

TOWN OF LIBERTY GROVE PUBLIC MEETINGS

Plan Commission *via Zoom*

Date: Wednesday, October 13, 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: 8/11/21
5. Public Input
6. Variance application: Yacht Haven LLC – parcel 018-02-32322844C5, setback from OHWM
7. Correspondence
8. Future meeting dates
9. 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/j/83628890171?pwd=c2RWSTBaSHdVSHRMMkdXMUQ0dTczdz09>. To join the meeting by telephone dial one of the numbers below based on your location.

(312) 626-6799 US (Chicago)
(646) 558-8656 US (New York)
(253) 215-8782 US (Tacoma)

(301) 715-8592 US (Germantown)
(346) 248-7799 US (Houston)
(669) 900-9128 US (San Jose)

Town of Liberty Grove
Minutes of the Plan Commission meeting on August 11, 2021
(This meeting was correctly posted)

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

Chair Nancy Goss called the meeting to order at 7:01pm. Commissioners Paul Schwengel, Anne Miller, Cathy Ward, Dan Watts, Paul Bokelmann, and Bill Surbaugh were present along with Clerk/Treasurer Anastasia Bell and 5 members of the public.

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

Miller moved, Surbaugh second to approve the 7/14/21 minutes as presented. Passed 7-0.

Public Input – Schwengel asked if there was any response from the County to clarify home business vs auto repair shop.

Dougherty Rezoning – David Dougherty stated the property is currently zoned Heartland 10 (HL10) and it is his request to have it be Natural Area 15 (NA15) as this would allow him to keep it as natural as possible and to build accessory structures greater than 3,000 sq. ft. Goss indicated that rezoning has no bearing on future use of the property. It was noted that the county recognizes the whole parcel as HL10 even though the request and the map show a portion of the property to be wetland. Accessory structure size limitations is not clearly defined in the County Ordinance, but that will be addressed separately as part of the building process. **Goss moved, Schwengel second** to recommend support for 15.74 acres with wetland overlay for parcel # 018-02-3632284N to be rezoned from HL10 to NA with the understanding that support for the requested rezoning does not infer support or opposition for any future development, either principal structure or accessory structures, that does not meet Door County ordinance criteria. Roll call vote with Miller, Bokelmann, Goss, Ward, Surbaugh, Schwengel and Watts voting aye, no nays. Passed 7-0.

Correspondence – None

The next meetings were tentatively scheduled for 8/25/2021, 9/8/2021, and 9/22/2021 at 7:00pm if there are items for discussion.

Schwengel moved, Miller second to adjourn at 7:39pm. 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

Phone: (920) 746-2266
FAX: (920) 746-2387

September 14, 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. 018-02-32322844C5
10967 Highway 42

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 October 22, 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.

Yacht Haven LLC petitions the Door County Board of Adjustment for a variance from Section IV.B.2.b. of the Door County Shoreland Zoning Ordinance which requires structures meet a 75' setback from the Ordinary High Water Mark (OHWM) of Green Bay. Yacht Haven LLC proposes to construct a 20' x 80' ramp for boat launches related to the Yacht Haven LLC's marina to the south. A variance is required since the footprint will be as close as 0' from the OHWM of Green Bay. The parcel is in a mixed commercial zoning district. *Door County Land Use has determined that the part of the boat launch on the vacant lot will need to be combined to the southern parcel with the marina and a conditional use permit will need to be applied for and issued if the variance is successful.*

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 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,


Benjamin A. Degner
Zoning Administrator

Enc.: Variance application packet & town recommendation worksheet

CC: Yacht Haven LLC

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

Door County Planning Department Request for Town Recommendation

Yacht Haven LLC petitions the Door County Board of Adjustment for a variance from Section IV.B.2.c.2 of the Door County Shoreland Zoning Ordinance which requires structures be setback at least 75 feet from the Ordinary High Water Mark (OHWM) of Green Bay.

Yacht Haven LLC proposes to construct a 20' x 80' boat launch to provide additional water access for their marina. The boat launch would be as close as 0 feet from the OHWM. This parcel is located immediately north of 10967 Highway 42 and in a Mixed Commercial Zoning District.

Variances are being requested since the expanded footprint will be located as close as 0' from the OHWM of Green Bay.

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.**

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

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.)

DOOR COUNTY PLANNING DEPARTMENT
421 Nebraska Street
Door County Government Center
Sturgeon Bay, Wisconsin 54235
(920-746-2323)

RECEIVED

AUG 31 2011

PETITION FOR GRANT OF VARIANCE

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)

PD BOX 301 -

Full Name YACHT HAVEN, LLC Telephone No. 920-854 2124
Mailing Address PO. BOX 199
City SISTER BAY State WI Zip 54234
hereby petition(s) the Door County Board of Adjustment for a variance from
Section (s) 3.07(1) See Attachment A

of the Door County Zoning Ordinance which requires
SET BACK. See Attachment A a high WATER

(I) (We) propose to CONSTRUCT A PRIVATE BOAT LAUNCH
ACCESS WITH A SHARED DRIVEWAY

LOCATION:

The description of the property involved in this petition is located at:
Fire # - Road Hwy. 42 Township LIBERTY GROVE
Govt Lot 4 or $\frac{1}{4}$ - $\frac{1}{4}$ Section 32 Town 28 North, Range 32 East
Tax Parcel No. 018 - 02 - 3232844C5
Zoning District MCL Lot Size .6 ACRES
Existing use of structure or land in question VACANT LOT ADJACENT
TO EXISTING MARINA/BOAT YARD

ATTACHMENTS:

- 1) A Site Plan, drawn to-scale, indicating lot size, size of buildings and decks, distances between buildings and the centerlines of all abutting roads, ordinary high water mark, lot lines (identify lot markers), the sanitary waste disposal system and well. If a survey is available, please submit the survey. (If plans exceed an 11" x 17" format, submit one additional copy of each sheet reduced to 11" x 17")
- 2) Building Plans, drawn to scale, of the proposed project, including floor plans and elevation views. The application will not be processed without scaled drawings. Plans submitted with this petition will be the only plans reviewed by the Board of Adjustment. A change in plans may require a new petition, fee, and public hearing. (If plans exceed an 11" x 17" format, submit one additional copy of each sheet reduced to 11" x 17")
- 3) Please provide complete responses regarding a), b), and c) below. Attach additional pages if necessary. To qualify for a variance, the applicant must demonstrate that their request/situation meets the following three requirements:

(a) Unique property limitations

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

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

FOR OFFICE USE ONLY

Receipt No. 3576 Fee 450.00 Date 8-31-21

Hearing Advertised Dates: _____

Hearing Date _____ Decision _____

TOWN OF: _____

OWNER: _____

SECTION _____ T _____ N, R _____ E _____

PARCEL NO.: 0 - - -

50. credit card.

PETITION FOR GRANT OF VARIANCE - PAGE 2

(b) No Harm to Public Interests

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

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

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

- No harm to public interest
- By having our own launch ramp there will be less traffic on the highway running to the village ramp.

(c) Unnecessary hardship

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

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

Unnecessary hardship is present because:

Definition of a permanent structure was changed on Feb. 22, 2004 - Ord. #04-00 it changes our ability to construct a launch ramp

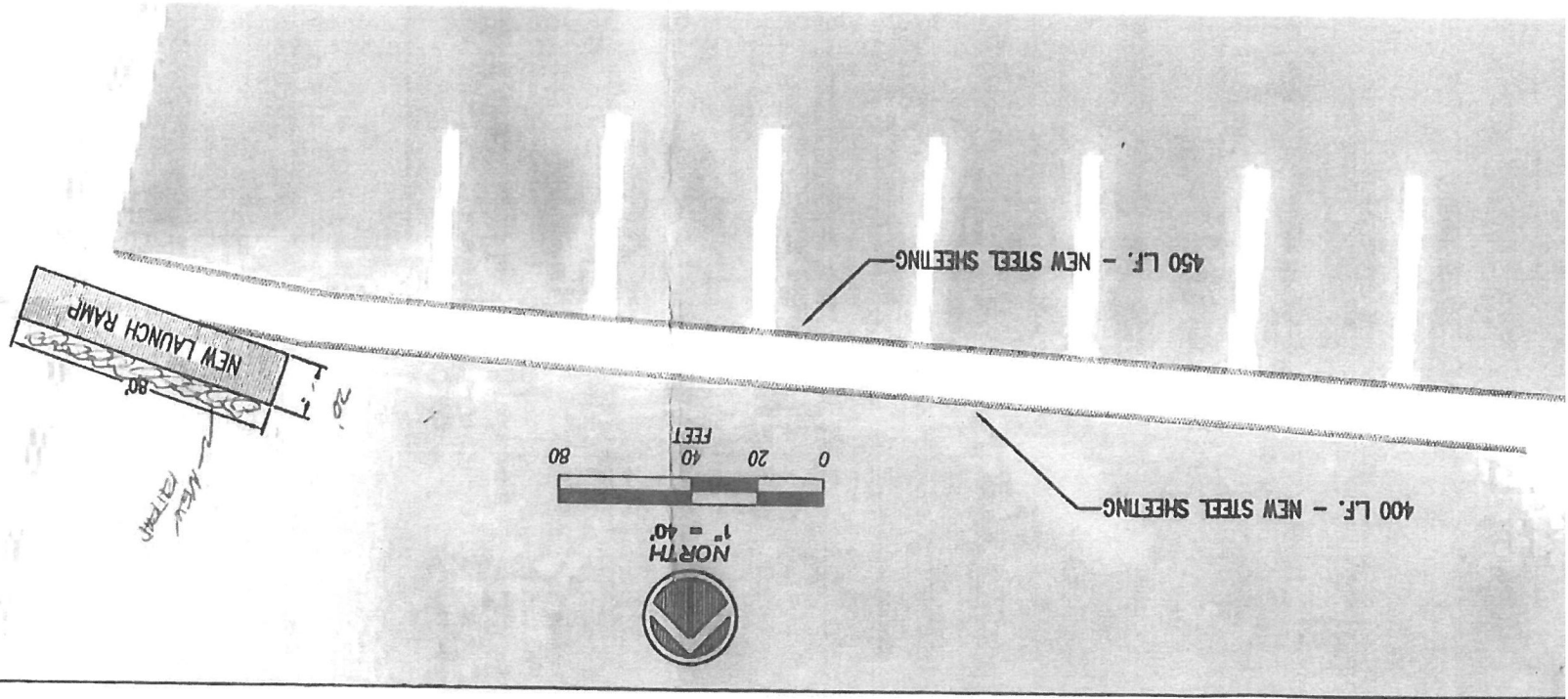
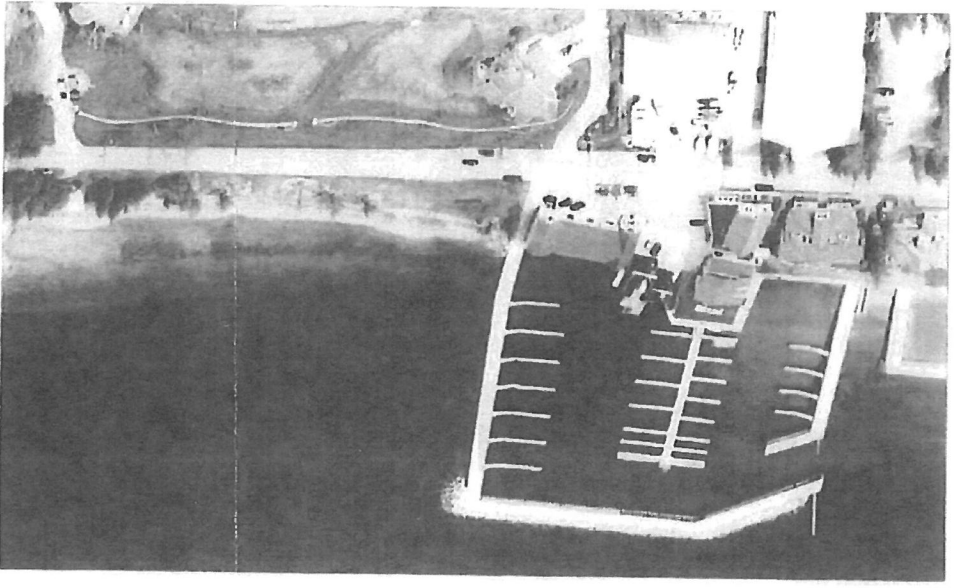
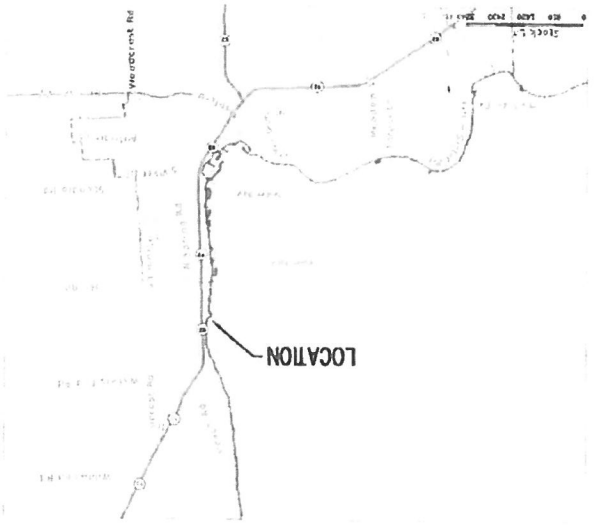
- 4) A non-refundable \$450.00 fee payment to defray the cost of publishing the legal notice and mailing to all interested parties.

AUTHORIZATION FOR INSPECTION:

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

CERTIFICATION:

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



LAUNCH RAMP CONSTRUCTION PLAN		Yacht Works 10967 S.T.H. 42 Sister Bay, Wisconsin				11468 OLD STAGE CT ALTON, WI 53110 PHONE: 262-221-2211 FAX: 262-221-2212 WWW.MARINEINC.COM		10-14-15 11-14-15 12-14-15 1-14-16 2-14-16 3-14-16 4-14-16 5-14-16 6-14-16 7-14-16 8-14-16 9-14-16 10-14-16 11-14-16 12-14-16 1-14-17 2-14-17 3-14-17 4-14-17 5-14-17 6-14-17 7-14-17 8-14-17 9-14-17 10-14-17 11-14-17 12-14-17 1-14-18 2-14-18 3-14-18 4-14-18 5-14-18 6-14-18 7-14-18 8-14-18 9-14-18 10-14-18 11-14-18 12-14-18 1-14-19 2-14-19 3-14-19 4-14-19 5-14-19 6-14-19 7-14-19 8-14-19 9-14-19 10-14-19 11-14-19 12-14-19 1-14-20 2-14-20 3-14-20 4-14-20 5-14-20 6-14-20 7-14-20 8-14-20 9-14-20 10-14-20 11-14-20 12-14-20 1-14-21 2-14-21 3-14-21 4-14-21 5-14-21 6-14-21 7-14-21 8-14-21 9-14-21 10-14-21 11-14-21 12-14-21 1-14-22 2-14-22 3-14-22 4-14-22 5-14-22 6-14-22 7-14-22 8-14-22 9-14-22 10-14-22 11-14-22 12-14-22 1-14-23 2-14-23 3-14-23 4-14-23 5-14-23 6-14-23 7-14-23 8-14-23 9-14-23 10-14-23 11-14-23 12-14-23 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PETITION FOR GRANT OF VARIANCE

Yacht Haven LLC

ATTACHMENT A

The applicant hereby petitions the Door County Board of Adjustment for variances from Section IV.B.2.b. of the Door County Shoreland Zoning Ordinance. Section IV.B.2.b of the Door County Shoreland Zoning Ordinance states that the structure shall be located at least 75' from the ordinary high water mark (OHWM) of Green Bay. The applicant proposes to construct a new private boat ramp to access Green Bay. The boat ramp will be as close as 0' from the OHWM.

BACKGROUND INFORMATION:

The proposed location of the boat ramp is on the vacant lot to the north of the existing marina. This project will also need a conditional use permit and to be combined with the existing marina if the variance is successful to expand the marina.

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES

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



05/27/2021

Russ Forkert
P.O. Box 199
Sister Bay, WI 54234
[sent electronically]

IP-NE-2021-15-01101

RE: Application to place steel sheeting in front of an existing and failing wood crib dock, to place riprap, and a launch ramp on Green Bay in the Town of Liberty Grove, Door County.

Dear Mr. Forkert:

The Department of Natural Resources has completed its review of your application for a permit to place a pier on Green Bay located at 10967 State Hwy-42, Sister Bay, WI 54234, in the SE 1/4, SW 1/4, Section 32, Township 32, Range 28E, Town of Liberty Grove, Door County. You will be pleased to know your application is approved.

I am attaching a copy of your permit, which lists the many important conditions that must be followed to protect water quality and habitat. **A copy of the permit must be posted for reference at the project site.** Please read your permit conditions carefully so that you are fully aware of what is expected of you.

Please note you are required to submit photographs of the completed project within 7 days after you've finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

Your next step will be to notify me of the date on which you plan to start construction and again after your project is complete.

If you have any questions about your permit, please call me at 715-+416-3827 or you can reach me by email at sarah.szabo@wisconsin.gov.

Sincerely,

Sarah Szabo

Water Management Specialist

Email cc:

U.S. Army Corps of Engineers
Richard Brauer, Door County Zoning Administrator
Ben Degner, Door County Zoning Administrator
Mike Neal, Conservation Warden, DNR
Mike Kahr, Engineer, Death's Door Marine Inc.

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

PIER PERMIT
IP-NE-2021-15-01101

Application of Russ Forkert is hereby granted under Sections 30.12 and 30.208, Wisconsin Statutes, a permit to place a pier on Green Bay located at 10967 State Hwy-42, Sister Bay, WI 54234, in the SE 1/4, SW 1/4, Sec. 32, T. 32, R. 28E, Town of Liberty Grove, Door County, subject to the following conditions:

PERMIT

1. You must notify Sarah Szabo at phone (715) 416-3827 or email sarah.szabo@wisconsin.gov before starting construction and again not more than 5 days after the project is complete.
2. You must complete the project as described on or before **05/27/2024**. If you will not complete the project by this date, you must submit a written request for an extension prior to expiration of the initial time limit specified in the permit. Your request must identify the requested extension date. The Department shall extend the time limit for an individual permit or contract for no longer than an additional 5 years if you request the extension before the initial time limit expires. You may not begin or continue construction after the original permit expiration date unless the Department extends the permit in writing or grants a new permit.
3. This permit does not authorize any work other than what you specifically describe in your application and plans, and as modified by the conditions of this permit. If you wish to alter the project or permit conditions, you must first obtain written approval of the Department.
4. Before you start your project, you must first obtain any permit or approval that may be required for your project by local zoning ordinances and by the U.S. Army Corps of Engineers. You are responsible for contacting these local and federal authorities to determine if they require permits or approvals for your project. These local and federal authorities are responsible for determining if your project complies with their requirements.
5. Upon reasonable notice, you shall allow access to your project site during reasonable hours to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance.
6. The Department may modify or revoke this permit for good cause, including if the project is not completed according to the terms of the permit or if the Department determines the activity is detrimental to the public interest.
7. **You must post a copy of this permit at a conspicuous location on the project site, visible from the waterway, for at least five days prior to construction, and remaining at least five days after construction.** You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.
8. Your acceptance of this permit and efforts to begin work on this project signify that you have read, understood and agreed to follow all conditions of this permit.
9. **You must submit a series of photographs to the Department, within one week of completing work on the site.** The photographs must be taken from different vantage points and depict all work authorized by this permit.
10. You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section 30.292, Wis. Stats., for any violations of Chapter 30, Wisconsin Statutes, or this permit.
11. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters. Erosion control measures (such as silt fence and straw bales) must meet or exceed the technical standards of ch. NR 151, Wis. Adm. Code. The technical standards are found at: http://dnr.wi.gov/topic/stormwater/standards/const_standards.html.
12. All equipment used for the project including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps shall be de-contaminated for invasive and exotic viruses and species prior to use and after use.

The following steps must be taken every time you move your equipment to avoid transporting invasive and exotic viruses and species. To the extent practicable, equipment and gear used on infested waters shall not be used on other non-infested waters.

1. **Inspect and remove** aquatic plants, animals, and mud from your equipment.

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

2. Drain all water from your equipment that comes in contact with infested waters, including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps.
3. Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
4. Wash your equipment with hot (>140° F) and/or high-pressure water,
- OR -
Allow your equipment to dry thoroughly for 5 days.

13. Banks and other erodible areas must be seeded, mulched or sodded to prevent erosion. Temporary and final erosion control measures are to be installed immediately and must be kept in place until site stabilization is completed. Temporary erosion control measures such as straw bales and silt fences must be put in place prior to any precipitation or if work ceases for longer than 24 consecutive hours.
14. To protect spawning fish and nursery habitat, no construction shall occur between March 15 or "ice-out", whichever is earlier and July 1 of any year.
15. Disturbance of bank vegetation must be kept to a minimum during construction. Any vegetative removal must comply with local zoning regulations.
16. You must not temporarily or permanently deposit or store any materials in any wetland, floodplain, or below the ordinary high watermark of any waterway.
17. Irregular shaped riprap shall be placed randomly, not result in a flat surface, and have sufficient gaps to absorb wave energy.
18. No waterward extension of the property is permitted other than what is necessary to construct the project and protect the existing bank.
19. You are required to properly install a turbidity barrier in the waterway around your project if the project is to be completed during open water conditions. The barrier shall be designed for rough water conditions and be installed prior to commencement of any work and shall remain in place for 48 hours upon completion.

FINDINGS OF FACT

1. Russ Forkert, P.O. Box 199, Sister Bay, WI 54234, filed an application with this Department on 03/26/2021, under sections Sections 30.12 and 30.208, Wisconsin Statutes, to place a pier on Green Bay located at 10967 State Hwy-42, Sister Bay, WI 54234, in the SE 1/4, SW 1/4, Sec. 32, T. 32, R. 28E, Town of Liberty Grove, Door County.
2. The project consists of placing steel sheeting in front of an existing and failing wood crib dock, placing riprap, and a launch ramp on the north side.
3. The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.
4. Green Bay is a navigable water (and no bulkhead exists at the project site).
5. The proposed project, if constructed in accordance with this permit will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in s. 283.01(6m), Wis. Stats.
6. The proposed project will not impact wetlands if constructed in accordance with this permit.
7. The Department of Natural Resources has determined that the agency's review of the proposed project constitutes an equivalent analysis action under s. NR 150.20(2), Wis. Adm. Code. The Department has considered the impacts on the human environment, alternatives to the proposed projects and has provided opportunities for public disclosure and comment. The Department has completed all procedural requirements of s. 1.11(2)(c), Wis. Stats., and NR 150, Wis. Adm. Code for this project.
8. The Department of Natural Resources and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable requirements of Sections 30.12 and 30.208, Wisconsin Statutes and Chapters NR 102, 103, and 326 of the Wisconsin Administrative Code.

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

9. The structure or deposit will not materially obstruct navigation because the steel sheeting will be placed around an existing solid pier.
10. The structure or deposit will not be detrimental to the public interest because the project will be completed in accordance with permit conditions.
11. The structure or deposit will not materially reduce the flood flow capacity of a stream because the riprap is being placed along the shoreline of the Great Lakes, the steel sheeting will be placed around an existing solid pier, and no stream will be blocked off from this project.

CONCLUSIONS OF LAW

1. The Department has authority under the above indicated Statutes and Administrative Codes, to issue a permit for the construction and maintenance of this project.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions shall be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing of any individual permit decision pursuant to section 30.209, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources, P.O. Box 7921, Madison, WI, 53707-7921. The petition shall be in writing, shall be dated and signed by the petitioner, and shall include as an attachment a copy of the decision for which administrative review is sought. If you are not the applicant, you must simultaneously provide a copy of the petition to the applicant. If you wish to request a stay of the project, you must provide information, as outlined below, to show that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment. If you are not the permit applicant, you must provide a copy of the petition to the permit applicant at the same time that you serve the petition on the Department.

The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30 day period for filing a petition for judicial review.

A request for contested case hearing must meet the requirements of section 30.209, Wis. Stats., and sections NR 2.03, 2.05, and 310.18, Wis. Admin. Code, and if the petitioner is not the applicant the petition must include the following information:

1. A description of the objection that is sufficiently specific to allow the department to determine which provisions of this section may be violated if the proposed permit or contract is allowed to proceed.
2. A description of the facts supporting the petition that is sufficiently specific to determine how the petitioner believes the project, as proposed, may result in a violation of Chapter 30, Wis. Stats.
3. A commitment by the petitioner to appear at the administrative hearing and present information supporting the petitioner's objection.

If the petition contains a request for a stay of the project, the petition must also include information showing that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment.

Dated at the Northeast Region Headquarters, Green Bay Wisconsin on 05/27/2021.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By: 

Sarah Szabo
Water Management Specialist

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AUG 31 2021

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Degner, Benjamin

From: Russ Forkert <russ@yachtworks.com>
Sent: Saturday, September 4, 2021 3:03 PM
To: Degner, Benjamin
Cc: Deb Duren
Subject: Yacht Haven ISR
Attachments: 2017 Yacht Haven, LLC - 10967 State Hwy. 42, Sister Bay.pdf

Ben,

Thanks for calling Friday. Attached is an appraisal from 2017 showing the square footage of parcel 018-02-32322844C5 being 26,136 Square Feet on page 7. The launch ramp will be 20 feet wide at the waters edge and run up the slope to the east 50 feet at which point it will run another 50 feet east but tapering from 20 feet wide to zero. The total square footage from the water to the road will be 1500 Square Feet. Divided by 26,136 is a coverage ratio of .0573.

Thanks for your assistance. I'll reach out to you when I return about the cottage at 10987 N Bayshore.

Cheers,

Russ Forkert
Yacht Works, Inc
920-421-0300



Town of Liberty Grove

We're Like Nowhere Else

September 27, 2021

To: Yacht Haven LLC

Ref: Petition for Grant of Variance, Parcel # 018-02-32322844C5, 10967 Highway 42

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 # 018-02-32322844C5.

The Town Plan Commission will discuss and act on this application at a teleconference (Zoom) meeting to be held Wednesday, October 13, 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 October 13th 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

September 27, 2021

To: Adjacent landowners of Yacht Haven LLC
Parcel # 018-02-32322844C5, 10967 Highway 42

Ref: Petition for Grant of Variance

This letter comes to you as notice that Yacht Haven LLC petitions the Door County Board of Adjustment for a variance from Section IV.B.2.b of the Door County Shoreland Zoning Ordinance which requires structures to meet a 75' setback from the Ordinary High Water Mark (OHWM) of Green Bay. Yacht Haven LLC proposed to construct a 20' x 80' ramp for boat launches related to the Yacht Haven LLC's marina to the south. A variance is required since the footprint will be as close as 0' from the OHWM of Green Bay. The parcel is in a mixed commercial zoning district. Door County land Use has determined that the part of the board launch on the vacant lot will need to be combined to the southern parcel with the marina and a conditional use permit will need to be applied for and issued if the variance is successful.

The Town Plan Commission will discuss and act on this application at a teleconference (Zoom) meeting to be held Wednesday, October 13, 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 October 13th 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
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

CONSULTING LTD METRO MEDIA
1834 WOODRING RD
SANIBEL, FL 33957

YACHT HAVEN LLC
PO BOX 199
SISTER BAY, WI 54234

WILLIAM L ERICKSON
1220 W CHURCH ST CHAMPAIGN, IL
61821

SOL STEVEN LEITZKE
N4855 COUNTY E
HUSTISFORD, WI 53034

THOMAS G & BETH WITTMANN
TRST
2040 N TIMBER TRAIL LN
OCONOMOWOC, WI 53066

RICHARD P BRANDT TRST
1152 WINDSLOW CIR
CRYSTAL LAKE, IL 60014

GEORGE L & ANNETTE J ERICKSON
TRST
10554 APPLEWOOD RD #232
SISTER BAY, WI 54234

STEPHEN S STANLEY
360 W ILLINOIS ST APT 9B
CHICAGO, IL 60654

YACHT STORAGE LLC
PO BOX 199
SISTER BAY, WI 54234

LON E & MARY C ROBERTS TRST
1807 MAPLE HILL RD
WAUSAU, WI 54403

JAMES E & KRISTINE JOHNSON TRST
2167 SCANDIA RD
SISTER BAY, WI 54234

PETE & PAMELA ANAST TRST
564 S ARLINGTON AVE
ELMHURST, IL 60126