

Notice of Public Meeting Tuesday, July 25, 2023 4:30 p.m.	DOOR COUNTY BOARD OF ADJUSTMENT	Door County Government Center Peninsula Room (C121, 1st floor) 421 Nebraska Street, Sturgeon Bay, WI
USE THE 4TH STREET ENTRANCE, ACROSS FROM THE LIBRARY.		

AGENDA

- 1.0 Call to order and declaration of quorum.
- 2.0 Conduct annual business meeting.
- 3.0 Read and act on minutes of June 27, 2023 meeting.
- 4.0 Final disposition of the following cases considered by the Board of Adjustment at June 27, 2023 meeting.
 - 4.1 Bayside Enterprises, LLP; side yard and road setbacks; VC zoning district; 4160 Main St. (STH 42); Gibraltar.
 - 4.2 Michael Wade; water and side yard setbacks; SF20 zoning district; 1544 Balsley Rd.; Clay Banks.
- 5.0 Future meeting schedule:
 - August 8, 2023: No meeting.
 - August 22, 2023: No meeting
 - September 12, 2023: No meeting
 - September 26, 2023: 1 case?
- 6.0 Vouchers.
- 7.0 Adjournment.

Applicants and others who wish to speak must attend in person.

Members of the public who wish to simply monitor/observe the hearings and meeting may attend in person or do so remotely by using the link below, or via the Zoom smartphone app, or by calling (312) 626-6799.

Link:
<https://us02web.zoom.us/j/85850988274?pwd=cnNrVOkzQnhCdEpoWDBGbhIrYklwZz09>
Zoom Webinar ID: 858 5098 8274
Passcode: 183994

Deviation from order shown may occur.

Door County Board of Adjustment
 c/o Door County Land Use Services Dept.
 Door County Government Center
 421 Nebraska St.
 Sturgeon Bay, WI 54235

SKV
 7/18/23

Notice in compliance with the Americans with Disabilities Act: 1) Any person needing assistance to participate in this meeting should contact the Office of the County Clerk at (920) 746-2200. Notification 72 hours prior to a meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. 2) Door County is committed to making its electronic and information technology (e.g., website and contents) accessible for all persons. If you encounter difficulty accessing the posted materials for this meeting, located on-line at <https://www.co.door.wi.gov/AgendaCenter> under the committee name, or have trouble accessing the virtual meeting, please call (920) 746-2323, or send a FAX to (920) 746-2387, or send an e-mail to Lriemer@co.door.wi.us so that we may determine how to best assist you.

**MINUTES OF MEETING
DOOR COUNTY BOARD OF ADJUSTMENT**

June 27, 2023

1.0 Call to order and declaration of quorum.

The meeting was called to order by Chair Frey at 4:37 p.m. on Tuesday, June 27, 2023, in the Chambers Room (C-102) of the Door County Government Center, Sturgeon Bay, Wisconsin. The hearing and business meeting were moved to the Chambers Room due to scheduling conflicts in the Peninsula Room.

Present:	<u>BOA Members</u>	<u>Staff</u>	<u>Others</u>
	Fred Frey	Sue Vanden Langenberg, Zoning Administrator	Robert E. MacDonald
	Bob Ryan	Kristin Rankin, Zoning Administrator	Wayne Kudick
	Monica Nelson		Mark A. Bartels
	Cheryl Mick (Zoom)		Kristin Wade
	Chris Anderson		Michael Wade
			Katelyn Wade

Excused: Aric Weber
Arps Horvath

2.0 Discuss and arrive at a decision on Petitions for Grant of Variance.

2.1 Bayside Enterprises, LLP; side yard and road setbacks; VC zoning district; 4160 Main St. (STH 42); Gibraltar.

Motion by Ryan, seconded by Nelson, to approve the variance. Motion carried (5-0).

The basis for the decision is set forth on the attached Board of Adjustment decision document.

2.2 Michael Wade; water and side yard setbacks; SF20 zoning district; 1544 Balsley Rd.; Clay Banks.

Motion by Nelson, seconded by Anderson, to approve the variance. Motion carried (3-2; Mick, Ryan "nay").

The basis for the decision is set forth on the attached Board of Adjustment decision document.

3.0 Read and act on minutes of May 23, 2023 meeting.

Motion by Ryan, seconded by Anderson, to approve the minutes as presented. Motion carried (5-0).

4.0 Final disposition of the following cases considered by the Board of Adjustment at May 23, 2023 meeting.

4.1 Lakeview Lodge, LLC; water and wetland setbacks; Liberty Grove.

4.2 Kevin and Sharon Ramon; water setback; Egg Harbor.

4.3 Richard Tobey; appeal zoning administrator decision related to the Shoreland, Floodplain, and Comprehensive Zoning Ordinance regulations that apply to recent development along the shoreline; Washington.

Motion by Ryan, seconded by Mick, to approve the final disposition of all cases as presented. Motion carried (5-0).

5.0 Discuss and act on proposed changes to Door County Board of Adjustment Rules of Procedure.

Vanden Langenberg explained that the changes were proposed for the following reasons:

1. The document had not been updated since 2010, so housekeeping items needed updating. The department name had changed, the original ordinance had been separated into a Comprehensive Zoning Ordinance and Shoreland Zoning Ordinance, and the document needed to include the Floodplain Zoning Ordinance.

2. The Board of Adjustment Rules of Procedure was missing information regarding Ex Parte communication which is in the Resource Planning Committee's Rules of Procedure, so adding this information would make the two documents more consistent.
3. Change the order of the hearing for appeals where error is alleged. The decision being appealed is introduced by the staff member which then allows the applicant to have the last opportunity to speak during rebuttal.

It was noted that Door County Corporation Counsel Sean Donahue had reviewed and approved the proposed changes. The proposed changes were shown in red, and included in the hearing packet provided to the committee prior to this meeting date.

After a brief discussion, there was a motion by Ryan, seconded by Nelson, to approve the proposed changes to the Door County Board of Adjustment Rules of Procedure. Motion carried (4–0; Frey “abstained”).

The revised rules were signed by all of the Board of Adjustment members physically present.

6.0 Future meeting schedule:

- **July 11, 2023: no meeting**
- **July 25, 2023: 1 case ready**
- **August 8, 2023: ?**

There may be 1 case ready for July 25th; Ryan, Nelson, and Mick (via Zoom) can attend. VandenLangenberg will check on availability of the remaining members. Tonight's decision documents will be signed that night.

August 8th: Ryan and Mick (via Zoom) are available, Nelson and Anderson are unsure at this time.

Meeting schedule as discussed noted.

7.0 Vouchers.

All BOA members' vouchers reflect a 2.5-hour meeting.

8.0 Adjournment.

Motion by Ryan, seconded by Nelson, to adjourn. Motion carried (5–0). Chair Frey declared the meeting adjourned at 6:57 p.m.

Respectfully submitted by Sue Vanden Langenberg and Kristin Rankin, Zoning Administrators

**DOOR COUNTY BOARD OF ADJUSTMENT
Decision – Area Variance**

APPLICANT(S) NAME(S): Bayside Enterprises, LLP
PROPERTY ADDRESSES / PIN: 4160 Main St. (STH 42)/ 014391305A
HEARING DATE: June 27, 2023
DECISION DATE: June 27, 2023

DESCRIPTION OF VARIANCE REQUESTED:

Bayside Enterprises, LLP petitions for after-the-fact variances from Section 3.02(3)(b) and 3.05(6)(a) of the Comprehensive Zoning Ordinance, which requires principal structures be located at least 10’ from side lot lines and at least 10’ from the edge of the STH 42 right-of-way. The applicant proposes to keep the parapet wall that was constructed on the south-side of the building which encroaches into the road right-of-way (zero foot variance) and over the western lot line (zero foot variance). The property is at 4160 Main St. (STH 42) in the VC zoning district.

DECISION:

On the basis of the Decision-Making Worksheet (attached hereto and incorporated herein by reference as if set forth in full) and the record in this matter the Board of Adjustment finds and determines that:

- A. The variance does meet the criteria set forth in Section 59.694(7), Wisconsin Statutes.

The Board of Adjustment voted to grant the petition for grant of variance by the following vote:

Fred Frey: Aye
Bob Ryan: Aye
Monica Nelson: Aye
Cheryl Mick: Aye
Chris Anders: Aye

Signed _____
Chairperson

Signed _____
Recording Clerk

Dated: July 25, 2023
Filed: July 26, 2023

Appeal: *This decision may be appealed by a person aggrieved by this decision by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The County of Door assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30 day period.*

The privileges granted by this decision shall become void after one year unless the zoning permits for the authorized project have been obtained within such time.

**DOOR COUNTY BOARD OF ADJUSTMENT
DECISION-MAKING WORKSHEET**

APPLICANT(S) NAME(S): Bayside Enterprises, LLP
PROPERTY ADDRESSES / PIN: 4160 Main St. (STH 42)
HEARING DATE: June 27, 2023
DECISION DATE: June 27, 2023

DESCRIPTION OF VARIANCE REQUESTED:

Bayside Enterprises, LLP petitions for after-the-fact variances from Section 3.02(3)(b) and 3.05(6)(a) of the Comprehensive Zoning Ordinance, which requires principal structures be located at least 10' from side lot lines and at least 10' from the edge of the STH 42 right-of-way. The applicant proposes to keep the parapet wall that was constructed on the south-side of the building which encroaches into the road right-of-way (zero foot variance) and over the western lot line (zero foot variance). The property is at 4160 Main St. (STH 42) in the VC zoning district.

To grant an area variance, all three of the standards enumerated below must be met. In addressing each standard, express the reasons for the decision, i.e., why the facts did or did not satisfy the standards, the weight and credibility of the evidence presented (or lack thereof), and any other relevant considerations.

1. UNIQUE PHYSICAL PROPERTY LIMITATIONS.

Are there unique physical property limitations such as steep slopes, wetlands, or parcel shape that prevent compliance with the ordinance? The circumstances of an applicant (growing family, need for a larger garage, etc.) are not factors in deciding variances. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance. 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.

In order for a variance to satisfy the unique physical property limitation test, the question below must be answered affirmatively.

Does this property contain unique physical property limitations (e.g., wetland presence, parcel shape, steep slope, etc.) that would prevent compliance with the ordinance?

YES X NO

EXPLAIN: The unique property limitations include the narrow width of the parcel, and existing location of the historic building which has been located partially over the west lot line and partially located within the state highway right-of-way prior to zoning.

2. UNNECESSARY HARDSHIP.

Unnecessary hardship exists when a literal enforcement of the ordinance would unreasonably prevent the owner from using the property for a permitted purpose or when conformity with ordinance standards would be unnecessarily burdensome.

Considerations:

- Unnecessary hardship should be determined in light of the purpose and intent of the zoning ordinance in question, as well as any statute or administrative rule upon which the ordinance is based. (See page 4.) The facts of the case should be analyzed in light of these purposes. Only after considering the purpose(s) of the statute and/or ordinance, and the nature of the specific restriction(s) at issue, may a decision be made as to whether or not failure to grant a variance will cause an unnecessary hardship.
- Unnecessary hardship may arise due to a unique property limitation of a parcel (see #1, above). A variance is not warranted if the physical character of the property allows a landowner to develop or build in compliance with the zoning ordinance.
- Unnecessary hardship does not include considerations personal to the property owner (e.g., personal preference, desire to maximizing the economic value of the property, or financial hardship caused by ordinance compliance).
- Any self-created hardship, and/or any hardship that existed irrespective of the zoning ordinance in question are not proper grounds upon which to grant a variance.
- Alternatives to a variance (e.g., conditional use permit or restrictive covenant) may, as neither runs with the land, be preferable to accommodate a disability of the owner or owner's dependent.

In order for a variance to satisfy the unnecessary hardship test, one of the questions below (A or B) must be answered affirmatively.

A. Does denial of the variance -- i.e., requiring compliance with the strict letter of the ordinance provision(s) in question (e.g., setbacks, height limitations, etc.) -- unreasonably prevent the owner from using the property for a permitted purpose?
YES _____ NO X

OR

B. Is conformity with the regulation(s) unnecessarily burdensome?
YES X NO _____

EXPLAIN: Literal enforcement of the ordinance would be unnecessarily burdensome since the first floor of the building is already located partially over the west lot line and partially located within the state highway right-of-way, and the project which was constructed does not encroach any farther than the existing structure.

3. PUBLIC INTEREST/SPIRIT AND INTENT OF THE ORDINANCE.

A variance may not be granted which results in harm to public interests, nor thwarts the spirit and intent of the ordinance. In applying this test, the board should review the purpose statements of the ordinance (and any statute or administrative rule upon which the ordinance is based) in order to identify public interests. (See page 4.) The short-term and long-term impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the community, and even the state, should be considered. Review should focus on the general public interest, rather than just the narrow interests or impacts on neighbors, patrons, or residents in the vicinity of the project.

Cumulative effects are a proper consideration. For instance, in the context of shoreland zoning, the general availability of variances permitting the horizontal expansion of structures so close to the water's edge may have the cumulative effect of enclosing our lakes within a wall of

impermeable surfaces to the exclusion of vegetation and impairing the ecological functions of the shoreland buffer.

A variance is not a popularity contest. The mere fact of public support or opposition is not, in and of itself, determinative of whether or not a variance is contrary to the public interest.

The board may grant only the minimum variance needed, i.e., the minimum variance necessary to relieve the unnecessary hardship. For instance, if the request is for a variance of 30 feet from the minimum setback, and a finding is made that a 10-foot setback reduction would allow the petitioner to use the property for a permitted purpose, then only a 10-foot setback reduction may be authorized.

Distinguish between hardships that are unnecessary in light of the unique conditions of the property and the purpose of the zoning ordinance from hardships that are inconsequential or not unique or because a variance would unduly undermine the purpose of the ordinance or the public interest.

In order for a variance to satisfy the public interest test, the question below must be answered negatively.

Does the granting of the variance result in harm to the public interest?

YES _____ NO X

EXPLAIN: The completed project enhanced the public interest by creating a safer entrance from Main Street. The Wisconsin Department of Transportation would not have issued the temporary permit if the project would be harmful to the public. The parapet wall doesn't harm the public in any way, and the installation of windows in the second floor allows for safer egress from the second floor.

Has the applicant seeking a variance demonstrated that each of the three standards has been satisfied in this case? YES x NO _____ . If yes, then substantial justice will be done by granting the variance.

Dated this: June 29, 2023

Door County Zoning Ordinance Purpose Statements

"1.04 Purpose. The purpose of this Ordinance is to promote and protect public health, safety, aesthetics, and other aspects of the general welfare. Further purposes of this Ordinance are to:

- (1) Aid in implementing the county development plan.
- (2) Promote planned and orderly land use development.
- (3) Protect property values and the property tax base.
- (4) Fix reasonable dimensional requirements to which buildings, structures, and lots shall conform.
- (5) Prevent overcrowding of the land.
- (6) Advance uses of land in accordance with its character and suitability.
- (7) Provide property with access to adequate sunlight and clean air.
- (8) Aid in protection of groundwater and surface water.
- (9) Preserve wetlands.
- (10) Protect the beauty of landscapes.
- (11) Conserve flora and fauna habitats.
- (12) Preserve and enhance the county's rural characteristics.
- (13) Protect vegetative shore cover.
- (14) Promote safety and efficiency in the county's road transportation system.
- (15) Define the duties and powers of administrative bodies in administering this Ordinance.
- (16) Prescribe penalties for violation of this Ordinance."

Wisconsin Statutes Purpose Statement

281.31. Navigable waters protection law

"(1) To aid in the fulfillment of the state's role as trustee of its navigable waters and to promote public health, safety, convenience and general welfare, it is declared to be in the public interest to make studies, establish policies, make plans and authorize municipal shoreland zoning regulations for the efficient use, conservation, development and protection of this state's water resources. The regulations shall relate to lands under, abutting or lying close to navigable waters. The purposes of the regulations shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty." (*Emphasis added.*)

Examples as to how to use the above in conjunction with analysis of a variance request

When considering a variance request to relax the required ordinary high water mark setback, county zoning ordinance purposes (8), (10), (11), and (13) are likely relevant to consider. Purposes (2), (3), (4), and (5) may also be relevant. Depending upon the nature of the variance request, any of the components of the statutory purposes behind shoreland zoning (above) may be relevant to consider.

When considering a variance request to relax a required yard (setback), county zoning ordinance purposes (2), (3), (4), and (5) are likely relevant to consider.

**DOOR COUNTY BOARD OF ADJUSTMENT
Decision – Area Variance**

APPLICANT(S) NAME(S): Michael and Kristin Wade
PROPERTY ADDRESSES / PIN: 1544 Balsley Road / 006-00-09262611B2
HEARING DATE: June 27, 2023
DECISION DATE: June 27, 2023

DESCRIPTION OF VARIANCE REQUESTED:

Michael Wade petitions for variances from Section IV.B.2.b. of Shoreland Zoning Ordinance which requires a principal structure be located at least 75’ from the ordinary high water mark of Lake Michigan, and Section 3.02(3)(a) of the Comprehensive Zoning Ordinance which requires a principal structure be located at least 10’ from the side lot line. The applicant proposes to construct a 14’8” x 18’4” first floor addition on the west-side of the existing single family residence, a 14’9” x 21’6” cantilevered, second story addition, and loft. The addition will be located as close as 40.5’ from the ordinary high water mark, and the second story addition and loft will be located as close as 8.92’ from the north, side lot line. The property is at 1544 Balsley Rd. in the SF20 zoning district.

DECISION:

On the basis of the Decision-Making Worksheet (attached hereto and incorporated herein by reference as if set forth in full) and the record in this matter the Board of Adjustment finds and determines that:

- A. The variance does meet the criteria set forth in Section 59.694(7), Wisconsin Statutes.

The Board of Adjustment voted to grant the petition for grant of variance by the following vote:

Fred Frey:	Aye
Bob Ryan:	Nay
Monica Nelson:	Aye
Cheryl Mick:	Nay
Chris Anders:	Aye

Signed _____
Chairperson

Signed _____
Recording Clerk

Dated: July 25, 2023
Filed: July 26, 2023

Appeal: *This decision may be appealed by a person aggrieved by this decision by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The County of Door assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30 day period.*

The privileges granted by this decision shall become void after one year unless the zoning permits for the authorized project have been obtained within such time.

**DOOR COUNTY BOARD OF ADJUSTMENT
DECISION-MAKING WORKSHEET**

APPLICANT(S) NAME(S): Michael and Kristin Wade

PROPERTY ADDRESSES / PIN: 1544 Balsley Road / 006-00-09262611B2

HEARING DATE: June 27, 2023

DECISION DATE: June 27, 2023

DESCRIPTION OF VARIANCE REQUESTED:

Michael Wade petitions for variances from Section IV.B.2.b. of Shoreland Zoning Ordinance which requires a principal structure be located at least 75' from the ordinary high water mark of Lake Michigan, and Section 3.02(3)(a) of the Comprehensive Zoning Ordinance which requires a principal structure be located at least 10' from the side lot line. The applicant proposes to construct a 14'8" x 18'4" first floor addition on the west-side of the existing single family residence, a 14'9" x 21'6" cantilevered, second story addition, and loft. The addition will be located as close as 40.5' from the ordinary high water mark, and the second story addition and loft will be located as close as 8.92' from the north, side lot line. The property is at 1544 Balsley Rd. in the SF20 zoning district.

To grant an area variance, all three of the standards enumerated below must be met. In addressing each standard, express the reasons for the decision, i.e., why the facts did or did not satisfy the standards, the weight and credibility of the evidence presented (or lack thereof), and any other relevant considerations.

1. UNIQUE PHYSICAL PROPERTY LIMITATIONS.

Are there unique physical property limitations such as steep slopes, wetlands, or parcel shape that prevent compliance with the ordinance? The circumstances of an applicant (growing family, need for a larger garage, etc.) are not factors in deciding variances. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance. 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.

In order for a variance to satisfy the unique physical property limitation test, the question below must be answered affirmatively.

Does this property contain unique physical property limitations (e.g., wetland presence, parcel shape, steep slope, etc.) that would prevent compliance with the ordinance?

YES NO

EXPLAIN: There is significant amounts of wetland on the property which limit the area available for construction near the existing residence. The existing, nonconforming residence is already located within the ordinary high water mark setback which is a unique property limitation.

2. UNNECESSARY HARDSHIP.

Unnecessary hardship exists when a literal enforcement of the ordinance would unreasonably prevent the owner from using the property for a permitted purpose or when conformity with ordinance standards would be unnecessarily burdensome.

Considerations:

- Unnecessary hardship should be determined in light of the purpose and intent of the zoning ordinance in question, as well as any statute or administrative rule upon which the ordinance is based. (See page 4.) The facts of the case should be analyzed in light of these purposes. Only after considering the purpose(s) of the statute and/or ordinance, and the nature of the specific restriction(s) at issue, may a decision be made as to whether or not failure to grant a variance will cause an unnecessary hardship.
- Unnecessary hardship may arise due to a unique property limitation of a parcel (see #1, above). A variance is not warranted if the physical character of the property allows a landowner to develop or build in compliance with the zoning ordinance.
- Unnecessary hardship does not include considerations personal to the property owner (e.g., personal preference, desire to maximizing the economic value of the property, or financial hardship caused by ordinance compliance).
- Any self-created hardship, and/or any hardship that existed irrespective of the zoning ordinance in question are not proper grounds upon which to grant a variance.
- Alternatives to a variance (e.g., conditional use permit or restrictive covenant) may, as neither runs with the land, be preferable to accommodate a disability of the owner or owner's dependent.

In order for a variance to satisfy the unnecessary hardship test, one of the questions below (A or B) must be answered affirmatively.

- A. Does denial of the variance -- i.e., requiring compliance with the strict letter of the ordinance provision(s) in question (e.g., setbacks, height limitations, etc.) -- unreasonably prevent the owner from using the property for a permitted purpose?**
 YES _____ NO _____

EXPLAIN:

OR

- B. Is conformity with the regulation(s) unnecessarily burdensome?**
 YES X NO _____

EXPLAIN: The existing structure has no internal stairway from first floor to second floor and the existing outside access between these floor levels is unsafe. Denial of the variance would be unnecessarily burdensome and unreasonable because it would require a new, internal stairway to be constructed from first floor to the second floor and that would decrease the already limited floor area of the existing structure.

3. PUBLIC INTEREST/SPIRIT AND INTENT OF THE ORDINANCE.

A variance may not be granted which results in harm to public interests, nor thwarts the spirit and intent of the ordinance. In applying this test, the board should review the purpose statements of the ordinance (and any statute or administrative rule upon which the ordinance is based) in order to identify public interests. (See page 4.) The short-term and long-term impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the community, and even the state, should be considered. Review should focus on the general public interest, rather than just the narrow interests or impacts on neighbors, patrons, or residents in the vicinity of the project.

Cumulative effects are a proper consideration. For instance, in the context of shoreland zoning, the general availability of variances permitting the horizontal expansion of structures so close to the water's edge may have the cumulative effect of enclosing our lakes within a wall of impermeable surfaces to the exclusion of vegetation and impairing the ecological functions of the shoreland buffer.

A variance is not a popularity contest. The mere fact of public support or opposition is not, in and of itself, determinative of whether or not a variance is contrary to the public interest.

The board may grant only the minimum variance needed, i.e., the minimum variance necessary to relieve the unnecessary hardship. For instance, if the request is for a variance of 30 feet from the minimum setback, and a finding is made that a 10-foot setback reduction would allow the petitioner to use the property for a permitted purpose, then only a 10-foot setback reduction may be authorized.

Distinguish between hardships that are unnecessary in light of the unique conditions of the property and the purpose of the zoning ordinance from hardships that are inconsequential or not unique or because a variance would unduly undermine the purpose of the ordinance or the public interest.

In order for a variance to satisfy the public interest test, the question below must be answered negatively.

Does the granting of the variance result in harm to the public interest?

YES _____ NO X

EXPLAIN: The increased impervious surface of the lot is minimal. The addition will improve the safety of the owners by allowing an internal stairway connecting all floors and doesn't include significant changes nor significant impacts. The town voted unanimously to support the variance, and the neighbors and town had no concerns.

Has the applicant seeking a variance demonstrated that each of the three standards has been satisfied in this case? YES X NO _____ . If yes, then substantial justice will be done by granting the variance.

Dated this: June 29, 2023

Door County Zoning Ordinance Purpose Statements

"1.04 Purpose. The purpose of this Ordinance is to promote and protect public health, safety, aesthetics, and other aspects of the general welfare. Further purposes of this Ordinance are to:

- (1) Aid in implementing the county development plan.
- (2) Promote planned and orderly land use development.
- (3) Protect property values and the property tax base.
- (4) Fix reasonable dimensional requirements to which buildings, structures, and lots shall conform.
- (5) Prevent overcrowding of the land.
- (6) Advance uses of land in accordance with its character and suitability.
- (7) Provide property with access to adequate sunlight and clean air.
- (8) Aid in protection of groundwater and surface water.
- (9) Preserve wetlands.
- (10) Protect the beauty of landscapes.
- (11) Conserve flora and fauna habitats.
- (12) Preserve and enhance the county's rural characteristics.
- (13) Protect vegetative shore cover.
- (14) Promote safety and efficiency in the county's road transportation system.
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Wisconsin Statutes Purpose Statement

281.31. Navigable waters protection law

"(1) To aid in the fulfillment of the state's role as trustee of its navigable waters and to promote public health, safety, convenience and general welfare, it is declared to be in the public interest to make studies, establish policies, make plans and authorize municipal shoreland zoning regulations for the efficient use, conservation, development and protection of this state's water resources. The regulations shall relate to lands under, abutting or lying close to navigable waters. The purposes of the regulations shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty." *(Emphasis added.)*

Examples as to how to use the above in conjunction with analysis of a variance request

When considering a variance request to relax the required ordinary high water mark setback, county zoning ordinance purposes (8), (10), (11), and (13) are likely relevant to consider. Purposes (2), (3), (4), and (5) may also be relevant. Depending upon the nature of the variance request, any of the components of the statutory purposes behind shoreland zoning (above) may be relevant to consider.

When considering a variance request to relax a required yard (setback), county zoning ordinance purposes (2), (3), (4), and (5) are likely relevant to consider.