

TOWN OF LIBERTY GROVE PUBLIC MEETINGS

Plan Commission

Date: Wednesday, August 11, 2021

Time: 7:00 PM

Place: Town Hall, 11161 Old Stage Road

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes: 7/14/21
5. Public Input
6. Rezoning request for David Dougherty, portion of parcel #018-0-36322824N
7. Correspondence
8. Future meeting dates
9. Adjourn

All agenda items will include discussion and possible action. Deviation from listed order may occur

***Audience members must ask for permission, during public input, to speak on agenda items ***

Anastasia Bell, Clerk/Treasurer

Members of the Town Board or any other 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
Minutes of the Plan Commission meeting on July 14, 2021
(This meeting was correctly posted)

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes: 6/9/21
5. Public Input
6. Consider conditional use application: Marc Savard – parcel 018-02-34322812, establish a Home Business (Auto Repair Shop) on the property.
7. ****Consider preliminary review for Jim Ingwersen – 018-01-16312842****
8. Correspondence
9. Future meeting dates
10. Adjourn

Chair Nancy Goss called the meeting to order at 7:01pm. Commissioners Paul Schwengel, Anne Miller, Cathy Ward, Bill Surbaugh, Paul Bokelmann, and Dan Watts were present along with Clerk/Treasurer Anastasia Bell and 11 members of the public.

Miller moved, Surbaugh second to approve the agenda as posted. Passed 7-0.

Ward moved, Bokelmann second to approve the 6/9/21 minutes as presented. Passed 6-0, Miller abstained.

Public Input – None.

Savard CUP – Ann Tockstein, 43W701 Willow Creek Drive Elburn IL, requested clarification on the County zoning regarding “auto repair” and “home business”, expressed noise concerns, and suggested limiting operations to 9:00am through 5:00pm. Marc Savard indicated it will be a small volume business, serving one vehicle at a time within 9:00am and 5:00pm. Commissioners discussed the application and it was noted that the County should be notified of the conflicting information in Chapter 2 and it may be beneficial to ask when the dates each statement was enacted. Tree screening and interior wall textures could help with noise. **Goss moved, Ward second** noting the conflict and resulting confusion within Chapter 2 of the County Zoning between “home business” which is an acceptable use in heartland Zoning and “auto repair” which is not allowed in Heartland Zoning. If Heartland Zoning allows auto repair as a home business, the Liberty Grove Plan Commission recommends support for the CUP by Marc Savard for parcel 018-02-34322812 to establish a home business auto repair shop on the property provided there is mitigation for sound, hours of operation of 9:00am until 5:00pm and outdoor storage of related materials. Roll call with Miller, Goss, Ward, Watts, Bokelmann, Surbaugh, and Schwengel voting aye, no nays. Passed 7-0.

Ingwersen Review – Russ Martin, contractor for Jim Ingwersen, stated the hope is to repair the current logs and chinking, install a concrete slab under the structure, and add a small entry to face the property. He also inquired if the Commission would be amicable to rezoning to Heartland to allow the expansion of the gallery space to include this updated area. Goss indicated the building is a legal but non-conforming use which allows for repairs, but removal and addition of components is not allowed within the right-of-way without a variance. Lisa Bley, on behalf

of Mr. Ingwersen, indicated the goal is to save the building, establish a historical conservancy, and allow public access to in the future. The Commissioners noted that relocating the building out of the right-of-way would allow for repairs and foundation installation. The zoning change would allow a gallery in the space or else a new CUP would be required because it would be an intensification of a non-conforming use. The State may have more regulations for public access to be possible and suggested contacting various local groups for assistance in moving the building or accessing grant funds.

Correspondence – A zoning change may be available for the next meeting.

The next meeting will be Wednesday, July 28, 2021, at 7:00pm.

Miller moved, Goss second to adjourn at 8:32pm. Passed 7-0.

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer



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

Benjamin Degner, Zoning Administrator
Direct line: (920) 746-2221
Main office line: (920) 746-2266
FAX: (920) 746-2387
E-mail: benjdegner@gmail.com
Website: <http://map.co.door.wi.us/planning/>

July 22, 2021

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

Re: Proposed rezoning of a portion of tax parcel: 018-02-36322824N (15.74 Acres)

Greetings:

We are sending you this letter to notify the town that there will be a hearing regarding a request to rezone a portion of a parcel in Liberty Grove at an upcoming Door County Resource Planning Committee meeting. The scheduling process for the hearing will begin on August 19, 2021 unless we hear from the town before that date. The hearing will be held no sooner than three weeks after the scheduling process has begun. As a reminder, comments may be submitted to the Land Use Services Department up to 12 p.m. the day before the public hearing, and/or the town may offer verbal testimony at the hearing.

Enclosed is a "Town Recommendation Worksheet" which we ask you to complete and send back to the Door County Land Use Services Department.

- David Dougherty is seeking to allow a single family residence on the lot with the remaining area left natural. He wishes to preserve the natural beauty of the property while still allowing flexibility for total floor area for accessory structures. He envisions potentially going above Heartland's 3,000 square foot floor area limitation for accessory buildings.

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 discussing this matter at a future meeting.

Sincerely,

Benjamin Degner
Zoning Administrator

Enc.: Town recommendation worksheet, application packet & draft staff report
C.C.: David Dougherty (with enclosure)
Neighboring property owners within 300' of proposed rezoning (w/o enclosure)

**Door County Land Use Services Department
Request for Town Recommendation**

David Dougherty is seeking to allow a single family residence on the lot with the remaining area left natural. He wishes to preserve the natural beauty of the property while still allowing flexibility for total floor area for accessory structures. He envisions potentially going above Heartland's 3,000 square foot floor area limitation for accessory buildings.

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 petition to rezone.

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 modifications to the proposed amendment:

Town Clerk Signature

Date

***See reverse side for map amendment 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.

ZONING AMENDMENT – MAP

(See also Door County Zoning Ordinance section 11.08 and Wisconsin Statutes section 59.69(5).)

By state law, petitions to rezone property which are under county zoning jurisdiction are heard at a public hearing before the county planning committee (called the Resource Planning Committee in Door County), which makes a recommendation to the county board for final decision. The town board of a town under comprehensive zoning does have, however, statutory authority to essentially "veto" rezonings approved at the county level that it (the town) does not support. (Comprehensively zoned towns may not, however, force the county to rezone property through this authority – the town can only prevent a rezoning. Note that towns with shoreland-only county zoning do not have any "veto" authority.)

A petition to change the zoning district designation of a property or properties may be submitted by: 1) the property owner(s) of all or some of the land in question, 2) the town board of the town in which the land is located, if the town is under county zoning, 3) the Door County Resource Planning Committee, or 4) any county board supervisor.

Considerations in evaluating petitions to rezone

- Was the existing district due to a mistake in the mapping process?
- Have circumstances changed for this property or surrounding properties since the original zoning district designation?
- How are the adjacent properties zoned and used?
- Is the land area in question large or small?
- Would the new district fit official plan guidelines for the property? Is the existing district a better fit?
- Is the request simply to economically benefit one property owner or a small group of property owners?
- Is there an overriding public good to be gained by rezoning the property? (If yes, rezoning might be justified even if other considerations point toward denying the petition.)

In general, a rezoning that 1) will economically benefit only one or a few property owners, 2) affects a small area of land, 3) is not a fit with official plans, 4) will allow for higher intensity or higher density uses than those allowed on surrounding properties, and 5) will not result in any overall public benefit may constitute "spot zoning," which may be deemed illegal.

Note that rezoning a property means that any use allowed in the new zoning district may be established on the property, now or in the future, not just the use being proposed by the current applicant. A property owner may volunteer to legally restrict the uses to which the property may be put, such as through a deed restriction naming the county as enforcement agency, but the planning committee may be reluctant to participate in such discussions or agreements for fear of inadvertently engaging in "contract rezoning," which is illegal.



County of Door LAND USE SERVICES DEPARTMENT: Planning

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

STAFF REPORT Petition for Zoning Amendment - Map

Applicant Information

- **Name & property address:** David Dougherty, Intersection of Sand Bay Lane and Waters End Roads, Town of Liberty Grove
- **Parcel identification number:** 018-02-36322824N (15.74 acres)
- **Petition Request:** To rezone the approximately 9.7-acre portion of the parcel that is zoned Heartland 10 (HL10) to Natural Area (NA).
- **Purpose of the proposed rezoning:** To allow a single family residence on the lot with the remaining area left natural. He wishes to preserve the natural beauty of the property while still allowing flexibility for total floor area for accessory structures. He envisions potentially going above Heartland's 3,000 square foot limit for accessory structure.

Background/History

This is a vacant lot upon which no development has occurred.

Description of Subject Property and Surrounding Area

- **Lot Configuration:** mostly square
- **Lot area, width, and depth:** 15.74 acres, ~ 800' x 820'
- **Road Frontage:** ~818' along Sand Bay Road and ~850' along Waters End Road

Surrounding Area: This lot is zoned ~38% Wetland (W) and ~62% HL10. Lots zoned HL10 lie to the north, west, and south, including a large lot and residential home directly to the north. There is also W zoning to the north and south as well as NA zoning adjacent to the southeast corner of the lot. To the east, there is W zoning directly across Sand Bay Road and then Single Family Residential – 30,000 (SF30) along Lake Michigan. This SF30 area consists of small lots of which almost all have single family homes.

Zoning Considerations

	Existing District	Proposed District
Zoning district	Heartland 10	Natural Area
Minimum lot size	10 acres	15 acres
Minimum lot width	300'	450'

- **Purpose of existing zoning district - DCZO Section 2.03(9) Heartland-10 (HL10).** This district is intended to help maintain the rural character of areas of the interior of Door County, particularly cleared and other open areas where agricultural activity has been diminishing. The district provides for residential

development at low densities, agricultural uses, and other nonresidential uses that require relatively large land areas and/or which are compatible with the surrounding rural character. Lot sizes of at least 10 acres are required for new lots.

- **Purpose of proposed zoning district - DCZO Section 2.03(2) Natural Area (NA).** This district is intended to conserve the existing, mostly undeveloped natural areas of Door County. The district may be used in upland areas adjacent to, or surrounded by, wetland areas, or in other areas where natural features are considered significant. To conserve these areas, commercial and industrial uses are disallowed, but agriculture, very low density residential, recreational and institutional uses are permitted. Lot sizes of at least 15 acres are required for new lots.
- **Principal uses allowed:** Please see the attached Table of Principal Uses to compare the types of uses allowed in the existing zoning district as opposed to the proposed zoning district. Rezoning a property means that any use allowed in the new zoning district may be established on the property, now or in the future, not just the use being proposed by the current applicant.

Issues for the RPC to consider in evaluating petitions to rezone are below in bold font. Staff opinions regarding each question appear in regular font; the RPC needs to reach its own determinations, though.

- **Was the existing district due to a mistake in the mapping process?** No.
- **Have circumstances changed for this property or surrounding properties since the original zoning district designation?** No.
- **How are the adjacent properties zoned and used?** The large lot to the north has a large single family home on it and the large lots to the northwest, west, and south are all vacant and mostly wooded. The small lots to the east and along Lake Michigan have single family homes on them. See the attached zoning and aerial photography maps.
- **Will rezoning allow for higher intensity or higher density uses than those allowed on surrounding properties?** A rezoning to NA will allow for lower intensity of uses. See the attached table of principal uses.
- **Would the new district fit official plan guidelines for the property? Is the existing district a better fit?** The NA zoning district is a better fit for the area of the property that has Woodland/Wetland/Natural future land use designation, approximately 12.6 acres. The other portion of the lot has a residential future land use designation, however, ~1.3 acres is wooded and zoned W. The other ~1.8 acres of the area with the residential future land use designation is all wooded.
- **Is the request simply to economically benefit one property owner or a small group of property owners?** No.
- **Is there an overriding public good to be gained by rezoning the property? (If yes, rezoning might be justified even if other considerations point toward denying the petition.)** Yes, the applicants desire to make the lot less intense as far as the types of uses that would be allowed under NA versus HL10.

Comprehensive Plan Considerations

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

The parcel is designated as Residential and Woodland/Wetland/Natural, as described below and show on the attached future land use map.

Residential – Areas designated as “Residential” are intended to be developed predominantly with single-family uses, or, where allowed by zoning or other ordinance, mobile homes, group quarters, or non-transient multi-family buildings. Some parcels designated as “Residential” may currently contain duplexes, multi-

family developments, or resorts, if those uses are located on parcels currently zoned for primarily single-family residential development, or if the municipality wished to ensure that the long-term development of the property would be primarily residential rather than commercial in nature. "Residential" areas include the majority of the county's shorelines and areas containing smaller lots and/or emerging small-lot residential development patterns.

Woodland/Wetland/Natural – *Lands designated as "Woodland/Wetland/Natural" are primarily in a natural state, and include wetlands, woodlands, and public and private conservancy areas. Note that lands in this category can – outside of wetland and conservancy areas – and most likely will, contain very low-density residential uses in upland areas. The character of these regions should be protected by discouraging any development that would adversely impact the environmental quality or natural beauty of these areas. Maintenance of these natural areas should include continued private stewardship and public ownership or, if necessary, acquisition of easements or additional public lands.*

Approximately 12.6 acres of this parcel has the Woodland/Wetland/Natural future land use designation and the other ~3.1 acres has the Residential future land use designation. The NA zoning is a better fit for this parcel since the lot is entirely wooded and ~6 acres is zoned W. While NA is not a fit with the Residential future land use category, as previously mentioned, a good portion of this area is wooded and zoned W and the other portion is entirely wooded.

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

/RYK
7/14/21

PETITION FOR ZONING AMENDMENT-MAP

To: Door County Board of Supervisors
Door County Government Center
Sturgeon Bay, WI 54235

Mail To: Door County Land Use Services
421 Nebraska Street
Sturgeon Bay, WI 54235

The undersigned owner of the property herein described hereby petitions your honorable body for an amendment to the Door County Zoning Ordinance Map to effect a change in the Zoning Classification of real estate in the Town of Liberty Grove Door County, Wisconsin, located at Fire No. _____, Water Road/Highway/ Street, more particularly described as follows (attach copy of deed, tax bill, or survey):

JUL - 1 2021

from Heartland 10 Zoning District to Natural 15 Zoning District. Please describe in detail how the land will be used if the amendment is adopted. Submittal of detailed site and building plans is encouraged.

To be left natural and a single family residence
(all wooded)

Parcel # 0180236322824N

Dated this 1 day of July, 2021.

Respectfully submitted,

David Dougherty
NAME

DS. Door@HotMail.com
EMAIL

P.O. Box 185
MAILING ADDRESS (STREET)

Bailly Harbor WI 54202
CITY, STATE & ZIP CODE

(847) 343-4964
TELEPHONE

[Signature]
LEGAL SIGNATURE

7/1/2021
DATE

ACTION TAKEN

(By County Planning Committee)

DATE _____
Approved Denied

(By Board of Supervisors)

DATE _____
Approved Denied

PARCEL

NO.: 0 - - - - -

DATE FILED: _____

FEE PAID (Date) 7-1-21

Receipt No: 26602 Fee: (\$750.00)

(Make check payable to: Door County Treasurer)

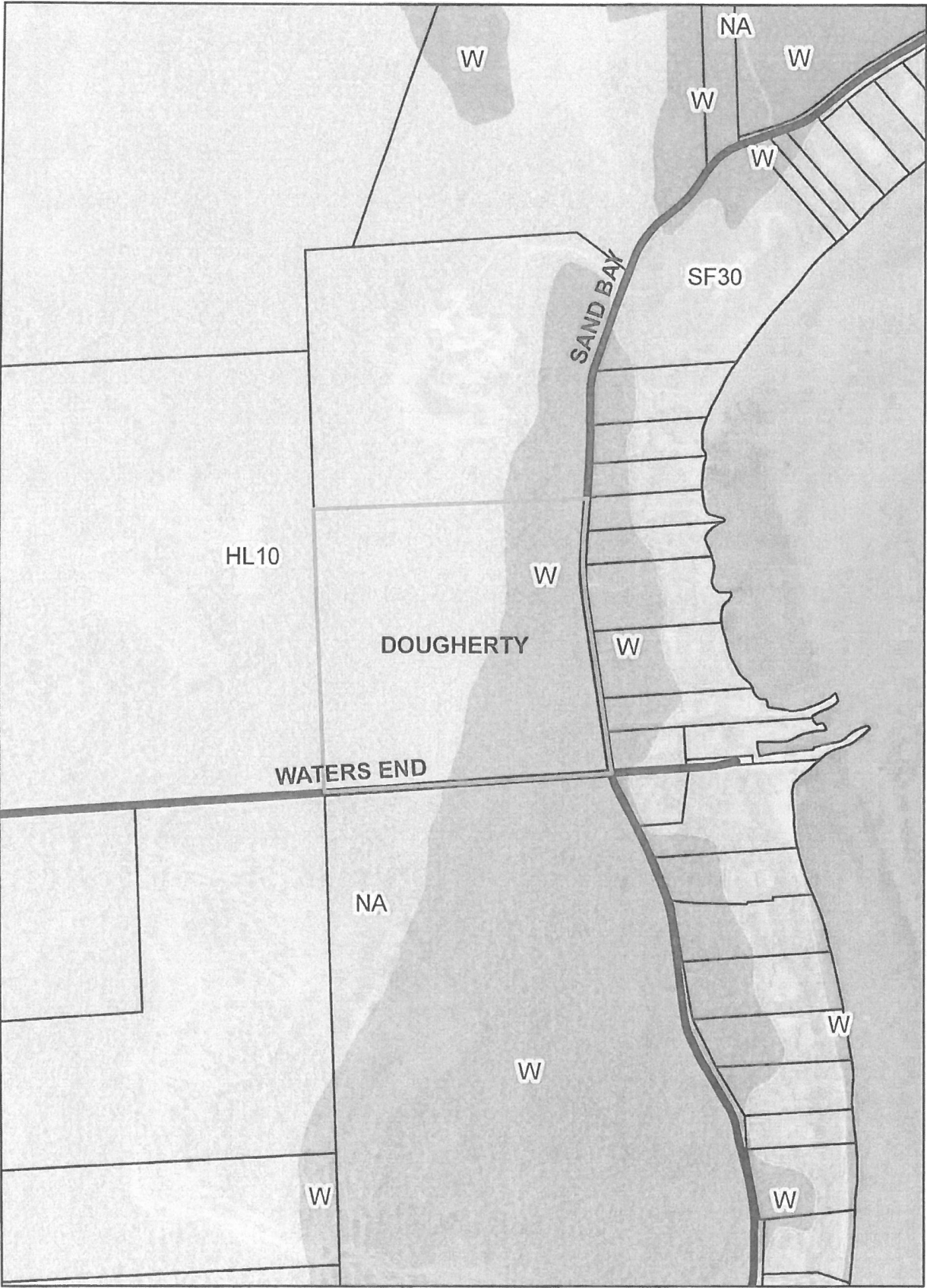
1/8/2021

Zoning Map

Re-Zoning

Dougherty: 018-02-36322824N

Proposed Re-Zoning: HL10 to NA

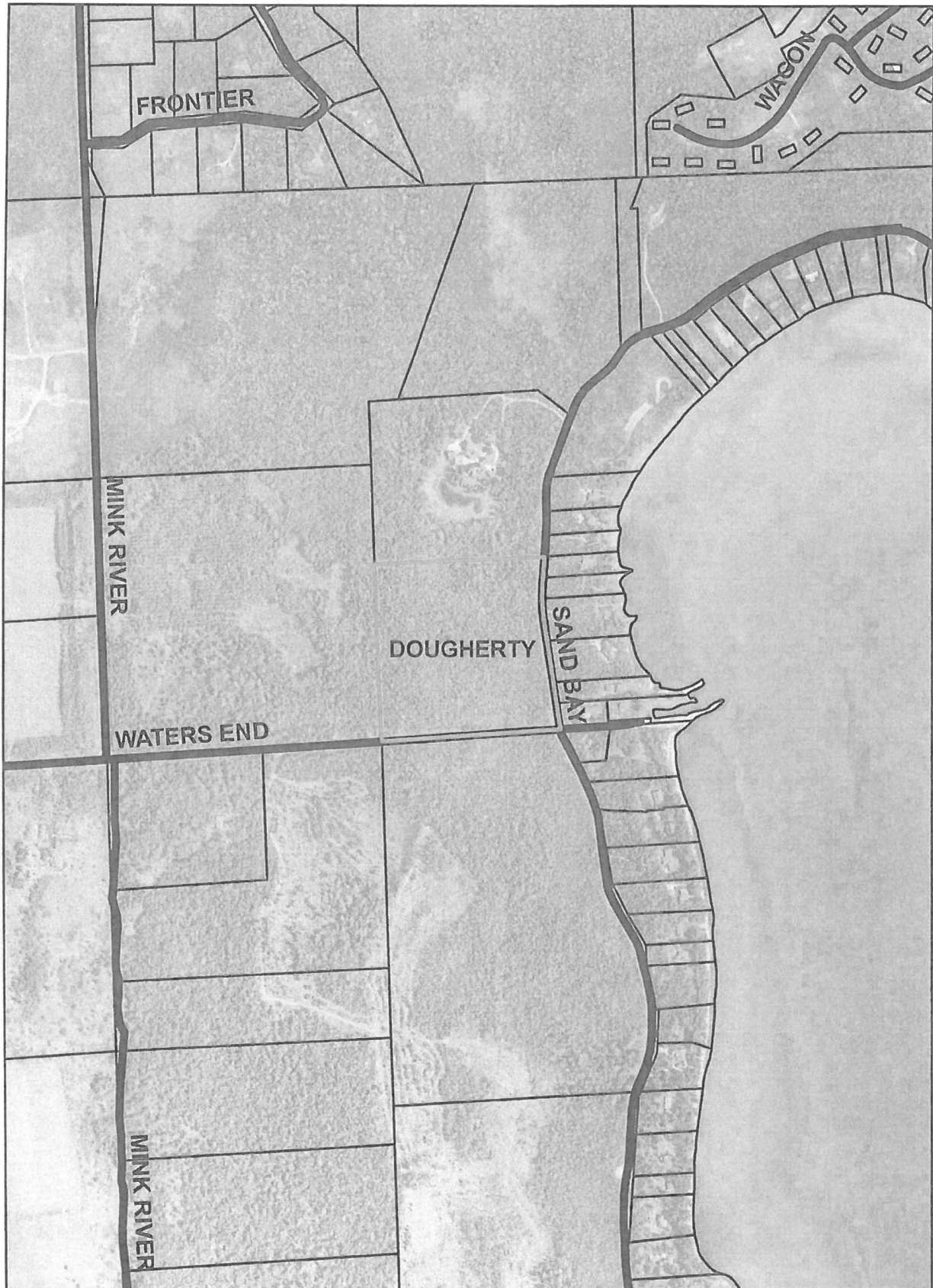


Aerial Map (neighborhood)

Re-Zoning

Dougherty: 018-02-36322824N

Proposed Re-Zoning: HL10 to NA



Aerial Map (close-up)

Re-Zoning

Dougherty: 018-02-36322824N

Proposed Re-Zoning: HL10 to NA

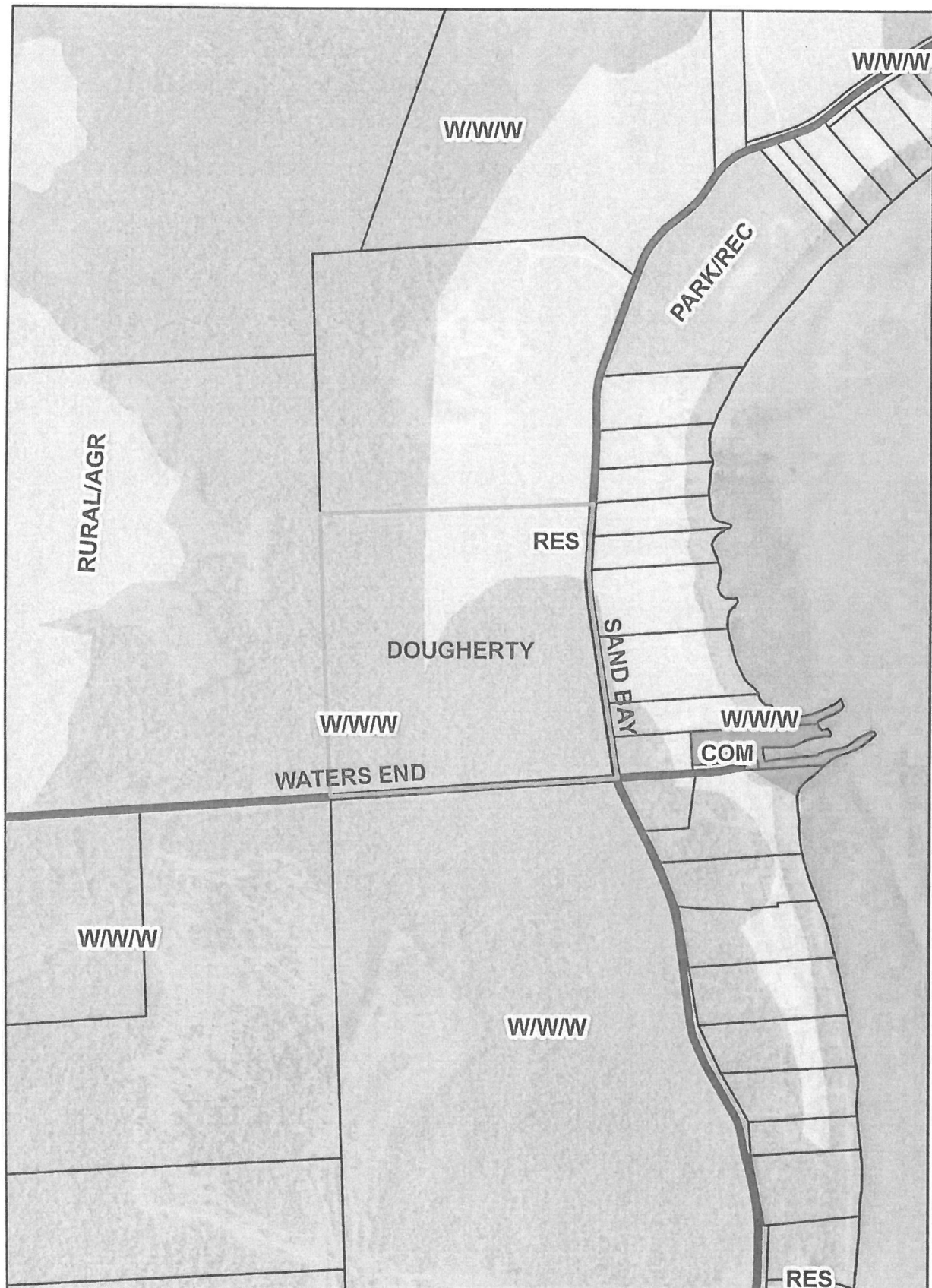


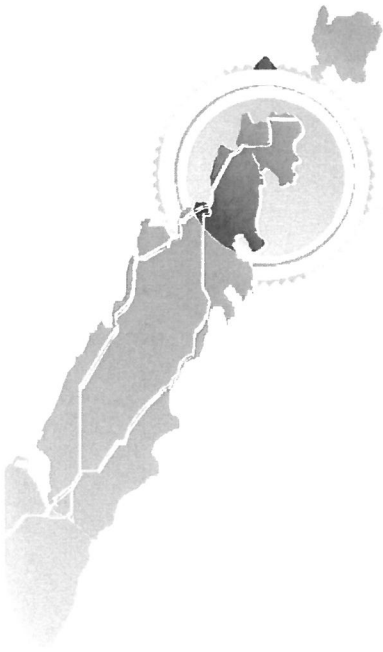
Future Land Use Map

Re-Zoning

Dougherty: 018-02-36322824N

Proposed Re-Zoning: HL10 to NA





Town of Liberty Grove

We're Like Nowhere Else

July 27, 2021

To: David Dougherty

Ref: Proposed rezoning of a portion of tax parcel: 018-02-36322824N (15.74 Acres)

This letter comes to you as notice that the Town of Liberty Grove has received a copy of your proposed rezoning of a portion of tax parcel: 018-02-36322824N

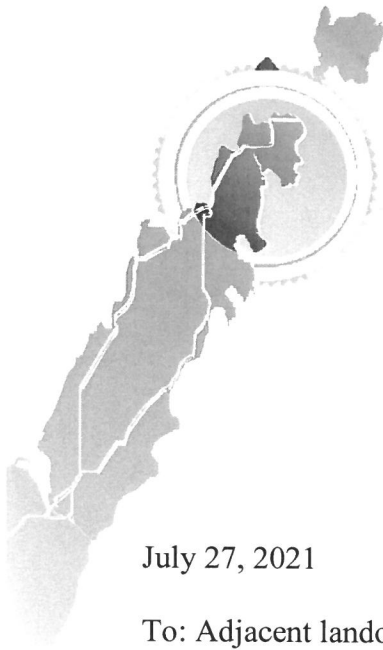
The Town Plan Commission will discuss and act on this application at a meeting to be held Wednesday, August 11, 2021 beginning at 7:00 PM at the Liberty Grove Town Hall at 11161 Old Stage Road. The Plan Commission will hear comments on this application and make a recommendation to the Door County Planning Committee.

You or your representative may attend this meeting on August 11th and comment on this rezoning request. If you cannot attend the meeting, you may send, email, or fax comments to the Town (see contact information below). Comments will be accepted up until 4:00 PM on the day of the Plan Commission meeting. Documents relating to this request are available for inspection at the Liberty Grove Town Hall or 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

Anastasia Bell, Clerk/Treasurer
Town of Liberty Grove



Town of Liberty Grove

We're Like Nowhere Else

July 27, 2021

To: Adjacent landowners David Dougherty, parcel # 018-02-36322824N

Ref: Proposed rezoning of a portion of tax parcel: 018-02-36322824N (15.74 Acres)

This letter comes to you as notice that David Dougherty is has submitted a proposal to rezone a portion of the above referenced parcel. He is seeking to allow a single family residence on the lot with the remaining area left natural. He wishes to preserve the natural beauty of the property while still allowing flexibility for total floor area for accessory structures. He envisions potentially going above Heartland's 3,000 square foot floor area limitation for accessory buildings.

The Town Plan Commission will discuss and act on this application at a meeting to be held Wednesday, August 11, 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 Planning Committee.

You or your representative may attend this meeting on August 11th and comment on this rezoning request. If you cannot attend the meeting, you may send, email, or fax comments to the Town (see contact information below). Comments will be accepted up until 4:00 PM on the day of the Plan Commission meeting. Documents relating to this request are available for inspection at the Liberty Grove Town Hall or 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



5160

Allez à avery.ca/gabants
Utilisez le Gabarit Avery 5160Étiquettes d'adresse Easy Peel
Repliez à la hauteur afin de révéler le rebord Pop-up

DANIEL L SJOSTROM TRUST
812 N GROVE AVE
OAK PARK, IL 60302

BRUCE C PIKAS
3100 N SHERIDAN RD #8E
CHICAGO, IL 60657

JO ANN TULLY TRUST
1491 COUNTRYSIDE LN
LONG GROVE, IL 60047

STRAM FAMILY 2017 TRUST
550 RUSKIN DR
ELK GROVE VILLAGE, IL 60007

JOSEPH L MEYER TRUST
11114 N SAND BAY LN
SISTER BAY, WI 54234

D'ETTA ASHWELL SMITH TRST
1100 PEMBRIDGE DR
LAKE FOREST, IL 60045

DAVID DOUGHERTY
PO BOX 611
CARLY, IL 60013

KIMBERLY M HAZEN
6202 OLD SAUK RD
MADISON, WI 53705

ERLAND R SANDSTROM
11062 N SAND BAY LN
SISTER BAY, WI 54234

KIRBY S OLSON
1700 HIGHVIEW RD
ELLISON BAY, WI 54210

MICHAEL E TULLY TRST
1491 RFD
LONG GROVE, IL 60047

ALLYSON P HOFFMAN
995 NORTH AVE
DEERFIELD, IL 60015

LAWRENCE E ERICKSON
9410 74TH ST
KENOSHA, WI 53142

JAMES W MC DOWELL
15130 ROYAL WINSOR LN APT 1604
FORT MYERS, FL 33919

JUNE M OLSON
2450 S BAY SHORE DR
SISTER BAY, WI 54234

Pat: avery.com/patents

DONALD J & DOROTHY L VOIGHT TRST
832 STATE HIGHWAY 42
ELLISON BAY, WI 54210