

TOWN OF LIBERTY GROVE PUBLIC MEETINGS

Plan Commission

Date: Tuesday, May 25, 2021

Time: 7:00 PM

Place: Town Hall, 11161 Old Stage Road, ****via Zoom****

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes: 5/12/21
5. Public Input
6. Consider conditional use application: Chris Church – parcel 018-01-02312822B, establish Home Business (Auto Repair Shop) on the property
7. Consider variance application: Larry Blagdon, setback from a side property line, parcel 018-03-18322943C
8. Correspondence
9. Future meeting dates
10. Adjourn

Anastasia Bell, Clerk/Treasurer

****Deviation from posted order may occur****

****Audience members must ask for permission, during public input, to speak on topics they wish to address****

Members of the Liberty Grove Town Board or any other Liberty Grove Town committee, who are not members of the body whose meeting agenda is published in this notice, are entitled, as any other citizen of the Town of Liberty Grove, to attend this meeting in an unofficial capacity. It is possible the attendance of one or more non-members may create a quorum of the membership of another body. Such a quorum is unintended and the non-members are not meeting for the purpose of exercising the powers or duties attendant upon their membership on any Town committee or board.

Town of Liberty Grove is inviting you to a scheduled Zoom meeting (teleconferencing). To join the Zoom Meeting enter the following on your computer:

<https://us02web.zoom.us/j/83628890171?pwd=c2RWSTBaSHdVSHRMMkdXMUQ0dTczdz09>

Meeting ID: 836 2889 0171

Password: 457175

To find your local number visit <https://zoom.us/join>. To join the meeting by telephone dial one of the numbers below based on your location.

(312) 626-6799 US (Chicago)

(301) 715-8592 US (Germantown)

(646) 558-8656 US (New York)

(346) 248-7799 US (Houston)

(253) 215-8782 US (Tacoma)

(669) 900-9128 US (San Jose)

Town of Liberty Grove
Minutes of the Plan Commission meeting on May 12, 2021
(This meeting was correctly posted)

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes 04/28/21
5. Discussion and possible action: Short-Term Rental (STRs) Ordinance
6. Correspondence
7. Future meeting dates
8. Adjourn

Chair Nancy Goss called the meeting to order at 7:04pm. Commissioners Anne Miller, Lou Covotsos, Paul Schwengel, Dan Watts, and Paul Bokelmann were present along with Administrator Walter Kalms, Clerk/Treasurer Anastasia Bell and 1 member of the public via teleconference (Zoom). Commissioner Bill Surbaugh was excused.

Goss noted that this will be the last meeting for Commissioner Lou Covotsos and thanked him for his years of valuable insight and service. **Miller moved, Bokelmann second** to approve the agenda as posted. Passed 6-0.

Schwengel moved, Goss second to approve the 4/28/2021 minutes as presented. Passed 6-0.

Short-Term Rentals (STRs) – Various changes were made to the STR Ordinance draft, the most current version “Draft 05.12.2021” is attached to these minutes. The following items were noted during the review:

- Cross references can be addressed after the legal review.
- Property owners should be responsible to educate their renters on what items should not enter a POWTS.
- A listening session would provide an educational opportunity.
- The State and County do not have leash laws.
- The fees should be determined by the Town Board.

Correspondence – there will be a CUP on the next agenda.

The next meeting will be Tuesday, May 25, 2021 at 7:00pm.

Schwengel moved, Bokelmann second to adjourn at 9:22pm. Passed 6-0.

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer

TOWN OF LIBERTY GROVE
ORDINANCE ____ – 21
REGULATING SHORT-TERM RENTALS

The Town Board of the Town of Liberty Grove (hereinafter referred to as “the Town”), in the County of Door, State of Wisconsin, does hereby ordain as follows:

Purpose

The purpose of this Ordinance is to balance the interests of property owners to use their property as short term rentals ["STR" or "STRs"], on the one hand, with the interests of residents who seek to protect the quality of life and the character and stability of neighborhoods, on the other hand.

Due to the fractured bedrock and karst topography of most of Door County, STRs that are rented "over capacity" for their private onsite wastewater treatment system ("POWTS") risk contamination of and, thereby, the health and quality of the potable water supply.

State Statutes Adopted – Authority

The Board of Supervisors of the Town is granted authority for adopting this Ordinance under § 60.10(2)(c) and § 60.22(3), Wisconsin Statutes. The Town Board adopts this Ordinance under its general village powers authority and § 66.1014 of the Wisconsin Statutes, 2017 Act 59.

Definitions

- A. "DATCP" means the Wisconsin Department of Agriculture Trade and Consumer Protection.
- B. "DCTZC" means the Door County Tourism Zone Commission.
- C. "Office of Short-Term Rentals," ["OSTR"] means the Agent or agency employed by the Town to administer the regulation of STRs, including but not limited to permitting, collection of fees, and the reporting of instances of non-compliance for enforcement purposes.
- D. "POWTS" means Private Onsite Wastewater Treatment System.
- E. "Property Owner ("Owner")" means the person or entity who owns the Residential Dwelling that is being rented.
- F. "Property Owner's Agent ("Agent")" means a person or an entity who is not the property Owner of record and who is authorized to act as the Agent of the Property Owner for the receipt of service of notice and remedy of municipal Ordinance violations and for service of process pursuant to this Ordinance.
- G. "Resident Agent" see "Property Owner's Agent."
- H. "Residential Dwelling" means any building, structure or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.
- I. "STR ("Short-Term Rental")" means a Residential Dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

Enforcement

The Town may contract with an outside provider to assist with establishing an enforcement structure, one that incentivizes compliance with appropriate fees and fines, but should not be so overburdensome that it prevents users from participating in the enforcement and regulatory process.

The enforcement structure includes but is not limited to the posting of and adhering to the "good neighbor" policy. Also, the enforcement structure includes but is not limited to the "three-strikes" policy which prohibits an Owner from using the property as an STR if the Owner is out of compliance three times in an annual permitting cycle.

Short-Term Rental License

- A. NO person may maintain, manage, or operate a STR more than ten (10) nights each year without a Town STR license issued pursuant to this Ordinance.
- B. License shall be issued using the following procedures:
 - 1. All applications for a STR license shall be filed with the Town Clerk, or the designee of the Town Clerk, on forms provided. Applications shall be filed by the Property Owner or authorized Agent. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.
 - 2. All applications for a STR license shall include a copy of the annual inspection report as required by Wisconsin Department of Agriculture Trade and Consumer Protection "DATCP".
 - 3. The Town Clerk shall issue a STR license to all applicants following payment of the required fee, receipt of all fully completed documentation and information requested by the application, and application approval by the Town Board, or its designee.
 - 4. A STR license shall be effective for one year. The annual licensing terms begins January 1st and ends December 31st the same year.
 - 5. A fully completed renewal application and renewal fee shall be filed with the Town Clerk at least forty-five (45) days prior to license expiration so that the Town Board or its designee, if required, has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application.

6. Any changes in ownership of the property require a new license per Wisconsin Administrative Code §72.04(b) prior to obtaining a permit from the Town.
- C. An Owner may apply for a new license no less than 12 months after being revoked (see “Revocation” and “Revocation Process” sections below.)

Application and Permit Process

The Town, in collaboration with its Agent OSTR shall provide an easy, online way of getting and renewing a permit.

- A. The application shall include the following:
 1. Address and tax key of the residential dwelling.
 2. Names and addresses of the applicant, Owner of the dwelling, and promoter or sponsor.
 3. Copy of current DATCP rooming house license.
 4. Copy of DCTZC license.
 5. Name, address and phone number of the Owner and a designated operator for the property where such a distinction might occur.
 6. Proposed MAXIMUM occupancy for the dwelling.
 7. Proof of design capacity of POWTS to accommodate subsection (f) above.
 8. Copy of Town Good Neighbor standards. (consider DCTZC & other hosts Good Neighbor standards)-permit process.
 9. Proof of casualty and liability insurance issued by an insurance company authorized to do business in the state of Wisconsin, identifying the property as used for rental, short-term or otherwise.

Operation of a Short-Term Rental

Each Short-term Rental shall comply with all of the following requirements:

- A. The Property Owner or his/her Resident Agent shall be accessible either directly or through the OSTR.
- B. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
- C. If the property is not served by a public sanitary sewer, a private onsite wastewater treatment system (POWTS) in full compliance with this Ordinance and in accordance with Chapter 21 of the Door County Code shall serve the property.
- D. If the property is served by a POWTS, occupancy shall be limited to the number of occupants for which the POWTS was designed.
- E. Sufficient off-street parking shall be available to accommodate all vehicles on the Short-term Rental premises. Off-street parking shall be in compliance with Door County Comprehensive Zoning Ordinance, Chapter 7.
- F. Signage shall conform to applicable Town and Door County Ordinances.
- G. Rental dwellings shall be able to reasonably accommodate reliable telephone communications in case of emergency.
- H. Outdoor events including but not limited to, weddings, graduations, reunions and the like are limited to six (6) in a calendar year as per Door County Zoning §2.07(1)(a).

Property Rules

A copy of the State of Wisconsin tourist rooming house license and the Town STR license shall be posted on the property. Property rules shall be made available to the renters and shall include at a minimum the following information:

- A. Maximum occupancy of the property.
- B. Contact information for the designated operator.
- C. Where to park.
- D. Quiet hours of 10:00 p.m. to 7:00 a.m.
- E. Property Owner’s policy regarding pets, if applicable.
- F. Outdoor burning regulations.
- G. Non-emergency contact information for law enforcement and fire.
- H. How to deal with existing POWTS, if applicable (location of high-water alarms, etc.).
- I. How to deal with waste and recyclables.

Revocation

A license, as issued, is subject to revocation if the Owner of the property fails to comply with the requirements of this Ordinance under the “three-strikes” policy as set forth in the Enforcement Section above. Over and above the “three-strikes” policy, the Town Board has the authority to suspend, revoke, reject or non-renew a STR license or license application if the Board determines that the licensee:

- A. Has been convicted or whose Agent or renters have been convicted of engaging in illegal activity while on the STR premises; or
- B. Has outstanding fees, taxes, or forfeitures owed to the Town; or
- C. Has failed to adhere to Town and/or County Ordinances.

Revocation Process

The Town, at its discretion, shall:

- A. Notify the Owner of the property of any noncompliance.
- B. Determine whether the Owner has remedied the violation and shall schedule a license revocation hearing if the violation is not remedied.
- C. Notify the Owner and attempt to notify all property owners located within 150-feet of the property of the hearing date at least two weeks prior to the hearing.
- D. Hear written or verbal testimony from other affected parties at the time of the hearing.
- E. Provide its decision in writing to the Owner.

Fees

Permit fee schedule. The license application fees established by the Town of Liberty Grove Board of Supervisors shall correlate with the administrative and related costs involved with compliance monitoring. A schedule of the fees shall be made available for review.

Initial STR application fee.....	\$500
Renewal STR application fee.....	\$250
Late fee.....	\$100
Inspections (as necessary).....	\$100

Severability

If any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this Ordinance.

Effective Date and Publication

This Ordinance shall become effective upon adoption and publication as required under § 60.80 Wisconsin Stats.

Adopted at a regular meeting of the Town Board of the Town of Liberty Grove, Door County, Wisconsin, on this ____ day of ____ 2021.

Motion to adopt: _____ Second: _____ Vote: Aye: _____ Nay: _____

I, Anastasia Bell, Clerk/Treasurer of the Town of Liberty Grove, Door County, Wisconsin do hereby certify that the above is a true and correct copy of an Ordinance that was adopted on the ____ day of ____ 2021 by the Liberty Grove Town Board.

Dated this ____ day of ____ 2021.

Anastasia Bell, Clerk/Treasurer



County of Door LAND USE SERVICES-ZONING

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Richard D. Brauer - Zoning Administrator

Phone: (920) 746-2217

FAX: (920) 746-2387

May 11, 2021

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

Re: Conditional Use Permit Application
Tax Parcel # 018-01-02312822B

Greetings:

We are sending you this letter to notify the town that there will be a hearing regarding a request for a conditional use permit regarding a property in the Town of Liberty Grove at an upcoming Door County Resource Planning Committee meeting. The scheduling process for the hearing will begin no earlier than June 8, 2021, which means the actual hearing could be approximately 3 weeks later.

Chris Church has applied for a Conditional Use Permit to establish a Home Business (Auto Repair Shop) on his property located at 1591 Hill Road. The business will be established in a new 40' x 42' building on the property. Mr. Church's current employer, Sister Bay Automotive, will be closing on Labor Day. There are no other automotive repair shops in the Sister Bay area and he hopes to keep serving the community. This property is zoned Heartland-5 (HL5).

Enclosed is a "Town Recommendation Worksheet" which we ask you to complete and send back to the Door County Land Use Services Department. As a reminder, comments may be submitted to the Land Use Services Department up to 4:30 p.m. the day before the public hearing, and/or the town may offer verbal testimony at the hearing.

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

Sincerely,

Richard D. Brauer
Zoning Administrator

Enc.: Conditional use permit application packet & town recommendation worksheet

Copy: Owner

CC w/o Encl: Property owners within 300 feet of the project.

Door County Planning Department Request for Town Recommendation

Chris Church has applied for a Conditional Use Permit to establish a Home Business (Auto Repair Shop) on his property located at 1591 Hill Road. The business will be established in a new 40' x 42' building on the property. Mr. Church's current employer, Sister Bay Automotive, will be closing on Labor Day. There are no other automotive repair shops in the Sister Bay area and he hopes to keep serving the community. This property is zoned Heartland-5 (HL5).

The (circle one) Town Board / Planning Committee of the Town of _____ held a legally noticed and posted meeting on _____, at which, by a vote of ____ (Yea) to ____ (Nay), the town recommended (check one) ____ **SUPPORT** ____ **DENIAL** for conditional use permit

Reason(s) for the town's decision:

Is the proposal consistent with the Town Comprehensive Plan?

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

Town Clerk Signature

Date

See attached for conditional use permit criteria

Door County Land Use Services

CONDITIONAL USE PERMIT

A "conditional use" is one that has been determined to be compatible in a particular area, not a use that is always compatible at a specific site within that area. The use is subject to requirements and conditions, and is only allowed under a conditional use permit (CUP) issued by Door County. A conditional use permit is also required if an owner wishes to expand a non-conforming use (i.e., a use previously legally established which would not be allowed under current zoning regulations).

PERMIT & HEARING PROCESS

1. Submit a completed application form with a \$500.00 non-refundable fee.
2. Provide a detailed written description of your project, building plans, and a site plan (drawn to scale). Provide one complete set of plans no larger than 11" x 17".
3. If an agent will represent you, you must submit your agent's name, telephone number, and mailing address to the Door County Land Use Services Department.
4. Once the application is deemed complete, a copy of the application packet and staff report will be sent to the town to ask for recommendations and comments. You and neighboring property owners will receive a copy of the letter and staff report which forwards your application to the town. Please call the town to see if/when the town may be meeting to discuss this matter.
5. The Door County Land Use Services Department will publish a notice of the hearing in the Door County Advocate and will notify you and neighboring property owners in writing of the hearing date / time. It takes ~2 months from time of application submittal to hearing date.
6. If the applicant/agent fails to appear at the hearing, s/he will be deemed to be in default and the conditional use permit may, in the RPC's sole discretion, be denied. The applicant/agent may, if s/he failed to appear for good reason, request in writing that the RPC reopen the default denial. A written request to reopen shall be received by the Door County Land Use Services Department within 30 days of the default denial. The RPC may, in its sole discretion, reopen a default denial if good cause is shown, such as mistake, inadvertence, or excusable neglect. If a default denial is reopened, the applicant/agent must submit a new fee, unless the RPC determines otherwise.
7. Other people can also attend the hearing to testify for or against your request.
8. Once the conditional use permit is issued, the applicant shall obtain a regular zoning permit within twelve months to authorize any new construction related to establishing the conditional use.

CRITERIA USED TO MAKE A DECISION

The Door County Resource Planning Committee (RPC) decision to approve, approve with conditions, or deny the CUP must be supported by substantial evidence. A conditional use permit applicant has the burden of proof. S/he must demonstrate, by substantial evidence, that the application and all requirements and conditions established in the ordinance and by the RPC relating to the conditional use are or shall be satisfied. If an applicant meets their burden of proof, then the RPC must grant the CUP. If an applicant fails to meet their burden of proof, the CUP will be denied. The CUP may also be denied if there is substantial evidence opposing the conclusions and evidence of the applicant, as the RPC's decision need only be supported by substantial evidence.

Testimony and exhibits offered by persons other than the applicant, whether in support of or opposition to the CUP, must constitute substantial evidence.

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

To aid in its review of the proposed project, the RPC will consider the Door County Comprehensive Zoning Ordinance criteria set forth below.



County of Door PLANNING DEPARTMENT

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

STAFF REPORT Conditional Use Permit Application

Applicant Information

- Name & property address: Christopher S. Church / 1591 Hill Road
- Parcel identification number: 018-01-02312822B
- Zoning district: Heartland-5 (HL5).
- Petition request, including sections of zoning ordinance requiring permit:

Chris Church has applied for a Conditional Use Permit to establish a Home Business (auto repair shop) on the property. The business will be established within a new 40' x 42' building on the property. Mr. Church's current employer, Sister Bay Automotive, will be closing on Labor Day. There are no other automotive repair shops in the Sister Bay area and he hopes to be able to keep serving the surrounding community.

Ordinance sections: 2.05(3)(a), 4.04(10) and 11.04.

Description of Subject Property and Surrounding Area

Subject Property:

- **Lot area, width, and depth:** Total lot area is 1.55 acres, 300 feet wide and 225 feet deep.
- **Frontage - water, road:** No water frontage; 300 feet along Hill Road (town road).
- **Existing uses/structures:** There is currently a residence on the property with 1,916 square feet of living area. There is also a 30' x 30' detached garage with a dog kennel and a 20' x 34' building that will be removed.
- **Access:** Access is from Hill Road.
- **Traffic patterns/road usage:** State Highway 42 has a large amount of traffic.
- **Water and sanitation:** Existing private well and septic system.
- **Significant topography or vegetation:** Slopes approximately 8 feet from the northwest to the southeast. Only a few trees on the property. Fairly well screened along the east property line.

Surrounding Area:

- **North:** Hill Road runs along the north property line. There are large lots located across the road. There are approximately 3 to 4 homes on several of the lots and some these lots are vacant. All are zoned Heartland-10 (HL10). There is a large amount of open space further north.
- **West:** The property directly to the west is zoned Heartland-5 (HL5). There is currently a residence on this property. This home is approximately 350 feet from the proposed building site. The properties further west are vacant and zoned (HL10).
- **East:** There are two parcels directly east that are zoned (HL5). There are homes on both of these lots. The home on the adjacent property will be located within 100 feet of the proposed building site. The lots further east and southeast are all vacant and zoned (HL5).
- **South:** There is a home on the adjacent property to the south. That home is approximately 200 feet from the proposed building site. This lot is zoned (HL5). There vacant lots to the southeast zoned (HL5) and vacant lots to the southwest zoned (HL10).

Background/History

As stated previously, Mr. Church currently works at Sister Bay Automotive. They will be closing on Labor Day. There are no other automotive repair shops in the Sister Bay area and Mr. Church hopes to keep providing that service in the surrounding community. Our file indicates that previous owners obtained permits to operate a dog kennel and art studio on the property. Those businesses are no longer operating.

Zoning Considerations

Purpose of proposed zoning district: DCZO Section 2.03(8): Heartland-5 (HL5). This district is intended for mostly rural areas of the interior of Door County where agricultural activity has been declining, or where a mixture of rural residential and agricultural use is desired or existing. The district provides for residential development at densities slightly less than the Heartland-3.5 district in order to maintain a generally rural environment. The district also provides for agricultural uses and certain other nonresidential uses that require relatively large land areas and/or which are compatible with surrounding residential uses. Lot sizes of at least 5 acres are required for new lots.

Does the use meet the zoning ordinance's stated purpose and intent? Yes, it meets the purpose and intent of the proposed zoning district for the property.

Specific requirements for proposed use and/or possible conditions that may be relevant: If the Resource Planning Committee determines that the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety, or character of the surrounding area, the following are possible conditions that may be relevant.

1. The project shall comply with all applicable local, state, and federal building codes and ordinances.
2. Any outdoor lighting erected in conjunction with this use shall utilize fixtures whose lens, hood, or combination thereof allow no direct beams to be seen from off the property or cast skyward, and the lighting elements of which shall not be visible from adjacent properties.
3. An affidavit shall be recorded with the Deed to provide successors in interest notice of the conditional use permit and conditions and requirements.
4. *The entire project shall be completed by _____.*

Comprehensive Plan Considerations

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

The property under consideration is designated on the comprehensive plan's future land use map as "Rural/Agricultural," as shown on the attached future land use map and described below.

Rural/Agricultural – "Rural/Agricultural" areas cover much of southern and central Door County, where there are currently relatively stable agricultural lands with few non-agricultural uses, as well as most of the cleared areas located within the northern part of the county, which has more limited or discontinued agricultural activities. These areas are not planned for non-agricultural development in the next 15 years, however, lands in this category can, and most likely will, contain residential uses compatible with agriculture. Agricultural and related operations in these areas should be protected by ensuring development is at low density levels.

The parcel under consideration is neither in agricultural use nor is it directly surrounded by agricultural uses. There is some agricultural use approximately 700' to the west and 1,600' to the southeast, however, the area is predominantly low-density residential and open space. The proposed auto repair shop will have little to no impact on agricultural activity in this area.

- **Relevant goals/objectives/action items from comprehensive plan:** None.

- **Other relevant text from county comprehensive plan.** None.

RDB/RYP
05/06/2021

Aerial Map (close up)

Conditional Use Permit

Church: 018-01-02312822B

Proposed: Home Business (auto repair shop)



Aerial Map (neighborhood)

Conditional Use Permit

Church: 018-01-02312822B

Proposed: Home Business (auto repair shop)

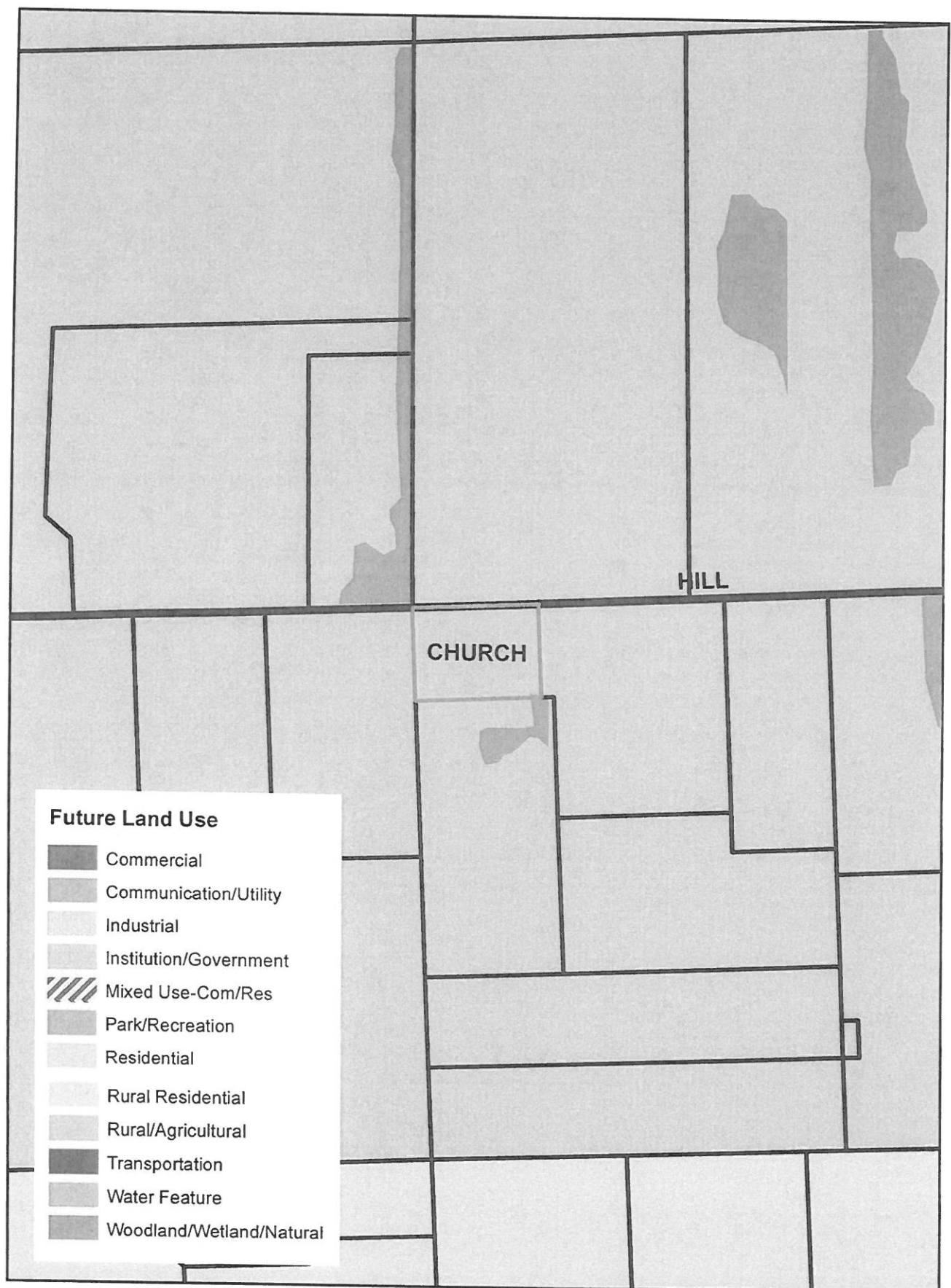


Future Land Use Map

Conditional Use Permit

Church: 018-01-02312822B

Proposed: Home Business (auto repair shop)

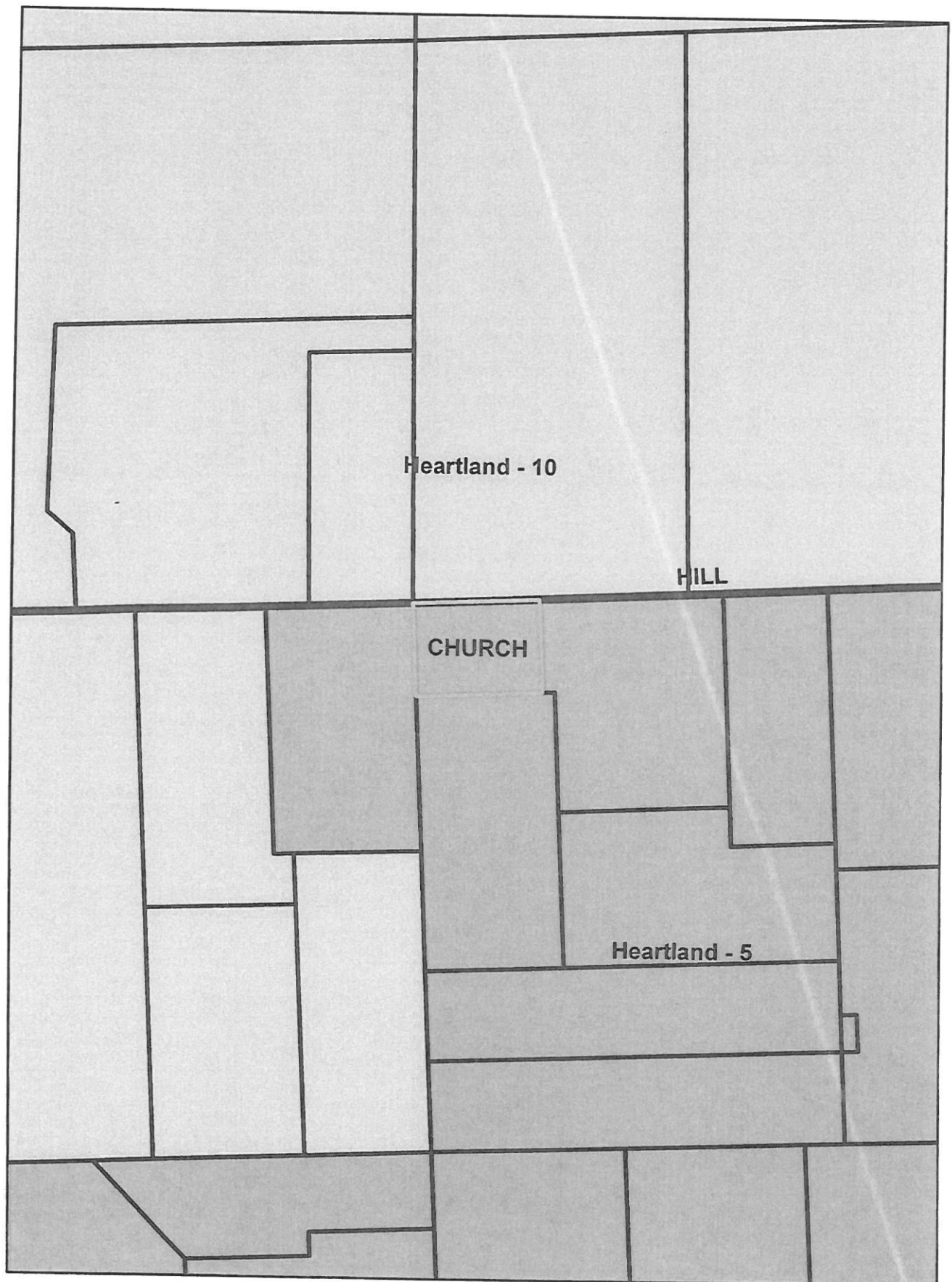


Zoning Map

Conditional Use Permit

Church: 018-01-02312822B

Proposed: Home Business (auto repair shop)



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

APR 29 2021

APPLICATION FOR CONDITIONAL USE PERMIT

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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

1. OWNER NAME AND MAILING ADDRESS

Name Christopher Church
No. 1591 Street Hill Rd
City Sister Bay State WI Zip 54234
Phone # _____ - _____ - _____
Cell Phone # 920 - 421 - 0132
Email: churchc34@gmail.com

2. BUILDING SITE LOCATION

Fire # 1591 Road Hill Rd
Town of Liberty Grove
Local Phone # 920 - 421 - 0132

3. BUILDER NAME AND MAILING ADDRESS

Name Forest Construction
No. _____ Street _____
City Luxemburg State WI Zip _____
Phone # 920 - 440 - 5726
Cell Phone # _____ - _____ - _____
Email: joe.g@forestbuildings.com

4. SURVEYOR/ENGINEER CONTACT INFORMATION

(If applicable)

Name _____
No. _____ Street _____
City _____ State _____ Zip _____
Phone # _____ - _____ - _____
Cell Phone # _____ - _____ - _____
Email: _____

5. PROPERTY IDENTIFICATION

Parcel No. 018 - 01 - 02312822B

6. PROPOSED USE OF LAND OR STRUCTURE

Building will be used for an
auto repair shop

7. SANITARY PERMIT

Type of System Conventional
Sanitary Permit No. 203139
Date of Issuance 2-8-1994
Approximate date of installation 7-21-1994

8. BUILDING PLANS AND SITE PLAN

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

9. FEE \$500.00

Make check payable to the Door County Treasurer.

Receipt # 1813 Fee 500 Date 4-29-21

10. AUTHORIZATION FOR INSPECTION

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

11. SIGNATURE OF APPLICANT OR AGENT

Christopher Church
Date 4-25-21

(FOR OFFICE USE ONLY)

Shoreland Zoning Yes / No

Zoning District _____

Inspections:

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

_____	_____	_____
_____	_____	_____
_____	_____	_____

Permit Issued: (by) _____ (date) _____ (for) _____

(w/ conditions) _____

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

APPLICATION FOR CONDITIONAL USE PERMIT – ADDENDUM

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

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

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

Please provide the Resource Planning Committee members substantial evidence regarding:

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

No

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

No

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

Not that we are aware of

RECEIVED

APR 29 2021

- 4) Provision of an approved sanitary waste disposal system.

☐ Public Sewer

☒

Private Onsite Wastewater Treatment System (POWTS)

Check One

☒

Existing

☐

New

Check One

☒

Conventional Septic

☐

Other In-ground System

☐

Holding Tank (will be added for the floor drains per the Door County Zoning requirement)

- 5) Provision for a potable water supply.

☐ Public Water Supply
(Liberty Grove Sanitary District #1 and Maplewood only)

☒

Well

Check One

☒

Existing

☐

New

Check One

☒

Private Well

☐

Shared Well

CONDITIONAL USE PERMIT ADDENDUM – PAGE 2

6) Provisions for solid waste disposal.

- ☒ Commercial hauler
☐ Private delivery to collection site
☐ Other _____

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

Noise: NO

Odor: NO

Dust: NO

8) Provision of safe vehicular and pedestrian access.

Vehicular Access

- ☒ Existing Driveway(s) to Hill Rd
(Road Name)
☐ New Driveway(s) to _____
(Road Name)

Pedestrian Access

- ☐ Sidewalks
☐ Path or Trail
☒ No Pedestrian Traffic

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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

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

CONDITIONAL USE PERMIT ADDENDUM – PAGE 3

10) Adequacy of emergency services and their ability to service the site. PLEASE SEE SEPARATE PAGE.

11) Provision for proper surface water drainage.

- ☐ Natural Infiltration (explain below)
☐ Some Grading of the Site (explain below)
☐ Engineered Stormwater and/or Erosion Control Plan (attach)

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

Will be designed to compliment existing buildings on the property

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

No

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

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

Will be removing some of the existing grass (yard) area

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

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

CONDITIONAL USE PERMIT ADDENDUM – PAGE 4

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

N/A

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

N/A

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

N/A

The Resource Planning Committee will establish a completion date for the proposed project.

By what month and year will the project be completed? December, 2021

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

Chris's current employer, Sister Bay Automotive, will be closing on Labor Day. There are no other automotive repair shops in Sister Bay and we hope to be able to keep serving to community that we live in

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

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

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

APPLICATION FOR CONDITIONAL USE PERMIT – ADDENDUM PAGE 5
Question 10, Emergency Services

Please take this page to the local Fire Chief with a copy of the project plans for review. Have the Fire Chief complete and sign below.

Applicants are responsible for returning the completed form to the Land Use Services Department: 421 Nebraska Street, Sturgeon Bay, WI, 54235. FAX: (920) 746-2387. E-mail: lriemer@co.door.wi.us.

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

As Fire Chief of the Sturgeon Bay & Liberty Grove Fire Department, I have reviewed the plans of this project. Our Department CAN / **CANNOT (circle one)** access this site for fire protection purposes.

Other Fire Chief comments: None

[Signature]
(Signature)

Fire Chief

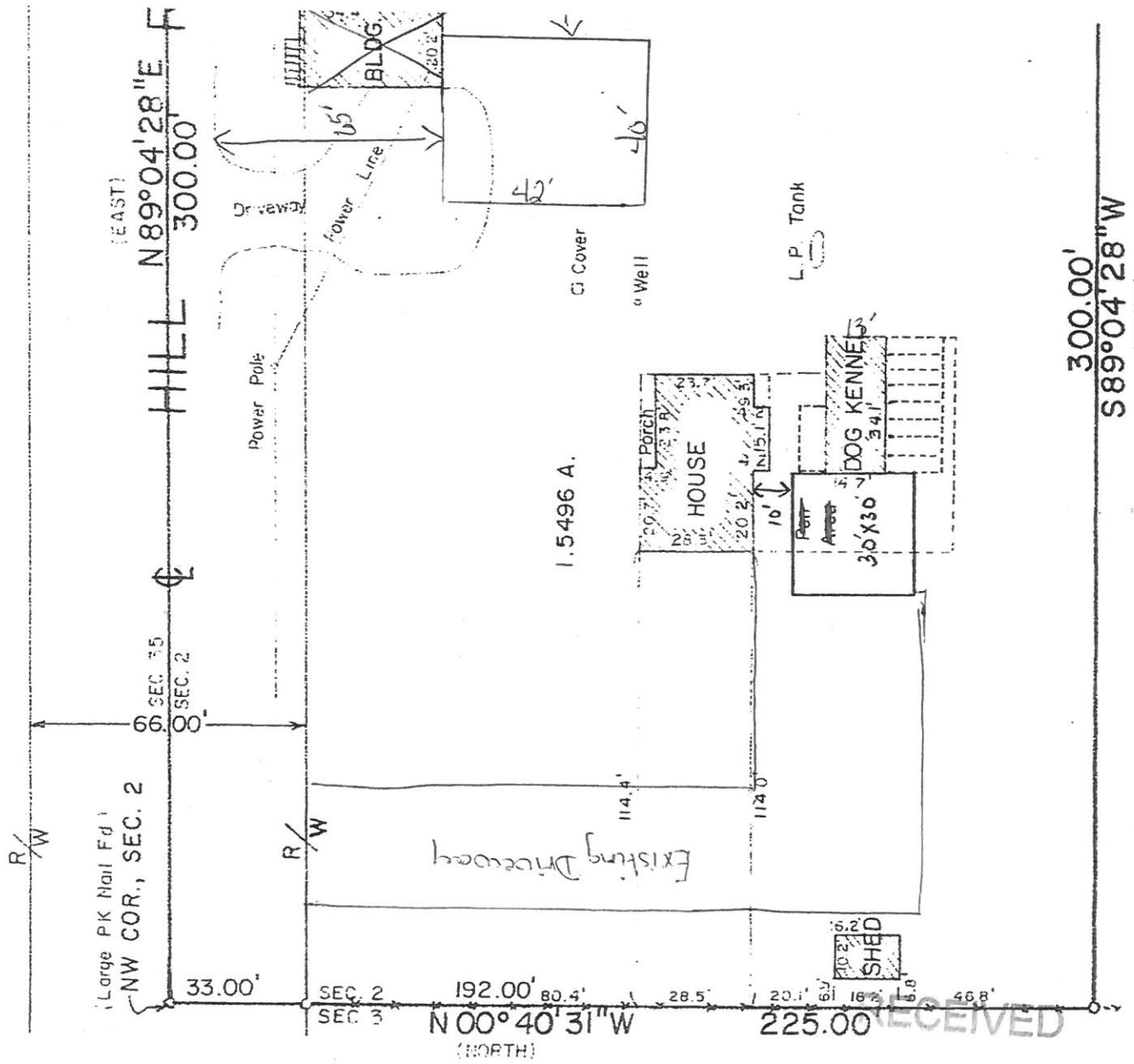
April 26, 2021

(Date)

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APR 29 2021

DOOR COUNTY
LAND USE SERVICES DEPARTMENT



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APR 29 2021
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

() = RECORDED AS:
0 = 1" x 24" IRON PIPE SET
--- CHAIN LINK FENCE

(WEST) AUTHENTIC PRINTS H/
SEAL, SIGNATURE AND
THIS NOTE W/ CONTR.



County of Door LAND USE SERVICES

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Phone: (920) 746-2323

FAX: (920) 746-2387

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

PROJECT SCOPE DECLARATION [2017 Wisconsin Act 68; Effective November 29, 2017] and AUTHORIZATION FOR INSPECTION

Please provide a description of your project.

Build 40'x42' metal building for use as an auto repair shop

§ 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.

By signing and submitting this form, I also 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 application.

Property Owner(s) Name(s):

Christopher & Melanie Church

Signature

Christopher S. Church

Date:

4-25-21

Signature:

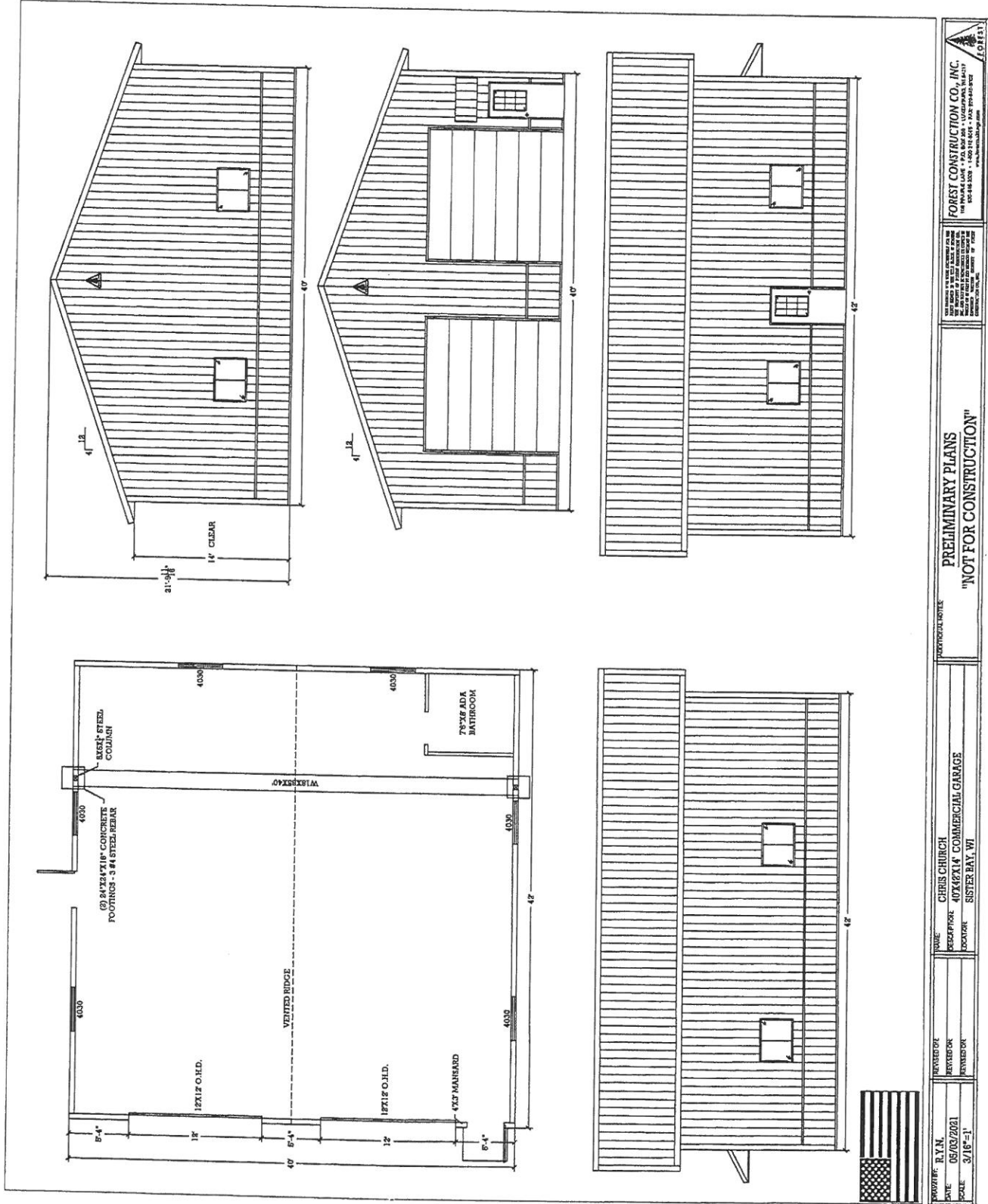
Melanie Church

Date:

4-25-21

Parcel Number (of Project): 018 - 01 - 02312822B

Fire Number & Street Address (of Project): 1591 Hill Rd



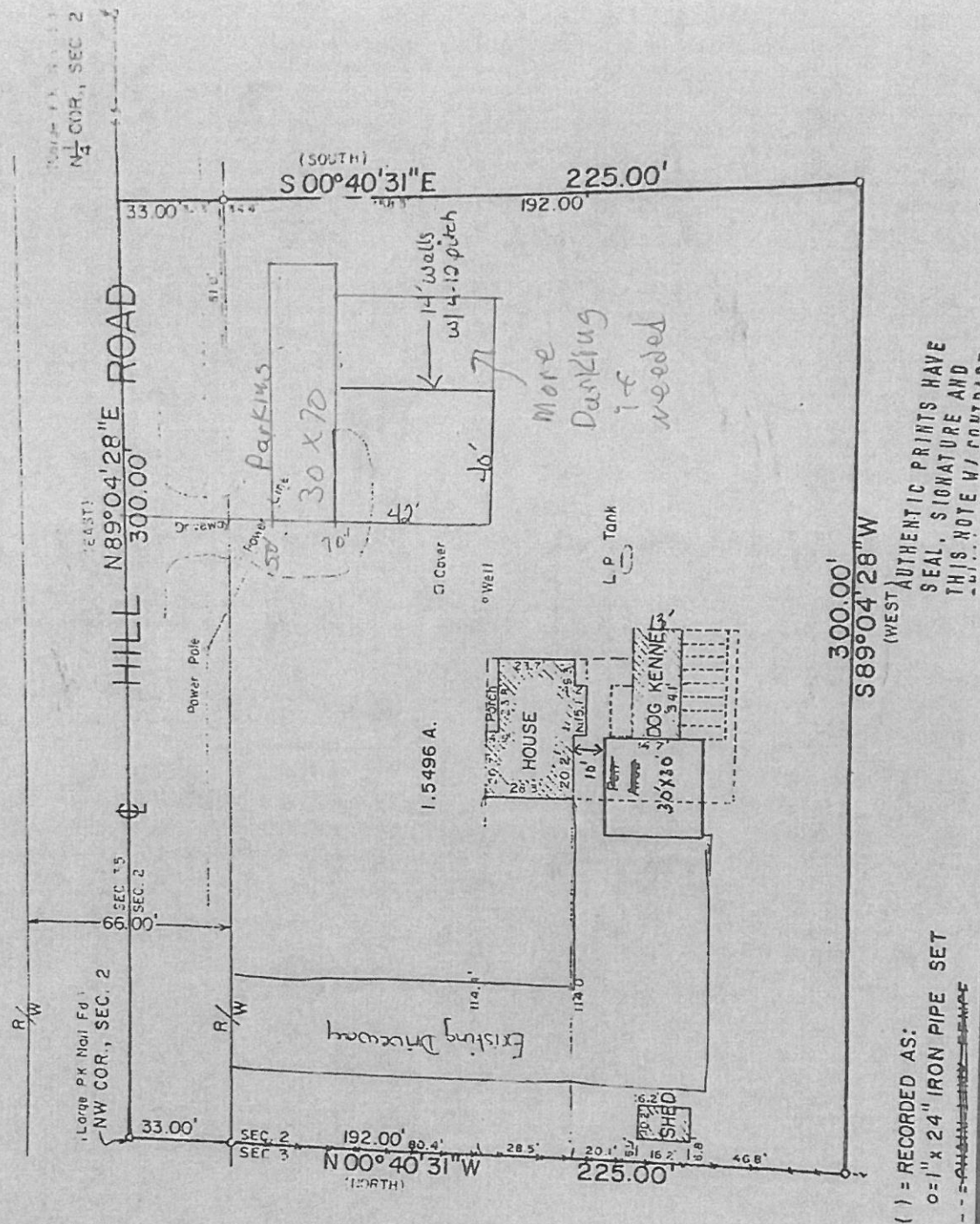
FOREST CONSTRUCTION CO., INC.
 100 PINE LAKE • P.O. BOX 208 • LUDWIGSVILLE, TX 77901
 512-464-2007 • www.forestconstruction.com

NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC).
 2. ALL MATERIALS SHALL BE OF QUALITY AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
 3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC).
 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC).

PRELIMINARY PLANS
"NOT FOR CONSTRUCTION"

VERTICAL NOTES

PROJECT: R.Y.N.
DATE: 05/03/2021
SCALE: 3/16"=1'
DESIGNED BY: CHAS CHURCH
DRAWN BY: 40X42X14 COMMERCIAL GARAGE
LOCATION: SISTER BAY, WI





Town of Liberty Grove

We're Like Nowhere Else

May 10, 2021

To: Chris Church

Ref: Conditional use application

This letter comes to you as notice that the Town of Liberty Grove has received a copy of your application for a conditional use permit for parcel # 018-01-02312822B

The Town Plan Commission will discuss and act on this application at a teleconference (Zoom) meeting to be held Tuesday, May 25, 2021 beginning at 7:00 PM at the Liberty Grove Town Hall at 11161 Old Stage Road. The Plan Commission will hear comments on this application and make a recommendation to the Door County Resource Planning Committee. You or your representative may attend this meeting on May 25th and comment on this conditional use. If you cannot attend the meeting, you may send comments to the Town at the address below or fax them to the Town fax number of 920-854-7366. Another option would be the Town's email address of tlibertygrove@gmail.com. Written/email comments will be received up until 4:00 PM on the day of the Plan Commission meeting. Documents relating to this project are available for inspection at the Liberty Grove Town Hall on Old Stage Road, by requesting a PDF file of the application from the Town office, or at the Door County Government Center at 421 Nebraska St. in Sturgeon Bay.

Sincerely,

Anastasia Bell, Clerk/Treasurer
Town of Liberty Grove

Zoom link: <https://us02web.zoom.us/j/83628890171?pwd=c2RWSTBaSHdVSHRMMkdXMUQ0dTczdz09>
Meeting ID: 836 2889 0171
Password: 457175



Town of Liberty Grove

We're Like Nowhere Else

May 10, 2021

To: Adjacent landowners of Chris Church parcel # 018-01-02312822B

Ref: Application for Conditional Use Permit

This letter comes to you as notice that Chris Church has applied to the Door County Planning Department for a conditional use permit for parcel 018-01-02312822B. Chris Church proposes to establish a Home Business (Auto Repair Shop) on the property located at 1591 Hill Road. The business will be established in a new 40' x 42' building on the property. Mr. Church's current employer, Sister Bay Automotive, will be closing on Labor Day. There are no other automotive repair shops in the Sister Bay area, and he hopes to keep serving the community. This property is zoned Heartland-5 (HL5).

The Town Plan Commission will discuss and act on this application at a teleconference (Zoom) meeting to be held Tuesday, May 25, 2021 beginning at 7:00 PM at the Liberty Grove Town Hall at 11161 Old Stage Road. The Plan Commission will hear comments on this application and make a recommendation to the Door County Resource Planning Committee. You or your representative may attend this meeting on May 25th and comment on this conditional use. If you cannot attend the meeting, you may send comments to the Town at the address below or fax them to the Town fax number of 920-854-7366. Another option would be the Town's email address of tlibertygrove@gmail.com. Written/email comments will be received up until 4:00 PM on the day of the Plan Commission meeting. Documents relating to this project are available for inspection at the Liberty Grove Town Hall on Old Stage Road, by requesting a PDF file of the application from the Town office, or at the Door County Government Center at 421 Nebraska St. in Sturgeon Bay.

Sincerely,

Anastasia Bell, Clerk/Treasurer
Town of Liberty Grove

Zoom link: <https://us02web.zoom.us/j/83628890171?pwd=c2RWSTBaSHdVSHRMMkdXMUQ0dTczdz09>
Meeting ID: 836 2889 0171
Password: 457175

DEAN R LOGERQUIST
1581 HILL RD
SISTER BAY, WI 54234

CHRISTOPHER S CHURCH
1591 HILL RD
SISTER BAY, WI 54234

VIRGINIA STROM TRUST
1587 HILL RD
SISTER BAY, WI 54234

KENT H SITTE
1635 HILL RD
SISTER BAY, WI 54234

CONRAD F JOHNSON
1598 HILL RD
SISTER BAY, WI 54234

ANN E LINDQUIST TRST
PO BOX 15
SISTER BAY, WI 54234

*Sent 5/10/2021
ARB*



County of Door
LAND USE SERVICES DEPARTMENT - ZONING

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Richard D. Brauer - Zoning Administrator

Phone: (920) 746-2217

FAX: (920) 746-2387

May 17, 2021

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

Re: Petition for Grant of Variance
Tax Parcel No. 018-03-18322943C
846 County Highway NP

Greetings:

We are sending you this letter to notify the town that there will be a hearing regarding a request for a variance on a property in the Town of Liberty Grove at an upcoming Door County Board of Adjustment meeting. The scheduling process for the hearing will begin on June 14, 2021, unless we hear from the town before that date. The hearing will be held no sooner than three weeks after the scheduling process is begun.

Larry Blagdon petitions the Door County Board of Adjustment for a variance from Section 3.02(3)(a) of the Door County Comprehensive Zoning Ordinance which requires accessory structures be setback at least 20 feet from a side property line. Mr. Blagdon proposes to construct a 12' x 29' addition to an existing detached garage and a 17'6" x 29' addition to another detached garage. Both of the additions would be located as close as 8.8' from a side property line. This property is located at 846 County Highway NP and in Heartland-5 (HL5) zoning district.

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

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

Sincerely,

Richard D. Brauer
Zoning Administrator

Enc.: Variance application packet & town recommendation worksheet

CC: Larry Blagdon

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

**Door County Planning Department
Request for Town Recommendation**

Larry Blagdon petitions the Door County Board of Adjustment for a variance from Section 3.02(3)(a) of the Door County Comprehensive Zoning Ordinance which requires accessory structures be setback at least 20 feet from a side property line. Mr. Blagdon proposes to construct a 12' x 29' addition to an existing detached garage and a 17'6" x 29' addition to another detached garage. Both of the additions would be located as close as 8.8' from a side property line. This property is located at 846 County Highway NP and in Heartland-5 (HL5) zoning district.

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

Reason(s) for the town's decision:

Is the proposal consistent with the Town Comprehensive Plan?

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

Town Clerk Signature

Date

***See reverse for variance criteria.**

GENERAL CRITERIA REGARDING ZONING HEARING CASES IN DOOR COUNTY

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

PETITION FOR VARIANCE

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

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

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

Criteria for evaluating "area" variance petitions

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

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

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

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

MAY 11 2021

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

PETITION FOR GRANT OF VARIANCE

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

1. OWNER NAME AND MAILING ADDRESS

Name Larry Blagdon
No. 846 Street County Rd NP
City Ellison Bay State WI Zip 54210
Phone # 920 - 421 - 1417
Cell Phone # 920 - 421 - 1417
Email: larry@topshopwi.com

2. BUILDING SITE LOCATION

Fire # 846 Road County Rd NP
Town of Liberty Grove

Parcel No. 018 - 03 - 18322943C

3. BUILDER NAME AND MAILING ADDRESS

Name Larry Blagdon
No. _____ Street _____
City _____ State _____ Zip _____
Phone # _____ - _____ - _____
Cell Phone # _____ - _____ - _____
Email: _____

4. SURVEYOR/ENGINEER CONTACT INFORMATION

(If applicable)

Name _____
No. _____ Street _____
City _____ State _____ Zip _____
Phone # _____ - _____ - _____
Cell Phone # _____ - _____ - _____
Email: _____

5. BUILDING PLANS AND SITE PLAN

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

6. PETITION

7. VARIANCE CRITERIA

(See attached forms and examples for numbers 5-7)

8. FEE \$500.00

Make check payable to the Door County Treasurer.

Receipt # 2015 Fee 500 - Date 5-11-21

9. 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.

10. SIGNATURE OF APPLICANT OR AGENT

Larry Blagdon
Date 5/10/21

(FOR OFFICE USE ONLY)

Shoreland Zoning Yes / No

Zoning District _____

Inspections:

Date Inspector Remarks

Permit Issued: (by) _____ (date) _____ (for) _____

(w/ conditions) _____

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

PETITION FOR GRANT OF VARIANCE

Larry Blagdon

ATTACHMENT A

Larry Blagdon petitions the Door County Board of Adjustment for a variance from Section 3.02(3)(a) of the Door County Comprehensive Zoning Ordinance which requires accessory structures be setback at least 20 feet from a side property line. Mr. Blagdon proposes to construct a 12' x 29' addition to an existing detached garage and a 17'6" x 29' addition to another detached garage. Both of the additions would be located as close as 8.8' from a side property line. This property is located at 846 County Highway NP and in Heartland-5 (HL5) zoning district.

BACKGROUND INFORMATION:

There are currently two detached garage buildings located on this lot. The garages are both located as close as 8.8' from the subject property line. The new additions would be located no closer to the lot line than the existing structures. The new additions would connect the two existing buildings and result in one garage/shop building with approximately 2,042 square feet of floor area. This is a narrow/grandfathered lot (approximately 104 feet wide). New lots in this zoning district must be at least 250 feet wide.

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PETITION

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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

PETITION: (I) (We)

Full name(s): Larry Blagdon

Propose to:

expand garage/shop space by connecting to existing buildings and extending the north
side of the existing garage per attached drawings. existing shop and garage do not meet
sidee property offset ordnance of 20'

The existing use of structure or land in question is:

primary residence with a detached shop and detached garage

AUTHORIZATION FOR INSPECTION:

I hereby authorize the Zoning Administrator to enter upon the premises for which this petition is made at any reasonable time for all purposes of inspection related to this petition.

CERTIFICATION:

I hereby certify that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief.

SIGNATURE OF PETITIONER/AGENT:

DATE: 5/14/21

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MAY 11 2021

QUESTIONS

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Please provide complete responses regarding a), b), and c) below. Attach additional pages if necessary. To qualify for a variance, the applicant must demonstrate that their request/situation meets the following three requirements:

a.) UNIQUE PROPERTY LIMITATIONS

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not factors in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

Unique features of this property prevent compliance with the terms of the ordinance, including:

1. property is only 104' wide and 2 acres. Current Heartland 5 ordinances are designed
for larger acreages
2. only the front 1/3 of the property has improvements. The back 2/3's is natural woodland
surrounded on 3 sides by natural woodlands
3. the survey shows a road to the back of the property but there is no road, only a foot/ATV path
4. To add approximately 900 sq ft of garage/shop space in compliance with the 20'
side offset would require moving to the back half of the lot and disrupting natural
woodlands used by me, my neighbors, and wildlife (turkey, deer, coyotes and birds)

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MAY 11 2021

b.) UNNECESSARY HARDSHIP

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restrictions effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests.

Unnecessary hardship is present because:

1. I am selling my Sister Bay business (Top Shop) and retiring. To continue the hobbies

that I currently do at Top Shop I need the prop[osed expansion and wish to do it in

the least disruptive and most economical way

2. The proposed expansion utilizes non-functional space without disturbing woodlands or the

driveway turn around area used by delivery trucks and fuel trucks

3. Proposed expansion is the least expensive and least obtrusive to the "cottage in the woods"

feel to the property and surrounding properties

MAY 31 2021

DOOR COUNTY
LAND USE SERVICES DEPARTMENT
in harm to public interests. In and

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

1. I have reviewed the proposed expansion with my neighbor to the west and she has no objection and prefers it to disrupting the woodlands behind the house
2. The expansion would not be visible to County Rd NP or from the rear of my neighbor's house

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MAY 1 2021

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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ac
ri

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of
re
pr
bu
ar

S 00°02'52" W

N 00°02'52" E

NEW

24.7' GARAGE

NEW

24.9' GARAGE

19.7' 9.0'

32.4'

HOUSE

35.8'

15.4'

11.6.5'

SEPT
LID

Power Line

Power Line

Power Line

POWER POLE

Power Line

3" SQ. IRON MIN. FD.
N 41°01'50" E, 2.30'

New Driveway

I.P. SET 2' ONTO

1"x24" Iron Pipe Set

(DOOR CO. MON.)
S 1/4 COR. SEC. 18

104.35'

N 89°25'38" E

C. I. H.

66.00'

N 1/4 COR. SEC. 18
(DOOR CO. MON.)

S 89°25'38"W
104.35'

-LET-

BASIS OF BEARINGS
Bearing assigned
to southerly line
of Section 18
shown.

RECEIVED

MAY 11 2021

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

DESCRIPTION OF TRACT SURVEYED

That portion of the SW 1/4 of the SE 1/4 of Section 18, T32N, R29E, Town of Liberty Grove, Door County, Wisconsin, described as follows: Beginning at the S 1/4 corner of said Section 18 marked by a Door County aluminum monument, thence N89°25'38"E along the southerly line of said Section 18 104.35 feet, thence N00°02'52"E parallel with the N-S 1/4 line of said Section 18 33.00 feet to a 1" iron pipe on the northerly R/W of County Trunk Highway NP, thence continue N00°02'52"E parallel with the N-S 1/4 line of said Section 18 801.84 feet to a 1" iron pipe, thence S89°25'38"W parallel with said southerly line of Section 18 104.35 feet to a 1" iron pipe on said N-S 1/4 line of Section 8, thence S00°02'52"W along said N-S 1/4 line 801.84 feet to a 1" iron pipe on said northerly R/W, thence continue S00°02'52"W along said N-S 1/4 line 33.00 feet to the place of beginning containing 1.9998 acres. The southerly 33.00 feet of this tract is subject to rights of the public for highway purposes.

SURVEYOR'S CERTIFICATE

I hereby certify that the above tract was surveyed to the best of my knowledge and belief and that the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and visible encroachments, if any.

SCALE: 1" = 60'



Lee E. Telfer

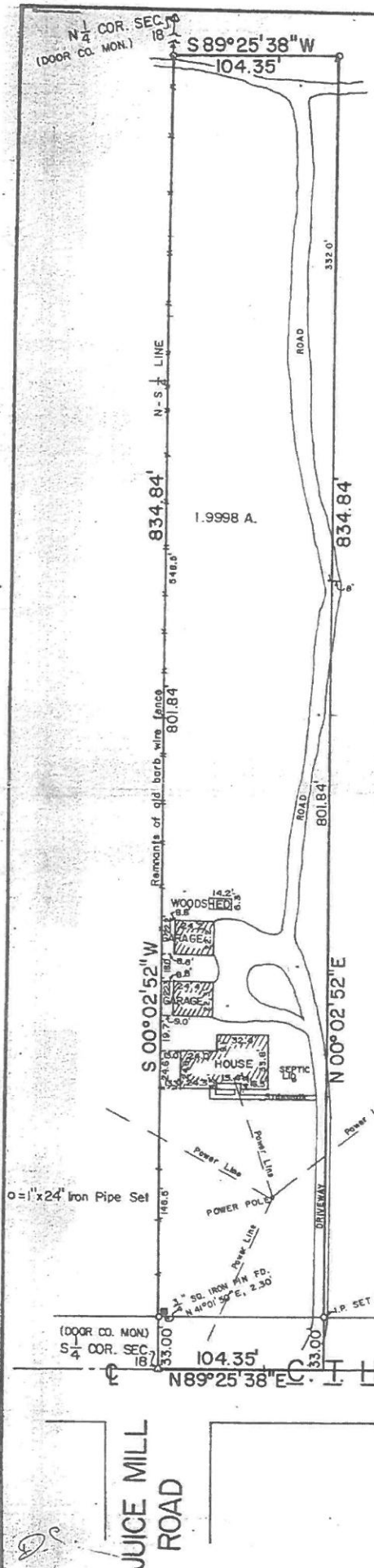
43C

SURVEY FOR LUCILLE A GENAME

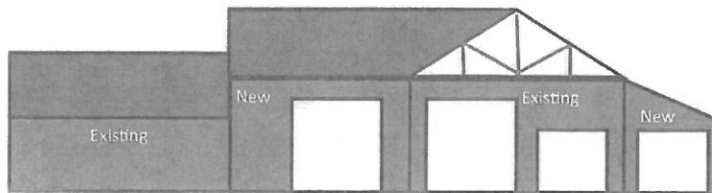
IN SW 1/4, SE 1/4, SEC. 18, T32N, R29E,
TOWN OF LIBERTY GROVE, DOOR CO., WI.

Date: 27 MARCH 1987 F.B. 178 Dwr: M.P.S. No. 1367

LEE E. TELFER
Registered Land Surveyor
12210 Garrett Bay Road
ELLISON BAY, WISCONSIN 54210



JUICE MILL
ROAD



Not to scale

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

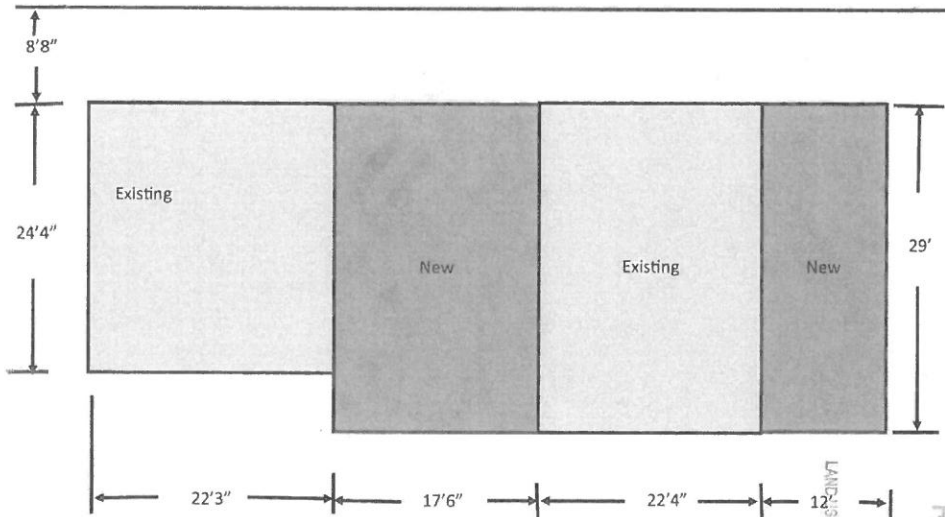
MAY 11 2024

RECEIVED

Proposed Garage Expansion

Front Elevation (East elevation)

West Property Line



Proposed Garage Expansion
846 County Road NP
Ellison Bay, WI 54210

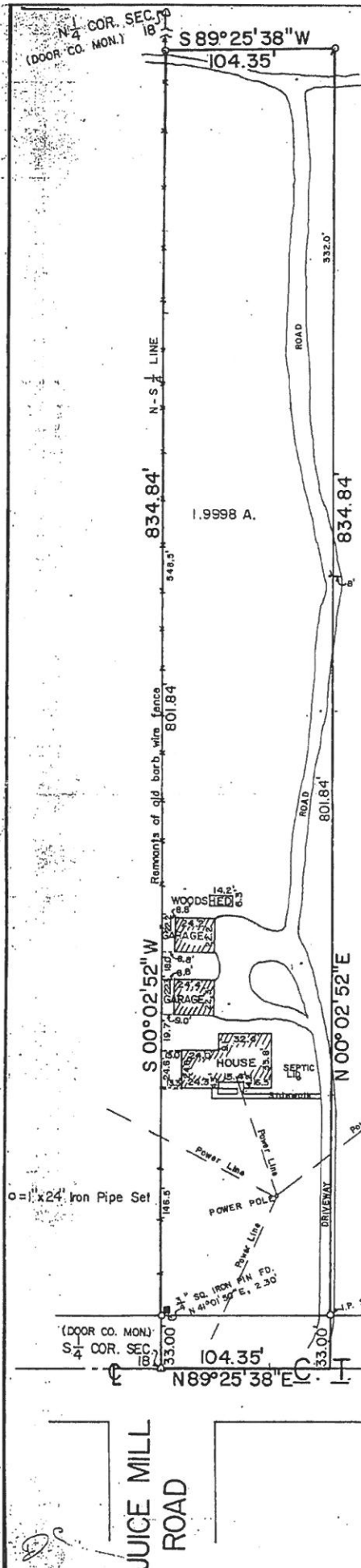
1 inch = 10 feet

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

MAY 11 2021

RECEIVED





BASIS OF BEARINGS
Bearing assigned
to southerly line
of Section 18
shown.

DESCRIPTION OF TRACT SURVEYED

That portion of the SW 1/4 of the SE 1/4 of Section 18, T32N, R29E, Town of Liberty Grove, Door County, Wisconsin, described as follows: Beginning at the S 1/4 corner of said Section 18 marked by a Door County aluminum monument, thence N89°25'38"E along the southerly line of said Section 18 104.35 feet, thence N00°02'52"E parallel with the N-S 1/4 line of said Section 18 33.00 feet to a 1" iron pipe on the northerly R/W of County Trunk Highway NP, thence continue N00°02'52"E parallel with the N-S 1/4 line of said Section 18 801.84 feet to a 1" iron pipe, thence S89°25'38"W parallel with said southerly line of Section 18 104.35 feet to a 1" iron pipe on said N-S 1/4 line of Section 8, thence S00°02'52"W along said N-S 1/4 line 801.84 feet to a 1" iron pipe on said northerly R/W, thence continue S00°02'52"W along said N-S 1/4 line 33.00 feet to the place of beginning containing 1.9998 acres. The southerly 33.00 feet of this tract is subject to rights of the public for highway purposes.

SURVEYOR'S CERTIFICATE

I hereby certify that the above tract was surveyed to the best of my knowledge and belief and that the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and visible encroachments, if any.

SCALE: 1" = 60'



Lee E. Telfer

43C

SURVEY FOR LUCILLE A GENAME

IN SW 1/4, SE 1/4, SEC. 18, T32N, R29E,
TOWN OF LIBERTY GROVE, DOOR CO., WI.

Date: 27 MARCH 1987 F.B. 178 Dwr: M.P.S. No. 1367

LEE E. TELFER

Registered Land Surveyor
12210 Garrett Bay Road
ELLISON BAY, WISCONSIN 54210



Town of Liberty Grove

We're Like Nowhere Else

May 18, 2021

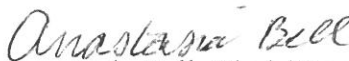
To: Larry Blagdon

Ref: Petition for Grant of Variance, parcel # 018-03-18322943C, 846 County Highway NP

This letter comes to you as notice that the Town of Liberty Grove has received a copy of your Petition for Grant of Variance for parcel # 018-03-1832943C.

The Town Plan Commission will discuss and act on this application at a teleconference (Zoom) meeting to be held Tuesday, May 25, 2021 beginning at 7:00 PM at the Liberty Grove Town Hall at 11161 Old Stage Road. The Plan Commission will hear comments on this petition and make a recommendation to the Door County Planning Department. You or your representative may attend this meeting on May 25th and comment on this variance. If you cannot attend the meeting, you may send comments to the Town at the address below, by fax to 920-854-7366, or by email to tlibertygrove@gmail.com. Written, faxed, and emailed comments will be received up until 4:00 PM on the day of the Plan Commission meeting. Documents relating to this project are available for inspection at the Liberty Grove Town Hall on Old Stage Road, by requesting a PDF file of the application from the Town office, or at the Door County Government Center at 421 Nebraska St. in Sturgeon Bay.

Sincerely,


Anastasia Bell, Clerk/Treasurer
Town of Liberty Grove

Zoom link: <https://us02web.zoom.us/j/83628890171?pwd=c2RWSTBaSHdVSHRMMkdXMUQ0dTczdz09>
Meeting ID: 836 2889 0171
Password: 457175



Town of Liberty Grove

We're Like Nowhere Else

May 18, 2021

To: Adjacent landowners of Larry Blagdon
Parcel # 018-03-18322943C, 846 County Highway NP

Ref: Application for Petition for Grant of Variance

This letter comes to you as notice that Larry Blagdon petitions for a variance from Section 3.02(3)(a) of the Door County Comprehensive Zoning Ordinance which requires accessory structures be setback at least 20 feet from a side property line. The petitioner proposes to construct a 12' x 29' addition to an existing detached garage and a 17'6" x 29' addition to another detached garage. Both of the additions would be located as close as 8.8' from a side property line. This property is located at 846 County Highway NP and in Heartland-5 (HL5) zoning district.

The Town Plan Commission will discuss and act on this application at a teleconference (Zoom) meeting to be held Tuesday, May 25, 2021 beginning at 7:00 PM at the Liberty Grove Town Hall at 11161 Old Stage Road. The Plan Commission will hear comments on this petition and make a recommendation to the Door County Planning Department. You or your representative may attend this meeting on May 25th and comment on this variance. If you cannot attend the meeting, you may send comments to the Town at the address below, by fax to 920-854-7366, or by email to tlibertygrove@gmail.com. Written, faxed, and emailed comments will be received up until 4:00 PM on the day of the Plan Commission meeting. Documents relating to this project are available for inspection at the Liberty Grove Town Hall on Old Stage Road, by requesting a PDF file of the application from the Town office, or at the Door County Government Center at 421 Nebraska St. in Sturgeon Bay.

Sincerely,

Anastasia P. Bell
Anastasia Bell, Clerk/Treasurer
Town of Liberty Grove

Zoom link: <https://us02web.zoom.us/j/83628890171?pwd=c2RWSTBaSHdVSHRMMkdXMUQ0dFc2dz09>
Meeting ID: 836 2889 0171
Password: 457175

EDMUND J CERA
5562 S 23RD ST
MILWAUKEE, WI 53221

BETH A BARTOLI
850 COUNTY HIGHWAY NP
ELLISON BAY, WI 54210

FRANK RICHARD REINDL
10038 29TH AVE
PLEASANT PRAIRIE, WI 53158

SUSAN M SEEBERG
7615 N FAIRCHILD RD
FOX POINT, WI 53217

LARRY J BLAGDON
846 COUNTY HIGHWAY NP
ELLISON BAY, WI 54210

DAVID A STUDEBAKER
PO BOX 215
ELLISON BAY, WI 54210

GARY & ANN OLSON
739 COUNTY HIGHWAY NP
ELLISON BAY, WI 54210

Sent 5/18/2021