

**WASHINGTON ISLAND ZONING AND PLANNING
COMMITTEE MEETING
March 21, 2023 – 4:00pm
Washington Island Community Center Rutledge Room &
Virtual Option, Call in Instructions Below
AGENDA**

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES** of the November 9, 2023 meeting
- 4. CORRESPONDENCE:**
- 5. ACTION ITEMS**

- | | | |
|-----------|--|--------------------------|
| a. | Elect WIZAP Chairman | Discussion/Motion |
| b. | Elect WIZAP Secretary | Discussion/Motion |
| c. | Opening for WIZAP Committee | Discussion/Motion |
| d. | Variance Request – Sandra L. Bassler, Trustee of William & Sandra Bassler Trust has requested a variance from Section 4.08(8)(f)2.b.(2) of the Door County Comprehensive Zoning Ordinance which requires Multiple Occupancy Developments to be located at least 40’ from side lot lines when adjacent to a single family residence. The property is located at 1145 Old West Harbor Road, parcel number 028-01-02332923Q. | |

Discussion/Motion

- | | | |
|-----------|------------------------------|--------------------------|
| e. | Island Zoning Overlay | Discussion/Motion |
|-----------|------------------------------|--------------------------|

- 6. REPORTS/ANNOUNCEMENTS**
- 7. COMMUNITY INPUT**
- 8. BOARD INPUT**
- 9. NEXT MEETING:** Suggestions?
- 10. ADJOURN**

MORE THAN TWO TOWN BOARD MEMBERS MAY BE PRESENT
WISCONSIN’S OPEN MEETINGS LAW NOTICE (WIS.STAT. §19.84)

Posted March 1, 2023

THE PUBLIC IS WELCOME

Check the Town website for our posted agendas & minutes at:

www.washingtonisland-wi.gov

Computer, Tablet or Smartphone Link

<http://meet.goto.com/725682317>

Call in Phone Number

Access Code: 725-682-317

United States: +1 (312) 757-3121

**WASHINGTON ISLAND ZONING & PLANNING
COMMITTEE MEETING - Meeting Minutes
Wednesday November 9, 2022
Rutledge Room, Washington Island**

1. CALL TO ORDER: The meeting was called to order at 4:02 PM by Chairman Kirby Foss

MEMBERS PRESENT: Michael Kickbush, Kirby Foss, Connie Smith, Larry Kahlscheuer

MEMBERS ABSENT: Doug Hanson

OTHERS PRESENT: None

2. APPROVAL of AGENDA: The agenda was approved as written. Motion by Smith, 2nd by Kickbush. **Motion passed** unanimously.

3. APPROVAL OF MINUTES: The minutes April 12, 2022 meeting were approved as written. Motion by Kickbush, 2nd by Smith. **Motion passed** unanimously.

4. CORRESPONDENCE: None.

ACTION ITEMS:

5. a. Text Amendment – The Town of Liberty Grove has submitted a request to change the Door Co. Zoning Ordinance to allow Auto Repair and Trade or Contractor Establishments in Heartland-10 (HL 10) Zoning Districts with a Conditional Use Permit. Motion by Kickbush, second by Smith that WIZAP recommend Denying a change to the Door Co. Zoning Ordinance allowing Auto Repair & Trade or Contractor Establishments in Heartland-10 (HL 10) zoning districts. **Motion passed** unanimously.

5. b. Elect WIZAP Chair – tabled for further discussion at the next meeting.

5. c. Elect WIZAP Secretary – tabled for further discussion at the next meeting.

5. d. Opening for WIZAP Committee – No action taken.

6. REPORTS/ANNOUNCEMENTS: None.

7. COMMUNITY INPUT: None.

8. BOARD INPUT: None.

9. NEXT MEETING: As needed.

10. ADJOURNMENT: **MOTION** by Kickbush to adjourn, 2nd by Smith. **Motion carried** unanimously. Meeting was adjourned at 4:25 pm.

Submitted by **Mike Kickbush**, Secretary

RECOMMENDATION

**WASHINGTON ISLAND PLANNING & ZONING
COMMITTEE**

March 21, 2023

At the March 21, 2023 meeting of the Washington Island Zoning and Planning Committee, an election for the **chairman of the committee** was held.

Motion by Connie Smith, 2nd by Mike Kickbush to nominate **Doug Hansen** to the chair of the committee. Motion passed unanimously.

Respectfully submitted,

Michael G. Kickbush AIA
Secretary
Washington Island Planning & Zoning Committee

RECOMMENDATION

**WASHINGTON ISLAND PLANNING & ZONING
COMMITTEE**

March 21, 2023

At the March 21, 2021 meeting of the Washington Island Zoning and Planning Committee, an election for the **office of secretary** was held.

Motion by Doug Hansen, 2nd by Connie Smith to nominate **Mike Kickbush** to the office of secretary. Motion passed unanimously.

Respectfully submitted,

Michael G. Kickbush AIA
Secretary
Washington Island Planning & Zoning Committee

RECOMMENDATION

**WASHINGTON ISLAND PLANNING & ZONING
COMMITTEE**

March 21, 2023

At a meeting of the Washington Island Zoning and Planning meeting held on March 21, 2023 it was the unanimous recommendation of the committee members present that **Susan Buchanan** be made a member of WIZAP.

The motion to recommend Susan Buchanan as a member of WIZAP was made by Doug Hansen, 2nd by Mike Kickbush. Motion passed unanimously.

The committee believes she would be a great addition.

Respectfully submitted,

Michael G. Kickbush AIA
Secretary
Washington Island Planning & Zoning Committee

On Mar 20, 2023, at 7:16 AM, Michael Kickbush
<mkickbush@hotmail.com> wrote:

Hi Susan,

Thank you for your interest in WIZAP. I have forwarded your letter of interest to the committee and attached an agenda for Tuesday's meeting. If you cannot attend in person, there is a go to meeting link at the bottom of the agenda if you would like to attend virtually.

Thanks,

Mike

From: Susan Buchanan <susanb@tallpinesconservancy.org>
Sent: Sunday, March 19, 2023 11:43 AM
To: Michael Kickbush <mkickbush@hotmail.com>
Subject: WIZAP

Hi Mike: I would be very interested in joining the WIZAP. As you are aware, I hold a masters degree from the School of Architecture and Urban Planning, UW-Milwaukee in land use planning. and I was on the Village of Shorewood's plan commission for 10 years. Currently I am the Executive Director of Tall Pines Conservancy, a land trust specializing in farmland conservation, in the Oconomowoc area--and have been for the past 15 years. I also hold a real estate brokers license (for over 30 years!). I have been coming up to the island since 1991, and we purchased 26 acres in the Big Marsh natural area in 1999 (that is now owned by the DNR as part of the NA). We purchased our 45 acre farm on Lake View in 2006. I am eyeing retirement in 2024, and would appreciate the opportunity to apply my professional background and experience to the Island for which I am very passionate! Thank you for your consideration. Sincerely, Susan

Professional Bio: <https://tallpinesconservancy.org/meet-the-team>

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Susan Buchanan
Executive Director
414-559-7460 cell

"We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect."

-Aldo Leopold

<Agenda for March 21, 2023[1].pdf>



**County of Door
LAND USE SERVICES DEPARTMENT: ZONING**

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Kristin Rankin, Zoning Administrator

Direct line: (920) 746-2266

Main office line: (920) 746-2323

FAX: (920) 746-2387

E-mail: krankin@co.door.wi.us

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

February 16, 2023

Town of Washington
C/o Alexandria McDonald, Clerk
(via e-mail)

Re: Petition for variance for 1145 Old West Harbor Rd: Multiple Occupancy Development Addition

Dear Ms. McDonald,

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 Washington at an upcoming Door County Board of Adjustment meeting. The scheduling process for the hearing will begin on March 16, 2023, 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. Comments may still be submitted to the Land Use Services Department concerning the proposal up to noon the day before the hearing and/or the town may offer verbal testimony at the hearing.

Enclosed is a "Town Recommendation Worksheet" which we ask you to complete and send back to the Door County Land Use Services Department after you review the case at an upcoming meeting.

Sandra L. Bassler, Trustee of William K. & Sandra L. Bassler Trust (Owner) has requested a variance from Section 4.08(8)(f)2.b.(2) of the Door County Comprehensive Zoning Ordinance. Section 4.08(8)(f)2.b.(2) of the Door County Comprehensive Zoning Ordinance requires Multiple Occupancy Developments to be located at least 40' from side lot lines when adjacent to a single family residence.

The applicants are proposing to a 25' X 27', two-story addition to the existing southern cottage of a Multiple Occupancy Development. The addition will be located as close as 23' to the south side lot line.

The applicants have the responsibility to contact the Town of Washington (Alexandria McDonald, Clerk: 920-847-2522) to determine if/when the town may discuss this matter at a future meeting.

Sincerely,

Kristin Rankin

Zoning Administrator

Enc.: Variance application packet and town recommendation worksheet

C.C.: Sandra Bassler

Mark Flasch (via email)

Adjacent property owners within 300', letter only

Door County Planning Department Request for Town Recommendation

Sandra L. Bassler, Trustee of William K. & Sandra L. Bassler Trust (Owner) has requested a variance from Section 4.08(8)(f)2.b.(2) of the Door County Comprehensive Zoning Ordinance. Section 4.08(8) (f)2.b.(2) of the Door County Comprehensive Zoning Ordinance requires Multiple Occupancy Developments to be located at least 40' from side lot lines when adjacent to a single family residence.

The applicants are proposing a 25' X 27', two story addition to the existing southern cottage of a Multiple Occupancy Development. The addition will be located as close as 23' to the south side lot line.

The Zoning and Planning Committee of the Town of Washington held a legally noticed and posted meeting on 3/21/23, at which, by a vote of 3 (Yea) to 3 (Nay), the town recommended (check one) **SUPPORT** **DENIAL** for a variance.

Reason(s) for the town's decision:

The proposed residence which is being added onto predates the current Door County Zoning Ordinance and has a certain amount of inalienable rights associated with it. The addition will be no more closer to the south side yard property line than the existing residence that is being added onto. The adjacent neighbors that are most affected have submitted letters of support. Harm to the public interest was not discussed.

Is the proposal consistent with the Town Comprehensive Plan?

The proposed addition is a permitted use and allowed for in the zoning district it is in which is Recreational Commercial (RC).

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

Owner intends to install a tree row on the south property line per site plan by architect. Owner also said the intention is to create a primary residence and not a rental property.

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 affect 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.)

Petition for Grant of Variance
STAFF REPORT

Applicant Information

Current Owner(s): William K. & Sandra L. Bassler Trust

Parcel: 1145 Old West Harbor Rd, Parcel ID # 028-01-02332923Q

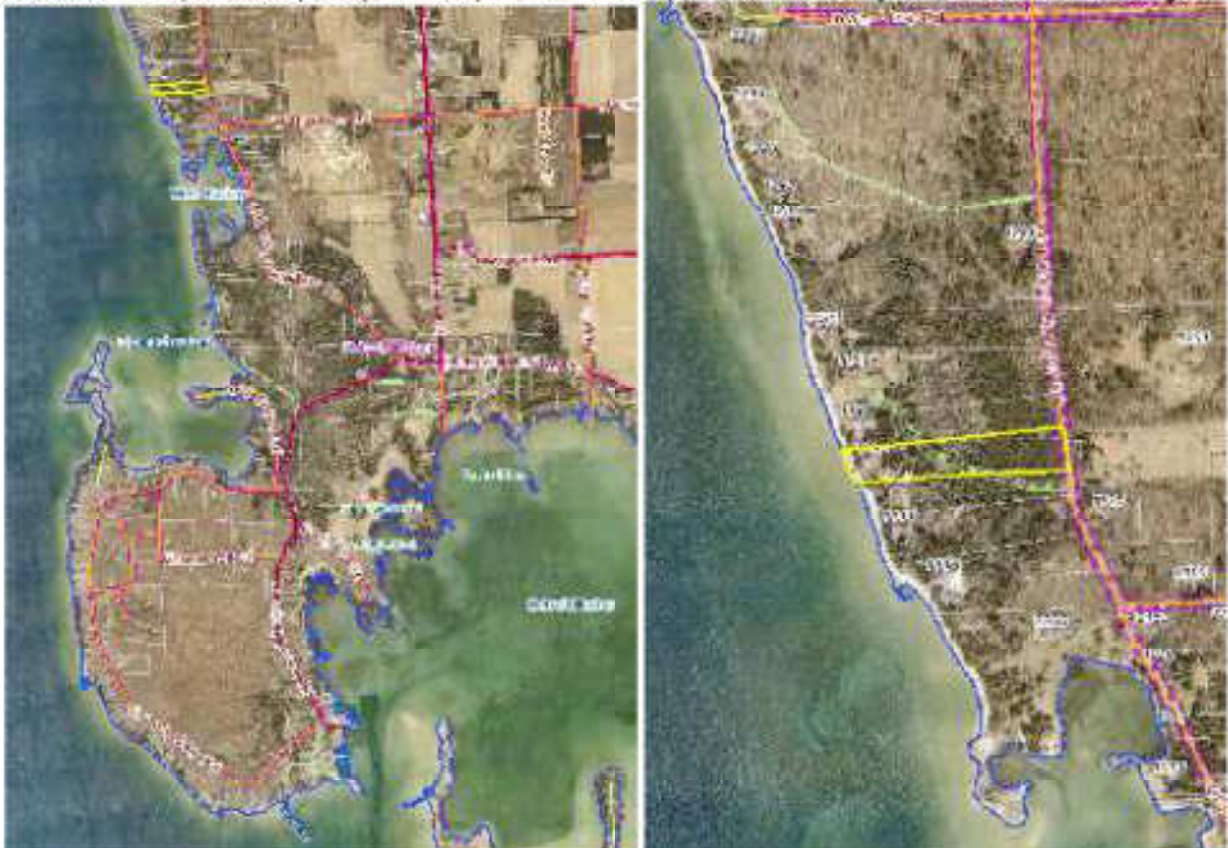
Request: Sandra L. Bassler, Trustee of William K. & Sandra L. Bassler Trust (Owner) has requested a variance from Section 4.08(8)(f)2.b.(2) of the Door County Comprehensive Zoning Ordinance. Section 4.08(8)(f)2.b.(2) of the Door County Comprehensive Zoning Ordinance requires Multiple Occupancy Developments to be located at least 40' from side lot lines when adjacent to a single family residence.

The applicants are proposing to a 25' X 27', two-story addition to the existing southern cottage of a Multiple Occupancy Development. The addition will be located as close as 23' to the south side lot line.

Parcel Description: This parcel contains 3.58 acres. There is about 180 feet of shoreline along Green Bay. There is about 200 feet of frontage along Old West Harbor (Town Road). Access to the property is taken along a 30' private unnamed easement serving 4 lots. The opposite side of the private easement (from the residences) contains areas of mapped wetlands.

Zoning: This property is zoned Recreational Commercial (RC) under the Door County Comprehensive Zoning Ordinance. This property is located in a non-core area. This Multiple Occupancy Development is considered a conforming use. The MOD is allowed to be expanded without a Conditional Use Permit as long as the MOD does not exceed 12 bedrooms.

Background: The Multiple Occupancy Development contains two dwelling units built before zoning was adopted. A detached garage was authorized in 1992. In 2010 a Conditional Use Permit was issued for expansion of the Multiple Occupancy Development. This expansion was only to the northern cottage.



Surrounding area:

The lots to the North and South of this parcel are zoned Recreational Commercial (RC). The lot to the north of this property contains a MOD. The lot to the south of this property contains a single family residence. There are mapped wetlands extending north on the opposite side of the easement. The lots on the East of Old West Harbor Rd is zoned General Agriculture (GA) and are vacant or contain a single family residence.



PETITION

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): SANDRA LEE BASSLER

Propose to:

BUILD A 25' X 27' ADDITION TO EXISTING SOUTH CABIN. THE EXISTING CABIN IS LOCATED WITHIN 40' SIDEYARD SETBACK. THE PROPOSED ADDITION IS LOCATED ON THE EAST SIDE OF THE EXISTING CABIN WHICH PLACES PART OF THE ADDITION WITHIN THE 40' SETBACK.

The existing use of structure or land in question is:

EXISTING SOUTH CABIN USED FOR FAMILY MEMBERS VISITING WASHINGTON ISLAND. THE PROPERTY ALSO HAS A PERMANENT RESIDENCE USED BY THE OWNER (MOTHER) OF THE PROPERTY. THE SOUTH CABIN WILL ALSO BECOME THE FUTURE PERMANENT RESIDENCE OF THE OWNER'S DAUGHTER. THE PROPERTY IS USED FOR RESIDENTIAL USE ONLY.

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:

Sandra Lee Bassler

DATE:

1-16-23

QUESTIONS

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:

The existing south cabin is located within the 40' required setback from the south property line. Due to the existing north house location, expansion of south cabin is restricted to the north. (See site plan allowable area.)

The allowable area shows a 4'-6" +/- contact with the existing cabin's north/east corner. This would be an impractical building footprint for an addition to the existing south cabin.

Vertical expansion would not be allowed to the existing cabin as it is located within the 75' lake setback limits. The proposed addition is outside of the 75' lake setback.

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:

The existing south cabin is a one (1) bedroom cabin with a small kitchen and restricted bathroom, (see existing cabin floor plan D1). The proposed addition provides two (2) bedrooms along with an art studio located on the 2nd floor. The addition also provides a 2nd exit which the existing cabin does not have. A 2nd exit is required by contemporary building code, (see floor plans).

The south cabin is currently used by extended family members along with their children for Washington Island visits. A one (1) bedroom cabin is not functional for these visits. The future use of the cabin is also meant to be the permanent residence for the owner's daughter.

Renovation of the existing cabin is also planned with the proposed addition. The renovation includes interior and exterior upgrades. The existing kitchen and bathroom is currently not functional due to its small footprint. Both of these rooms are proposed to be enlarged. The cabin exterior windows and roof are in need of replacement. Original date of this cabin is unknown.

c.) NO HARM TO PUBLIC INTERESTES

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:

The proposed addition is 23' +/- to the south property line at the southeast corner of the cabin. This dimension increases to 33' +/- at the southeast corner of the proposed addition.

Side yard set backs are normally 25' for residential zoning. Because this is commercial/residential zoning, the side set backs are 20' with adjacent multiple family properties and 40' for adjacent single family property.

This property along with the adjacent north property was originally a resort which was sold off as individual properties back in the 1980's. Because the properties have multiple cabins located on them, this created the "commercial" zoning designation. In reality, these properties are residential use only with no commercial function.

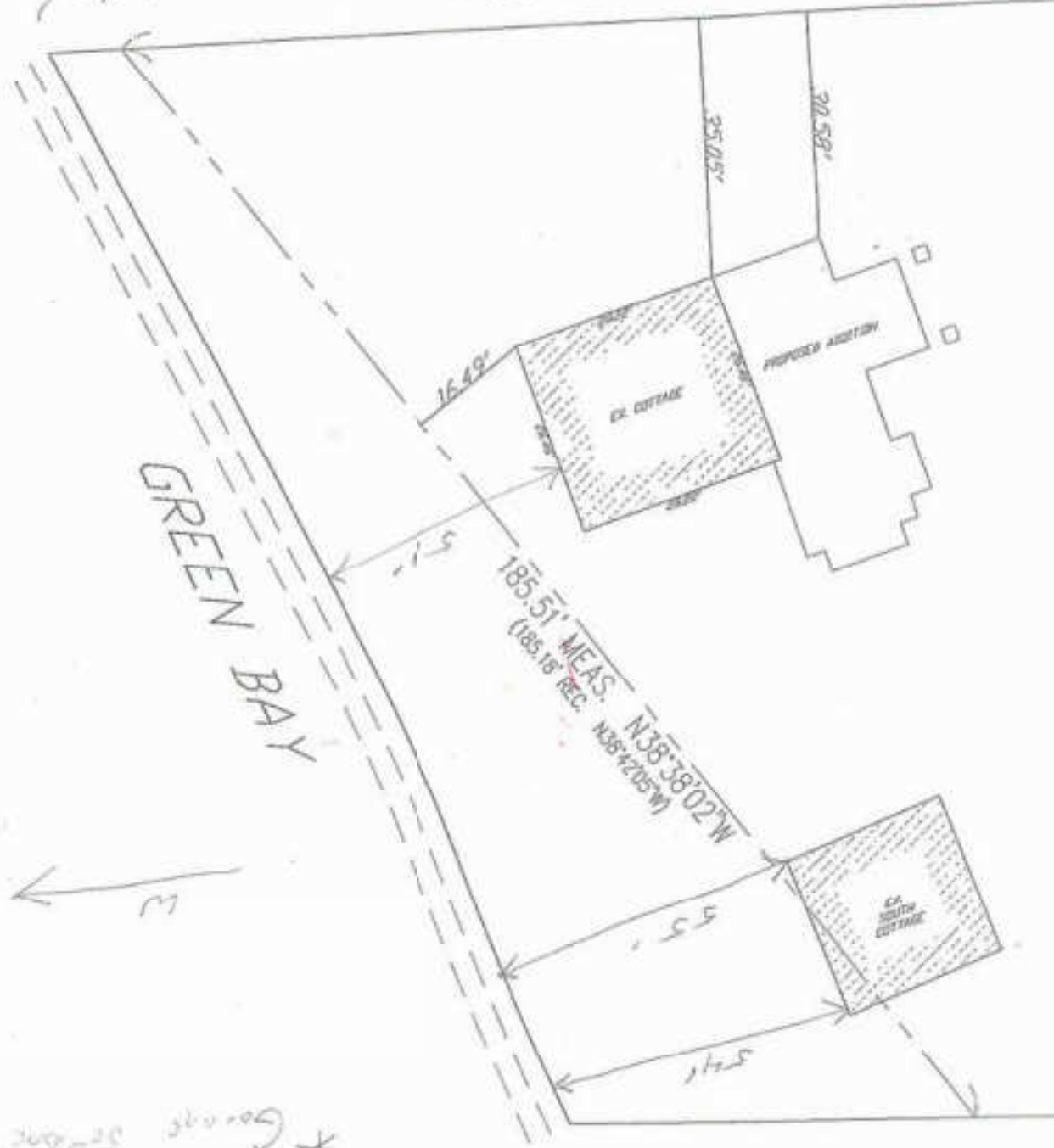
The proposed project would also include a coniferous tree screening comprised of two (2) rows of trees at 5' on center for a total length of 70'. This tree line would be located on the south property line adjacent to the existing cabin and proposed addition (see site plan allowable area).

We do not believe this project would have a negative impact to the public interest.

3) Measure to South (STP)
 * (B) Nonconformity
 * Garage 50' x 20'

174 bedrooms to be
 on parcels 4, 5

252.83' MEAS
 (252.38' REC. S)

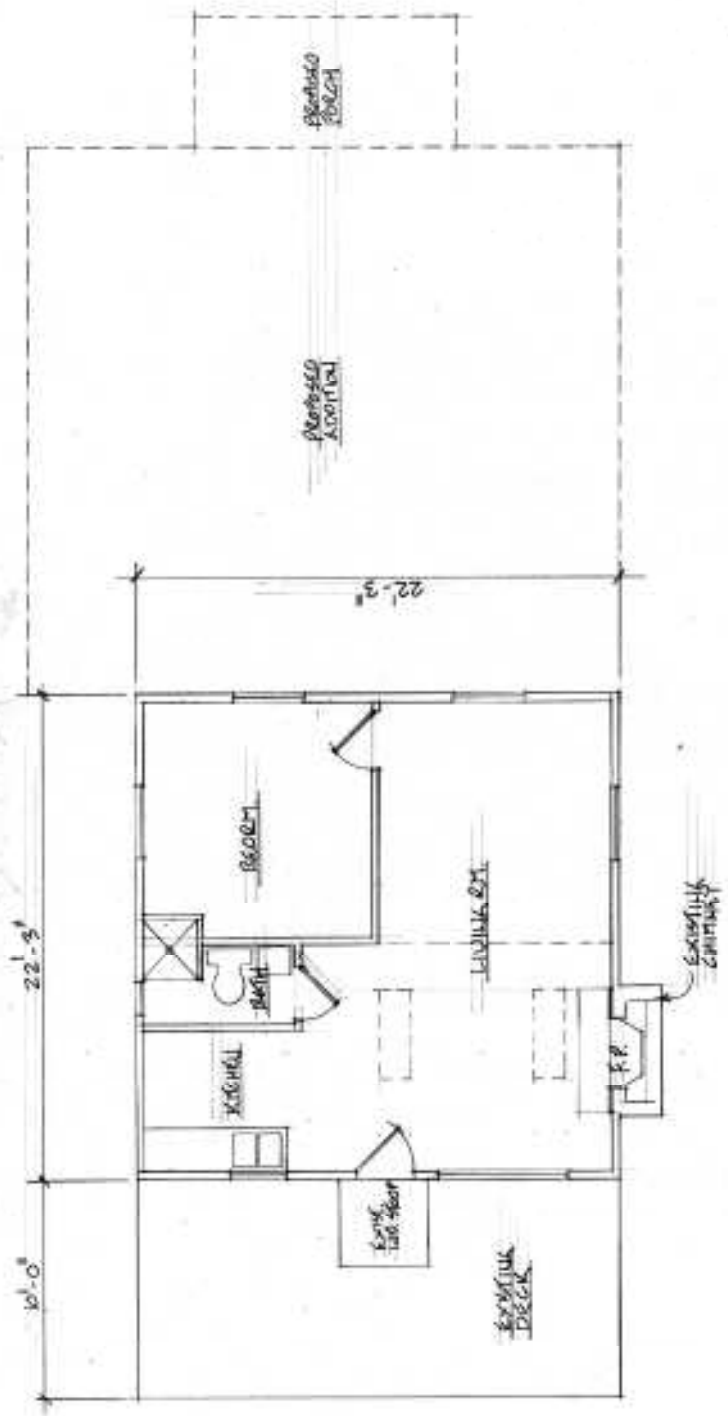


* Garage 50' x 20'

REVISIONS		
NO.	ITEM	DATE

SCALE: 1" = 20'
 DRAWN BY: TM
 CHECKED BY: AD
 DATE: 3-16-10

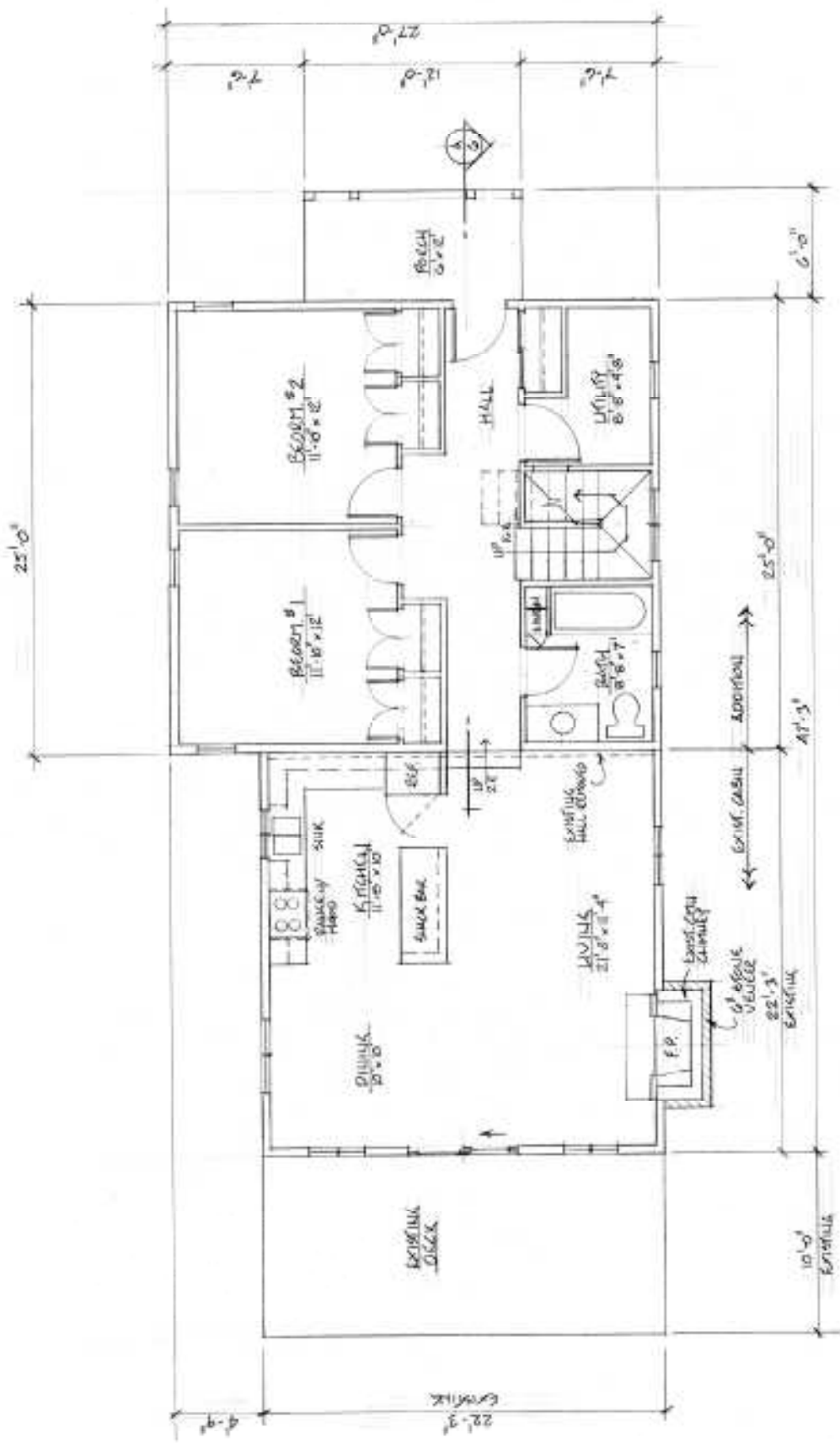
2228 Grand Avenue
 TEL: 647-336-7100
 Design Firm U
 Copyright 2010 by M



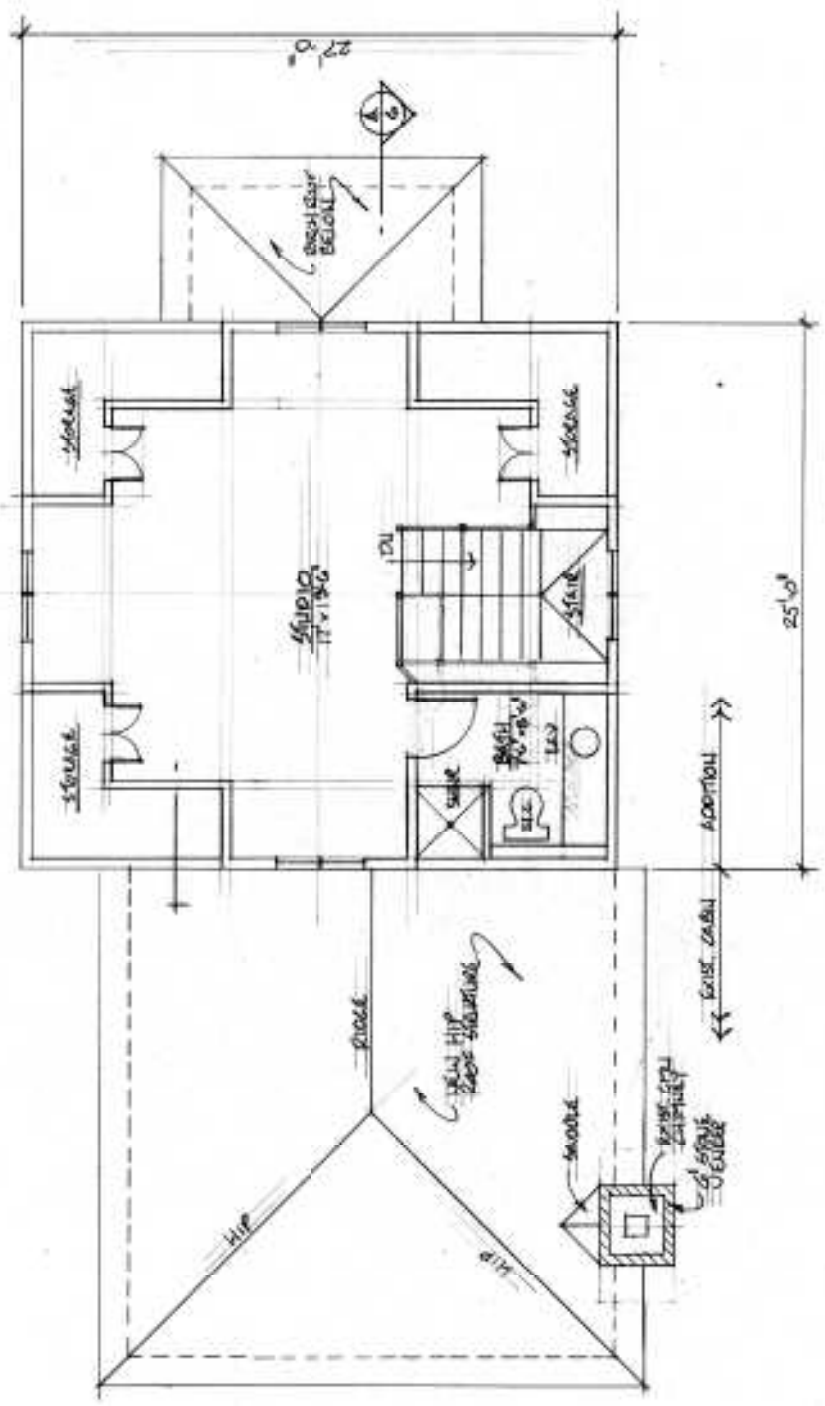
N

EXISTING CABIN FLOOR PLAN

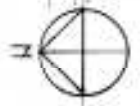
1/4" = 1'-0"



N
 1ST FLOOR PLAN
 1/4" = 1'-0"

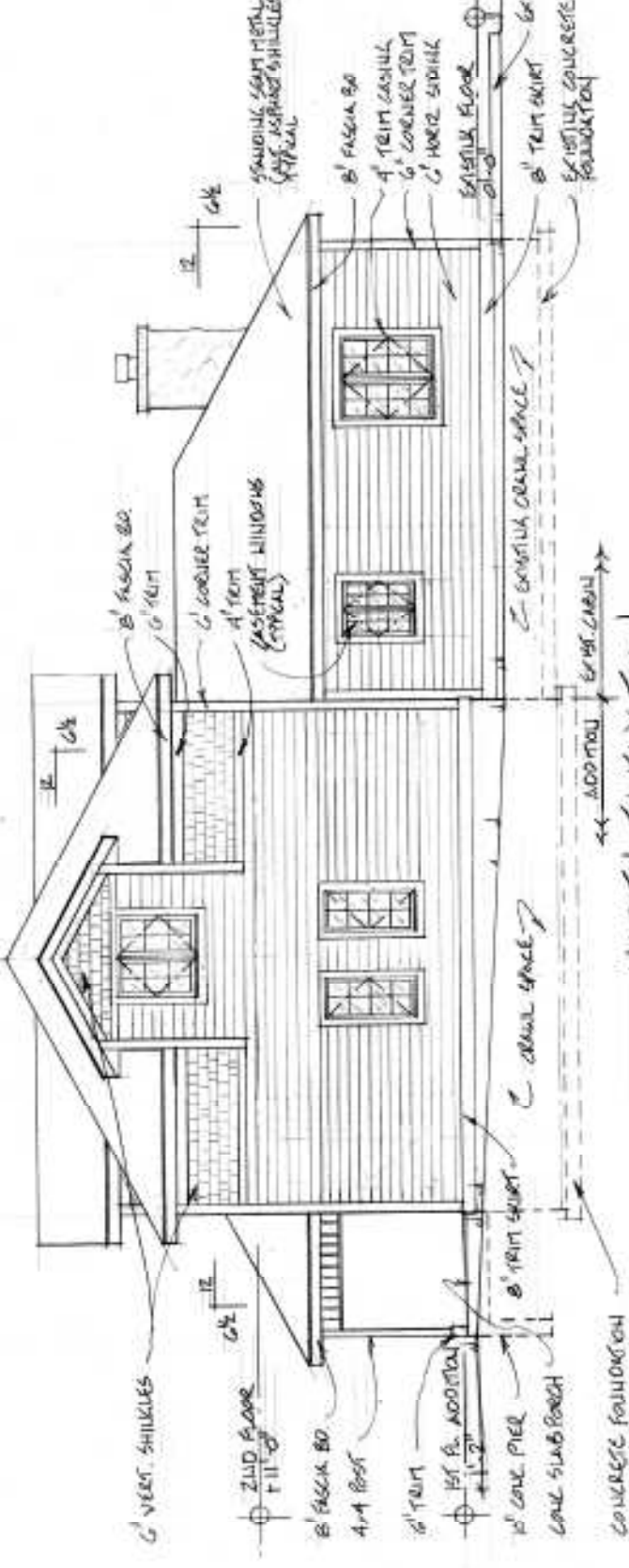


2ND FLOOR PLAN
1/4" = 1'-0"





SOUTH ELEVATION



NORTH ELEVATION

1/4" = 1'-0"

5.5. FLUE CAP

6" CONK. CAP

3" CONK. SHOULDER

4" SQUARE VENTERS w/ EXIST. CONK. CHIMNEY

EXISTING FLOOR

EXIST. CRANK SPACE

EXISTING ADDITION

CRANK SPACE

2ND FLOOR

SPINDLE BRACILK

4" x 4" POST

6" BASE

1/2" x 2" ADDITION

6" VERT. SHINGLES

2ND FLOOR

6" FASCIA BO.

4" x 4" POST

6" TRIM

1/2" x 2" ADDITION

1/2" CONK. PIER

CONK. SLAB PORCH

CONCRETE FOUNDATION

6" TRIM SHIRT

CRANK SPACE

ADDITION

EXIST. CRANK SPACE

EXIST. CRANK

6" FASCIA BO.

6" TRIM

6" CORNER TRIM

4" TRIM

BASEMENT WINDOWS

CRANK SPACE

STANDING SEAM METAL ROOF (4" x 4" BRACKET'S HUNGLES) (CRITICAL)

6" FASCIA BO.

4" TRIM CASILK

6" CORNER TRIM

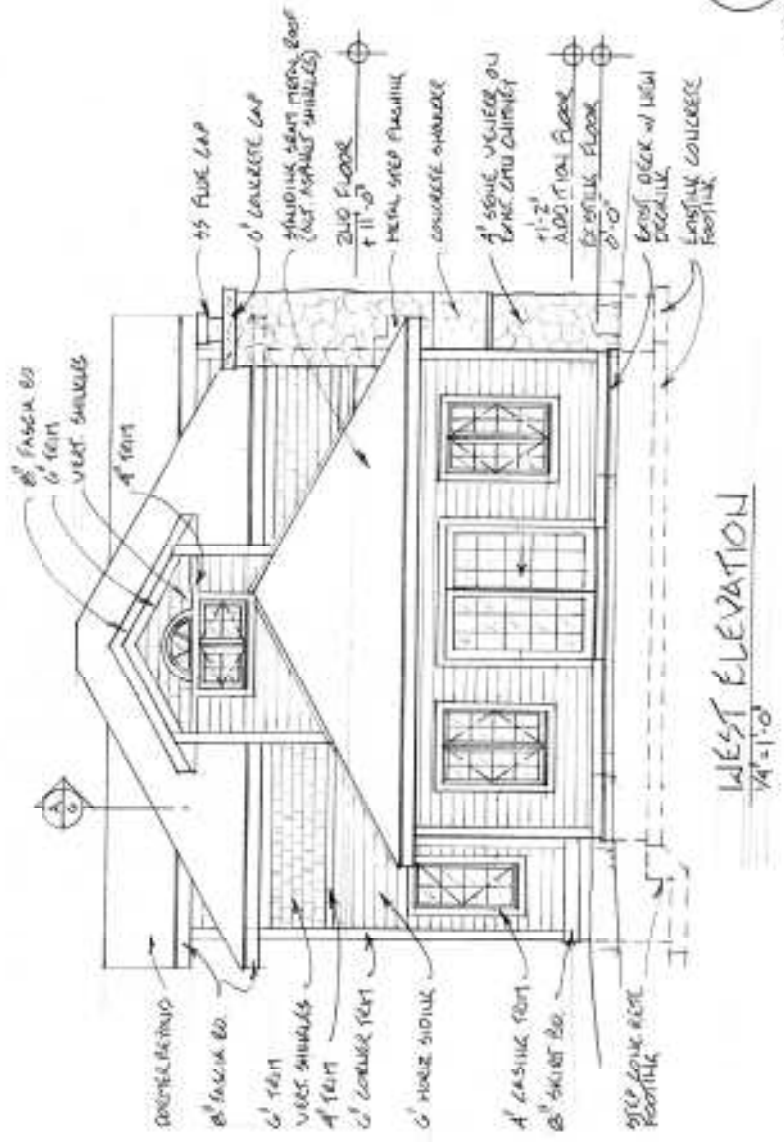
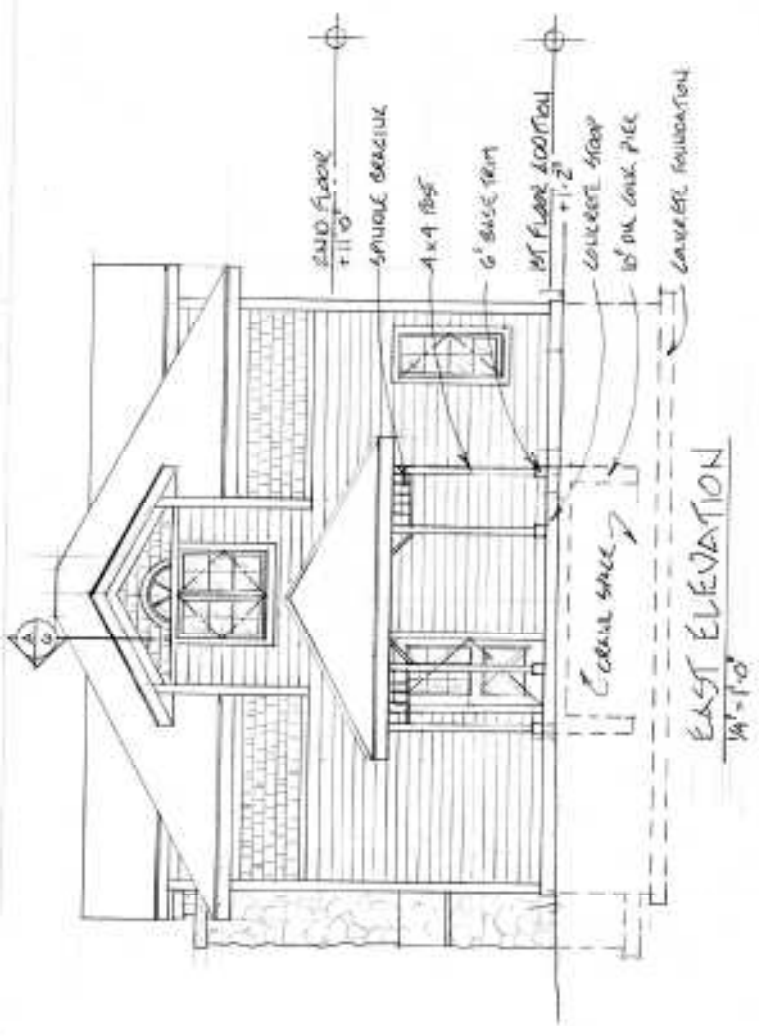
6" HORZ. SIDING

EXISTING FLOOR

6" TRIM SHIRT

EXISTING CONCRETE FOUNDATION

GRINDING DECK



RECOMMENDATION

**WASHINGTON ISLAND PLANNING & ZONING
COMMITTEE**

March 21, 2023

At a meeting of the Washington Island Zoning and Planning meeting held on March 21, 2023 it was the unanimous recommendation of the committee members present that **the following motion be approved.**

Relative to the Door Co. Zoning Ordinance, the Washington Island Overlay (chapter 3.15(3)) was reviewed and was determined to meet the current needs of the island and shall be kept as is and as it was envisioned by previous committees. Any changes in “clean up” language need to be consistent with the intent of the overlay. Motion passed unanimously.

Respectfully submitted,

Michael G. Kickbush AIA
Secretary
Washington Island Planning & Zoning Committee