

**REPORT TO THE DOOR COUNTY BOARD OF SUPERVISORS:
ZONING ORDINANCE TEXT AMENDMENT –
SECTION 4.08(8)(f)2.b.(2), MULTIPLE OCCUPANCY DEVELOPMENTS**

1 This report is submitted pursuant to Section 59.69(5)(e), Wisconsin Statutes.
2

3 **REQUESTED:**
4

5 Marty Brice, on behalf of The Pines at Idlewild, LLC, petitions to amend Section 4.08(8)(f)2.b.(2) of the Door
6 County Zoning Ordinance to reduce the side and rear yard setbacks for smaller, open-sided structures in
7 some multiple occupancy developments.
8

9 **EXPLANATION:**
10

11 The owner of the property received a conditional use permit to establish a multiple occupancy development.
12 The owner subsequently constructed a pergola which does not meet the required 40' side yard setback for
13 accessory structures. The property and pergola do not meet the statutory requirements for a variance from
14 the required setback as there is ample room available on the property, so the owner is requesting to change
15 the ordinance text such that smaller, open-sided structures would have a lesser side yard setback.
16

17 This amendment will only effect Multiple Occupancy Developments located in non-core areas that have lot
18 widths that exceed 150' and are adjacent to single-family residences located in the HD, RC, MC, CC, VC,
19 GC, or NR zoning districts.
20

21 **HEARING AND NOTICE:**
22

23 The Resource Planning Committee held a public hearing concerning this petition on December 17, 2015 at
24 the Door County Government Center, Sturgeon Bay, WI. Notice of the public hearing, notice to all county
25 board supervisors, and notice to all town clerks has been given in accordance with Chapter 59.69, Wisconsin
26 Statutes. Proof of the giving of such notice is available upon request from the Planning Department.
27

28 **RECOMMENDATION:**
29

30 The Resource Planning Committee hereby recommends denial of the zoning amendment petition for the
31 following reasons:
32

- 33 1. The proposed text amendment would be in effect county-wide. Of the six towns commenting
34 on the request, only one was in favor of the amendment.
35
- 36 2. The property owner whom the proposal would immediately benefit has other options available,
37 namely, moving the structure in question to a location which complies with existing ordinance
38 setback requirements.

Denial Recommendation
 – this report may be approved or disapproved in accordance with Section 59.69(5)(e)5., Wisconsin Statutes.

RESOURCE PLANNING COMMITTEE

Kenneth Fisher
 Kenneth Fisher, Chair

David Enigl
 David Enigl

David Lienau
 David Lienau

Susan Kohout
 Susan Kohout

Don Sitte

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD	X		
BACON	X		
BRANN			X
BUR	X		
ENGLEBERT	X		
ENIGL	X		
FISHER	X		
GUNNLAUGSSON	X		
HAINES	X		
HALSTEAD	X		
KOCH	X		
KOHOUT	X		
KOK	X		
LIENAU	X		
MOELLER	X		
NEINAS	X		
SCHULTZ	X		
SITTE			X
SOHNS	X		
VIRLEE	X		
ZIPPERER			X
	18	0	3

BOARD ACTION

Vote Required: Majority Roll Call Vote of a Quorum

Motion to Approve Adopted
 1st Fisher Defeated
 2nd Sohne
 Yes: 18 No: 0 Exc: 3

Reviewed by: *[Signature]* Corp. Counsel
 Reviewed by: *[Signature]*, Administrator

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of an ordinance that was enacted on the 26th day of January, 2016 by the Door County Board of Supervisors.

Jill M. Lau
 Jill M. Lau
 County Clerk, Door County

COUNTERSIGNED
Dan Austad
 Chairman, Dan Austad
 Door County Board of Supervisors

Effective Date : January 26, 2016