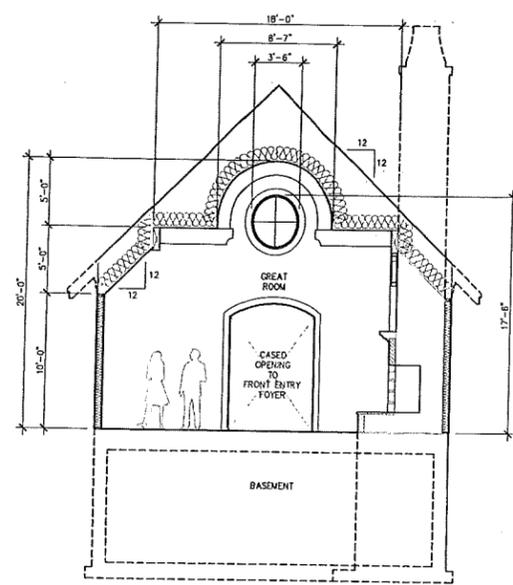
DAVID GREENE ARCHITECTS LTD  
DAVID GREENE ARCHITECTS LTD  
1101 W. 10TH AVE. SUITE 100  
CALGARY, ALBERTA T2P 1G1  
CANADA



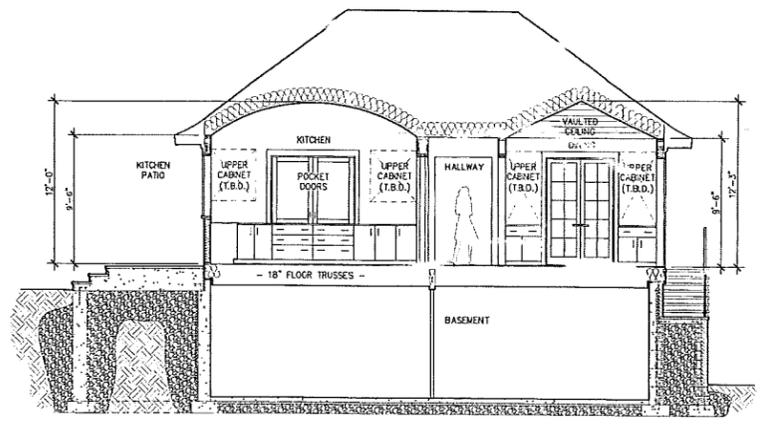
7 SECTION - GUEST BEDROOM #3  
1/4" = 1'



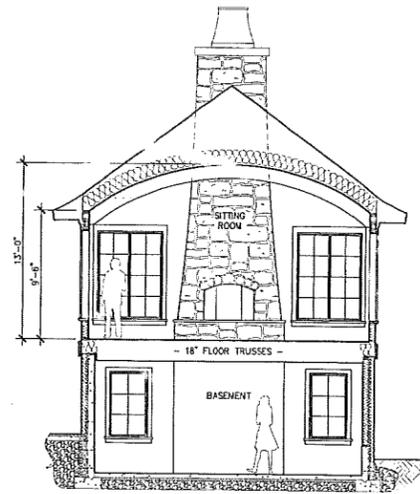
8 SECTION - GREAT ROOM & FRONT ENTRY  
1/4" = 1'



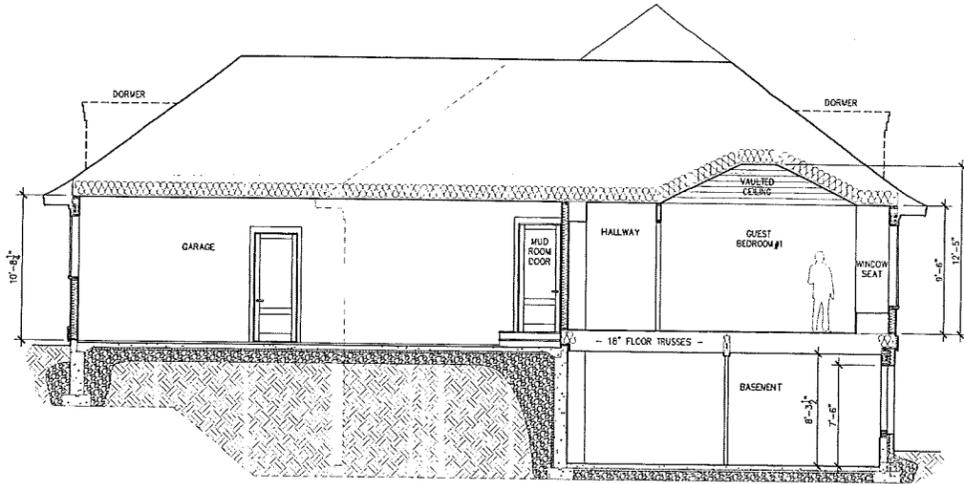
9 SECTION - GREAT ROOM  
1/4" = 1'



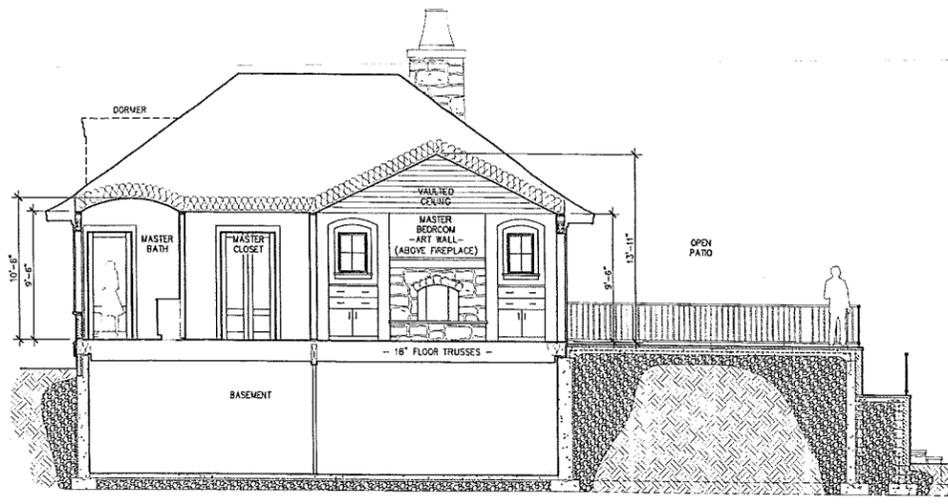
4 SECTION - KITCHEN & DINING  
1/4" = 1'



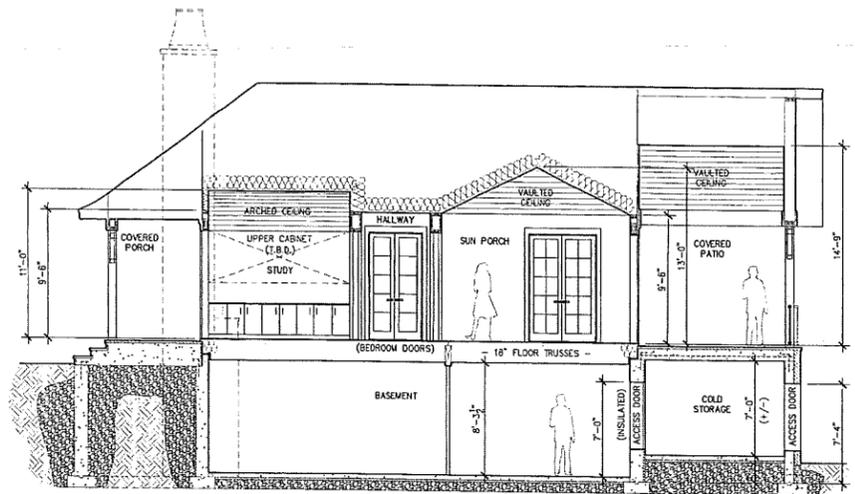
5 SECTION - SITTING ROOM  
1/4" = 1'



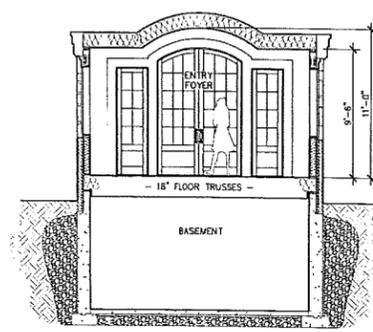
6 SECTION - GARAGE & GUEST BEDROOM #1  
1/4" = 1'



1 SECTION - MASTER BEDROOM SUITE  
1/4" = 1'



2 SECTION - SUNROOM & STUDY  
1/4" = 1'



3 SECTION - ENTRY FOYER  
1/4" = 1'

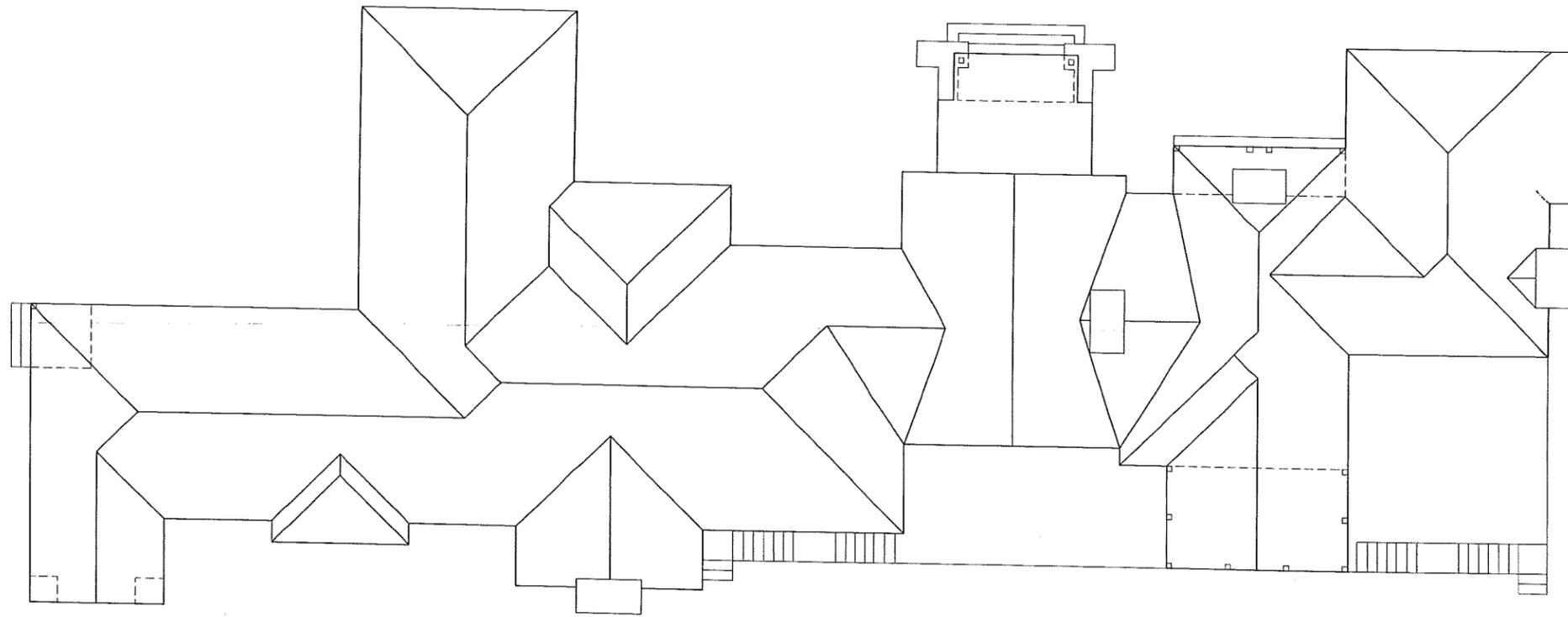
KANE RESIDENCE  
9081 COTTAGE ROW - FISH CREEK - DOOR COUNTY

RECEIVED  
SEP 12 2015  
CALGARY COUNTY  
LAND USE SERVICES DEPARTMENT

ISSUANCE:  
DATE: 07/15/15  
SECTION:  
A3.01



DAVID T. CALLE  
**DCA**  
ARCHITECTS  
PLANNING ENGINEERS  
LANDSCAPE ARCHITECTS  
10000 WOODBINE DRIVE  
SUITE 100  
FISH CREEK, CO. 80421  
303.440.1111  
WWW.DCAARCHITECTS.COM



KANE RESIDENCE  
8881 COTTAGE ROW - FISH CREEK - DOOR COUNTY

RECEIVED  
SEP 12 2019  
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

ISSUANCE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
DATE OF THIS  
ROOF PLAN  
A1.02

1 ROOF PLAN  
3/8" = 1'



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SEP 12 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**FISH CREEK SANITARY DISTRICT #1**

**P.O. BOX 55, 3815 COUNTY HIGHWAY F  
FISH CREEK, WISCONSIN 54212-0055  
(920) 868-3372 fax (920) 868-9161  
[office@fishcreeksanitarydistrict.org](mailto:office@fishcreeksanitarydistrict.org)**

September 11, 2019

Richard Brauer, Zoning Administrator  
Door County Land Use Services / Planning  
421 Nebraska Street  
Sturgeon Bay, WI 54235

*Okay to  
issue permits  
(Zoning) per  
Joe Burress.  
L.D.*

REGARDING: Sanitary Sewer Service  
Kane Parcel ID #014-01-06302711C (part of)  
Cottage Row

*9-25-19*

Hello Rick,

Based on the conclusions reached by Baudhuin Engineering, the Sanitary District is satisfied that the Cottage Row low pressure sewer system has adequate capacity to serve the home proposed by Steven Kane on Cottage Row in Fish Creek.

There is also enough capacity at the wastewater treatment plant for this user.

Each building or property on Cottage Row must have an individual sewage pumping station.

The Plumber for this residence must provide data on the type and ratings of the proposed sewage pumping station to Baudhuin Engineering and receive approval from that firm before proceeding with installation.

Please advise Mr. Kane and the Gibraltar Building Inspector that Mr. Kane must obtain both a sewer connection permit and a water meter sizing sheet and permit prior to the attachment of the residence to the public sewer. A water meter installation will be required to determine sewer usage billing.

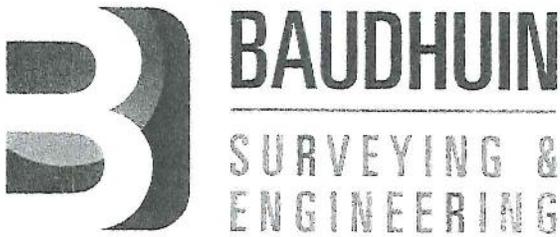
The Sanitary District will also need to inspect the sewer connection after it has been inspected and approved by the Town Building Inspector. The Town inspection may involve pressure testing.

Please contact us with any further questions.

Sincerely,

*Joseph Burress*  
Joseph Burress, Operations Manager  
Fish Creek Sanitary District

cc: Steven Parent – Baudhuin Surveying & Engineering



RECEIVED

SEP 12 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

September 11, 2019

Richard Brauer, Zoning Administrator  
Door County Land Use Services / Planning  
421 Nebraska Street  
Sturgeon Bay, WI 54235

Re: *Sanitary Sewer Service Availability*  
*Kane Parcel ID # 014-01-06302711C (part of)*  
*Cottage Row*

Dear Rick:

Please accept this letter as verification that sanitary sewer service is available to the above referenced parcel to serve the home being proposed by Steven Kane on Cottage Row. As you are probably aware, Cottage Row is served by a low-pressure sewer collection system with individual grinder pump stations being installed on each parcel being served. Wastewater treatment is then handled by the Fish Creek Sanitary District.

Although not officially the Sanitary District's engineer, Baudhuin Surveying & Engineering designed the original collection system and the initial 44 laterals and grinder pumps. As additional properties come online, Baudhuin has either designed them or reviewed the design on behalf of the District to verify compatibility with the collection system. In all cases the Sanitary District looks to Baudhuin to determine whether any properties and grinder pumps can be added.

Based on the original design and current number of properties connected, adequate capacity exists to allow the Kane property to be added to the system.

Please contact me if you have any questions or need additional information.

Respectfully submitted,

BAUDHUIN SURVEYING &amp; ENGINEERING

A handwritten signature in black ink that reads 'Steven J. Parent'.  
Steven J. Parent, P.E.

Cc: Brian Zak

**FISH CREEK SANITARY DISTRICT #1**  
**P.O. BOX 55, 3815 COUNTY HIGHWAY F**  
**FISH CREEK, WISCONSIN 54212-0055**  
**(920) 868-3372 fax (920) 868-9161**  
**office@fishcreeksanitarydistrict.org**

August 13, 2019

Brett Guilette  
Building Inspector, Town of Gibraltar  
P.O. Box 850  
Fish Creek, WI 54212

Dear Mr. Guilette:

Members of the Cottage Row Homeowners Association have recently requested that certain actions be taken to protect the public sewer that exists on a portion of Cottage Row.

*This is a low pressure system which requires each residence to have it's own sewage ejector and which limits the number of buildings that can be connected to the system.*

The concept of the Cottage Row public sewer system was approved by the homeowner's association and designed by Baudhuin Engineering of Sturgeon Bay, Wisconsin.

The association has a restrictive covenant which was signed by most residents in that area. The covenant is recorded at the Door County Court House.

Their primary concern with the Sanitary District is that we be aware of construction permits being considered for the section of Cottage Row that falls within the Sanitary District boundaries and that the District make every effort to ensure that all proposed construction fits within the limits of the restrictive covenant, even though our authority is limited in that regard.

There is also concern that new construction should be within the Cottage Row sewer system design capacity.

Another issue regards the type of sewage ejector station installed at each property. The system was originally designed to accommodate the Environment One brand of ejector systems. There is concern that the installation of incompatible pumps might cause problems within the system.

The Sanitary District Board of Commissioners is hereby requesting that their staff be notified of all proposed building permits for the aforementioned section of Cottage Row and that all proposed building plans be reviewed and approved by Baudhuin Engineering, before the permits are approved by the Town or it's representatives.

Please contact the District Office or any of the Commissioners if further information is needed.

Sincerely,

Joseph Burress, Operations Manager, Fish Creek Sanitary District

CC: Beth Hagen, Clerk, Town of Gibraltar

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SEP 16 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

# FISH CREEK SANITARY DISTRICT #1

P.O. BOX 55, 3815 COUNTY HIGHWAY F

FISH CREEK, WISCONSIN 54212-0055

(920) 868-3372 fax (920) 868-9161

[office@fishcreeksanitarydistrict.org](mailto:office@fishcreeksanitarydistrict.org)

September 11, 2019

Richard Brauer, Zoning Administrator  
Door County Land Use Services / Planning  
421 Nebraska Street  
Sturgeon Bay, WI 54235

REGARDING: Sanitary Sewer Service  
Kane Parcel ID #014-01-06302711C (part of)  
Cottage Row

Hello Rick,

Based on the conclusions reached by Baudhuin Engineering, the Sanitary District is satisfied that the Cottage Row low pressure sewer system has adequate capacity to serve the home proposed by Steven Kane on Cottage Row in Fish Creek.

There is also enough capacity at the wastewater treatment plant for this user.

Each building or property on Cottage Row must have an individual sewage pumping station.

The Plumber for this residence must provide data on the type and ratings of the proposed sewage pumping station to Baudhuin Engineering and receive approval from that firm before proceeding with installation.

Please advise Mr. Kane and the Gibraltar Building Inspector that Mr. Kane must obtain both a sewer connection permit and a water meter sizing sheet and permit prior to the attachment of the residence to the public sewer. A water meter installation will be required to determine sewer usage billing.

The Sanitary District will also need to inspect the sewer connection after it has been inspected and approved by the Town Building Inspector. The Town inspection may involve pressure testing.

Please contact us with any further questions.

Sincerely,



Joseph Burrell, Operations Manager  
Fish Creek Sanitary District

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SEP 16 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

cc: Steven Parent – Baudhuin Surveying & Engineering



September 11, 2019

Richard Brauer, Zoning Administrator  
Door County Land Use Services / Planning  
421 Nebraska Street  
Sturgeon Bay, WI 54235

Re: *Sanitary Sewer Service Availability  
Kane Parcel ID # 014-01-06302711C (part of)  
Cottage Row*

Dear Rick:

Please accept this letter as verification that sanitary sewer service is available to the above referenced parcel to serve the home being proposed by Steven Kane on Cottage Row. As you are probably aware, Cottage Row is served by a low-pressure sewer collection system with individual grinder pump stations being installed on each parcel being served. Wastewater treatment is then handled by the Fish Creek Sanitary District.

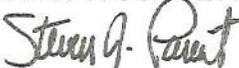
Although not officially the Sanitary District's engineer, Baudhuin Surveying & Engineering designed the original collection system and the initial 44 laterals and grinder pumps. As additional properties come online, Baudhuin has either designed them or reviewed the design on behalf of the District to verify compatibility with the collection system. In all cases the Sanitary District looks to Baudhuin to determine whether any properties and grinder pumps can be added.

Based on the original design and current number of properties connected, adequate capacity exists to allow the Kane property to be added to the system.

Please contact me if you have any questions or need additional information.

Respectfully submitted,

BAUDHUIN SURVEYING & ENGINEERING

  
Steven J. Parent, P.E.

Cc: Brian Zak

RECEIVED

SEP 16 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

DOOR COUNTY LAND USE SERVICES  
DOOR COUNTY GOVERNMENT CENTER  
421 NEBRASKA STREET  
STURGEON BAY, WI 54235  
(920) 746-2323

Grade Sheet for Regular Zoning Permit Application

Complete and file this form for new Principal Structures only.

Owner of property: STEVE AND JACKIE KANE

Tax parcel number: \_\_\_\_\_

1. Benchmark.

a. Describe benchmark and location.

BENCHMARK TOP OF EXISTING TENNIS COURT  
ELEVATION 6020'-0"

b. Elevation of benchmark: ELEVATION 6020'-0"

2. Preconstruction Grade.

Elevation of highest natural grade around footprint of new structure: ELEV. 6005'-0"

3. Plans.

a. Show benchmark location and elevation on site plan.

b. On side elevation view of building, show preconstruction grade elevation (#2 above) and highest and lowest finished grade elevations.

TOP OF FINISHED FLOOR ELEV. 6006'-3"  
TOP OF FOUNDATION ELEV. 6005'-0"  
TOP OF FOOTING ELEV. 595'-0"  
TOP OF ROOF ELEV. 6031'-0"

HIGHEST EXPL. GRADE  
ELEV. 6005'-0"  
LOWEST EXPL. GRADE  
ELEV. 595'-0"  
HIGHEST FIN. GRADE  
ELEV. 604'-3"  
LOWEST FIN. GRADE  
ELEV. 597'-6"

4/18/17

REGULAR APPLICATION CHECKLIST

Applicant: \_\_\_\_\_  
 Project: \_\_\_\_\_

Zoning District: SF20  
 (Map)

NOTE: New address needed: yes \_\_\_ no \_\_\_  
 See Audrey

| Reference     | Regulation                                | P S C                                                                   | Not Allowed     |
|---------------|-------------------------------------------|-------------------------------------------------------------------------|-----------------|
|               |                                           | Required                                                                | Applicant's Lot |
| 2.05(3)       | Use                                       |                                                                         |                 |
| 3.02(3); 3.04 | Lot Area                                  | <u>20,000</u>                                                           |                 |
| 3.02(3); 3.04 | Lot Width                                 | <u>100'</u>                                                             |                 |
| 3.02(3)       | ISR (max.)                                |                                                                         |                 |
|               | Impervious Surface Authorization Required |                                                                         |                 |
| 3.02(3); 3.09 | Side Yard                                 | <u>10'</u>                                                              | <u>Y N</u>      |
| 3.02(3); 3.09 | Rear Yard                                 |                                                                         |                 |
| 3.02(3); 3.09 | Front Yard                                |                                                                         |                 |
| Shoreland     | OHWM Setback (w/in 250')                  | Avg. _____<br>+ _____<br>_____ ÷ 2 <u>44'</u>                           |                 |
| 3.05          | Road Setback                              | Avg. _____<br>+ _____<br>_____ ÷ 2 _____<br><i>Stay out of easement</i> |                 |

\*Water/Road (reduce road setback to 30' depth, ≥ 10' to R-O-W): reduced down to: \_\_\_\_\_ from R-O-W

3.06 Extra Road Setback Based on Volume: > than 50,000 cubic feet

3.08(1) Height (max.) - Average 35' finished \_\_\_\_\_ 37' pre-construction \_\_\_\_\_  
 \*Entire riparian lot, max height 35'

3.08(1)(a) Lot width less than 90" Average 26' finished \_\_\_\_\_ 28' pre construction \_\_\_\_\_

3.08(1)(b) Gibraltar: Height in VC & MODs

3.08(1)(c) Jacksonport: MC & SF20 in core, MOD 28'/30'

3.08(1)(d) Jacksonport: MC MOD 28'/30'

3.08(2) Exemptions: if ≥ 75' from OHWM

3.10 Landscape Buffers Y N (May apply when adj. lot is zoned SF20, SF30, SE, RR HD, HD or RC)

5.03 - 5.09 Natural Resources Y N

5.10 Wetland Setback 10' / 35'

OTHER CONSIDERATIONS:

Well (2' or talk with DNR) Y N

Floodplain Y N

Sanitary Y N

- 5' from edge of septic/holding tank.
- 10' from toe of mound (maybe closer on other sides of mound, check with DC Sanitary Department).
- 10' from vent to all doors and windows.

Farm Structures: Notify SWCD (Dale) before issuing RZP

Overlays (WI, GIB, LG, BH, Jack) Y N

Chapter 2 Footnotes in table of uses

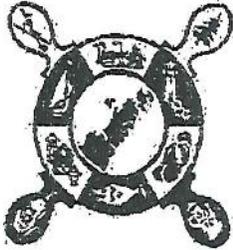
Chapter 3 Washington Island: lot area & width, setback, lot of record & manufactured homes  
 Liberty Grove: 5,000 sq. ft/ 15% ISR and setback in SF10 & SF20  
 Baileys Harbor: building exterior within core area

Chapter 4 MODs (see MOD worksheet) within Liberty Grove, Jacksonport & Gibraltar

Chapter 8 Signs within Gibraltar and Washington Island & Byways

Initial R.B. Date: 9-19-19





**County of Door  
LAND USE SERVICES**

County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235

**RECEIVED**

**SEP 12 2019**

**DOOR COUNTY**

**LAND USE SERVICE** Phone: (920) 746-2829

FAX: (920) 746-2387

Website: [map.co.door.wi.us/planning](http://map.co.door.wi.us/planning)

**WETLAND NOTICE & ACKNOWLEDGMENT**

According to 2009 Wisconsin Act 373, no permit may be issued until the property owner signs the statement below acknowledging that s/he received the following notice:

YOU ARE RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES WETLANDS IDENTIFICATION WEB PAGE at <http://dnr.wi.gov/topic/Wetlands/identification.html> OR CONTACT THE DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER.

By signing this, I acknowledge I have received this notice.

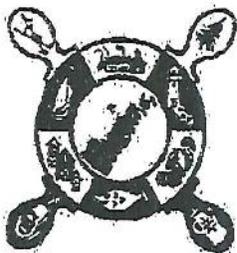
PROPERTY OWNER NAME: STEVEN KANG, TRUSTEE

SIGNATURE: [Signature] DATE: 09-12-19

PARCEL NUMBER: 014-01-06302711C

FIRE NUMBER & STREET ADDRESS OF PROJECT: 9099 Cottage Row Road  
Fish Creek, WI 54212

RECEIVED



County of Door  
LAND USE SERVICES

County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235

SEP 12 2019

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Phone: (920) 746-2323

FAX: (920) 748-2387

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.

NEW SINGLE FAMILY DWELLING

§ 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):

STEVEN KANG, TRUSTEE & JACQUELINE KANG, TRUSTEE

Signature: [Signature]

Date: 9/10/19

Signature: [Signature]

Date: 9/10/19

Parcel Number (of Project): 014 - 01 - 06302711C

Fire Number & Street Address (of Project): 9699 COTTAGE ROW ROAD  
FISH CREEK, WI 54212

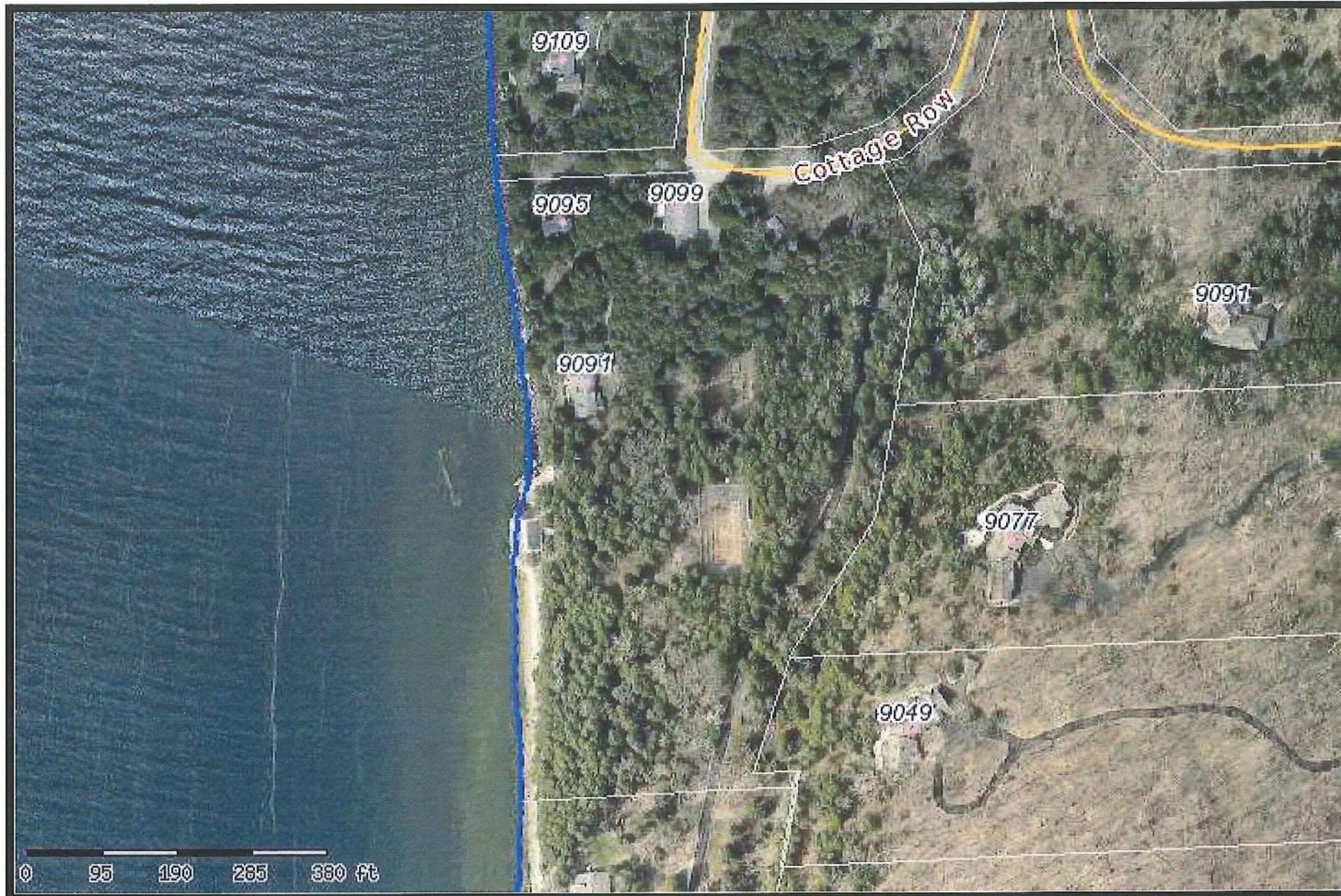
# Map

Printed 09/18/2019 courtesy of Door County Land Information Office

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



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



Door County can not and does not make any representation regarding the accuracy or completeness, nor the error-free nature, of information depicted on this map. This information is provided to users "as is". The user of this information assumes any and all risks associated with this information. Door County makes no warranty or representation, either express or implied, as to the accuracy, completeness, or fitness for a particular purpose of this information. The Web Map is only a compilation of information and is NOT to be considered a legally recorded map or a legal land survey to be relied upon.

PARCEL NO. 014-01-06302711C

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

is issued to STEVEN KANE

for two (2) points of mitigation to allow an increase of impervious surface from 15% up to 30% as per plans submitted.

Located at 9099 COTTAGE ROW

in Section 06, T 30 N, R 27 E, Town of GIBRALTAR, Door County.

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

**IMPORTANT:**

1. Upon completion of the mitigation plan authorized herein the owner shall call the Door County Land Use Services Department for a compliance inspection.
2. The mitigation plan shall be maintained in perpetuity. Additional inspections will be conducted to verify compliance.

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

Date of Issuance: 09/25/2019

- TOWN BUILDING PERMIT REQUIRED -  
 CALL: BRETT GUILLETTE  
 920-495-3232

- TOWN DRIVEWAY PERMIT REQUIRED-NEW  
 DRIVEWAYS ONLY  
 CALL: TOWN OF GIBRALTAR  
 (920) 868-1714

*Richard J. Franer*

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

# DOOR COUNTY SHORELAND ZONING PERMIT

PARCEL NO. 014-01-06302711C

Pursuant to the Door County Shoreland Zoning Ordinance, Ordinance Number 2016-12, this Permit

is issued to STEVEN KANE

for a single family residence with a basement, attached garage, patios, porches, and decks, all as per plans submitted on 9/12/19.

Located at 9099 COTTAGE ROW

in Section 06, T 30 N, R 27 E, Town of GIBRALTAR, Door County.

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

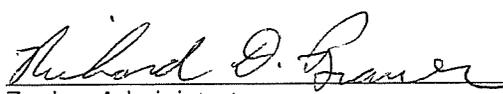
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IMPORTANT:**

1. The structure or land use authorized herein shall not be 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. A shoreland zoning permit to establish a use shall expire 12 months from date of issuance if no action has commenced to establish the use.
3. A shoreland zoning permit for construction of a structure shall expire 12 months from the date of issuance. Any exterior construction after the expiration of the zoning permit shall be considered a violation of this Ordinance.

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

Date of Issuance: 09/25/2019

  
\_\_\_\_\_  
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

|                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>- TOWN BUILDING PERMIT REQUIRED -<br/>CALL: BRETT GUILLETTE<br/>920-495-3232</p> <p>- TOWN DRIVEWAY PERMIT REQUIRED-NEW<br/>DRIVEWAYS ONLY<br/>CALL: TOWN OF GIBRALTAR<br/>(920) 868-1714</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

LR

**PLEASE KEEP ON PREMISES DURING CONSTRUCTION**

# DOOR COUNTY REGULAR ZONING PERMIT

PARCEL NO. 014-01-06302711C

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

is issued to STEVEN KANE

for a single family residence with a basement, attached garage, patios, porches, and decks, all as per plans submitted on 9/12/19.

Located at 9099 COTTAGE ROW

in Section 06, T 30 N, R 27 E, Town of GIBALTAR, Door County.

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

1. The building shall be located as shown on the staking plan submitted on 9/12/19.
2. The building shall not exceed an average of 35 feet in height above the finished grade elevation, or 37 feet in height above pre-construction grade elevation, whichever is lower.

**IMPORTANT:**

1. The structure or land use authorized herein shall not be 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. A regular zoning permit to establish a use shall expire 12 months from date of issuance if no action has commenced to establish the use. Any change of land use after the expiration of a zoning permit shall be considered a violation of this Ordinance.
3. A regular zoning permit for construction of a structure shall expire 12 months from the date of issuance. Any exterior construction after the expiration of the zoning permit shall be considered a violation of this Ordinance.

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

Date of Issuance: 09/25/2019

*Richard J. Franer*  
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

|                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>- TOWN BUILDING PERMIT REQUIRED -<br/>CALL: BRETT GUILLETTE<br/>920-495-3232</p> <p>- TOWN DRIVEWAY PERMIT REQUIRED-NEW<br/>DRIVEWAYS ONLY<br/>CALL: TOWN OF GIBALTAR<br/>(920) 868-1714</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

LR

**PLEASE KEEP ON PREMISES DURING CONSTRUCTION**

**Brauer, Rick**

---

**From:** Hartwig, Mary A <MHartwig@pinkertlawfirm.com> on behalf of Jim Smith <JSmith@pinkertlawfirm.com>  
**Sent:** Tuesday, September 24, 2019 4:04 PM  
**To:** Brauer, Rick; sek17@cornell.edu  
**Cc:** Jim Smith  
**Subject:** Kane - Cottage Row Properties LLC  
**Attachments:** QCD - Kane to LLC - recorded 09-24-19 #825124.pdf; Restrictive Covenant - Mitigation Agrm - recorded 09-24-19 #825125.pdf

Good afternoon – attached are the recorded Quit Claim Deed from Steven and Jacqueline Kane to Cottage Row Properties LLC and the Restrictive Covenant Mitigation Agreement.

*Mary Hartwig*

*Assistant to James R. Smith*

Pinkert Law Firm LLP

454 Kentucky Street, P.O. Box 89

Sturgeon Bay, WI 54235

Phone: 920.743.6505

Fax: 920.743.2041

[www.pinkertlawfirm.com](http://www.pinkertlawfirm.com)



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Tx:4025166

State Bar of Wisconsin Form 3-2003  
QUIT CLAIM DEED

Document Number

Document Name

DOC #: 825124  
RECORDED ON:  
09/24/2019 02:38:01 PM  
CAREY PETERSILKA  
REGISTER OF DEEDS  
DOOR COUNTY, WI  
FEE AMOUNT PAID: 30.00  
TRANSFER FEE AMT:  
FEE EXEMPT: 77.25(155)

THIS DEED, made between Steven Kane and Jacqueline P. Kane,  
husband and wife

("Grantor," whether one or more), and Cottage Row Properties LLC, a  
Wisconsin limited liability company

("Grantee," whether one or more).  
Grantor quit claims to Grantee the following described real estate, together with the  
rents, profits, fixtures and other appurtenant interests, in Door  
County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

LEGAL DESCRIPTION ON ADDENDUM A ATTACHED HERETO AND  
MADE A PART HEREOF.

Recording Area

Name and Return Address  
Attorney James R. Smith  
Pinkert Law Firm LLP  
454 Kentucky St., P.O. Box 89  
Sturgeon Bay, WI 54235

~~014-01-06302711C and~~  
~~014-02-31212711Q~~

Parcel Identification Number (PIN)

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

Dated September 23, 2019

\_\_\_\_\_(SEAL) [Signature] \_\_\_\_\_(SEAL)  
\* Steven Kane  
\_\_\_\_\_(SEAL) [Signature] \_\_\_\_\_(SEAL)  
\* Jacqueline P. Kane

**AUTHENTICATION**  
Signature(s) of Steven Kane and Jacqueline P. Kane  
Kane  
authenticated on September 23, 2019  
\* James R. Smith  
TITLE: MEMBER STATE BAR OF WISCONSIN  
(if not, \_\_\_\_\_)  
authorized by Wis. Stat. § 706.06 )

**ACKNOWLEDGMENT**  
STATE OF WISCONSIN )  
 ) ss.  
DOOR COUNTY )  
Personally came before me on September, 2019,  
the above-named Steven Kane and Jacqueline Kane  
to me known to be the person(s) who executed the foregoing  
instrument and acknowledged the same.  
\* \_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission (is permanent) (expires: \_\_\_\_\_)

THIS INSTRUMENT DRAFTED BY:  
Attorney James R. Smith  
Pinkert Law Firm LLP Sturgeon Bay WI 54235

**ADDENDUM A TO QUIT CLAIM DEED**  
**GRANTOR: STEVEN KANE AND JACQUELINE P. KANE**  
**GRANTEE: COTTAGE ROW PROPERTIES LLC**

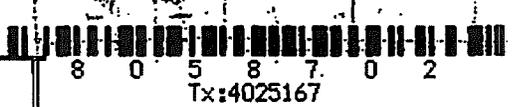
That portion of Government Lot One (1), Section Six (6), Township Thirty (30) North, Range Twenty-seven (27) East, in the Town of Gibraltar, Door County, Wisconsin, described as follows:

Commencing at the Northeast corner of said Section 6 marked by a Door County monument; thence South 88 deg. 58 min. 39 sec. West along the Northerly line of said Section 6, 695.92 feet to a 1 inch iron pipe marking the place of beginning; thence South 24 deg. 58 min. 21 sec. East 124.69 feet; thence South 11 deg. 28 min. 40 sec. West 342.70 feet; thence South 33 deg. 19 min. 39 sec. West 207.94 feet; thence South 18 deg. 48 min. 39 sec. West 157.17 feet; thence North 88 deg. 58 min. 39 sec. East parallel with the Northerly line of said Section 6, 59.47 feet to the intersection of the Easterly line of the Boyd lot extended; thence South 11 deg. 42 min. 50 sec. West along said extended Easterly line 20.50 feet to the Northeast corner of said Boyd lot; thence South 88 deg. 58 min. 39 sec. West along the Northerly line of said Boyd lot 113.15 feet to the center of a 33.00 foot wide easement; thence continue along the Northerly line of said Boyd lot South 88 deg. 37 min. 07 sec. West 191.55 feet to a 1 inch iron pipe; thence continue South 88 deg. 37 min. 07 sec. West along said Boyd lot 24.43 feet to the highwater mark of Green Bay waters; thence along a meander line near said highwater mark North 04 deg. 41 min. 45 sec. East 6.43 feet to a 1 inch iron pipe; thence continue along said meander line North 01 deg. 51 min. 50 sec. East 351.28 feet; thence continue along a meander line near said highwater mark North 02 deg. 27 min. 39 sec. West 223.64 feet; thence continue along a meander line near said highwater mark North 03 deg. 49 min. 57 sec. West 208.86 feet to the meander post on the Northerly line of said Section 6; thence North 88 deg. 58 min. 39 sec. East along said Northerly line of Section 6, 465.89 feet to the place of beginning.

The above-described parcel is now described as Units 1, 2, and 3 in "Cottage Row Condominium" created by the condominium declaration known as "Cottage Row Condominium Declaration" dated September 17, 2019, and recorded as Document No. 824967 on September 18, 2019, Door County Records.

This deed is executed and recorded to transfer the land legally described in the condominium declaration for "Cottage Row Condominium" recorded as Document No. 824967 on the 18<sup>th</sup> day of September, 2019, to the Declarant named therein which is the Grantee herein.

Grantor assigns to Grantee all of Grantor's rights and obligations as the Declarant of the above-referenced Condominium and Grantee, by accepting delivery of and recording this Deed, accepts said rights and obligations.



Document No. RESTRICTIVE COVENANT. Mitigation Agreement

Cottage Row Properties, LLC (Owner) does hereby declare and agree as follows:

This Restrictive Covenant applies to Tax Parcel Number 014-67-0003 situated in the Town of Gibraltar, County of Door, State of Wisconsin ("subject property") and more particularly described as Unit #3 of Cottage Row Condominium as in declaration recorded at Document # 824697 in the Door County Register of Deeds office.

Cottage Row Properties, LLC is the owner of, and has the right to possess, use, and convey, the subject property.

On September 23, 2019, Owner made application for a Door County ("County") mitigation permit to allow greater than 15% and up to a maximum of 30% impervious surface ratio on the subject property.

Greater than 15% and up to a maximum of 30% impervious surface ratio on a property is only allowed if and to the extent such complies with Sec. IV.B.5. Door County Shoreland Zoning Ordinance, Door County Shoreland Mitigation Handbook, and all other applicable codes, laws, ordinances, and regulations.

County's decision to authorize and allow up to 30% impervious surface ratio is expressly conditioned on, among other things, this Restrictive Covenant, the Mitigation Permit, and the Mitigation Plan. The Mitigation Permit and Mitigation Plan are on file at the County Planning Department, and are incorporated herein by reference as if set forth in full. Owner must timely implement the Mitigation Plan and establish or maintain measures that the County determines are adequate to offset the impacts of the permitted impervious surface ratio.

Door County has the authority to enforce this Restrictive Covenant.

This Restrictive Covenant runs with the land in perpetuity and binds the Owner and Owners' successors, heirs, and assigns.

Owner must execute and then record this Restrictive Covenant with the Door County Register of Deeds, and provide a copy with recording information to the Door County Planning Department, before issuance of a zoning permit authorizing the residence proposed.

Owner acknowledges having read and understood this Restrictive Covenant.

Accepted and approved this 24th day of September, 2019.

DOC #: 825125
RECORDED ON:
09/24/2019 02:40:39 PM
CAREY PETERSILKA
REGISTER OF DEEDS
DOOR COUNTY, WI
FEE AMOUNT PAID: 30.00

RETURN TO:

Door County Planning Department
421 Nebraska Street
Sturgeon Bay, WI 54235

Parcel ID Number 014-67-0003



This document was drafted by:
Richard D. Brauer, Zoning Administrator,
Door County Land Use Services Department

Signature of Steven Kane, Member

STATE OF WISCONSIN
Door County ) SS

Personally came before me, this 24 day of September 2019, the above named Steven Kane known to me to be the person who executed this instrument.

Mary Hartwig
Mary Hartwig

Notary Public Door County, WI
My Commission expires 1/14/2020 (is permanent)

RECEIVED

SEP - 7 2018

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Phone: (920) 746-2323  
FAX: (920) 746-2387



# County of Door PLANNING DEPARTMENT

County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235

## ON-SITE INSPECTION and/or LETTER REQUEST FORM

|                                                                                                                                  |                                     |
|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| This Section to be completed by the Requester                                                                                    |                                     |
| \$50.00 fee for all On-Site Inspections                                                                                          | <input checked="" type="checkbox"/> |
| \$50.00 fee for Letter                                                                                                           | <input type="checkbox"/>            |
| Inspection request                                                                                                               | Letter request                      |
| <b>MAKE CHECK PAYABLE TO THE DOOR COUNTY TREASURER</b>                                                                           |                                     |
| <b>Requester Name:</b> STEVEN & JACKIE KANE                                                                                      | <b>Phone:</b>                       |
| <b>Mailing Address:</b> 9099 COTTAGE ROW<br>FISH CREEK, WI                                                                       |                                     |
| <b>Property Owner Name:</b> STEVEN KANE                                                                                          | <b>Phone:</b>                       |
| <b>Property Address:</b> 9099 COTTAGE ROW                                                                                        |                                     |
| <b>Property Owner Signature:</b><br><i>Jackie Kane</i>                                                                           | <b>Date:</b> 9/6/18                 |
| * <i>(Required for On-Site Inspections only)</i>                                                                                 |                                     |
| <b>Township:</b> GIBRALTAR                                                                                                       |                                     |
| <b>Tax Parcel No(s):</b> 0140106302711C                                                                                          |                                     |
| <b>Purpose of Inspection/Letter (please be specific)</b>                                                                         |                                     |
| Mark high water mark from most south house to the south property line and determine highwater mark setback for future residence. |                                     |
| <b>Requester Signature:</b>                                                                                                      |                                     |
| <b>Date:</b>                                                                                                                     |                                     |

4

|                                        |                                                                        |                                      |
|----------------------------------------|------------------------------------------------------------------------|--------------------------------------|
| <i>Zoning Office Use Only</i>          |                                                                        |                                      |
| <b>Inspection and/or Letter Date:</b>  | 9-17-18                                                                |                                      |
| <b>Inspection Results:</b>             | Marked OHWM with orange ribbon.                                        |                                      |
| <b>Action Required:</b>                | Called & E-mailed Baudhuin's on 9-17-18, to let them know it was done. |                                      |
| <b>Zoning Administrator Signature:</b> | <b>Date:</b>                                                           | 9-7-18                               |
| <b>Amount Received: \$</b>             | <b>Check</b> <input checked="" type="checkbox"/>                       | <b>Cash</b> <input type="checkbox"/> |
| <b>Name on Check:</b> Baudhuin Inc.    | <b>Receipt #</b>                                                       |                                      |

Updated: 4/3/13

Averaging

N- 50'

(Southern House  
on lat.)

S- 38'

(Boyd)

\* check

- yes (38')

≈ 500'

# Map

Printed 09/07/2018 courtesy of Door County Land Information Office

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



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



Door County can not and does not make any representation regarding the accuracy or completeness, nor the error-free nature, of information depicted on this map. This information is provided to users "as is". The user of this information assumes any and all risks associated with this information. Door County makes no warranty or representation, either express or implied, as to the accuracy, completeness, or fitness for a particular purpose of this information. The Web Map is only a compilation of information and is NOT to be considered a legally recorded map or a legal land survey to be relied upon.

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

**January 14, 2020**

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

The meeting was called to order by Vice Chairperson Weber at 6:30 p.m. on Tuesday, January 14, 2020, in the Peninsula Room (C121) of the Door County Government Center, Sturgeon Bay, Wisconsin.

**Board of Adjustment Members**

**Present:**

Aric Weber, Vice- Chairperson  
Arps Horvath  
Monica Nelson  
John Young  
Bob Ryan

**Staff**

Richard D. Brauer, Zoning Administrator  
Jeff Kussow, Zoning Administrator

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

**2.1 Properties of Baileys Harbor, LLC; encroach into setback from road right-of-ways; 8054 State Highway 57; Town of Baileys Harbor.**

Motion by Ryan, seconded by Young, to establish the condition that, if the variance is granted, a fence shall be constructed around the cooler to screen it from the road right-of-ways. Motion carried unanimously (5-0).

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

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

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

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

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

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

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

**3.0 Old Business.**

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

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

**4.0 Other Matters.**

**4.1 Announce next meeting.**

Staff announced that the next regularly scheduled meeting will be held on January 28, 2020. One Appeal of a Zoning Administrator decision has been scheduled for public hearing that evening. Board members Ryan, Nelson, Horvath, Young, and Anderson will be at that hearing. Arps Horvath announced he would be out of town from February 23, 2020, through the end of April.

Staff announced that there will be a Flooding Informational Seminar held at the Door County Community Center on Thursday, January 16, 2020, from 6:00 pm until 8:00 pm. All board members are welcome to attend but attendance is not required.

**4.2 Floodplain zoning/flooding-related matters.**

Staff also explained that staff has the discretion to not require the 28-day town review period for some variance petitions regarding Door County Floodplain Zoning Ordinance requirements. This will help speed up the permitting process when people have been forced from their home due to flooding.

**5.0 Vouchers.**

All of the board members present submitted vouchers.

**6.0 Adjournment.**

Motion by Ryan, seconded by Young, to adjourn. Motion carried unanimously (5-0). Vice Chairperson Weber declared the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Richard D. Brauer  
Zoning Administrator

RDB  
1/16/20

**DOOR COUNTY BOARD OF ADJUSTMENT  
Decision – Area Variance**

**Hearing Date: January 14, 2020**

**Decision Date: January 14, 2020**

**Applicants: Properties of Baileys Harbor, LLC**

**Property: PIN 002-22-0501 / 8054 State Highway 57**

**Description of variance requested:**

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

**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 conditionally grant the petition for grant of variance by the following vote:

|                |     |
|----------------|-----|
| Aric Weber:    | Aye |
| Bob Ryan:      | Aye |
| John Young:    | Aye |
| Monica Nelson: | Aye |
| Arps Horvath:  | Aye |

**Condition: A fence shall be constructed around the cooler to screen it from the road right-of-ways.**

Signed \_\_\_\_\_

Signed \_\_\_\_\_

Chairperson

Recording Clerk

Dated: January 28, 2020

Filed: January 29, 2020

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

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

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

**APPLICANT NAME:** Properties of Baileys Harbor, LLC

**PROPERTY ADDRESS / P.I.N.:** 8054 State Highway 57 / 002-22-0501

**HEARING DATE:** January 14, 2020

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

**1. UNIQUE PHYSICAL PROPERTY LIMITATIONS.**

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

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

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

YES   X   NO           

EXPLAIN: The shape of the parcel relative to Bluff Rd. and State Highway 57 creates a unique physical property limitation. The size and weight of the cooler precludes positioning it in a different configuration and still retain the aesthetics/historical shape of the building. The requested cooler is a necessity for this type of permitted business. The shape of the remainder of the parcel outside of the building footprint is too small. The building won't support the cooler and it is proposed in the most logical location. Historical location and narrow lot in the "core" area predates zoning. The existing building was intended for 19<sup>th</sup> century commercial use. If preserving history is encouraged, this building needs to be updated as safely as possible. There is not enough space on the lot to find a compliant area. The existing building was constructed in the 1890s when there were no zoning/building codes. Remodeling this building will address code issues and meet the codes with the variance requested. The existing building is a structure that was built well before any zoning and is already nonconforming.

**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: Historical location and narrow lot in the "core" area predates zoning. The existing building was intended for 19th century commercial use. If preserving history is encouraged, this building needs to be updated as safely as possible. There is not enough space on the lot to find a compliant area. The property owners seek only to improve and not expand the historically commercial property. The property is zoned for commercial use and not granting this variance would unreasonably limit the owner from using it for the permitted use.

**OR**

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

YES  NO

EXPLAIN: The positioning of the structure needs to take into consideration that an 1890 constructed building is being remodeled within the scope of the Commercial Center plan, and there is no feasible position for the cooler other than proposed. The Bluff Rd. setback is to a walking path, not a travelled road.

### **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: There is no harm to public interest when considering the adjacent position to the public walkway (Bluff Rd.); the potential and ongoing traffic along the route; and view to the highway by foot or vehicle for safety reasons. As presented, the cooler will blend in with the building and be screened by the painted fence. It appears that the Town Board and citizens approve of continuing the commercial use and have seen no harm to public interest. This will add to aesthetics of the community from the street and water. The proposed cooler will be further from State Highway 57 than the stairway that was removed. Granting the variance will aid in implementing the county development plan; promote planned and orderly land use development; protect property values and the property tax base; and fix reasonable dimensional requirements to which buildings/structures shall conform. The Town Board recommended approval.

**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 zoning permit for the authorized project has been obtained within such time.**

Dated this January 14, 2020

## Door County Zoning Ordinance Purpose Statements

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

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

## Wisconsin Statutes Purpose Statement

### 281.31. Navigable waters protection law

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

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

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

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

**DOOR COUNTY BOARD OF ADJUSTMENT  
Decision – Area Variance**

**Hearing Date: January 14, 2020**

**Decision Date: January 14, 2020**

**Applicants: Richard R. & Kerstin L. Ellefson, The Johnson-Lennon Family Asset Trust dated October 30, 2015, and Randy Ellefson , et. al.**

**Property: PIN Nos. 028-04-31343012A, 13E1, 13A1, 13C1, and 13A./ Addresses 1538, 1542/1554, and 1574/1592 Mountain Rd. and parcel adjacent to and north of 1574/1592 Mountain Road.**

**Description of variance requested:**

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

**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:

|                |     |
|----------------|-----|
| Bob Ryan       | Aye |
| Aric Weber:    | Aye |
| Arps Horvath:  | Aye |
| John Young:    | Aye |
| Monica Nelson: | Aye |

Signed \_\_\_\_\_

Signed \_\_\_\_\_

Chairperson

Recording Clerk

Dated: January 28, 2020

Filed: January 29, 2020

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

**The privileges granted by this decision shall become void after one year unless legal descriptions for the new parcels have been property recorded at the Door County Register of Deeds office within such time.**

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

**APPLICANTS NAMES: Richard R. & Kerstin L. Ellefson, The Johnson-Lennon Family Asset Trust dated October 30, 2015, and Randy Ellefson, et.al.**

**PROPERTY ADDRESSES / P.I.N.s: 1538, 1542/1554, and 1574/1592 Mountain Rd. and parcel adjacent to and north of 1574/1592 Mountain Rd. / 028-04-31343012A, 13E1, 13A1, 13C1, and 13A.**

**HEARING DATE: January 14, 2020**

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

**1. UNIQUE PHYSICAL PROPERTY LIMITATIONS.**

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

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

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

YES   X   NO           

**EXPLAIN: Existing lot lines run through buildings while other buildings have minimal setbacks. Parcels are irregularly shaped and there are also overlaps in the legal descriptions of the lots. The proposal will reduce the total number of lots and bring the remaining lots closer to compliance with ordinance standards.**

**2. UNNECESSARY HARDSHIP.**

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

Considerations:

- Unnecessary hardship should be determined in light of the purpose and intent of the zoning ordinance in question, as well as any statute or administrative rule upon which the ordinance is based. (See page 4.) The facts of the case should be analyzed in light of these purposes. Only after considering the purpose(s) of the statute and/or

ordinance, and the nature of the specific restriction(s) at issue, may a decision be made as to whether or not failure to grant a variance will cause an unnecessary hardship.

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

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

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

YES   X   NO           

EXPLAIN: The granting of a variance will reduce the number of lots and allow the property owners to bring the properties closer to compliance with all ordinance provisions.

**OR**

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

YES   X   NO           

EXPLAIN: The denial of a variance would be unnecessarily burdensome in that it would prevent the owners from bringing the properties closer to compliance with ordinance provisions.

### **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 Town of Washington supports the granting of a variance. The proposal promotes planned and orderly land use development. The proposal brings the parcels closer to compliance with all ordinance requirements. The proposal advances the use of these parcels in accordance with its character and suitability. The proposal protects property values and the property tax base.

**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 legal descriptions for the new parcels have been properly recorded at the Door County Register of Deeds office within such time.**

Dated this January 16, 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.