

**TOWN OF GIBRALTAR
PLAN COMMISSION
TUESDAY, FEBRUARY 23, 2010
7:00 P.M.
GIBRALTAR TOWN CENTER**

Call to order: The regular meeting of the Gibraltar Plan Commission was called to order at 7:00 p.m. by Linda Merline, chairman.

Members present: Linda Merline, Andy Coulson, Brian Hackbarth and Tom Blackwood

Approve minutes of last meeting: *It was moved by Hackbarth and seconded by Blackwood to approve the Public Hearing minutes of January 12, 2010 as presented. Motion carried unanimously. It was moved by Blackwood and seconded by Coulson to approve the minutes of the January 12, 2010 as corrected. Motion carried unanimously.*

Open discussion and correspondence: No correspondence had been received. Merline will represent the town at the Rack hearing before the Resource Plan Committee on March 4th. Merrell Runquist, Town Chairman would like each Commission member to attend either a Resource Plan Committee or a Board of Adjustment meeting to familiarize themselves with procedures.

Application for Grant of Variance: Charles A. Kinsey Parcel # 014-39-1301B, Section 4.08(8) (f) Requires a setback from the side property line of 20 feet (for buildings in a multiple occupancy development): Merline opened the hearing on Kinsey's grant of variance application detailing the outline of the hearing.

Testimony was given in favor of the application:

Charles Kinsey stated that on occasion the second floor apartment was used for family and personal friends use. It is not used as a rental. Kinsey added that 30 years ago the intention was to put a porch on the building but it did not get done. The porch/deck will wrap around to allow access to the existing stairway. No portion of the deck will encroach any closer than the existing building. The lot size is 66' wide and the current zoning requires a 20' setback from the side yard.

Merline questioned the second floor plan. Kinsey stated that it is a large open studio space. Merline spoke with Fire Chief Jon Stahl regarding his opinion. Without knowing the square footage of the space he could not determine code compliance but if the space was split into several smaller areas it would be recommended to have a second exit for safety reasons.

Blackwood asked Kinsey what the unnecessary hardship was for the application. Kinsey replied that it was the proximity to the side yard.

No testimony was given in opposition to the application.

No correspondence has been received in favor of the application.

No correspondence has been received in opposition to the application.

The Door County Zoning Ordinance states the following standards that must be met for a variance to be granted:

- a. Unnecessary hardship. That there are present actual physical conditions applying to the lot, parcel, building, structure, use or intended use on that parcel which are creating the unnecessary hardship in the application of the ordinance, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations are required.
- b. Unique condition. That the conditions described in par. (a) are unique, exceptional, extraordinary, or unusual circumstances applying only or primarily to the property under consideration and are not of such a general or recurrent nature elsewhere in the same zoning district as to suggest or establish the basis for Ordinance changes or amendments, or of having that effect if relied upon as the basis for granting a variance.
- c. Conditions not self-created. That the condition creating the hardship or difficulty was not caused by the petitioner nor by any person still having an interest in the property.
- d. Public interest. That in granting the variance there will not a substantial detriment to neighboring property and the grant of variance will not be contrary to the purpose of this Ordinance and the public interest.

Discussion yielded issues that include:

- The addition of the porch would be in keeping with the neighborhood.
- Unnecessary hardship was very weak.
- Primary concern not opening to a detrimental precedent.
- The request is totally reasonable
- Good communication with neighbor, not a public concern.
- The porch is not coming out in the direction of the side yard encroachment.

It was moved by Hackbarth and seconded by Blackwood to recommend that the town board support the Petition for Grant of Variance by Charles Kinsey Parcel # 014-39-1301B.

Merline thanked those in attendance and advised that Mr. Kinsey or his representative would need to be present at the March 3rd town board meeting.

Implementation Goals 2010: Merline stated that she had met with Town Chairman Merrell Runquist regarding goal setting. He was in general agreement with the goals she presented. Merline asked attending Town Board Supervisors Sohns and Somerhalder for their input on 2010 goals. Sohns recommended a capital improvement fund for projects. Somerhalder inquired if the adjoining property that was being offered to the Fish Creek Sanitary District #1 could be either purchased or used jointly by the town for a parking and bicycle staging area. The commission was in agreement to limit the number of goals in order to make substantive progress.

The goals were reviewed with the following interests noted and actions to be taken:

- Storm water system, continue to move forward with storm sewer cleaning and inspections, studying improvement options, study new flood plain map.
 - Merline interest
- Groundwater and private on-site treatment systems.
 - Merline interest
 - Bring in Chris Olson from the County Sanitarian's office for a status report.
 - Expected completion with the current round of inspections.
 - Inspection goals for 2010.

- Move forward with sustainability/sustainable municipality
 - Coulson and Hackbarth contact with FCCA
 - Sustainability Resolution brought forward by Dick Skare
 - Rob Burke UW-Extension speak on subject
- Official town map
- Parking
 - Coulson interest
 - Assessing the parking situation in Fish Creek and options for visitors and workforce use
 - Explore innovative ideas
- Bike Plan
 - Blackwood and Coulson interest
 - Town Board Chairman to determine who will implement plan. Separate committee?

Set the Next Meeting Date: The next regular meeting is scheduled for Tuesday, March 23, 2010 at 7:00 p.m. Blackwood may not be available.

Adjourn: *It was moved by Hackbarth and seconded by Coulson to adjourn. Motion carried unanimously and the meeting adjourned at 8:04p.m.*

Respectfully Submitted,

Beth Hagen, CMC
Deputy Clerk-Treasurer