

**TOWN OF GIBRALTAR  
PLAN COMMISSION  
TUESDAY, OCTOBER 23, 2012  
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.

**Roll Call/Quorum:** Merline stated that a quorum of the Commission was present.  
Members present: Linda Merline, Brian Hackbarth, Tom Blackwood and Britt Unkefer.

**Proper Notice/Adopt Agenda:** Merline confirmed the agenda had been properly noticed.  
*Motion: (Hackbarth/Unkefer) to adopt the agenda as posted. Carried.*

**Approve minutes of last meeting:** *Motion: (Hackbarth/Blackwood) approve minutes of September 25, 2012 as written. Carried.*

**Petition for Grant of Variance – Goelz Door County Property LLC (Parcel #014-39-2503):**

Merline opened the hearing and explained the procedures.

Section 3.07(1) of the Door County Zoning Ordinance requires structures be setback at least 75 feet from the ordinary high water mark of Green Bay. The petitioner proposes to construct a 26'4" x 27' one story addition onto an existing residence at 9309 Cottage Row. The addition will be located as close as 51 feet from the ordinary high water mark. The petitioner claims unnecessary hardship exists because the lot is long and narrow; with steep terrain from the road and down from the buildable area to the water.

Testimony was given in favor of the petition: John Pinkert present from Pinkert Law Firm, Sturgeon Bay; representing Goelz Door County Property LLC. He stated the dwelling is small in comparison to other properties in the area. It was built 50-60 years ago, predating Door County Zoning. The Goelz family would like to construct an addition to create a 3 bedroom, 2 bath house that will not be out of character with the rest of Cottage Row. Property is narrow and limits the buildable area, no public harm, single level structure that will allow for view from Cottage Row. Foresees a 1.7% increase in impervious surface. Current home is 2047 sq ft. The addition is 676 sq ft. Addition will not be any closer to setbacks than the current structure. Materials will match current dwelling and will match the surrounding neighborhood. Unnecessary hardship is a "reasonable use" hardship. Pinkert defined a "reasonable use" hardship.

Mark Isaacson, from Isaacson Design also present, Sturgeon Bay stated he would be willing to answer questions regarding the design.

No testimony was given in opposition to the petition.

No correspondence was received in support.

No correspondence was received in opposition to the petition.

Merline closed the public hearing.

Plan Commission discussed the site. They agreed that the terrain is very steep from the road and understand the reasons for the request. There is no other option to build an addition without a variance request.

*Motion: (Hackbarth/Blackwood ) to recommend to the Town Board to support the Goelz Door County Property LLC Petition for Variance. Carried.*

**Petition for Grant of Variance – Mike & Carina Helm (Parcel #014-15-0207):**

Merline opened the hearing and explained the petition.

Section 3.02(3)(b) of the Door County Zoning Ordinance require structures to be set back at least 10 ft from a side property line. The petitioner has added an egress from the second floor balcony to the first floor landing which encroaches upon the ten foot setback. The second floor landing was already in existence. But the first floor landing needed to be widened to support the egress.

Testimony was given in favor of the petition: Michael Helm co-owner of 4113 Main St. (Blue Horse Café) and General Contractor with JAR Builders from Egg Harbor stated the 2<sup>nd</sup> level residential deck was pre-existing and approved. Adding the egress from that deck had the least amount of impact on the property. The west side of the building was deemed the most feasible location. Therefore, the lower level deck needed to be adjusted to support the stairwell. Pre-existing steel post and concrete footing was utilized as a footprint and tried to work within that envelope. Helm presented a letter from the neighbor with no opposition. Merline read the letter from the Falk-Pedersen's into the record.

Candy Damon, Fish Creek stated that the upper residence must have 2 exits for fire evacuation. The egress was added for safety and seems ideal.

No testimony was given in opposition to the petition

No correspondence was received in support.

No correspondence was received in opposition to the petition.

Hackbarth questioned a 32" stair vs. a 36" stair width. Helm explained that 32" of clear space is the minimum requirement. Questions were asked by the Commission of other possibilities. Helm explained some of the other limitations (chimney and roof pitch). The original approved plans did not include the residential stairwell. It became a necessity and the lower landing needed to be adjusted. Helm assumed that staying within the footprint would be allowable; he built to minimum code requirements.

Improvements on the lower level stairs were required onsite for Commercial Code setbacks. He tried to make the least invasive changes and use a footing that was already there.

Merline closed the public hearing.

Plan Commission discussed the site. The Commission does not like that the variance request has come to the Commission after construction. It is difficult to meet the variance requirements and Commercial Building codes. Hackbarth stated there is no hardship for the lower section of stairs, and thinks other options are available. If it wasn't already constructed, Hackbarth thinks that other options would be explored.

*Motion: (Blackwood/Unkefer) to recommend to the Town Board to support Michael and Carina Helm's Petition for Variance. Carried. Hackbarth Opposed.*

**Comprehensive Plan Update – Maps:** The Plan Commission has \$1500 in the budget to update maps this year. Merline contacted Mariah Goode from County Planning. The town has 8 maps that are in need of updating and another 8 that will likely need updating. The current funds of \$1500 would cover 30 hours of custom map updating. A minimum of 30 hours would be needed and maps will be ranked for priority. OK to pay all the money up front this year, money will be deposited and drawn down from as work is completed. Would need to draft a letter outlining our intergovernmental agreement. The narrative part of the plan is still not updated and will need to be addressed in the future. Once the County's narrative is updated with 2010 census data, we will be able to utilize that information for ours.

*Motion: (Hackbarth/Blackwood ) to hire the County to update as many of the maps as possible, not to exceed \$1500. Funds to be paid this calendar year. Merline to approve the prioritization of the maps. Carried.*

**Public Parking Plan:** Baudhin submitted a revised plan with drainage flow patterns. The Commission reviewed the revised plan. Merline discussed with Rick Brauer that if the Town decided to move forward with the plan, may need to obtain a conditional use. However, did not take into consideration the rest of

the back lot. Will want to consider a future buffer for snowmobiles, bike and hiking trails. The Commission would like to have seen other concepts but will send this conceptual plan to the Town Board.

**Committee Reports:**

Chair: Next month, would like to discuss next year's goals.

Maps: No report

Updates on Parks & Lands/Bike Path: Saddened by the death of Marston Anderson. Unfortunately, work on the Sunset Beach Wall will not be happening this year.

Surface & Groundwater Protection: Merline met with Bill Schuster to discuss best practices for creek management and continuing the Watershed project.

Public Parking: Agenda item

Attainable Housing: A developer approached Door County Economic Development to research areas of possible development. He was referred to Hackbarth and Merkel. Think it is a good idea for further research to determine if this type of affordable housing project would work in the Town of Gibraltar.

**Public Comment:** None

**Set the Next Meeting Date:** The next regular meeting is scheduled for Tuesday, December 4, 2012 at 7:00 pm.

**Adjourn:** *Motion: (Hackbarth/Unkefer) to adjourn at 9:30. Carried.*

Respectfully Submitted,

Kelly Murre  
Administrative Assistant

Approved: 12/4/2012