



# PLAN COMMISSION MEETING AGENDA

Wednesday, August 26, 2015 at 5:30 P.M.

Sister Bay-Liberty Grove Fire Station – 2258 Mill Road, Sister Bay, WI

For additional information check: [Http://www.sisterbaywi.gov](http://www.sisterbaywi.gov)

*In order for everyone to hear the discussion please, turn off your cell phone. Thank you.*

**Call Meeting to Order / Roll Call                      Deviations from the agenda order shown may occur.  
Comments, correspondence and concerns from the public**

**Approval of the agenda**

**Approval of minutes as published**

**Business Items**

1. Public Hearing on a request to amend 66.0320(c) of the Sister Bay Zoning Code to allow quarries as a conditional use in the B-1 General Business District. Discussion on a request to amend 66.0320(c) of the Sister Bay Zoning Code to allow quarries as a conditional use in the B-1 General Business District; consider a motion for action to recommend approval of proposed ordinance 235-072815, Amending Ch 66.0320(c).
2. Discussion on Ch. 66.0405 Boat and Trailer parking; consider a for action if necessary.
3. Discussion on a proposed Mural Code; consider a motion for action if necessary.
4. Discussion on 66.0501(b)(3)(e), Accessory buildings in Front Yard Setback Area; consider a motion for action if necessary.
5. Plan Commission review of a Zoning Determination of Front vs. Side yard placement of a propane tank at 2241 Maple Dr.; consider a motion for action if necessary.
6. Report by the Zoning Administrator regarding development activities, various enforcement actions, and issuance of Sign and Zoning Permits.
7. Matters to be placed on a future agenda or referred to a Committee, Official or Employee

## Adjournment

## Public Notice

Questions regarding the nature of the agenda items or more detail on the agenda items listed above scheduled to be considered by the governmental body listed above can be directed to Zeke Jackson, Village Administrator at 920-854-4118 or at [zeke.jackson@sisterbaywi.gov](mailto:zeke.jackson@sisterbaywi.gov).

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Sister Bay Village Administrator at 854-4118, (FAX) 854-9637, or by writing to the Village Administrator at the Village Administration Building, 2383 Maple Drive, PO Box 769, Sister Bay, WI 54234. Copies of reports and other supporting documentation are available for review at the Village Administration Building during operating hours. (8 a.m. – 4 p.m. weekdays).

I hereby certify that I have posted a copy of this agenda at the following locations:		
<input type="checkbox"/> Administration Building	<input type="checkbox"/> Library	<input type="checkbox"/> Post Office
_____ / _____		
Name	Date	

December 4, 1012

Robert L Kufrin  
Zoning Administrator  
Village of Sister Bay  
Sister Bay Administration Building  
2383 Maple Drive  
P.O. Box 769  
Sister Bat WI 54234

Re: Door County Custom Stone Quarry Expansion

Dear Mr. Kufrin,

We are writing to you to express that we are adamantly and vehemently opposed to the expansion of the size and the operation of the Door County Custom Stone Quarry located behind the Mobil station on South Bay Shore Drive.

We purchased Lot 21 in the Orchard Highland Subdivision back in June 2011 with the hope and dream of building our retirement home because this area was quiet, clean and within the Village of Sister Bay. The allowing of this expansion would adversely affect not only our property but all the residential properties within the area. Therefore, we are extremely opposed to any and all expansion of this quarry or development of this or any type of noxious operation within the Village of Sister Bay for the following reasons:

- The expansion would clear-cut existing trees, shrubs and vegetation on the proposed site expansion that do clean the air of today's current pollution.
- The blasting and crushing operations will create noise pollution that will affect the areas residences. Any perimeter vegetation, existing or new, will have a limited effect on noise reduction.
- The heavy equipment and truck traffic noise will also affect the area residences in the same way.
- The vibration pollution from the crushing and blasting will be felt by all of the area's residences. There is absolutely no way of eliminating or even minimizing this pollution.
- The heavy equipment and truck traffic vibration pollution will do the same.

- The dust pollution from the operation will become airborne throughout the area, and the wetting of the perimeter vegetation will have little effect on its reduction. My wife has asthma, which this type of pollution as well as carbon pollution will have an adverse effect on her health. Is Door County Custom Stone prepared to face litigation should this affect her if we build our Sister bay dream home and this quarry expands?
- The heavy equipment and truck traffic will also do the same.
- Dust and debris will be deposited by the truck traffic along the Village streets which will become airborne from any and all traffic, will stick to and damage any and all vehicles using these streets, and will become an eye sore.
- The truck traffic will cause congestion of the Village streets especially during the tourist season.
- The carbon footprint of this operation will expand adversely causing more carbon monoxide pollution from the heavy equipment and trucks.
- Any oil, grease, chemicals, etc. from the operation, heavy equipment and trucks will most certainly find its way onto the ground and streets and eventually into the area's waterways and groundwater.
- An access road to and from this operation will more than likely be created at the parcel along Fieldcrest Road, which will intensify the effects of this operation on the area's residences.
- The expansion of this quarry will create an even larger eye sore from the open quarry within the Village limits for decades to come. We now live near numerous quarries in Waukesha County which are very noxious and unsightly.
- The streets utilized by the truck and heavy vehicle traffic will be adversely affected in the area. This type of continuous heavy traffic will destroy the surfaces causing pot holes requiring numerous repairs and or resurfacing. This in turn will cause the Village to more than likely raise taxes to cover this required work by the Village. Should these streets require frequent resurfacing from this damaging traffic, this will also cause an inconvenience to the area's residences using these streets, let alone more dust and pollution.
- The increased commercialization of a residential neighborhood will forever change its appeal to current residents as well as future.
- All of the above reasons will also have a negative effect on the area's property values. If this quarry is allowed to expand, it will make it extremely difficult to sell any property, even our lot, let alone paying the higher taxes when the property values are decreasing. It will also not be very attractive for prospective buyers to move to this area.

There is absolutely nothing that Door County Custom Stone is able to do to eliminate any or all of the above adverse effects on the area's residences as well as the tourism trade.

The Village already does not allow any new quarries within its limits, and we do not want or believe that even expansion of this facility (which is a new type of quarry operation) would be in the best interest of the Village and its residents. We strongly request that the Sister Bay Plan Commission reject Door County Custom Stone's request to increase their operation within the Village limits! We would like to proceed with our dream retirement home on Lot 21 of Orchard Highlands Subdivision, and hope that the Village takes the responsible and appropriate action by rejecting this expansion request.

This area and Village is a beautiful, quiet and attractive area to retire. The Village has even taken appropriate steps to beautify the bay area. It would be a shame to allow this noxious use within the Village.

We look forward to a positive outcome for our sake and the area residences as well as the Village's.

If you have any questions and/or comments regarding our opposition to this expansion, please don't hesitate to call us at (262) 251-0797.

Sincerely,

Rich & Sandy Blum  
Village of Sister Bay Property Owners  
The Architectural Workshop, LLC  
Owner/Architect

C: Door County Soil & Water Department  
Heather Olson – Kelstrom-Ray Agency, Inc.  
Richard Horbinski – Developer/Trustee – Orchard Highland Subdivision

**Zeke Jackson**

---

**From:** archworkshop@att.net  
**Sent:** Thursday, August 13, 2015 2:00 PM  
**To:** Zeke Jackson  
**Subject:** Objection to Brandon Small Quarry Public Hearing  
**Attachments:** 12-05-12 Sister Bay Stone Letter.pdf

**Importance:** High

Mr. Jackson,

We stand by our previously sent Small Quarry Expansion letter dated 12-04-12, see the attached. It would be a mistake to allow this proposed ordinance change to the Zoning Code to allow this quarry to operate under a conditional use permit. The the Zoning Code does not allow this type of operation within the Village limits now and it should not through a conditional use permit. The Zoning Code as it stands now is there to protect the existing neighbors form such a nuisance operation. Please accept our previous letter on our behalf as an argument against such an operation from being permitted.

Thanks.

Rich & Sandy Blum  
(262) 251-0797

**Zeke Jackson**

---

**From:** Greg carol Kenneweg <gckenneweg@yahoo.com>  
**Sent:** Monday, August 17, 2015 3:18 PM  
**To:** Zeke Jackson  
**Cc:** Greg Carol Kenneweg  
**Subject:** Brandon Small's request to amend zoning code

Zeke, the purpose of this e-mail to formally express our concerns regarding the request to change the zoning code.

If we understand this correctly, by changing the zoning , it would allow the quarry behind Shopko to expand it's operations into an adjacent parcel and continue to operate.

Our concerns are the noise and dust this will create as well as the possibility of our home values decreasing. The notice does indicate the dust may be controlled by watering. How would that be policed and what assurances would we have this solution would actually be acted upon?

The biggest negative impact will definitely be the decrease in property values for the surrounding areas.  
Though you may dispute this the outcome will obviously not be good.

How is this possible that a non-conforming zoning code can arbitrarily change to a conforming zoning code simply because it doesn't suit a company?  
Although the notice says we can voice our opinion it also states the Village Board has the final say.

We would hope the Village Board would allow ample time for the citizens of Sister Bay to discuss this.

Sincerely,

Greg and Carol Kenneweg  
10541 S. Highland Rd  
Sister Bay, Wi 54234  
(854-3408)

**Zeke Jackson**

---

**From:** MaryKay Shumway <shumway.mk@gmail.com>  
**Sent:** Monday, August 17, 2015 4:23 PM  
**To:** Zeke Jackson  
**Subject:** Proposed B-1 Zoning Change for Quarries

Dear Zeke (and I am assuming this letter will be also forwarded to the Distinguished Village Trustees):

Having been immersed in the B-1 code over the past few years while working in Sister Bay, I need to say as a private citizen and a real estate Broker that the proposed change to allow quarries is a mistake. The code, I am told by those who worked on created it, was created for tourism, service and trade based facilities, working carefully with what little land Sister Bay has that is undeveloped.

Please note that I oppose this proposed change based on nuisance, prudent zoning and the public welfare.

I hope to attend the meeting if possible, but please put my comments on record. I realize the quarry wants to expand, but some expanding businesses may need to move—there is a lot of Light Industrial land in Liberty Grove that would be perfect for this operation. That does NOT include the Sister Bay B-1 zoning district, which is a careful compilation of trade, tourism and service facilities, designed to strengthen the business districts and allow for careful growth that complements the nearby residential neighborhoods. We can hear the quarry operating at 6 a.m., half a mile away. It's a nuisance in its existing area.

Allowing this use would be a mistake.

Best wishes,

**MaryKay Shumway**

This e-mail and attachment(s) may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this message is strictly prohibited. If received in error, please notify the sender immediately and delete/destroy the message and any copies thereof.



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

1  
2  
3 **PLAN COMMISSION MEETING MINUTES**  
4 **TUESDAY, JULY 28, 2015**  
5 **Sister Bay-Liberty Grove Fire Station – 2258 Mill Road**  
6 **UNAPPROVED VERSION**  
7

8 The July 28, 2015 meeting of the Plan Commission was called to order by Chairperson Dave  
9 Lienau at 5:36 P.M.

10  
11 **Present:** Chairperson Lienau, and members Shane Solomon, Scott Baker, Don Howard, Marge  
12 Grutzmacher, Eric Lundquist and Nate Bell.

13  
14 **Others:** Brandon Small, Al Gokey, John Maas, Denise Bhirdo, Ron Kane, Bill Wegehaupt,  
15 Steve and Marge Musinsky, John Maas, Connie Carlson, Norbert and Ellen Ritt, Alison Beadell,  
16 Simon Werner, Jill Hanley and three other individuals.

17  
18 **Staff Members:** Village Administrator Zeke Jackson and Assistant Administrator Janal Suppanz  
19

20 **Comments, correspondence and concerns from the public:**

21 Lienau noted that no new correspondence had been received. He then asked if anyone wished  
22 to comment regarding a non-agenda item.  
23

24 Connie Carlson of Beacon Marine requested that Beacon Marine be allowed to display a  
25 couple of boats on their grassy lot. Jackson noted that in order to do that a Zoning Code text  
26 amendment would be required.  
27

28 Denise Bhirdo indicated that it is her understanding that the Village Administrator has  
29 determined that the propane tank for a home on Maple Drive is not in the front yard, but she  
30 disagrees. Therefore, she took a photo of that home and e-mailed it to the Village President  
31 with a request that the matter be referred to the Plan Commission.  
32

33 Bhirdo also indicated that she does not believe the designated parking areas on Bay Shore  
34 Drive are set back far enough from the intersections, and, therefore, safety issues could arise. It  
35 was the consensus that this issue shall be referred to the Parks, Properties & Streets Committee  
36 as well as the Bay Shore Drive Oversight Committee.  
37

38 **Approval of the agenda:**

39 *A motion was made by Solomon, seconded by Grutzmacher that the Agenda for the July 28,*  
40 *2015 meeting of the Plan Commission be approved as presented. Motion carried – All ayes.*  
41

42 **Approval of minutes as published:**

43 **As to the minutes for the June 24, 2015 meeting of the Plan Commission:**

44 *A motion was made by Grutzmacher seconded by Solomon that the minutes for the June 24,*  
45 *2015 meeting of the Plan Commission be approved as presented. Motion carried – All ayes.*  
46  
47  
48  
49

1 **Business Items:**

2 **Item No. 1. Public Hearing on a request to amend §66.0320(c) of the Zoning Code in such**  
3 **fashion that quarries are allowed as a conditional use in the B-1 General Business District;**  
4 **Discussion on a request to amend §66.0320(c) of the Zoning Code in such fashion that**  
5 **quarries are allowed as a conditional use in the B-1 General Business District; and consider a**  
6 **motion for action to recommend approval of Ordinance 235, which amends §66.0320(c) of**  
7 **the Zoning Code:**

8 Lienau explained that a public hearing would be conducted this evening regarding Brandon  
9 Small's request to amend the Zoning Code in such fashion that quarries are allowed as a  
10 conditional use in the B-1 General Business District. If the Commission determines that the  
11 amendment should be made, a referral will be made to the Village Board. Further, if an  
12 application for a Conditional Use Permit is actually filed, another public hearing will be  
13 required. If the Commission denies Small's request there is no guarantee that "this will be the  
14 end of it" as the matter is in mediation.

15  
16 *At 5:40 P.M. Lienau called the public hearing on a request to amend §66.0320(c) of the Zoning*  
17 *Code for the Village of Sister Bay in such fashion that quarries are allowed as a conditional use*  
18 *in the B-1 General Business District to order.*

19  
20 Bill Wegehaupt of 10579 Fieldcrest Road indicated that he is against allowing quarries as a  
21 conditional use in the B-1 General Business District as it will have negative impacts on the  
22 people who live in the surrounding residential neighborhood. The dust from the current quarry  
23 operation goes everywhere and the noise is very distracting.

24  
25 Steve Musinsky of 10519 Fieldcrest Road indicated that he also is opposed to allowing quarries  
26 as a conditional use in the B-1 General Business District. He then read a prepared statement  
27 aloud, and also indicated that if a home is in close proximity to a quarry the ability of a  
28 homeowner to actually obtain a mortgage could be affected.

29  
30 Brandon Small indicated that he understands the neighbors' concerns about the quarry, but  
31 pointed out that the current quarry could be operated for an indefinite period of time. If the  
32 new proposal is accepted the quarry would be shut down in ten years and a reclamation plan  
33 would have to be adhered to.

34  
35 *At 6:01 P.M. Lienau asked if anyone else wished to comment, and when no one responded he*  
36 *declared that the public hearing was closed.*

37  
38 Howard indicated that he hasn't heard anything this evening which convinces him that quarries  
39 should be allowed as a conditional use.

40  
41 Solomon noted that he realizes there are "two sides to the story", but based upon what he  
42 heard this evening he believes the quarry operations should remain as they are right now as  
43 eventually the useful life of the quarry will expire.

44  
45 Lundquist pointed out that whatever action the Commission takes "it's a gamble". He also  
46 stated that he believes the adjoining property owners should be fully advised of what is being  
47 proposed and what the consequences of that proposal could be. Several of the Commission  
48 members concurred.

49

1 Denise Bhirdo noted that if a text amendment is made it would be possible to impose a “sunset  
2 clause”.

3  
4 *A motion was made by Bell, seconded by Grutzmacher that Agenda Item No. 1 - Discussion on  
5 a request to amend §66.0320(c) of the Zoning Code in such fashion that quarries are allowed  
6 as a conditional use in the B-1 General Business District, shall be tabled until the next meeting  
7 of the Plan Commission so that the Commission members will have an opportunity to obtain  
8 public input on this issue. To that end, prior to that meeting a fact sheet/notice shall be sent to  
9 all the individuals who own property within 1,000 feet of the existing and proposed quarry  
10 operations. Motion carried – All ayes.*

11  
12 **Item No. 2. Discussion on a request to amend a Conditional Use Permit for Alison Beadell of  
13 2259 Scandia Rd; Consider a motion for action if necessary:**

14 On October 8, 2013 the Village Board approved Ordinance No. 219, which granted a  
15 Conditional Use Permit for a second dwelling unit at 2259 Scandia Road to Alison Beadell, but  
16 to date she has not made any of the building modifications mentioned in that permit. Beadell  
17 has now requested that her Conditional Use Permit be amended as she would like to change  
18 her building plans. A copy of the revised plans was included in the meeting packets.

19  
20 *A motion was made by Baker, seconded by Solomon that Alison Beadell’s request to amend  
21 her Conditional Use Permit for the property located at 2259 Scandia Road is approved as  
22 presented. Motion carried – All ayes.*

23  
24 **Item No. 3. Discussion regarding Paul Vandermaazen’s request for a permit to erect a 6’, salt-  
25 treated wooden privacy fence in the front yard at 10397 STH 57; Consider a motion for  
26 action if necessary:**

27 Paul VanderMazzen has requested that he be allowed to erect a 6’, salt-treated wooden privacy  
28 fence in the front yard of his residence located at 10397 STH 57. The Zoning Code does not  
29 allow fencing in the front yard unless the Plan Commission grants approval. VanderMazzen  
30 would like to install the fence on top of already existing berms which surround his garage as he  
31 believes the fencing would help eliminate highway noise and allow for more privacy.

32  
33 *A motion was made by Solomon, seconded by Howard that a permit shall be issued to Paul  
34 Vandmaazen to erect a 6’ salt-treated wooden privacy fence in the front yard at 10397 STH 57.  
35 Motion failed with Lienau, Bell, Grutzmacher, Baker and Lienau opposed.*

36  
37 *A motion was made by Solomon, seconded by Baker that a permit shall be issued to Paul  
38 Vandmaazen to erect the 6’ salt-treated wooden privacy fence which is described in the  
39 document which was included in the meeting packets at 10397 STH 57, but that fence may not  
40 be erected on top of the existing berm. Motion failed with Lienau, Bell, Lundquist and  
41 Grutzmacher opposed.*

42  
43 **Item No. 4. Discussion on a request for approval of fence materials by Norbert and Ellen Ritt  
44 of 10786 N. Spring Road; Consider a motion for action if appropriate:**

45 Norbert and Ellen Ritt have requested that they be allowed to erect a 48” cedar split rail fence  
46 with a mesh wire backing in the side and back yards at 10786 N. Spring Road to prevent their  
47 dog from running away.

1 *A motion was made by Grutzmacher, seconded by Howard that Norbert and Ellen Ritt shall be*  
 2 *allowed to erect the fence which is described on the documentation which was included in the*  
 3 *meeting packets at 10786 N. Spring Road as presented. Motion carried – All ayes.*  
 4

5 **Item No. 5. Review and discussion on Al Gokey's preliminary plan submission for two**  
 6 **adjoining CSM requests and a PUD request for the property known as the "Old School**  
 7 **Property" at 10604 STH 57; Consider a motion to proceed to public hearing:**

8 Preliminary Site Plans, Utility Plans, Grading and Drainage Plans, and drafts of two CSM's  
 9 which were submitted by Al Gokey on behalf of Harbor View, LLC for the Old School Property  
 10 at the intersection of STH 57 and STH 42 were included in the meeting packets, and the  
 11 Commission members jointly reviewed all of that documentation. There are now six lots within  
 12 the development rather than seven. The question arose as to whether or not there should be a  
 13 public or private road within the development, and Gokey indicated that the costs would be  
 14 astronomical if he were required to install a public road on his property. He also noted that  
 15 whatever type of road is constructed it will not be a "through street".  
 16

17 *A motion was made by Solomon, seconded by Baker that a public hearing shall be conducted*  
 18 *on Al Gokey's preliminary plan submission for the two adjoining CSM's and a PUD which were*  
 19 *reviewed at this meeting for the property which is commonly referred to as the "Old School*  
 20 *Property" at 10604 STH 57. Motion carried – All ayes.*  
 21

22 **Item No. 6. Discussion on the U.S. Supreme Court case which is entitled *Reed v. Town of***  
 23 ***Gilbert, AZ*; Review of relevant sections of the Sister Bay Zoning Code, (§66.0720, §66.0721,**  
 24 **and §66.0722), and discussion on the implications of that case:**

25 *Jackson introduced Cody Garris, who is serving an internship with the Village, and asked that*  
 26 *Garris explain the implications of the Supreme Court case which is entitled "Reed v. Town of*  
 27 *Gilbert, AZ". Based upon that case the Village's Sign Code could be challenged in Court. In a*  
 28 *rare unanimous decision the Court struck down a local government's Sign Code as a violation*  
 29 *of the freedom of speech guaranteed by the First Amendment. Discussion took place regarding*  
 30 *this issue, and it was eventually the consensus that the Village's current sign regulations shall*  
 31 *stand.*  
 32

33 **Item No. 7. Discussion on the Village of Sister Bay Sign Code:**

34 Grutzmacher noted that a number of banners have been erected at the corner of Mill Road and  
 35 N. Bay Shore Drive, and believes that display is quite unsightly and could be considered  
 36 "overkill".  
 37

38 *It was the consensus that the Village's Maintenance Department employees shall be*  
 39 *asked to make a concerted effort to see that any banners which are erected on the*  
 40 *Village's banner posts are displayed in a tasteful fashion.*  
 41

42 Grutzmacher also noted that she has heard comments that the Parks Committee and the Marina  
 43 Committee have granted permission for a mural to be painted on the Boathouse, and asked if  
 44 this is a permitted activity. It is her contention that before any final decisions are made  
 45 regarding the mural content a referral should be made to the Plan Commission.  
 46

47 *The Commission members requested that a draft of a Mural Code be prepared and presented to*  
 48 *them at a future meeting.*  
 49

1 **Item No. 8. Discussion regarding §66.0501(b)(3)(e) - Accessory buildings in the Front Yard**  
 2 **Setback Area; Consider a motion for action if necessary:**

3 Lee Callum indicated that he would like to construct a two car garage on his property, but the  
 4 preferred location is technically considered to be the “front yard”. It is his understanding that  
 5 §66.0501 of the Zoning Code states that accessory buildings are not permitted in front yards. In  
 6 the past requests such as this were referred to the Zoning Board of Appeals, but Jackson is  
 7 unsure that Callum would be able to prevail as he would have to prove that there is a  
 8 “hardship”.

9  
 10 Jackson believes it would be best for requests such as this to be considered on a case-by-case  
 11 basis. If this were to occur the requests would have to be treated as a conditional use.

12  
 13 *A motion was made by Solomon, seconded by Bell that a Zoning Code text amendment which*  
 14 *states that accessory buildings shall be allowed in the front yard setback area of the R-1 District*  
 15 *as a conditional use shall be drafted and presented to the Plan Commission members at their*  
 16 *next meeting. Motion carried – All ayes.*

17  
 18 **Item No. 9. Discussion on conversion of Mariners Pointe Dr. from a public road to a private**  
 19 **road; Consider a motion to refer for further action:**

20 Representatives of the Mariners Pointe Homeowner’s Association have expressed concerns that  
 21 since construction has started on the Old Ballfield Property traffic within their development has  
 22 increased dramatically. They are wondering if Village officials would consider converting  
 23 Mariners Point Drive from a public road to a private road.

24  
 25 *A motion was made by Baker, seconded by Grutzmacher that the Village is not interested in*  
 26 *converting Mariners Point Drive to a private road. Motion carried – All ayes.*

27  
 28 **Item No. 10. Report by the Zoning Administrator regarding development activities, various**  
 29 **enforcement actions, and issuance of Sign and Zoning Permits:**

30 Jackson gave the following oral report:

- 31  
 32
- 33 • Work on the Bay Shore Drive Line Burial Project is substantially completed.
  - 34 • Work is progressing on the Sledding Hill. Hockers Excavating will complete this project  
 35 once all the work on the beach has been completed.
  - 36 • The anticipated substantial completion date for the Beach Reconstruction Project is  
 37 August 6<sup>th</sup>. There were cost under-runs, and the Parks Committee decided to use those  
 38 funds to construct a reclaimed paver sidewalk around the entire beach. The pavers were  
 39 taken out of the brick parking lot on the former Helm’s property. The swim buoy permit  
 40 was just received last week.
  - 41 • Midwest Sunsplash is scheduled for August 7<sup>th</sup> and 8<sup>th</sup>.
  - 42 • The search for a new Finance Director will resume at the end of July. One of the Parks  
 43 employees will be on medical leave for three to four months, and Joe Baldarotta will be  
 44 returning as the Ice Rink Manager.
  - 45 • Sales are up considerably at the Marina. The Marina Guest Events have also been a huge  
 46 success.
  - 47 • Movies in the Park are being conducted on a regular basis and data is being compiled  
 48 regarding attendance rates.
  - 49 • The Village’s website has been entirely refurbished but there still are a few “kinks” which  
 have to be worked out.

- 1 • Construction has started on the Niagara Ridge Development.
- 2 • Keith Garot has not met the deadline agreed to in his Development Agreement, but
- 3 Jackson just learned that revisions were made to the engineering plans for that
- 4 development.
- 5 • Enforcement letters were sent to four individuals regarding an unscreened propane tank,
- 6 unkempt vegetation and illegal parking of a boat(s).
- 7 • He made four site visits and spoke with the owners/occupants of those properties
- 8 regarding placement of a machine in the right-of-way, an unpermitted sandwich board
- 9 sign, an unpermitted real estate sign, and display of unpermitted fireworks.

10  
11 Jesse Johnson has placed a temporary goat pen in front of The Creamery. Such an appurtenance  
12 is technically not permitted.

13  
14 *Discussion took place regarding the goat pen issue, and it was eventually the consensus that*  
15 *Jackson shall contact Jesse Johnson and inform him that if he wants to continue to display goats*  
16 *in the pen after the work is completed on the Bay Shore Drive Reconstruction Project, he must*  
17 *submit a Zoning Permit Application and appear before the Plan Commission.*

18  
19 **Item No. 11. Discussion regarding matters to be placed on a future agenda or referred to a**  
20 **Committee, Official or Employee:**

21 *It was the consensus that the following issues shall be placed on a future agenda or referred to a*  
22 *committee, official or employee:*

- 23  
24 • *The Plan Commission will be asked to determine whether or not the propane tank*  
25 *Denise Bhirdo referred to at the beginning of this meeting is in the front yard of a*  
26 *residence on Maple Drive.*
- 27 • *At the August Plan Commission Meeting a public input session shall be conducted on a*  
28 *request to amend §66.0320(c) of the Zoning Code in such fashion that quarries are*  
29 *allowed as a conditional use in the B-1 General Business District. Prior to that meeting a*  
30 *fact sheet/notice shall be sent to all the individuals who own property within 1,000 feet*  
31 *of the existing and proposed quarry operations.*
- 32 • *At the August Plan Commission Meeting a public hearing shall be conducted regarding*  
33 *Al Gokey's preliminary plan submission for two adjoining CSM's and a PUD for the*  
34 *property which is commonly referred to as the "Old School Property" at 10604 STH 57.*
- 35 • *At the August meeting of the Plan Commission a draft of a Zoning Code text amendment*  
36 *which states that accessory buildings shall be allowed in the front yard setback area of*  
37 *the R-1 District as a conditional use will be considered.*
- 38 • *The downtown parking space safety issues which Denise Bhirdo referred to at the*  
39 *beginning of this meeting shall be referred to the Parks, Properties & Streets Committee*  
40 *and the Bay Shore Drive Oversight Committee.*
- 41 • *A draft of a Mural Code shall be prepared and presented to the Plan Commission for*  
42 *consideration at a future meeting.*
- 43 • *The Village's Maintenance Department employees shall be asked to make a concerted*  
44 *effort to see that any banners which are erected on the Village's banner posts are*  
45 *displayed in a tasteful fashion.*
- 46 • *The Plan Commission will consider Beacon Marine's request to allow parking of boats in*  
47 *the R-1 District at a future meeting, and, if that request is deemed to be appropriate,*  
48 *recommend a proper course of action.*

1 **Adjournment:**

2 *A motion was made by Grutzmacher, seconded by Baker to adjourn the meeting of the Plan*  
3 *Commission at 9:17 P.M. Motion carried – All ayes.*

4  
5 Respectfully submitted,



6  
7 Janal Suppanz,  
8 Assistant Administrator



## Plan Commission Public Notice

The Sister Bay Plan Commission will hold a public hearing at the Sister Bay Fire Station, 2258 Mill Rd, Door County, Wisconsin on **Wednesday, August 26, 2015 at 5:30 P.M.** or shortly thereafter, for the purpose of considering a request by Brandon Small to Amend the Sister Bay Zoning Code, 66.0320 (c), allowing quarries in the B-1 District as a conditional use.

The purpose of this public hearing is to obtain comments and input from the public on the request for a text amendment to the Village's Zoning Code.

A copy of the proposed text amendment is available for inspection. The Zoning Code and Zoning Map for the Village is on file at the Zoning Administrator's office and may be viewed at 2383 Maple Drive weekdays between 10:00 a.m. and 4:00 p.m. Those drafts are also available on the Village web site at [www.sisterbaywi.info](http://www.sisterbaywi.info).

Written testimony including email will also be accepted at the Sister Bay Administration Building, 2383 Maple Drive, Sister Bay, WI 54234, (FAX 920-854-9637) until 3:00 p.m. on the day of the meeting. Letters will be available for public inspection during normal business hours until the close of business on the day of the hearing. Letters will be entered into the record; a summary of all letters will be presented at the meeting, but individual letters will not be read. Anonymous correspondence will not be accepted.

All application materials for Regular Zoning Permits, Conditional Use Permits and zoning amendment petitions may be viewed at the Sister Bay Administration Building, 2383 Maple Drive, Sister Bay, Wisconsin during normal business hours, 10:00 am. - 4:00 p.m.

By order of the Plan Commission of the Village of Sister Bay.

Zeke Jackson

Zoning Administrator

[zeke.jackson@sisterbaywi.gov](mailto:zeke.jackson@sisterbaywi.gov)



## Village of Sister Bay Public Hearing Informational Notice

For additional information check: <http://www.sisterbaywi.info>

August 5, 2015

There are two issues before the Plan Commission regarding the Sister Bay Properties, LLC. (SBP) quarry located behind Shopko. After years of litigation over citations issued by the Village, Judge Diltz required a mediation process between the Village and SBP that has resulted in this public hearing. The first item is a zoning text change that would permit dimensional stone quarries as a conditional use in B-1 General Business Districts. If the Plan Commission recommends approval of that change, then they could act on the second item, which is the consideration of a conditional use permit to operate the quarry under a series of specific conditions. Regardless, even if the Plan Commission approves or disapproves both items the Village Board makes the final decision and can follow the Plan Commission's recommendations or reject them.

In August 2012, Brandon Small developed a proposal for the operation of the existing quarry and expansion of operations into the adjacent parcel. The issue was referred to the Plan Commission in October 2012 and the result was direction from the Plan Commission to develop a series of talking points that would address neighbor complaints and Code violations. By April 2013, the Village Administrator had prepared a series of "talking points" that the Plan Commission used as the basis for discussion with Brandon Small and the neighbors at a meeting on May 2013. The result of those meetings was a new operating proposal from Brandon Small. In general terms, in exchange for allowing the expansion of the quarry operation into their adjacent 7 acre parcel, SBP would make a series of operational changes to the existing quarry and both quarries would stop operating after 10 years. Since 2014, the Village has been negotiating with SBP to develop a set of conditions that protect nearby property owners.

The following documents are available at the Village Administration Offices.

1. A proposed ordinance that would change the Zoning Code to permit allow a quarry to operate under a conditional use permit.
2. A proposed Conditional Use Permit and Development Agreement that specifies the new operating requirements for the entire quarry. There are numerous detailed requirements in order to protect the neighbor's and Village's interests.
3. A draft resolution for the Board of Trustees that would express the reasons why the proposed project meets the conditional use permit standard.

Currently quarries are prohibited and the SBP quarry operates as a pre-existing non-conforming use. The Plan Commission conducted the hearing on the issue of changing the B-1 business district zoning to allow dimensional stone quarries as a conditional use. However, they did not make a decision on that issue and decided to defer action until the August 26 meeting.

If the Plan Commission recommends changing the zoning code, then they can consider the information provided by SBP for the conditional use permit. The Village has prepared a draft agreement that covers the points raised by the Plan Commission and residents back in 2012-2013. The conditional use process requires the applicant to address the proposal's impact on the community and neighborhood. Section 66.1535 of the Zoning Code outlines the factors that the Plan Commission must consider and the information that the applicant needs to apply. A draft

resolution has been prepared for the Board to consider that would approve the conditional use agreement.

The items below are a summary of pros and cons for approving the expansion of the quarry. All the details are covered in the draft conditional use agreement.

### **Duration of operation**

Back in 2012 Bill Schuster's wrote a letter to Tom Sadler stating that converting the existing dimension stone quarry to a gravel quarry is highly unlikely, if not impossible. The promise by Brandon Small to stop all operations on both parcels after 10 years is a good deal, if he could keep operating the existing quarry for more than 10 years. But, if he runs into stone that is uneconomical to remove after five years it is a bad deal. It is also likely that if he does not expand the operation into the second parcel that he will blast to reach lower and lower layers of rock in the existing parcel. The dilemma on how long he will operate is unclear, but with this agreement there is a date certain when it will stop. The other factor effecting the duration of the quarry's operation is the demand for the type of stone it generates. During the recent economic and housing recession the quarry's activities slowed considerably. If the demand slows for stone slows down, but the quality of the stone remains acceptable the quarry will just operate longer in the existing pit.

### **Dust Control and Noise**

The complaints regard dust blowing off the property and backup alarm noise from the operating machinery started in 2007 when SBP greatly expanded the removal of rock from the quarry. The Village Administrator issued citations and the Village Attorney has been dealing with this issue before Judge Diltz who has deferred the issue to the mediator. It is unlikely that the judge will order the quarry shut down based on the dust. The agreement requires SBP to actively water the entire quarry to control dust except during winter. This agreement provides for watering for dust control that would most likely exceed a court order. The back-up alarms are controlled by OSHA and the Bureau of Mines. The ambient sensing back-up alarms would most likely exceed a court order as well.

### **Screening and Landscaping**

The agreement provides for maintenance of a screening berm consistent with the Zoning Code and the proposed future development. The current screening is consistent with the Door County Soil and Water Department's reclamation plan. The proposed agreement has more requirements.

### **Blasting and Crushing**

As noted above the Village took the quarry to court over the issue of blasting and the judge indicated that it was a routine part of a quarry's operating and would not restrict it. This agreement prohibits blasting on either parcel. One of the issues that the mediator raised was the crushing of waste rock from the site. His comments opened the door for crushing on site, which had not previously occurred. This agreement limits crushing to only waste rock from the parcels and limits when it can be done.

The proposed agreement has been reviewed by the Plan Commission, however, they have not discussed it. The purpose of the hearing is to answer questions and obtain input from affected neighbors, prior to making a recommendation to the Board. Looking back over the past 8 years, the Plan Commission and residents need to reconcile is if the operating changes that the conditional use agreement create are better than gambling that the existing quarry will cease operations in less than 10 years.

## QUARRY TALKING POINTS

Thursday, April 18, 2013

### **Must be done as a conditional use added to the B-1 Zoning District.**

- 1) All quarry operations must cease seven years from the date of the issuance of the Conditional Use Permit.
- 2) All conditions apply to the new and old quarry.
- 3) Blasting will not be permitted.
- 4) Dust control – Active watering over working area and waste rock storage areas - (7 / 24).
- 5) Access to the quarry is off from State Highway 42. The access road must have a paved surface.
- 6) Upon closure of the quarry, the owner must build the officially mapped street abutting his parcels.
- 7) Hours of work - Monday thru Friday (7:00 A.M. – 4:00 P.M.)
- 8) Plant and maintain a 50' wide vegetative buffer (existing and new areas) adjacent to residential properties with various tree species.
- 9) Create a reclamation plan consistent with Door County requirements that include various building sites and building footprints for commercial use.
- 10) All crushing must be done outside the Village limits.
- 11) Use ambient-sensitive, self-adjusting back-up alarms for vehicles.
- 12) No rock excavation below 10' from the existing surface.
- 13) Post a sign with a business name and a phone number to call for complaints at Highway 42 access point.
- 14) No quarry operations for gravel.
- 15) If the quarry fails to operate for 12 consecutive months all operations shall cease.
- 16) The conditional use permit shall apply to the existing owner and is not transferrable.
- 17) Violations:
  - a) The owner of the quarry must track all complaints.
  - b) The owner of the quarry has seven days to resolve complaints unless the Village agrees to an extension.
  - c) If a pattern of unresolved complaints or consistent violations occurs, the Village will notify the owner of the quarry that corrective action must be taken within thirty days or the quarry must cease operation.

## Sister Bay Quarry Talking Points

The following is in response to the points from the previous meeting requiring more discussion.

1. Quarry operations will cease 10 years from the date of approved reclamation plan and the quarry will operate a maximum of 40 hours per week. (Details in point 7)
  
5. Access will be off 42 and the gravel road will be sprayed with Envirohold to control dust. <http://www.enviroholdusa.com/> Here is what is stated on the website regarding dust: It's ideal for keeping dust under control. Spray EnviroHold on dirt, sand, and gravel pathways, driveways and roads. EnviroHold is your best solution wherever dust and erosion is a problem.
  
6. We will happily split the cost of the officially mapped streets directly abutting our land with the other abutting property owners. I feel this is very fair as we will be closing an active quarry and paying for the reclamation. I spoke with Lori Flick of Door Real Estate and asked how an active quarry affects the abutting owners' property values. Her response was she could not put an exact number on it but most buyers will not even consider purchasing property next to an active quarry. The planned closure of the quarry will drastically increase property values.
  
7. A more specific breakdown of the quarry operating hours:
  - March through September 6:00 am through 4:30 pm Monday through Thursday
  - October through November 7:00 am through 3:30 pm Monday through Friday
  
8. Having spoke with Door County Soil and Water as well as the Mining Safety and Health Administration a new quarry does not need any buffer but would require a berm height of three feet. There are no restrictions on what the berm is made of. I anticipate the berm height easily exceed the minimum state requirement. There are two feet of topsoil on the remaining land that would be used to support the berms and ultimately to reclaim the quarry. The waste stone will not be crushed and also go to support the berms. I would like to point out the current quarry has a minimal amount of waste stone (crushed) and topsoil (sold off years ago). The quarry can never go to the lot line as the berms must be there.
  
11. There was a question regarding the use of strobe lights instead of the backup alarms. Having researched this and spoke with the Mining Safety and Health Administration I was told the stobe lighting is only acceptable for nighttime operation. During the day the equipment must have an audible alarm.
  
12. Having tested the soil, we have found there is two feet of topsoil. This would mean no rock excavation 12 feet below the existing surface.
  
15. I would like to see this removed.

16. Should the quarry be sold all requirements of the conditional use permit will transfer to the new owner.

I feel these tweaks to the original talking points are fair compromises. I have spent a lot of time of this and am agreeing to undertake significant extra expense to see this project go through. Although we under no crushing restrictions currently in a good faith offering to the Village I have declined to have crushing done this year. This resulted in an unhappy customer and lost revenue but I am very committed to moving forward with this. I ask your approval to go before the Village Board and then begin the reclamation plan.

Brandon Small

(920) 213-7792

## ORDINANCE № 235-XXXX15

### An Ordinance Amending the Zoning Code Sections 66.0320(c) B-1 Conditional Uses

**WHEREAS**, the Village Board of Trustees of the Village of Sister Bay, Door County, Wisconsin, (hereafter referred to as “the Village Board”) has made the determination that the B-1 Business District has different goals and purposes that require a redetermination of which uses should be permitted and which uses should be conditional.

**WHEREAS**, the Village Board finds that allowing additional conditional uses will create greater opportunities for appropriate development in the B-1 district.

**WHEREAS**, the Village Board finds that it is in the best interests of the public to update the zoning code to expand the conditional uses in the B-1 district by allowing quarries as a conditional use in the B-1 District. The Board finds that the adoption of this Ordinance for such regulation will promote government and the good order of the Village for its commercial benefit and the health, safety, welfare and convenience of the public.

**NOW, THEREFORE**, the Village Board does hereby ordain as follows:

**Section 1 – Availability for Public Inspection.**

A copy of this Ordinance shall be permanently on file and open to public inspection in the Office of the Village Clerk after its enactment and for a period of not less than two (2) weeks before its enactment.

**Section 2 – Chapter 66 Sections 66.0320(c)(12) General Business B-1 Conditional Uses is created as follows:**

12. Dimension rock quarries (Subject to 66.0320(g)(3))

**Section 3 – Chapter 66 Sections 66.0320(g)(3) General Business B-1 Special Standards is created as follows:**

3. Quarries operating primarily to remove dimensional stone and not as gravel or sand quarries shall only be permitted subject to a conditional use permit.

**Section 4 – Ordinances in Conflict.**

All other Ordinances in conflict herewith are hereby repealed.

**Section 5 – Effective Date.**

This Ordinance shall take effect and be in full force from and after its passage and publication according to law.

**Section 6 – Severability.**

If a Court of competent jurisdiction adjudges any section, clause, provision or portion of this Ordinance unconstitutional or invalid, the remainder of the previously mentioned Chapter shall not be affected thereby.

#### VILLAGE OF SISTER BAY

By: \_\_\_\_\_  
David W. Lienau, President

Date Introduced: \_\_\_\_\_

Date Adopted: \_\_\_\_\_

Publication Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Christine M. Sully, Clerk WCPC MMC

***Ordinance 235-XXXX15***

Name: h:\active\sister bay\projects village\lawsuits\small quarry lawsuit\plan commission report\ord 235 - xxxx15 chapter 66 b-l district add quarry as conditional use v4.docx Created: 6/8/2015 11:28 AM Printed: 6/15/2015 10:14 AM6/15/2015 10:14:00 AM Author: Robert L. Kufrin Last Saved By: Robert Kufrin Revision: 5 Last Save Date:

1	<b>Business Districts</b>	55	(30)	Infrastructure essential services
2	<b>Sec. 66.0320 B-1 General Business District</b>	56	(31)	Information centers
3	The General Business district (B-1) is intended to	57	(32)	Insurance sales offices
4	provide areas for attractive and accessible groupings	58	(33)	Interior decorators and furniture stores
5	of business, commercial, office and other general re-	59	(34)	Jewelry stores
6	tail uses in convenient locations outside of the	60	(35)	Lawn and garden centers
7	Downtown Business district (B-3). This section pro-	61	(36)	Licensed massage therapy and body
8	vides standards for the orderly improvement and de-	62		work as certified by the State
9	velopment within the general business district based	63	(37)	Liquor stores
10	on the following principles:	64	(38)	Lumberyards
11	• Development that is consistent with the	65	(39)	Marinas
12	natural environment.	66	(40)	Medical and dental clinics
13	• Development that maintains the Village’s	67	(41)	Municipal buildings
14	traditional small town appearance, in	68	(42)	Municipal utility facilities
15	which its housing, shops, work places,	69	(43)	Music stores
16	parks and civic facilities co-exist in relative	70	(44)	Newspaper and magazine stores
17	harmony.	71	(45)	Office supplies and business machine
18	• Development that balances the needs of a	72		stores
19	resort town and a residential village.	73	(46)	Optical stores
20	• Designs that meet the architectural standards	74	(47)	Paint, glass and wallpaper stores
21	and enhance the Village’s historic architec-	75	(48)	Parks
22	ture.	76	(49)	Pet stores and pet grooming
23	(a) <u>Permitted Uses:</u>	77	(50)	Pharmacy or drug store
24	(1) Antique and collectors stores	78	(51)	Photography studios
25	(2) Art galleries or studios for photography,	79	(52)	Physical fitness centers
26	painting, music, sculpture, dance, pot-	80	(53)	Plumbing and heating supplies
27	tery and jewelry	81	(54)	Printing services
28	(3) Auto sales and service	82	(55)	Professional offices
29	(4) Art supply stores	83	(56)	Public parking lots
30	(5) Banks/financial institutions	84	(57)	Real estate offices
31	(6) Barber shops, beauty salons and spas	85	(58)	Radio and television studios
32	(7) Bed and breakfasts	86	(59)	Restaurant
33	(8) Boat sales and service	87	(60)	Retail electronic equipment sales
34	(9) Book or stationery stores	88	(61)	Self-service laundry and dry-cleaning
35	(10) Camera and photographic supply stores	89	(62)	Shoe and leather goods stores
36	(11) Catering services	90	(63)	Single family housing as of January 1,
37	(12) Churches	91		2007
38	(13) Cinema, theater or performance hall	92	(64)	Sporting goods stores
39	(14) Clothing stores	93	(65)	Taverns or cocktail lounges
40	(15) Commercial laundries	94	(66)	Tobacco stores
41	(16) Convenience store	95	(67)	Trade and contractor shops
42	(17) Craft stores	96	(68)	Travel agencies
43	(18) Dance studio	97	(69)	Variety stores
44	(19) Florists	98	(70)	Video productions
45	(20) Food stores	99	(71)	Video tape sales and rental
46	(21) Funeral homes	100	(b) <u>Permitted Accessory Uses:</u>	
47	(22) Gasoline service stations	101	(1)	Accessory uses and structures. See sec-
48	(23) Gift shops	102		tion 66.0501
49	(24) Group day care centers	103	(2)	Outdoor Displays. See section 66.0506
50	(25) Hardware stores	104	(3)	Solar collectors attached to the princi-
51	(26) Hobby and craft shops	105		pal structure.
52	(27) Hotel, condominium	106	(4)	Accessory Residential Use. One single-
53	(28) Hotel/motel	107		family dwelling and a non-transient res-
54	(29) Indoor institutional	108		idential unit, located on the same prop-
		109		erty as the business provided that there
		110		shall be a minimum floor area as pro-
		111		vided below. The on-site parking re-
		112		quired for the accessory residential

1 units must be available on site. 54  
2 (Amended Ordinance 128-061207) 55

Bedrooms	Minimum area
Efficiency	700
1	750
2 or more	850

- 3 (c) Conditional Uses: 60  
4 (1) Apartments (Subject to 66.0320(g)(2)) 61  
5 (2) Commercial recreation facilities (indoor 62  
6 and outdoor), such as arcades, bowling 63  
7 alleys, clubs, dance halls, driving rang- 64  
8 es, gymnasiums, health clubs, miniature 65  
9 golf facilities, pool and billiard halls 66  
10 and indoor skating rinks. 67  
11 (3) Congregate housing (Subject to 68  
12 66.0320(g)(2)) 69  
13 (4) Flea markets 70  
14 (5) Solar energy as accessory structure 71  
15 (6) Motor home and recreational vehicle 72  
16 sales and service 73  
17 (7) Non-village utility facilities 74  
18 (8) Light assembly, light manufacturing and 75  
19 related activities 76  
20 (9) Residential condominiums (Subject to 77  
21 66.0320(g)(2)) 78  
22 (10) Seasonal employee housing (Subject to 79  
23 66.0320(g)(2)) 80  
24 (11) Storage and related (Subject to 81  
25 66.0320(g)(1)) 82  
26 (12) Dimensional rock quarries (Subject to 83  
27 66.0320(g)(3)) 84

- 28 (d) Lot Area and Width: 85  
29 (1) Lots not served by public sewer shall be 86  
30 a minimum of 25,000 square feet in ar- 87  
31 ea and shall have a lot width of at least 88  
32 100 feet. Corner lots shall have a lot 89  
33 width of at least 110 feet. 90  
34 (2) Lots shall provide sufficient area and 91  
35 width for the principal structure(s) and 92  
36 its accessory structures, off-street park- 93  
37 ing and loading areas, and required 94  
38 setbacks. 95  
39 (3) Lots served by public sewer shall be a 96  
40 minimum of 20,000 square feet in area 97  
41 and shall have a lot width of at least 60 98  
42 feet. Corner lots shall have a lot width 99  
43 of at least 110 feet. 100

- 44 (e) Building Height and Area: 101  
45 (1) No principal building shall exceed 35 102  
46 feet in height. No accessory building 103  
47 shall exceed 35 feet in height. 104  
48 (2) The total of the floor area on all floors 105  
49 of the principal building and all acces- 106  
50 sory buildings including the required 107  
51 parking, driveways and sidewalks shall 108  
52 not exceed 80 percent of the lot area 109  
53 and the balance shall be left as open 110

space. (Amended Ordinance 159-120809)

- (f) Setbacks:  
(1) There shall be a minimum building front setback of a least 45 feet from the centerline of the right-of-way of all streets.  
(2) There shall be a minimum front setback of at least 40 feet from the edge of the easement or edge of pavement for all buildings not on a public street.  
(3) There shall be a side setback on each side of all principal buildings of not less than ten feet. However, this may be increased upon the recommendation of the Village Engineer in order to accommodate the required grading between properties.  
(4) There shall be a rear setback of at least 20 feet.

(g) Special Standards.  
This section supplements the standards contained in section 66.0320(d) through 66.0320(f). It provides standards for the following land uses in order to control the scale and compatibility of those uses within the B-1 district:

- (1) The Plan Commission shall apply at a minimum the following standards when considering a conditional use permit for storage buildings. The minimum space for a storage unit would be 1500 square feet and the buildings containing the units will be constructed of non-metal materials other than doors and windows. A storage building shall not contain more than four storage units. Real or false windows will be installed on the exterior facing walls to reduce the long blank wall appearance. The buildings shall be set back a minimum of 250 feet from the centerline of State Highways 42 or 57 and screened from the highway by other buildings. The storage spaces may be for actual storage or to allow the owner or occupant to work within the storage building for the purposes of maintaining their belongings such as autos, boats and other belongings. The buildings shall have fire sprinklers upon occupancy. No overnight storage or parking of material, vehicle, etc. outside is permitted and none of the overhead doors shall be visible from an adjacent residential property. (Amended Ordinance 130-071007)

1| (2) New apartment, congregate housing,  
2| seasonal employee housing and resi-  
3| dential condominium buildings shall  
4| comply with the building height and  
5| area standards as well as the unit densi-  
6| ty requirements in the R-2 district Sec-  
7| tion 66.0312 as well as the other re-  
8| quirements as exist including the re-  
9| quirement that the property is served by  
10| public sewer and water. The conversion  
11| of existing commercial buildings into  
12| apartments, congregate housing, sea-  
13| sonal employee or residential housing  
14| shall comply with the residential park-  
15| ing requirements. As part of the conver-  
16| sion of an existing commercial building  
17| to one of the listed uses above, if there  
18| is any building addition at that time or  
19| in the future, the building addition is  
20| subject to the building height and area  
21| standards as well as the unit density re-  
22| quirements in the R-2 district Section  
23| 66.0312 as well as the other require-  
24| ments as exist. (Amended Ordinance  
25| 165-120809)

26| ~~(2)~~(3) Quarries operating primarily to remove  
27| dimensional stone and not as gravel or  
28| sand quarries shall only be permitted  
29| subject to a conditional use permit.  
30|  
31|  
32|  
33|  
34|  
35|  
36|  
37|

38| Name: h:\active\sister bay\projects village\lawsuits\small quarry  
39| lawsuit\plan commission report\ord 235 - xxxx15 chapter 66 b-1 district  
40| add quarry as conditional use v4.docx Created: 6/8/2015 11:28 AM  
41| Printed: 6/15/2015 10:14 AM6/15/2015 10:14:00 AM Author: Robert L.  
42| Kufrin Last Saved By: Robert Kufrin Revision: 5 Last Save Date:

## VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0406 HIGHWAY ACCESS

SEC. 66.0406 HIGHWAY ACCESS

- 1 a. Vehicles over 12,000 lb. 57 owner or children of the property  
 2 manufacturer's gross vehicle 58 owner or resident at the property in  
 3 weight which were parked 59 question. If the property is rented,  
 4 prior to the adoption of this 60 such storage shall be permitted for  
 5 chapter or prior to the 61 the tenant only if such equipment is  
 6 change in the class designa- 62 owned by the tenant.  
 7 tion of the highway on prop- 63 (7) All equipment shall be parked or  
 8 erty fronting a road that had 64 stored as inconspicuously as possi-  
 9 been changed from a Class A 65 ble on the property. The area  
 10 Highway to a Class B High- 66 around the equipment or vehicle  
 11 way or is changed in the fu- 67 must be kept weed-free and free of  
 12 ture from a Class A Highway 68 accumulation of other stored mate-  
 13 to a Class B Highway, may 69 rial.  
 14 be parked on the owner's 70 (c) Recreation vehicle parking.  
 15 property, subject to the regu- 71 One major recreational vehicle may be  
 16 lations in this section. 72 stored outside in the rear or side yard of an  
 17 (b) Boat and trailer parking. 73 occupied residential or agricultural lot of  
 18 No boat, boat trailer, mobile home, motor 74 20,000 square feet or more provided it  
 19 home, motor coaches, truck campers, 75 shall not exceed 8.5 feet in width, 13 feet  
 20 camping trailers, travel trailers, fifth-wheel 76 in height and 32 feet in overall length.  
 21 trailers, large utility trailers, race cars and 77 (d) Living in trailers.  
 22 their trailers, sport aircraft and their trailer, 78 Except within an approved campground or  
 23 canoes or kayaks and their trailers, all- 79 mobile home park, no recreational vehicle  
 24 terrain vehicles and their trailers, tent 80 shall be used for the purpose of permanent  
 25 campers, folding campers, snow mobiles 81 habitation, living or housekeeping purpos-  
 26 and their trailers, cases or boxes used to 82 es in the Village. Permanent habitation is  
 27 transport recreational vehicles or their 83 defined as living in one place for more  
 28 equipment, yard maintenance equipment 84 than ten consecutive days.  
 29 and similar equipment or vehicles shall be 85 (e) Private parking restrictions.  
 30 parked or stored outside on a residentially 86 This chapter is not intended to allow park-  
 31 zoned lot for more than 24 hours, except 87 ing and storage of recreational vehicles or  
 32 as provided herein: 88 equipment where they may be otherwise  
 33 (1) They shall be located in the rear or 89 prohibited by deed restriction, covenant,  
 34 side yard and not closer than ten 90 prior orders, developer's agreement, or  
 35 feet to a side or rear lot line. 91 otherwise limited to topography or envi-  
 36 (2) Front yard location shall only be 92 ronmental restrictions.  
 37 allowed on a driveway or turnaround, 93 (f) Semi-trailer parking.  
 38 parked as close to the home as possi- 94 No semi-trailers or tractors are allowed to  
 39 ble except for the following which 95 be parked in any residential zoning district.  
 40 are prohibited in the front yard past  
 41 the 24-hour limit: mobile homes,  
 42 motor homes, motor coaches, truck  
 43 campers and large utility trailers.  
 44 (3) They shall be located outside of all  
 45 ultimate right-of-ways, vision clear-  
 46 ance triangles and drainage and  
 47 utility easement areas.  
 48 (4) The recreational vehicle shall be  
 49 maintained in operable condition.  
 50 (5) Recreational vehicles that require  
 51 registration shall be properly regis-  
 52 tered.  
 53 (6) No recreational vehicles or equip-  
 54 ment shall be stored in any open  
 55 space outside a building unless such  
 56 equipment is owned by the property

**Definitions**

**Alteration.** Any change to the Permitted Original Art Mural, including but not limited to any change to the image(s), materials, colors or size of the Permitted Original Art Mural. "Alteration" does not include naturally occurring changes to the Permitted Original Art Mural caused by exposure to the elements or the passage of time. Minor changes to the Permitted Original Art Mural which result from the maintenance or repair of the Permitted Original Art Mural shall not constitute "alteration" of the Permitted Original Art Mural within the meaning of this Title. This can include slight and unintended deviations from the original image, colors or materials that occur when the Permitted Original Art Mural is repaired due to the passage of time, or as a result of vandalism such as graffiti.

**Changing Image Mural.** A mural that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of mural image or message. Changing image murals do not include otherwise static murals where illumination is turned off and back on not more than once every 24 hours.

**Compensation.** The exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. "Compensation" does not include:

1. goodwill; or
2. an exchange of value that a building owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist or other entity where the compensation is only for the creation and/or maintenance of the mural on behalf of the building owner or leaseholder, and the building owner or leaseholder fully controls the content of the mural.

**Grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building (the Uniform Building Code as amended by the State).

**Original Art Mural.** A hand-produced work of visual art which is tiled or painted by hand directly upon, or affixed directly to an exterior wall of a building. Original Art Mural does not include:

1. mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl;
2. murals containing electrical or mechanical components; or
3. changing image murals.

**Permitted Original Art Mural.** An Original Art Mural for which a permit has been issued by the Village of Sister Bay pursuant to this section.

**Public Right-of-Way.** An area that allows for the passage of people or goods, that has been dedicated or deeded to the public for public use. Public Rights-of-Way include passageways such as highways, pedestrian connections, alleys, and all streets.

**Ordinance 66.0714-Murals**

Original Art Murals that meet all of the following criteria shall be a conditional use approved by the Plan Commission and will be considered upon satisfaction of the applicable permit requirements:

- A. No part of the mural shall exceed 20 feet in height measured from grade, nor contain any text.
- B. The mural shall remain in place, without alterations, for a period of five years, except in limited circumstances to be specified by the Plan Commission. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in place for a period of five years without alteration.
- C. The mural shall not extend more than 18 inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.
- D. Murals may be placed on residential buildings with more than four dwelling units.
- E. Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.
- F. No mural shall be located in a Right of Way, nor designed in such a way as to interfere with, or emulate traffic signage.
- G. No mural may use reflective surfaces which may interfere with the safety of traveling pedestrians, bicyclists or vehicles.
- H. No mural may be placed over an opening in a building such as a door, window or vent.
- I. Murals must conform to 66.0752, Color and Lighting.

## VILLAGE OF SISTER BAY ZONING CODE

### SEC. 66.0501 ACCESSORY USES AND STRUCTURES

### SEC. 66.0501 ACCESSORY USES AND STRUCTURES

1			
2	2.	The inspection of the	57
3		installation under the	58
4		then current building	59
5		code; and	60
6	3.	In addition, the pay-	61
7		ment of all fees and	62
8		penalties associated	63
9		with impact fees, zon-	64
10		ing permits, building	65
11		permits and other ap-	66
12		licable fees if not	67
13		paid at the time the	68
14		installation occurred.	69
14	(b)	<u>Setback requirements.</u>	70
15	(1)	All accessory structures except the	71
16		minor structures in subsection (a)(1)	72
17		shall comply with all setback and	73
18		yard requirements for accessory	74
19		structures. ( <i>Amended Ordinance</i>	75
20		<i>207-100912</i> )	76
21	(2)	If the Plan Commission establishes a	77
22		large project setback as specified in	78
23		Section 66.0307(d) that setback	79
24		shall also apply to all accessory	80
25		buildings. ( <i>Amended Ordinance</i>	81
26		<i>207-100912</i> )	82
27	(3)	All accessory buildings for all zon-	83
28		ing districts, shall comply with the	84
29		following setback requirements.	85
30		( <i>Amended Ordinance 207-100912</i> )	86
31		(Entire subsection amended Ordi-	87
32		nance 146-110408)	88
33	a.	Setback from easements.	89
34	1.	No accessory building	90
35		shall be placed over	91
36		an easement that pro-	92
37		hibits such placement.	93
38		No accessory building	94
39		shall encroach into	95
40		the public right-of-	96
41		way. No accessory	97
42		building shall en-	98
43		croach upon the street	99
44		yard of a corner lot.	100
45	b.	Setback from principal build-	101
46		ings.	102
47	1.	An accessory building	103
48		of 120 square feet or	104
49		less may be erected,	105
50		altered or moved to a	106
51		location that is not	107
52		less than five (5) feet	108
53		from the nearest wall	109
54		of a principal build-	110
55		ing; if it is constructed	111
56		with a one-hour fire	112
		rating per ILHR 21.08.	
		Without the one-hour	
		fire rating, the mini-	
		mum separation shall	
		be ten (10) feet.	
	2.	An accessory building	
		over 120 square feet	
		may be erected, al-	
		tered or moved to a	
		location within ten	
		(10) feet of the nearest	
		wall of the principal	
		building.	
	c.	Side yard setback.	
	1.	See district require-	
		ment for primary	
		structures. ( <i>Amended</i>	
		<i>Ordinance 207-</i>	
		<i>100912</i> )	
	d.	Rear yard setback.	
	1.	See district require-	
		ment for primary	
		structures. ( <i>Amended</i>	
		<i>Ordinance 207-</i>	
		<i>100912</i> )	
	e.	Front yard setback.	
	1.	No accessory building	
		shall be placed in a	
		front yard setback ar-	
		ea, except as part of a	
		conditional use permit	
		issued by the Plan	
		Commission	
	2.	Existing single-family	
		homes as of July 1,	
		2008, in the R-1 dis-	
		trict located within	
		one hundred (100)	
		feet of the ordinary	
		high water mark may	
		be permitted to have	
		one accessory build-	
		ing located in the	
		front yard area set-	
		back area. The acces-	
		sory building may not	
		be located any closer	
		than forty (40) feet	
		from the edge of the	
		pavement and fifteen	
		(15) feet from the side	
		lot line. Any modifica-	
		tions to non-	
		conforming accessory	
		buildings subject to	
		this exemption shall	

## VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0311 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

SEC. 66.0311 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

1	<b>Sec. 66.0311 R-1 Single-Family Residence</b>	56	(3)	Licensed family day care homes subject to the regulations set forth in section 48.65 of the Wisconsin Statutes.	61
2	<b>District</b>	57	(4)	Private parks and playgrounds.	61
3	The Single-Family Residence district (R-1) is intended to provide a pleasant, safe and quiet residential environment of moderate density (minimum 20,000 square foot lots), free from traffic hazards or public annoyances. The district is only allowed in areas where public sewer and water services are available.	58	(5)	Utility substations, municipal wells, pumping stations and towers shall be a minimum of 50 feet from any side or rear lot line.	62
4		59	(6)	Solar energy collectors erected as an accessory structure.	63
5		60	(7)	Utilities requiring a building.	64
6		61	(8)	Parking of a semi-tractor or other large trucks in accordance with Subsection 66.0405(b) [See page 88] of this chapter.	65
7		62	(9)	Antennas over 35 feet tall.	66
8		63	(10)	Churches.	67
9		64	(11)	Accessory structures and garages.	68
10	(a) <u>Permitted Uses:</u>	65	(d)	<u>Lot Area and Width:</u>	75
11	(1) Single-family dwellings.	66		Lots shall be a minimum of 20,000 square feet in area and shall have a lot width of not less than 75 feet. Corner lots shall have a lot width of at least 110 feet.	76
12	(2) Licensed community and other living arrangements, which have a capacity for eight or fewer persons, subject to the limitations set forth in section 62.23(7)(i) of the Wisconsin Statutes.	67	(e)	<u>Building Height, Area and Standards:</u>	77
13	(3) Licensed foster family homes subject to the regulations set forth in section 48.62 of the Wisconsin Statutes.	68	(1)	No principal residential building or part of a principal residential building shall exceed 35 feet in height. No accessory building shall exceed the height specified in section 66.0501 [See page 92].	78
14	(4) Public parks.	69	(2)	The total minimum floor area of a principal residential building shall be 900 square feet for a one-bedroom dwelling, 1,000 square feet for a two-bedroom dwelling and 1,200 square feet for a three or more bedroom dwelling.	79
15	(5) Essential services, municipal buildings and facilities.	70	(3)	All principal residential buildings, excluding attached garages, shall have a minimum width of 24 feet for the main body of the house.	80
16		71	(4)	The exterior walls of all principal residential buildings shall be covered by either stucco, cement siding, wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar materials.	81
17		72	(5)	All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in section 70.043(1)	82
18	(b) <u>Permitted Accessory Uses:</u>	73			83
19	(1) Accessory Uses and Structures. Detached garages shall not be used, rented or leased to any individual who is not the property owner or an occupant residing on the property. See section 66.0501 [See page 92]	74			84
20	(2) Ground-mounted and building-mounted earth station dish and terrestrial antennas.	75			85
21	(3) Home occupations and professional home offices. [See section 66.0501(d) page 92]	76			86
22	(4) Private swimming pools.	77			87
23	(5) Private tennis courts.	78			88
24	(6) Solar collectors attached to the principal structure.	79			89
25	(7) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or his/her designee.	80			90
26		81			91
27		82			92
28		83			93
29		84			94
30		85			95
31		86			96
32		87			97
33		88			98
34		89			99
35		90			100
36		91			101
37		92			102
38		93			103
39		94			104
40		95			105
41		96			106
42		97			107
43		98			108
44		99			109
45		100			110
46	(c) <u>Conditional Uses:</u>	101			
47	(1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.	102			
48	(2) Licensed community and other living arrangements, which have a capacity of at least nine, but no more than 20 persons.	103			
49		104			
50		105			
51		106			
52		107			
53		108			
54		109			
55		110			

# Village of Sister Bay Zoning Code

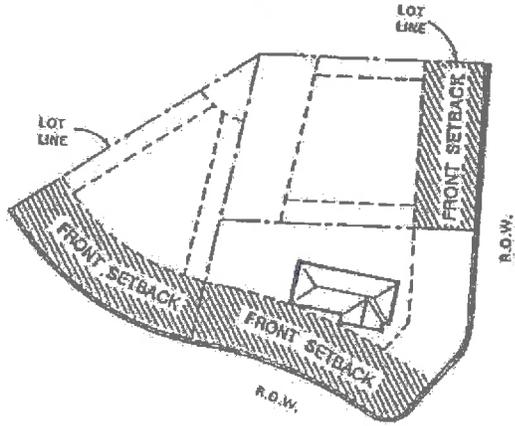


ILLUSTRATION NO. 9 FRONT SETBACK

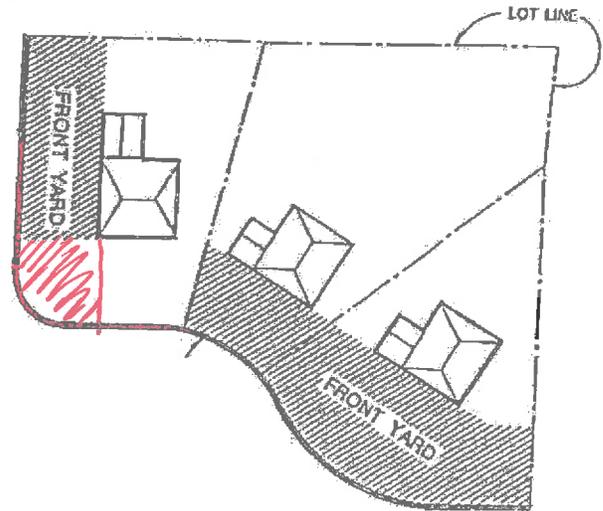


ILLUSTRATION NO. 10 FRONT YARD

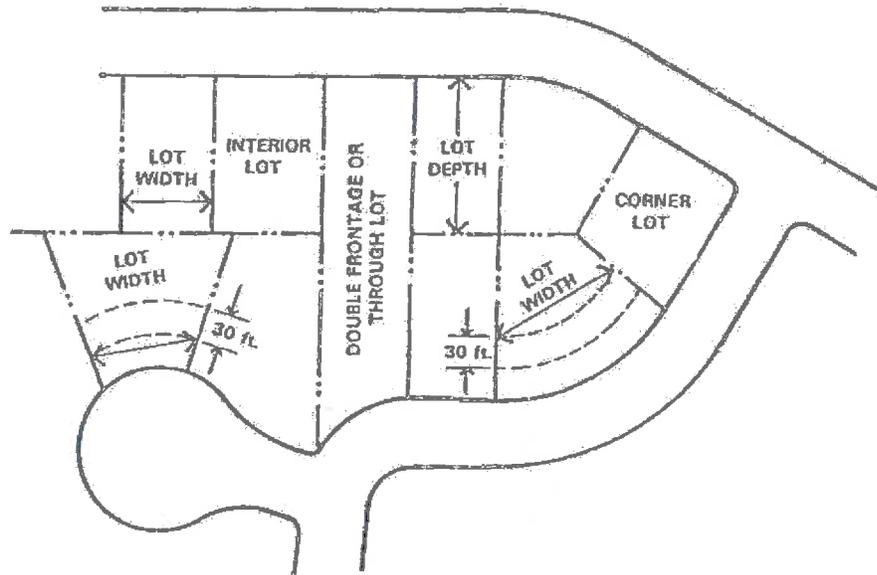


ILLUSTRATION NO. 11 DOUBLE FRONTAGE OR THROUGH LOT

# Map

Printed 08/21/2015 courtesy of Door County Land Information Office

... from the Web Map of ...  
( //www.co.door.wi.gov )



**31**  
**Door County, Wisconsin**  
**... for all seasons!**



Door County can not and does not make any representation regarding the accuracy or completeness, nor the error-free nature, of information depicted on this map. This information is provided to users "as is". The user of this information assumes any and all risks associated with this information. Door County makes no warranty or representation, either express or implied, as to the accuracy, completeness, or fitness for a particular purpose of this information. The Web Map is only a compilation of information and is NOT to be considered a legally recorded map or a legal land survey to be relied upon.



## Village of Sister Bay BOARD REPORT

Meeting Date 08/26/15

Item No.: 6

### Activities:

Line Burial-Work on the Bay Shore Dr. Line Burial project is substantially completed. Crews from Vinton have surveyed final locations of transformers and telecom equipment and have discovered a few conflicts. DOT will coordinate with Vinton and WPS to ensure that conflicts are dealt with appropriately. We still do not have a final project total as of this writing.

Sledding Hill- Work starts and stops on the project, largely around the Beach and excavation of materials there. Roughly 1000 yards of cobble still needs to be removed from the beach to make way for the new sidewalk. Hockers will complete this project after the Beach has been completed.

Beach- the beach is substantially completed, and work will recommence in the fall once planned plantings become dormant. Finishing landscaping will be completed at that time as well. The encroachment on the Stage seating area is being worked on by JJR.

Sunsplash- Sunsplash took place with both Sun and Splash. Friday was a rain out. Saturday cleared up, and approximately 1350 people attended. Final financial figures are not in, however, preliminary estimates indicate that we not only recovered our initial \$15,000 investment, but returned a modest sum on top of that. Numerous complaints were lodged by neighbors (almost all SB Yacht Club) regarding noise intensity, duration, and choice of music. We have a representative sample, economic impact survey out to commercial meter customers to assess Sunsplash. The Village has 60 days to exercise its renewal option. Staff recommends if this event is held in the future, that it is changed to a single day event, with a shift to quality of artists as opposed to quantity (Ziggy Marley, Shaggy, ect). We also recommend that the agreement be adjusted to reflect the level of involvement that staff expended in making the present event a success.

Niagara Ridge- Construction is underway, and we look forward to 36 new apartments soon.

Harbor View-Preliminary plans have been reviewed by Plan Commission and approved. The Developer, engineers and DOT are working to prepare for the next phase of approval.

Stony Ridge- Mr. Garot has not met deadlines agreed to in the development agreement. Engineering work has been completed. An email from 7/14 to him and his expeditor has not been returned. Mr. Garot contact me on the week of 8/7 to let me know that they were still "good" and would be working on a rebid. Stormwater management exceeded budget expectations by \$300,000. Spoke with Jared Schmidt of REL on 8/13, indicated that rebid would occur "pretty soon" and hoped results would be better. I have instructed Ms. Baker to repay the outstanding loan with Baylake Bank; we will take another loan out once Mr. Garot has completed what is required to move ahead.

Personnel- The search for a new finance director will resume; Janal is working to place advertising as of this writing. Duties of the Finance Director have been split between existing staff.

Marina- The season continues to be on target. Some accounting still needs to be resolved. Seasonal slip revenues are near all time highs, and transient rentals are in line to be at or near all time highs.

Marketing- Jaws was a hit with audiences, and other movies have been modestly attended. The Marketing Staff procured a generator for popcorn, ice cream and movies when the power went out in the August Storm. Sunsplash looks to have recovered the initial \$15,000 investment; an economic impact survey was sent to a representative sample of approximately 75 commercial meter holders

We should plan for a festival vendor plan for 2016 for Waterfront Park, and need engage in a visioning process for the marketing plan for 2016 as well.

Other marketing efforts center around Marinafest, and the Ice Rink.

Staff has sent out the Summer newsletter as well as the first citizen survey. We anticipate having results for the September Board Meeting.

**Code Violations:**

- 10860 Bay Shore Dr.: Vehicles parking on unimproved surface.
- 2398 Country Walk Dr.: Unkempt yard
- 10653 Bay Shore Dr: 30.2 Drainage Nuisance
- 10653 Bay Shore Dr: Goat Pen

**Permits Issued**

- Accessory Building-2458 S. Bay Shore Dr.
- Sign Permit-Temp Banner Permit-Village Hall-Sue Donohue
- Sign Permit, After the fact, Silverbirch Store-10668 Bay Shore Dr.
- Accessory Building 10645 Meadow Ln
- Accessory Building 10874 Birchwood Dr.

**Fiscal Impact:** unknown for the future.

Respectfully submitted,

Zeke Jackson  
Village Administrator