

VILLAGE OF SISTER BAY
HYBRID PLAN COMMISSION MEETING MINUTES
TUESDAY, FEBRUARY 25, 2025
SISTER BAY-LIBERTY GROVE FIRE STATION – 2258 MILL ROAD
APPROVED VERSION

At 5:30 P.M. on Tuesday, February 25, 2025 Nate Bell, the Village President, called the hybrid regular monthly meeting of the Village of Sister Bay Plan Commission to order and announced that he would be serving as Acting Chair of the Plan Commission, as Denise Bhirdo, the Chair of the Commission, had another obligation and was unable to attend this meeting.

Present: Acting Plan Commission Chair Nate Bell, and Commission members Patrice Champeau, Ron Kane and Laurel Harff.

Excused: Plan Commission Chair Denise Bhirdo and Commission member Mitch Ohnesorge.

Staff Members: Village Administrator Julie Schmelzer and Administrative Assistant Janal Suppanz

Others: Kurt Harff, Kim Erzinger, Steve Musinsky, Don Howard, Chris and Liz Hecht, Walter Nawrot, Paula Anschutz, Ellie Soderberg-Guger, Brian Kovach, M. Schwartz, Holly Tennison, Jill Gohdes-Wiebe, Dave Schwartz, Cynthia Nelson, Colin Doherty, and three unidentified individuals.

Agenda Item No. 2: Approval of the Agenda:

Motion by Champeau, second by Harff that the Agenda for the February 25, 2025 meeting of the Plan Commission be approved as presented. Motion carried – All ayes.

Agenda Item No. 3: Approval of minutes as published:

Motion by Kane, second by Champeau that the minutes for the January 28, 2025 meeting of the Plan Commission be approved as presented. Motion carried – All ayes.

Agenda Item No. 4. Comments, correspondence and concerns from the public:

Bell asked if anyone would like to comment regarding a non-agenda item.

Steve Musinsky of 10519 Fieldcrest Road stated that he would like to make Village officials aware of the fact that he has been having e-mail conversations with representatives of Bertram Communications regarding potential issues that could arise when they make the “drop” for broadband service at his residence. He got the impression that no one at Bertram really cares about his concerns, and finds their attitudes to be “quite troubling”.

Suppanz indicated that a copy of an e-mail that was received from Scott Burtness had been included in the digital meeting packets. In his e-mail Mr. Burtness expresses concerns about the fact that pet owners in Northern Door have virtually no resources for regular pet services and care, much less emergency 24/7 pet care, and requests that Village officials keep this fact in mind as they plan for potential growth.

Prior to this meeting each of the Plan Commission members had been provided copies of an e-mail that was sent by Skip Heidler as well as a letter that was received from Tom Sadler, the Chair of the Zoning

1 Board of Appeals. Bell noted that since the comments that were made in both of those documents pertain
2 to some of the proposed Municipal Code amendments that will be addressed during the course of this
3 meeting they will not be addressed until such time as the related Public Hearings are actually conducted.
4

5 **Agenda Item No. 5. Pubic Hearings/Action as Appropriate:**

6 • **Ordinance No. 2025-003 – Recreate Floodplain Zoning Ordinance:**

7 *At 5:36 P.M. Bell called the Public Hearing on Ordinance No. 2025-003, which recreates the Village's Floodplain*
8 *Zoning Ordinance, to order, and requested that Schmelzer provide related background information. She*
9 *subsequently read the Public Hearing Notice that had been published, posted and mailed to all property owners*
10 *in the Village aloud, and then explained that last spring the Federal Emergency Management Agency updated*
11 *the Flood Insurance Rate Maps and Flood Insurance Study data for Door County. That documentation revealed*
12 *that there are floodplains within the Village's boundaries, and, therefore, in accord with State and Federal*
13 *regulations the Village Board passed and adopted a Floodplain Zoning Ordinance that was modelled after a*
14 *template that had been provided to her by employees from the Wisconsin Department of Natural Resources.*
15 *Recently DNR officials requested that the Village's Floodplain Zoning Ordinance be re-adopted, as the wrong*
16 *template had apparently been provided and/or utilized, and, therefore, she saw that a revised ordinance as*
17 *well as a related Public Hearing Notice were drafted and processed. Copies of both of those documents were*
18 *included in the digital packets for this meeting. Schmelzer also indicated that floodplain maps that had been*
19 *provided to her by DNR officials were on display at the front of the room.*
20

21 *Bell asked if anyone in the audience would like to comment regarding the proposed Floodplain Regulations,*
22 *and Don Howard of 2536 Fieldcrest Lane stated that it is his understanding that a small portion of his property*
23 *is now in the designated floodplain. Mr. Howard asked if, in light of the fact that some of his property is in the*
24 *floodplain he will have to see that a related deed restriction is recorded in the Office of the Register of Deeds*
25 *for Door County, and Schmelzer acknowledged that the Village's floodplain boundaries have changed slightly*
26 *and do include some of Mr. Howard's property. She also indicated that there should not be a need for him to*
27 *see that any type of related documentation is recorded in the Office of the Register of Deeds.*
28

29 *Mr. Musinsky reminded the Commission members that Sec. 62.23(7)(hb) of the Wisconsin Statutes expressly*
30 *states that "an ordinance may not prohibit or limit, based on cost, the repair, maintenance, renovation or*
31 *remodeling of a non-conforming structure". He also pointed out that the term "open space" is utilized*
32 *throughout Chapter 65, but in Chapter 66 "green space" is primarily used. He suggested that the Commission*
33 *decide which term is preferred and then recommend that one of the drafts be amended accordingly. (It was the*
34 *consensus that "green space" is preferred.)*
35

36 *Schmelzer noted that In the previously mentioned e-mail Mr. Heidler suggests that for "clarity sake" Sections*
37 *65.0703 and 65.0704 of Ordinance No. 2025-003 be amended in such fashion that the term, "the Board" is*
38 *deleted and replaced with the term, "the Board of Appeals".*
39

40 *At 5:38 P.M. Bell asked if anyone else would like to comment regarding the provisions of the revised Floodplain*
41 *Zoning Ordinance or had any more questions regarding its provisions, and when no one responded he declared*
42 *that the Public Hearing on Ordinance 2025-003 was officially closed.*
43

44 *Motion by Champeau, second by Harff, that the Plan Commission recommends that the Village Board pass and*
45 *adopt Ordinance No. 2025-003, which recreates Chapter 65 of the Municipal Code and adopts a revised*
46 *Floodplain Zoning Ordinance for the Village of Sister Bay, as presented, or, if representatives from the DNR*
47 *inform Schmelzer that they don't have any objections to the revisions being made that were suggested during*

1 the Public Hearing, as amended. Motion carried – All ayes.

2
3 • **Ordinance No. 2025-004 – Proposed Text Amendments; Chapter 66 – B-2 Overlay, B-3 Height Restrictions**
4 **& Miscellaneous Amendments**

5 At 5:42 P.M. Bell called the Public Hearing on Ordinance No. 2025-004, which contains a number of proposed
6 text amendments to the Zoning Code to order, and requested that Schmelzer summarize all of those text
7 amendments as well as the contents of Mr. Sadler's letter and the comments that Mr. Heidler made regarding
8 Ordinance No. 2025-004. She subsequently explained that Ordinance No. 2025-004 not only contains a number
9 of miscellaneous text amendments, but in an attempt to maintain the historic character of the portion of the
10 Village that is west of N. Bay Shore Drive, the recommendation is being made that a B-2 Historic Overlay District
11 be created. Further, in an attempt to retain the view of the water, the recommendation is being made that the
12 height of buildings on private property on the west or water side of N. Bay Shore Drive not be allowed to exceed
13 35' in height. Amendments are also being proposed to the Village's tree cutting regulations, and since the Plan
14 Commission has determined that it will be much easier for owners of property and contractors to understand
15 the required setbacks from the water if one consistent setback from the ordinary highwater mark is established,
16 applicable verbiage has been added to the Code. (At the present time the required setbacks from the water are
17 based upon whether or not a property is "developed" or "undeveloped", but there are no definitions provided
18 for either of those terms, which has led to a lot of confusion.)

19
20 In his letter Mr. Sadler, who is the Chair of the Village's Zoning Board of Appeals, refers to some issues with the
21 provisions of the Zoning Code that came to light at recent Zoning Board of Appeals Meetings, and recommends
22 that the Zoning Code be revised in such fashion that it states that the front and rear walls of all buildings must
23 be taken into consideration when building height determinations are made. He also suggests that verbiage be
24 added to the Zoning Code which states that "averaging" is allowed, and indicates that it is his understanding
25 that the illustrations that are included in the current version of the Zoning Code are obsolete, and, therefore,
26 they should all be deleted.

27
28 In his e-mail Mr. Heidler recommends that different terminology be used for describing how the diameter of a
29 tree is measured, and suggests that Sec. 66.1050(3) be revised in such fashion that either the term "open space"
30 or "green space" is used; not both.)

31
32 Bell asked if anyone would like to comment regarding the proposed Zoning Code amendments that are
33 contained in Ordinance No. 2025-004, and Mr. Musinsky recommended that Sec. 66.0343 – the proposed B-2
34 Historic Overlay District regulations, be amended in such fashion that whenever references are made to tree
35 size the terms "diameter" or "diameter at breast height" be utilized rather than "caliper". He also stated that
36 he doubts that it is realistic to require that trees that are 6" in diameter be planted. He also expressed concerns
37 that the tree canopy in the Village is being depleted significantly, and suggested that a comprehensive forestry
38 policy that addresses tree trimming along with re-forestation be created. He also questioned why the minimum
39 green space requirements for the R-1 Zoning District have been changed to 50%, and asked if the Commission
40 members have considered requiring a 75' setback from the ordinary high water mark for new buildings, but
41 require that "setback averaging" be done in instances where there are already existing buildings. Finally, he
42 suggested that Sec. 66.1530(18) – Grading Plan Review, be amended in such fashion that it reads, "Under no
43 circumstances shall water be displaced onto adjacent properties or roadways that do not have a storm sewer,
44 ditch, or **natural waterway** capable of transporting the increase in water."

45
46 Chris Hecht of 10347 Orchard Drive stated that he believes continuing to impose "an absolute building height"
47 of 35' will be very problematic. He suggested that the Commission members consider recommending that

1 *“height averaging” or requiring that “the mean average roof height of any new structures” be clearly delineated*
2 *He also noted that there are a number of existing structures in the Village, including his own home, which is a*
3 *simple, two-story residence with a walk-out basement, that actually exceed that height limitation.*
4

5 *Walter Nawrot of 2373 Parkview Drive asked if the proposed parking regulations for the B-2 Historic Overlay*
6 *District will apply to commercial properties as well as residential properties, and Schmelzer responded that the*
7 *proposed parking regulations would only apply if any property owners in the B-2 Historic Overlay District wish*
8 *to “totally redo” their driveways or parking areas.*
9

10 *Kim Erzinger of 2370 Parkview Drive expressed concerns about the fact that it could get quite costly for property*
11 *owners in the B-2 Historic Overlay District if architectural review and a Landscaping Plan is required any time*
12 *they want to do remodeling or make improvements to their property.*
13

14 *At 6:05 P.M. Bell asked if anyone else would like to comment regarding any of the provisions of Ordinance*
15 *No. 2025-004 or had any questions regarding its provisions, and when no one responded he declared that the*
16 *Public Hearing on that ordinance was also closed.*
17

18 *At 6:11 P.M. the Commission members were informed that Colin Doherty, who was appearing virtually,*
19 *also wished to speak. Suppanz and Bell apologized for the oversight, and Bell then declared that the Public*
20 *Hearing on Ordinance No. 2025-004 would be re-opened.*
21

22 *Mr. Doherty stated that he owns Roots Inn & Kitchen, a bed & breakfast/restaurant which is located at*
23 *2378 Maple Drive. Roots is situated within the boundaries of the proposed Historic Overlay District, and*
24 *in light of that fact Mr. Doherty believes Sec. 66.0343(1)(a) should be amended in such fashion that it*
25 *reflects that restaurants are not an “excepted use”. He also believes applicable “grandfathering” language*
26 *should be added to the proposed B-2 Historic Overlay regulations. In conclusion Mr. Doherty stated that*
27 *he does not believe it’s fair to require that the owners of businesses or short-term rentals that are located*
28 *in the B-2 Historic Overlay District must pay an architectural review fee any time they wish to make*
29 *exterior renovations to their buildings, but the owners of residences in that same district are not required*
30 *to pay any fees for that same type of review.*
31

32 *At 6:17 P.M. Bell asked if anyone else who was appearing virtually would like to comment regarding the*
33 *provisions of Ordinance No. 2025-03, and when no one responded he again declared that the Public*
34 *Hearing was officially closed.*
35

36 *Schmelzer provided responses to all the comments, questions and concerns that had been raised by all of*
37 *the previously mentioned individuals, and Champeau explained that the proposed building height*
38 *limitations are being suggested because she and some of the other Plan Commission members have heard*
39 *a number of negative comments about how tall some of the buildings in the downtown area actually are.*
40 *Complaints were also lodged that in some instances, views of the waterfront have been totally blocked*
41 *by tall buildings.*
42

43 *Bell stated that he understands the concerns that were raised by Champeau, but “feels a little differently”*
44 *about the building height issue. He actually believes there may be a better mechanism to address the fact*
45 *that waterfront views are being blocked, but since he “was in the minority” when that issue was debated*
46 *at length at the last Plan Commission Meeting he won’t be making any further comments regarding his*
47 *position at this point.*

Discussion took place regarding all the testimony that had been presented during the Public Hearing on Ordinance No. 2025-004 and the content of that ordinance, and it was eventually the consensus that:

- The possibility of enacting “building height averaging” regulations will be addressed at a future meeting of the Plan Commission.
- The Village’s standard “pre-existing, non-conforming use” or “grandfathering” language shall be included in the proposed B-2 Historic Overlay regulations.
- Sec. 66.1530(18) – Grading Plan Review, shall be amended in such fashion that it reads:
“Under no circumstances shall water be displaced onto adjacent properties or roadways that do not have a storm sewer, ditch, or **natural waterway** capable of transporting the increase in water.”
- Schmelzer was also asked to see that a clear and concise definition for the term “caliper” is included in the previously mentioned draft.

Motion by Champeau, second by Harff, that the Plan Commission recommends that the Village Board pass and adopt Ordinance No. 2025-004, which contains a number of proposed text amendments to the Zoning Code for Village of Sister Bay, as amended at this meeting. Motion carried with Bell opposed.

Agenda Item No. 6. Administrator’s Report:

Schmelzer’s Administrator’s Report was included in the digital meeting packets, and the Commission members jointly reviewed that document.

Agenda Item No. 7. Matters To Be Placed on a Future Agenda or Referred to a Committee, Official or Employee:

Agenda Item No. 8. Next Meetings:

Due to scheduling conflicts the Public Hearing on the draft of the proposed 20 Year Comprehensive Plan for the Village has been rescheduled for 5:30 P.M. on Tuesday, March 11, 2025, and the next regular monthly meeting of the Plan Commission has also been rescheduled for 5:30 P.M. on Tuesday, March 18, 2025. At the March 18, 2025 meeting the following issues will be addressed:

- Discussion regarding the Village’s R-4 Zoning District regulations
- Discussion regarding the Village’s Dark Sky regulations
- Discussion regarding “building height averaging”

Agenda Item No. 9. Adjournment:

At 6:54 P.M. a motion was made by Champeau, seconded by Kane that the February 25, 2025 regular monthly meeting of the Plan Commission be adjourned. Motion carried – All ayes.

Respectfully submitted,



Janal Suppanz,
Administrative Assistant