

TOWN OF LIBERTY GROVE PUBLIC MEETING

June Board Meeting

Date: Wednesday, June 2, 2021

Time: 7:00 PM

Place: Town Hall, 11161 Old Stage Rd

Agenda:

1. Call to order
2. Declaration of a quorum followed by pledge of allegiance
3. Approve agenda
4. Adjourn to closed session per Stat. 19.85 (1)(f): considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations—"Class A" Liquor/Class "A" Beer License
5. Reconvene into open session
6. Announcements from closed session, if applicable
7. Approve minutes: 5/19/2021
8. Approve payment of bills
9. Public Input
10. Administrator report
11. Consider committee appointments
12. Consider approval of liquor licenses for The Last Stop
13. Consider Plan Commission recommendation: Blagdon variance 018-03-18322943C
14. Consider commercial launch pass(es)
15. Consider operator license(s)
16. Correspondence
17. Future meetings
18. Adjourn

*****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 Town Board meeting on May 19, 2021
(this meeting was correctly posted)

Agenda:

1. Call to order
2. Declaration of a quorum followed by pledge of allegiance
3. Approve agenda
4. Approve minutes: 5/5/2021 Town Board
5. Approve payment of bills
6. Treasurers report
7. Public input
8. Update on Door County North activities
9. Utilities Committee report
10. Consider Bids for Chip Sealing projects in 2021
11. Consider Opening of Town Facilities
12. Consider removal of Town Supervisor Vacancy from the table
13. Discussion and possible action: Town Supervisor Vacancy
14. ***Consider Committee appointments***
15. Consider resolution 4-21, Recognizing Lou Covotsos
16. Consider resolution 5-21, Approving eCMAR for LGUD#1
17. Consider resolution 6-21, In Appreciation of Peter Brooks
18. Consider Proposal for Services by Granicus
19. Consider legal review of draft STR Ordinance
20. Discussion and possible action: review of committee mission statements
21. Consider Commercial Launch Passes(s)
22. Consider Operator License(s)
23. Correspondence
24. Future meetings
25. Adjourn

Chairman John Lowry called the meeting to order at 6:47pm. Supervisors Janet Johnson, Nancy Goss, and Cathy Ward were present along with Administrator Walter Kalms Clerk/Treasurer Anastasia Bell, and 5 members of the public via teleconference (Zoom).

Johnson moved, Ward second to approve the agenda as posted. Passed 4-0.

Goss moved, Johnson second to approve the minutes from 5/5/21 with one name to be corrected. Passed 4-0.

Payment of bills – Lowry moved, Ward second to approve the payment of bills as presented. The total was \$49,780.09. Passed 4-0.

Treasurer's report – Bell reported the following balances in the Town accounts:

Municipal Checking	1,298,767.41
Money market acct.	648,930.83
Checking	216,442.41
Utility Dist.	599,322.78

As of April 30, 2021, total in all Town accounts was \$2,763,463.43. **Lowry moved, Ward second** to approve the Treasurer's report as presented. Passed 4-0.

2021 Chip Sealing Bids – Kalms reported that Scott Construction was the only bid received and changes were made which brought the total cost below the budgeted amount. **Lowry moved, Goss second** to award the 2021 chip sealing bid to Scott Construction totaling \$72,670.00. Passed 4-0.

Opening of Town Facilities – Kalms reported that the restrooms are open. Bell reported that the other ADRC meal sites will be opening the first week of June. **Lowry moved, Ward second** to hold Town Board meetings in June with masks. Passed 4-0. It was noted that individuals renting facilities will need to monitor their own events. **Johnson moved, Lowry second** to open the Town Hall and office with notations to wear masks on the door starting 06/01/2021 and to open other facilities such as Community Center for reservations starting 08/01/2021. Passed 3-1 (Ward opposed).

Public input – Carl Zapffe, 630 Highway 42, indicated a unified front to facilities could occur if the Town were to consult with Sister Bay and/or Gibraltar. Mickie Rasch, 12676 E. Door Bluff Park Road, requested clarification that Hog Wild will not be able to occur due to the 8/1/2021 date in the previous discussion.

Door County North – Mickie Rasch reported that a recent outdoor pop-up event was successful, along with the Dusk Market. A few new businesses continue to work on opening. DC Sea Kayak Symposium, Tractor Show, and Blues on the Bay are currently scheduled events and will be scaled back from previous years. Baileys Harbor is planning fireworks and Egg Harbor is planning fireworks and the parade for July 4th.

Utilities Committee report – Kalms reported that the plant renovation project is scheduled to be completed in July.

Remove Town Supervisor Vacancy from table – **Lowry moved, Ward second** to remove the Town Supervisor vacancy from the table. Passed 4-0.

Town Supervisor Vacancy – **Lowry moved, Ward second** to appoint Paul Schwengel to fill the Supervisor vacancy. Johnson noted that we have advertised in the past and should do it again. Goss noted that it is within the scope of the Board to appoint a Supervisor and this time is an opportunity to use that flexibility. Ward noted she has researched statues and is comfortable filling this role. Passed 5-0 (Town Clerk votes on this matter).

Committee appointments – **Lowry moved, Goss second** to appoint Cathy Ward to the Plan Commission. Ward noted acceptance of this appointment. Passed 4-0.

Resolution 4-21, Recognizing Lou Covotsos – **Johnson moved, Goss second** to approve Resolution 4-21 as presented. Passed 4-0. The full resolution is attached to these minutes.

Resolution 5-21, Approving eCMAR for LGUD#1 – Kalms noted the District has received an “A” grade since the financial information was correctly reported a few years back. **Ward moved, Lowry second** to approve resolution 5-21 as presented. Passed 4-0. The full resolution is attached to these minutes.

Resolution 6-21, In Appreciation of Peter Brooks – Ward indicated that the Technology Committee has lost a valuable person in the passing of Peter Brooks. **Ward moved, Johnson second** to approved resolution 6-21 as presented. Passed 4-0. The full resolution is attached to these minutes.

Services by Granicus – Kalms indicated that a reply has not been received from the Granicus legal team based on Jack Bruce's suggested changes. Goss noted that they have made the major changes and it would be \$7,800 for 3 modules. **Lowry moved, Goss second** to approve the contract with Granicus for services pending approval of the STR Ordinance. Passed 4-0.

Legal review of STR Ordinance – Douglas & Gretchen Cunliffe-Owen, 744 Isle View road, asked the following questions: *What professional information does the Town have regarding the potential contamination risk of water? *Are holding tanks outside of this consideration? *What is the rationale to restrict campers/tents at an STR location? *How were fees determined as they are double DATCP? *What is a reliable phone system without land lines? *Is a property exempt from the ordinance if it is only used for family or friends? *What professional reports does the Town have on the increase of STRs? Goss provided the following responses: *The POWTS data comes from the County Sanitarian and a system is based on 2 people per bedroom. Systems should be updated when additions occur to a home and online advertisements are for more people than the system can handle. *Holding tanks are not outside consideration, they also have design capacities regulated by the Sanitarian. *The campers/tent language is standard language and would again add stress to the POWTS. *The fees will be reviewed by the Board after legal review. *The term "reasonable" allows owner/renters to confirm a cell phone or other option is available. Lowry noted that all POWTS were examined several years ago and brought into compliance. **Lowry moved, Goss second** to send the current draft to the municipal attorney. Passed 4-0 (as amended). **Lowry moved, Ward second** to amend the motion to include sending the draft to Wisconsin Towns Association for comment. Passed 4-0.

Committee Mission Statements – **Lowry moved, Goss second** to adopt the mission statements for all committees, except for the Finance Committee, as presented. Passed 4-0.

Launch Pass(es) – None.

Operator License(s) – Bell reported on Stephen Seybold, and Sheila Nelson-Seybold operator applications. **Goss moved, Johnson second** to approve the operator licenses as presented. Passed 4-0.

Correspondence – Kalms reported that 60 acres on North Bay and 25.1 acres on Isle View will have DNR tax law changes and rip rap is being installed near Rowley's Bay.

The next Town Board meeting will be Wednesday, June 2, 2021 at 7:00pm.

Lowry moved, Goss second to adjourn at 8:26pm. Passed 4-0.

Respectfully submitted,

Anastasia Bell, Clerk/Treasurer

Resolution # 4-21, Recognizing Lou Covotsos

WHEREAS, the Town of Liberty Grove is the largest municipality in Door County; and

WHEREAS, service on the Town Board and Town Committees is an important function for the Town to operate; and

WHEREAS, Lou Covotsos has served since 2012 as Town Board Supervisor and has been part of many other Committees during that tenure and

WHEREAS, Lou Covotsos has served throughout the Town by joining several community service groups; and

WHEREAS, Lou Covotsos is retiring after many years of valuable service to the Community;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Board of the Town of Liberty Grove gives recognition to Lou for his valuable service and insight.

BE IT FURTHER RESOLVED that the Town Board wishes Lou the best in his future years.

Town Chairman

Town Supervisor

Town Supervisor

Town Supervisor

I, Anastasia P. Bell, Clerk/Treasurer of the Town of Liberty Grove, hereby certify that the above resolution was passed at a properly noticed meeting of the Liberty Grove Town Board on May 19, 2021.

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

**RESOLUTION 5-21, RESOLUTION APPROVING ELECTRONIC COMPLIANCE MAINTENANCE
ANNUAL REPORT (eCMAR) FOR LIBERTY GROVE UTILITY DISTRICT #1**

The Liberty Grove Town Board, the governing body of the Liberty Grove Sanitary District and Liberty Grove Utility District, hereby approves the eCMAR as formulated for the Liberty Grove Utility District.

Motion to adopt: Cathy Ward

Second: John Lowry

Vote: Aye: 4 Nay: 0

I, Anastasia Bell, Clerk/Treasurer of the Town of Liberty Grove, hereby certify that the above resolution was passed at a properly noticed meeting of the Liberty Grove Town Board on May 19, 2021.

*Anastasia Bell, Clerk/Treasurer
Town of Liberty Grove*

RESOLUTION 6-21, IN APPRECIATION OF PETER BROOKS

TO THE FAMILY OF PETER BROOKS:

Whereas, the passing of Peter Brooks, Town of Liberty Grove resident, is a loss for the entire community, and

Whereas, Peter contributed countless time and effort to the citizens of the Town through his membership on the Town Technology Committee, and

Whereas, Peter was instrumental in the completion of many technology-related projects and strategies to keep the Town moving forward in a positive manner, and

Whereas, Peter's service was beneficial not only to the Town Board but to all citizens of the Town who benefited from his dedication and service, therefore

Be it hereby resolved, the Liberty Grove Town Board issues a heartfelt salute to Peter for his service to his fellow citizens, and gives thanks for his service to the Town.

Adopted by the Liberty Grove Town Board on the nineteenth day of May, 2021.

Town Chairman

Town Supervisor

Town Supervisor

Town Supervisor

Administrator

Clerk/Treasurer

Town of Liberty Grove
Minutes of the Plan Commission meeting on May 25, 2021
(This meeting was correctly posted)

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

Chair Nancy Goss called the meeting to order at 7:01pm. Commissioners Cathy Ward, Paul Bokelmann, Dan Watts, and Paul Schwengel were present along with Administrator Walter Kalms, Clerk/Treasurer Anastasia Bell and 2 members of the public via teleconference (Zoom). Commissioners Anne Miller and Bill Surbaugh were absent.

Bokelmann moved, Ward second to approve the agenda as posted. Passed 5-0.

Schwengel moved, Bokelmann second to approve the 5/12/2021 minutes as presented. Passed 5-0.

Public Input – None.

CUP Application: Church 018-01-02312822B – Chris Church, applicant, indicated that his intention is to continue assisting the Community with auto repair business after his parents retire in September. Letter from Marlene Logerquist was read into the record and is attached to these minutes, no expert testimony was provided. Schwengel stated there are other businesses in the area, and this could fit in as long as the parking does not become excessive. Church replied that he will be the only mechanic. The goal is to only have vehicles on premise for the day the work is done. He also indicated he would be willing to install screening if requested. Ward indicated this could fit the location and there will be a need for this service. Goss noted home businesses are allowed in heartland zones and the RPC may request screening. **Goss moved, Schwengel second** to recommend to the RPC support for the CUP application Chris & Melanie Church for a home business (auto repair) on parcel 018-01-02312822B. Passed 5-0.

Variance application: Blagdon 018-03-18322943C – Larry Blagdon, applicant, indicated that he is anticipating retirement and would like to continue his hobby of restoring cars at his property. The property is unique because it is only 104 ft wide which limits space for a structure of this size. The hardship is that he would need to build within the natural woodlands in order to meet current setbacks instead of expanding the structures currently on the property. There is no harm to the public as the house is the only structure visible from the road. Goss stated that there will be no harm to the public but the other two criteria are not met for a variance application. The physical limitations of the property do not prevent this structure from occurring, there is 64 feet of buildable space in other areas within the current setbacks. There is not unnecessary

hardship because the physical characteristics of the property would allow the desired structure to be located elsewhere. Blagdon reiterated that this plan shows his attempt to accomplish this building without woodland disruption. Schwengel noted that this building would be the joining of the other buildings instead of building a new structure on the property. Bokelmann noted that buildings cannot be closer than current buildings and the forest may be a unique limitation. Ward stated that joining the buildings would be better stewardship of the property. Watts asked how the setbacks would apply since the other buildings are already too close to the property edge. Goss noted that the woodlands are not a limitation, acceptable limitations are wetlands, steep slopes, or narrow properties and this request needs to be reviewed separate from other buildings on the property because variances do not create precedence. **Ward moved, Goss Second** that the Liberty Grove Plan Commission recommend approval of the variance petition for Larry Blagdon's parcel 018-03-18322943C. Although the variance petition does not satisfy "unnecessary hardship" and "unique physical limitations of the property" which are two of the criteria for evaluating "area" variance petitions, the Liberty Grove Plan Commission believes the current request and accompanying plan fulfill an overriding public interest in preserving the natural woodlands of the property. Roll call with Bokelmann, Schwengel, Ward, Goss, and Watts voting aye, no Nays. Passed 5-0.

Correspondence – None.

The next meeting will be Wednesday, June 2, 2021 at 7:00pm in-person.

Bokelmann moved, Schwengel second to adjourn at 8:18pm. Passed 5-0.

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer

May 15, 2021

Dear Door County Planning Commission,

I received your letter about Chris Church's parcel #018-01-02312822B where he is applying for a conditional use permit to establish a home business (Auto Repair Shop).

It is my understanding that the Plan Commission has worked very hard for years to protect the districts and have done everything they can to not spot zone. It really isn't fair to be in Heartland-5 zoning thinking it will stay that way, then something like this happens. He should buy where it is zoned for commercial. We all know that the Auto Repair Shop will have many cars in the yard and that should not be happening in the Heartland-5 zone. This will devalue my residential property adjacent this business and should not be allowed.

Please know that I object to the conditional use permit for an Auto Repair Shop adjacent to my property.

Sincerely,

Marlene Logerquist

1581 Hill Road

Sister Bay, WI 54234



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.)

RECEIVED

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
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_____	_____	_____
_____	_____	_____
_____	_____	_____

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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MAY 11 2021

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

RECEIVED

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)

RECEIVED

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 11 2021

DOOR COUNTY

LAND USE SERVICES DEPARTMENT
in harm to public interests. In 1991,

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:

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

2. The expansion would not be visible to County Rd NP or from the rear of my neighbor's
house

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, typical of notebook paper. There is no handwriting or other markings on the page.

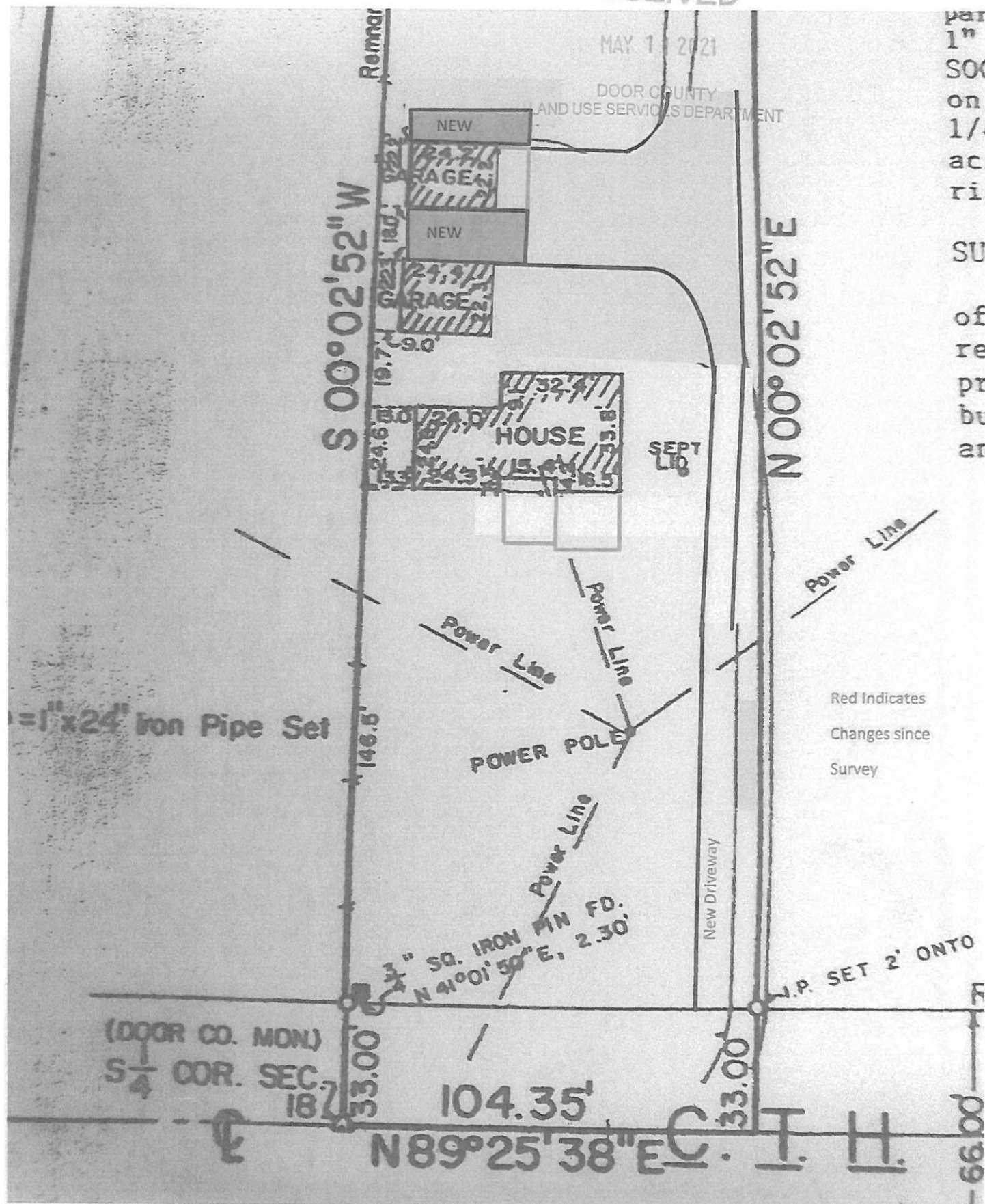
MAY 1 2021

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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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'



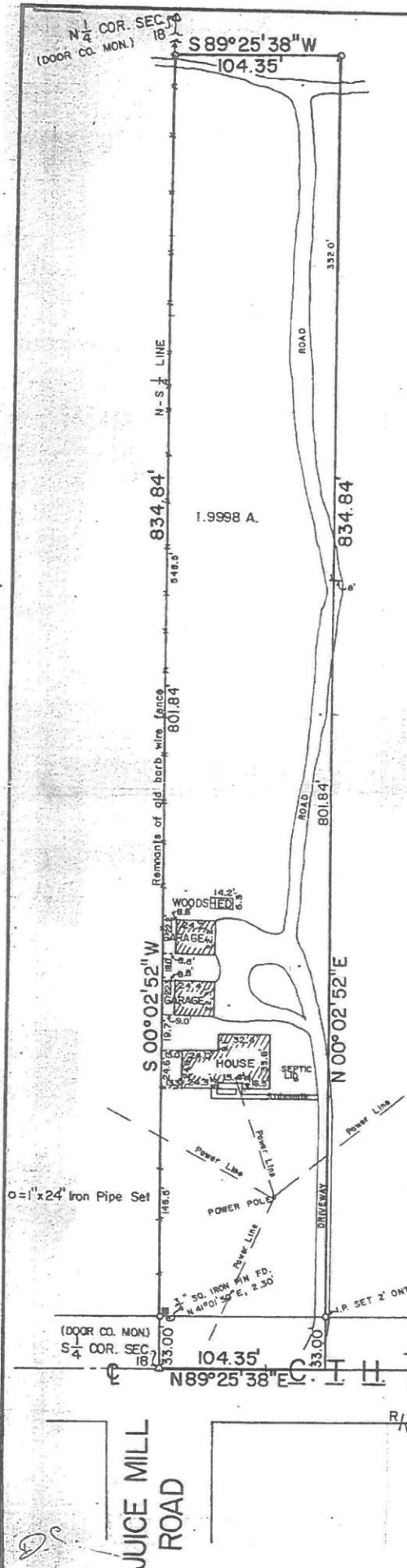
Lee E. Telfer

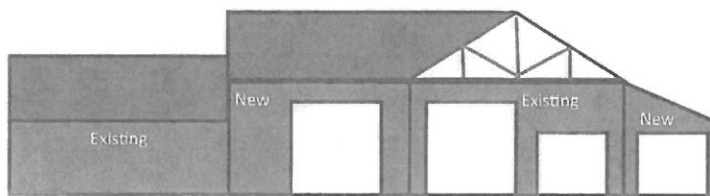
43C

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





Not to scale

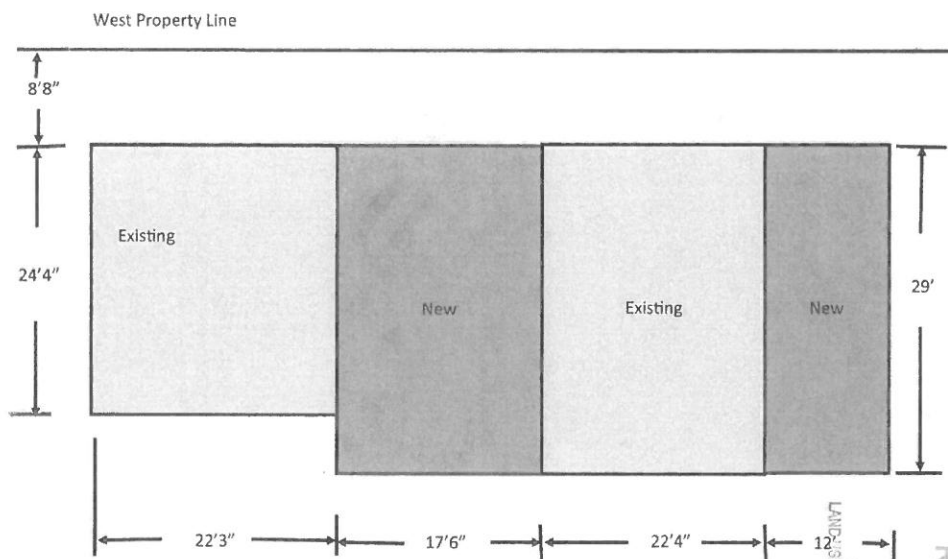
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

MAY 11 2021

RECEIVED

Proposed Garage Expansion

Front Elevation (East elevation)



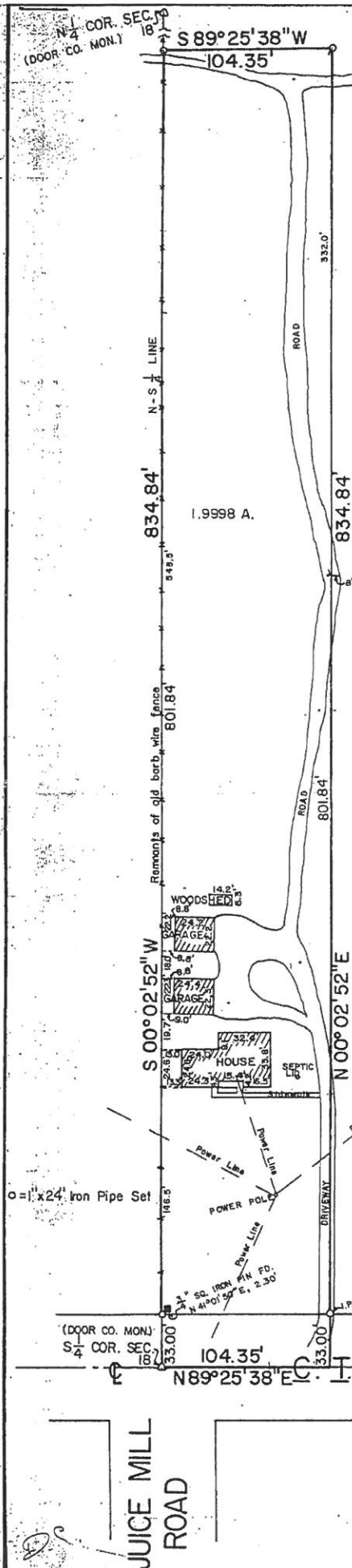
Proposed Garage Expansion

846 County Road NP

Ellison Bay, WI 54210

1 inch = 10 feet





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: 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=c2RWSTBaSHdVSHRMMkdXMUQ0dTczdz09>
Meeting ID: 836 2889 0171
Password: 457175



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
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

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