



# **ZONING BOARD OF APPEALS AGENDA**

**September 20, 2023 at 3:00 PM**

**City Hall, 3rd Floor - Council Chambers, 828 Center Avenue,  
Sheboygan, WI**

Persons with disabilities who need accommodations to attend this meeting should contact the Building Inspection Department, (920) 459-4064. Persons other than commission, committee, and board members who wish to participate remotely shall provide notice to the Building Inspection Department at 920-459-4064 at least 24 hours before the meeting so that the person may be provided a remote link for that purpose.

## **OPENING OF MEETING**

1. Call to Order
2. Pledge of Allegiance
3. Identify potential conflicts of interest

## **MINUTES**

4. Approval of the Board of Appeals minutes from August 16, 2023

## **ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

5. Variance application by Kenneth and Carolyn Taylor to construct a 6ft high privacy fence (an accessory structure) on a property without a primary structure/use located on parcel #59281111441 located on Washington Court.
6. Variance application by John Justinger to construct a 12ft x 16 ft (192 sq. ft) storage shed with an attached 12ft x 16ft (192 sq. ft) roof overhang located at 3824 N 29<sup>th</sup> Street.
7. Variance application by Beachgrass Family Trust to construct an approximate 16ft x 26ft (416 sq. ft) home addition that does not meet side yard setback requirements located at 616 Georgia Avenue.
8. Variance application by Ken Ebbers to construct a parking pad next to future garage off of the alleyway. Parking pad will have a 1ft setback from side property line located at 825 Leland Avenue.
9. Variance application by Rachel Kohler to construct a shoreline revetment, stairways, hardscape and buried storage shed located within 75 feet of the ordinary high-water mark located at 120 Vollrath Boulevard.

## **NEXT MEETING**

10. October 18, 2023

## **ADJOURN**

11. Motion to Adjourn

***In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:***

*City Hall • Mead Public Library  
Sheboygan County Administration Building • City's website*

**CITY OF SHEBOYGAN**  
**ZONING BOARD OF APPEALS MINUTES**

**Wednesday, August 16, 2023**

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**Members Present:** Kevin Sampson, Keeli Johnson, Richard Linde, Tad Tjapkes and Ed Surek

**Members Excused:** Sala Sander and Markus Savaglio

**Staff/Officials Present:** Building Inspector Jeff Lutzke

**OPENING OF MEETING**

1. Call to Order

Kevin Sampson called the meeting to order.

2. Pledge of Allegiance

The Pledge of Allegiance is recited.

3. Identify potential conflicts of interest

No committee member had a conflict of interest.

**MINUTES**

4. Approval of the Board of Appeals minutes from July 19, 2023

Motion by Keeli Johnson, second by Tad Tjapkes to approve. Motion carried.

**ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

5. Variance application by Joe and Jamie McDonald requesting to raze existing dwelling due to structural issues and construct a new dwelling at 433 Niagara Avenue.

Motion by Keeli Johnson, second by Tad Tjapkes to approve as presented. Motion carried.

6. Variance application by Peter Lensink requesting to construct a 676 sq. ft (26 feet x 26 feet) detached garage located closer than 25 feet to the required street yard property line. Garage will meet 5-foot setback to alleyway and 3-foot setback to north property line at 2003 N 9<sup>th</sup> Street.

Motion by Keeli Johnson, second by Tad Tjapkes to approve as presented. Motion carried.

**NEXT MEETING**

7. September 20, 2023

**ADJOURN**

8. Motion to Adjourn

Motion by Keeli Johnson, second by Dick Linde to adjourn. Motion carried.

Being no further business, the meeting was adjourned at 3:16 p.m

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

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ITEM DESCRIPTION:

Address: N/A

Parcel #: 111441

Owner's Name: DR KENNETH AND CAROLYN TAYLOR

Zoning: NC

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REPORT PREPARED BY: Jeff Lutzke, Building Inspector

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REPORT DATE: 09/07/2023

MEETING DATE: 09/20/2023

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BACKGROUND / ANALYSIS

Owner would like to construct a 6 ft high privacy fence ( an accessory structure ) on a property without a primary structure/use.

---

Ordinance #: Sec 105-7 Definitions -- *Accessory use or structure* means a use or structure subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto

Requesting:

Allowed:

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Ordinance #:

Requesting:

Allowed:

---

---

ATTACHMENTS:

Application, pictures, and drawing



**CITY OF SHEBOYGAN****VARIANCE  
APPLICATION**

Fee: \_\_\_\_\_

Review Date: \_\_\_\_\_

Item 5.

Read all instructions before completing. If additional space is needed, attach additional pages.

**SECTION 1: Applicant/ Permittee Information**

Name (Ind., Org. or Entity)

Dr. Kenneth and Carolyn Taylor

Mailing Address

507 Washington Ct.

City

Sheboygan

State

Wisconsin

ZIP Code

53081

Email Address

taylor.kennethr@gmail.com

Phone Number (incl. area code)

404-403-8338

Applicants interest in property:

Owner

**SECTION 2: Property Information**

Property New Tax ID: 59281111441

Property Address

Yet to be assigned

City

Sheboygan

State

Wisconsin

Zip

53081

Type of Building: ☐ Commercial ☒ ResidentialRequest for: ☒ New Construction ☐ Repairs ☐ Alterations ☐ Addition ☒ Nonconforming Use ☐ Other**SECTION 3: If the Request is for a Nonconforming Use**

Your intended use: Residential use in Neighborhood Commercial District NC allowed by right.

Non-conforming aspect: A fence is an accessory use to a residential occupancy. Without first having a primary residential structure, a fence can only be allowed as a Variance.

Date last occupied as a nonconforming use:

By Whom:

Previous Use:

**SECTION 4: Requested Variance**

Please see separate letter attachment.

On a separate letter to the Board, describe the requested variance and include what unnecessary hardship or difficulty is caused by following the regulations or requirements of the ordinance. See the attached "The Three Tests for a Variance" and be prepared to argue how you pass the THREE TESTS FOR A VARIANCE.

**SECTION 5: Certification and Permission**

**Certification:** I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Variance Application. I certify that the information contained in this form and attachments are true and accurate. I certify that the project will be in compliance with all conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

**Permission:** I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print)

Joseph Clarke - Legacy Architecture, Inc.

Title

Senior Project Manager

Phone Number

920-783-6303

Signature of Applicant

Date Signed

08/16/2023

Complete application is to be filed with the Building Inspection Department, 828 Center Avenue, Suite 208. Variances to zoning ordinances are considered by the City of Sheboygan Zoning Board of Appeals monthly on the third Wednesday at 3 p.m. at a public hearing. To be placed on the agenda of Zoning Board of Appeals, application must be received no later than 4:30 p.m. on the third Wednesday of the month prior to the scheduled public hearing. Applications will not be processed if all required attachments and filing fee of \$250 (payable to the City of Sheboygan) are not submitted along with a complete and legible application. Application filing fee is non-refundable.



605 Erie Avenue, Suite 208  
Sheboygan, Wisconsin 53081  
(920) 783-6303  
info@legacy-architecture.com  
www.legacy-architecture.com

Item 5.

August 16, 2023

Zoning Board of Appeals  
Sheboygan City Hall  
828 Center Avenue, Suite 208  
Sheboygan, WI 53081

Re: Application for Zoning Board of Appeals – September 20, 2023  
New property parcel immediately west of 507 Washington Ct. (new address yet to be determined)  
Sheboygan, WI 53081

Dear Board of Zoning Appeals members:

Thank you for consideration of this variance requests.

Dr. Kenneth Taylor and his wife Carolyn are the owners of the historic Hon. Thomas Blackstock house at 507 Washington Court. They have also recently purchased an approximately 60'-4"-wide parcel of land immediately west of 507 Washington Court that was previously part of the large Wells Fargo parking lot that extends west to 6<sup>th</sup> Street. The Taylors have hired Legacy Architecture to develop conceptual design options for potential improvements to their properties.

The Taylors purchased the adjacent parcel of land with the intention of creating a buffer between their current house and undesirable activities that they have sometimes observed happening in the Wells Fargo parking lot. They have provided more detail of these activities in a separate letter, but their goal has been to build a fence and make additional improvements to their property.

Since the recently purchased parcel is within the City's T.I.F. District-16 while their house is not, there are restrictions that prevent the Taylors from being able to combine their two properties as would typically be done. As a combined parcel, a fence would have been permissible by right.

As a separate property, the Taylors are exploring various options for building a new primary residence on the site. Their timeframe does not allow for immediate construction of a house on the new property, but they intend to pursue such construction within the next few years. Once a primary residence has been built on the site, a fence would be allowed by right and a Variance would no longer be necessary. In order to make their property safer, and to create a defined separation from the remaining portion of the Wells Fargo parking lot, they would like to proceed immediately with the following steps (please see attached conceptual diagram):

- 1) Saw-cut and remove the majority of existing asphalt pavement from their new property.
- 2) Install a new curb-cut and driveway to serve the new property from Washington Court.
- 3) Landscape the new parcel to aesthetically match their current property.
- 4) Install a 6-foot-high fence along the west property line and north setback line of the new property.
- 5) Install a secure gate in the northern section of fence.

Variance requested:

To allow the Taylors to build a fence on their new parcel of land PRIOR to building a primary residential structure on the property.

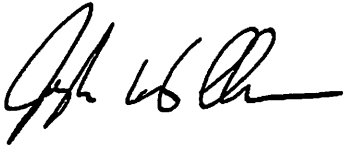
In summary, we feel that this request passes the "Three Tests for a Variance":

- a) A hardship is created by the City's T.I.F. District-16 not allowing for a typical combination of properties, and therefore not allowing a fence that would otherwise be allowed by right. The Taylors are also facing health and safety concerns from ongoing unauthorized access and use of their property.
- b) The unique physical characteristics of this property's inclusion in the City's T.I.F. District-16 and also its location adjacent to the remaining Wells Fargo parking lot are causing hardship for the property owners. Please see attached letter from the property owners indicating their current health and safety concerns.
- c) Granting this variance request would not harm the public interest in any way.

We appreciate the Board's time and consideration in addressing this request. Please contact us if there are any questions or if you require further information.

Sincerely,

Legacy Architecture, Inc.

A handwritten signature in black ink, appearing to read "J. E. Clarke", with a stylized flourish at the end.

Joseph E. J. Clarke, Assoc. AIA, LEED-AP  
Senior Project Manager

Kenneth and Carolyn Taylor  
507 Washington Ct  
Sheboygan WI 53081

Subject: Fence variance for empty lot adjacent to 507 Washington Ct

Dear City of Sheboygan-

We recently purchased the Hon. Thomas Blackstock house (built in 1864, on the National Register of Historic Places as the most complete example of Italianate architecture in Sheboygan), and we have been enamored with the home and the surrounding area. We own a portion of the adjacent parking lot, and we are seeking a fence variance due to public safety concerns on our property.

As you will see from our pictures, we have constant issues with unauthorized use of the land. This often takes the form of minor inconveniences such as dumping snow (which erodes our asphalt), parking of construction vehicles on the land by surrounding businesses, and passerby filming music videos and dumping trash. However, some instances are potentially harmful to members of the community, and we thus seek to prevent unauthorized use with a fence.

On one instance, we had a very concerning incident of an individual joy riding in our parking lot in his pickup truck. This person was drifting in his car, and from our house it appeared that he might strike our vehicles or our retaining wall, or worse lose control and harm himself or others on our land. Fortunately, he drove away before we had to call the police or file a report.

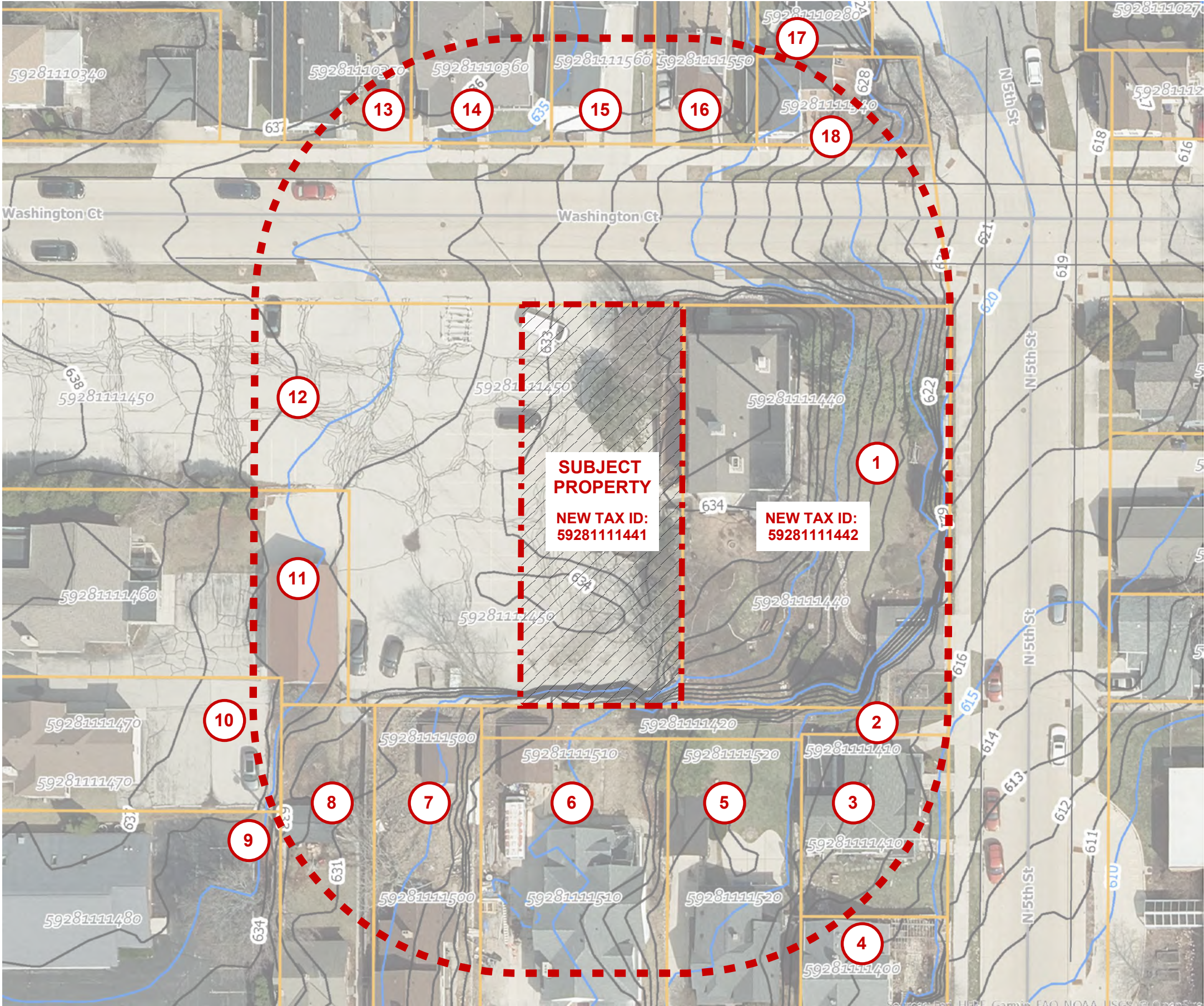
In another instance, there were 4 men who were clearly intoxicated and appeared to be in possession of illegal substances. One dropped what we presumed to be his substance and was crawling in the parking lot until he finally found it and was able to consume it before our eyes. We called the police, who arrested one of the four. A cantankerous spectacle ensued where the individual refused to dismount from his bicycle. After about 30 minutes, 8 police officers finally ushered him into an ambulance as he screamed "Rape! Rape! Rape!" over and over and over.

More concerningly, we often have neighborhood children who ride bicycles on our land. Our minds can only turn to how we would feel if the worst were to happen on our land and place the children in harm's way, either by violence or by accidental consumption of trash or illicit substances left behind on our land. There is no way for us to know what is contained in food wrappers, bottles, and cans on our lot left behind and waiting for a child to come across.

A fence would be in the interest of the public's safety and help the city removing this privately owned land from public access. We hope that you will consider our proposal and let us promulgate all Sheboganites' desire to keep our city clean and beautiful.

Kenneth and Carolyn Taylor  
Cell: 404-403-8338  
Email: [taylor.kennethr@gmail.com](mailto:taylor.kennethr@gmail.com)





MAP - SUBJECT PROPERTY & 100-FT. BOUNDARY

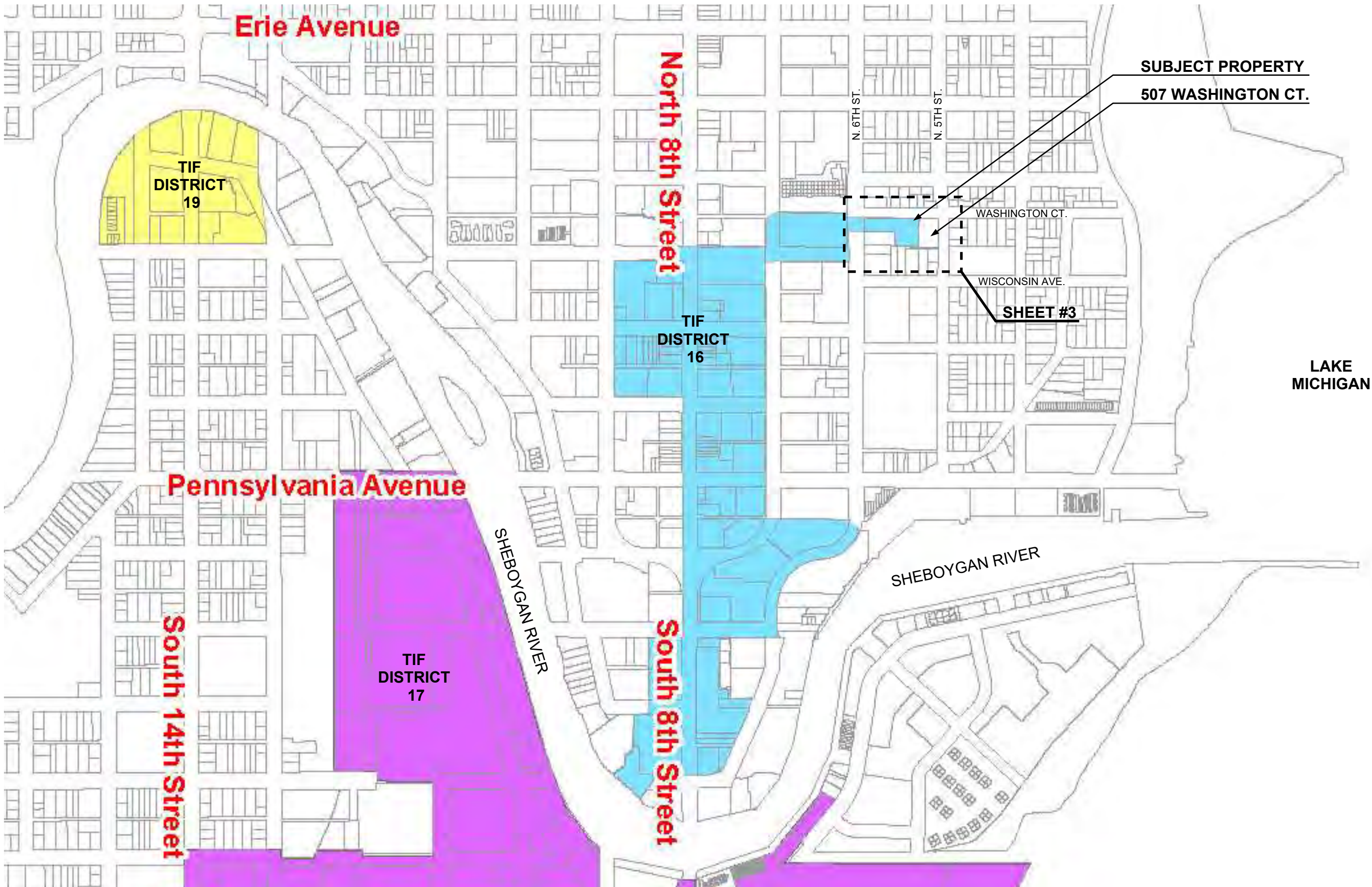
SCALE: 1" = 40'-0"



- PROPERTY #1 - TAX ID: 59281111442  
507 WASHINGTON CT.  
KENNETH R. & CAROLYN B. TAYLOR
- PROPERTY #2 - TAX ID: 59281111420  
828 CENTER AVE. STE. 105  
CITY OF SHEBOYGAN
- PROPERTY #3 - TAX ID: 59281111410  
812 N. 5TH ST.  
JUSTIN OLSON
- PROPERTY #4 - TAX ID: 59281111400  
502 WISCONSIN AVE.  
ELLEN E. HILDEBRAND
- PROPERTY #5 - TAX ID: 59281111520  
508 WISCONSIN AVE.  
GARY R. PIRRUNG
- PROPERTY #6 - TAX ID: 59281111510  
512 WISCONSIN AVE.  
NIKOLAOS TSIIOULOS
- PROPERTY #7 - TAX ID: 59281111500  
520 WISCONSIN AVE.  
NIKOLAOS TSIIOULOS
- PROPERTY #8 - TAX ID: 59281111490  
524 WISCONSIN AVE.  
TERENCE E. GRUBE
- PROPERTY #9 - TAX ID: 59281111480  
805 N. 6TH ST.  
LIFE POINT HOLDINGS, LLC.
- PROPERTY #10 - TAX ID: 59281111470  
813 N. 6TH ST.  
STAR HOLDINGS, LLC.
- PROPERTY #11 - TAX ID: 59281111460  
819 N. 6TH ST.  
819N6, LLC.
- PROPERTY #12 - TAX ID: 59281111450  
N.A.  
WELLS FARGO BANK
- PROPERTY #13 - TAX ID: 59281110350  
520 WASHINGTON CT.  
PETER G. & CANDACE K. PITTS
- PROPERTY #14 - TAX ID: 59281110360  
518 WASHINGTON CT.  
PETER G. & CANDACE K. PITTS
- PROPERTY #15 - TAX ID: 59281111560  
512 WASHINGTON CT.  
KATHLEEN M. LAUNER
- PROPERTY #16 - TAX ID: 59281111550  
506 WASHINGTON CT.  
LESTER J. & ANN M. PIERCE
- PROPERTY #17 - TAX ID: 59281110280  
842 N. 5TH ST.  
SUSAN K. DAVIS
- PROPERTY #18 - TAX ID: 59281111540  
504 WASHINGTON CT.  
SUSAN K. DAVIS

Item 5.	
DATE	
NO.	REVISIONS
LEGACY architecture 605 Erie Avenue Sheboygan, Wisconsin 53081 (920) 783-6303 www.legacy-architecture.com	
VARIANCE APPLICATION PACKAGE KENNETH & CAROLYN TAYLOR 507 WASHINGTON CT. SHEBOYGAN, WI 53081	
PROJECT NUMBER 22.065	
DRAWN BY J. CLARKE	
CHECKED BY J. LEHRKE	
DATE August 16, 2023	
SHEET TITLE PROPERTIES WITHIN 100-FT. OF SUBJECT PROPERTY	
SHEET NUMBER 1	
9	





**CITY OF SHEBOYGAN - T.I.F. MAP (6/5/2023)**

SCALE: N.T.S.

NORTH



Item 5.

NO.	REVISIONS	DATE

**LEGACY**  
 architecture  
 605 Erie Avenue  
 Sheboygan, Wisconsin 53081  
 (920) 783-6303  
 www.legacy-architecture.com



**VARIANCE APPLICATION PACKAGE**  
**KENNETH & CAROLYN TAYLOR**  
 507 WASHINGTON CT.  
 SHEBOYGAN, WI 53081

PROJECT NUMBER  
 22.065

DRAWN BY  
 J. CLARKE

CHECKED BY  
 J. LEHRKE

DATE  
 August 16, 2023

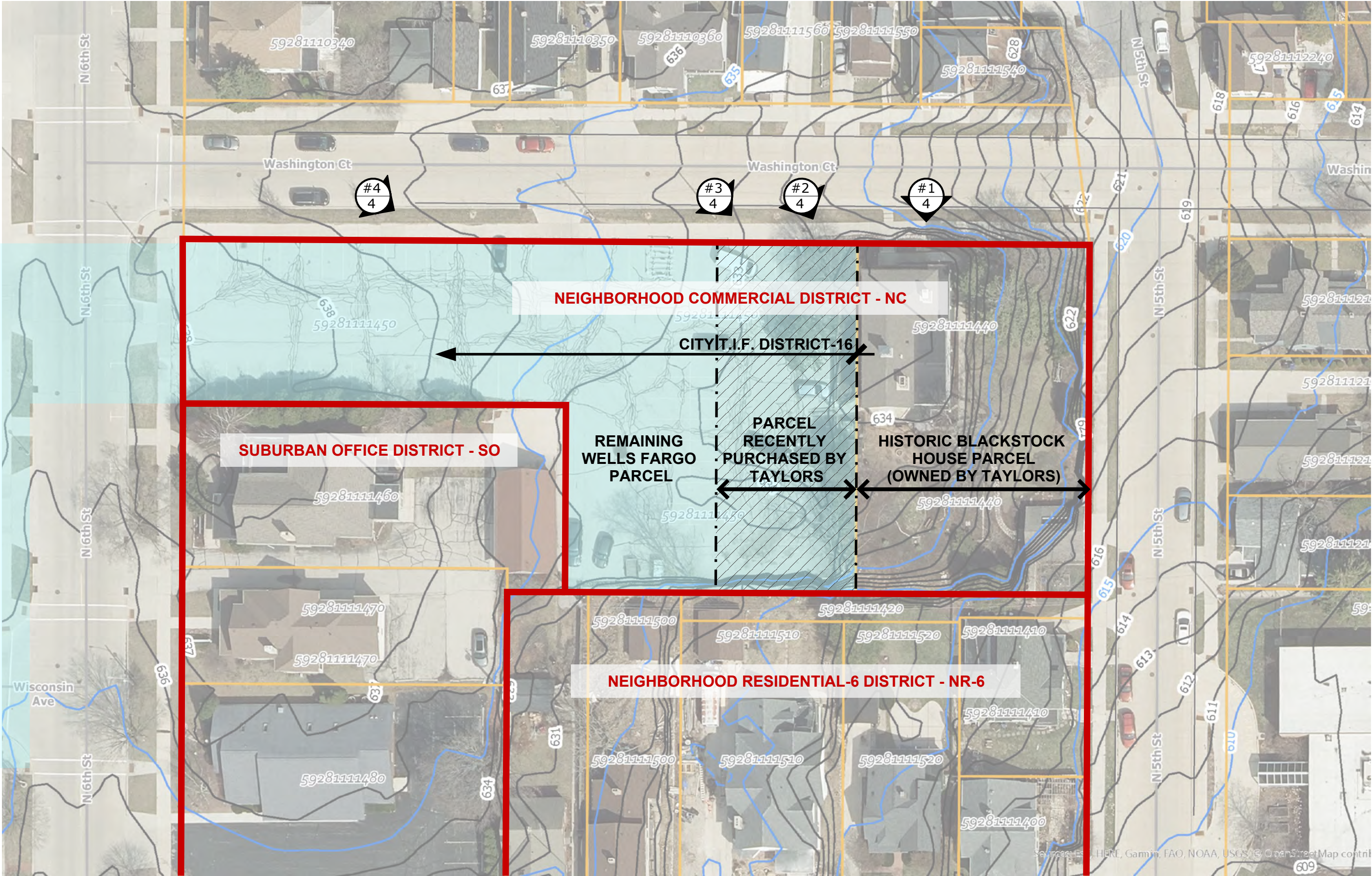
SHEET TITLE  
 CITY T.I.F. DISTRICT MAP

SHEET NUMBER

2

10





**EXISTING SITE ZONING**

SCALE: 1" = 40'-0"

NORTH



Item 5.

NO.	REVISIONS	DATE

**LEGACY**  
architecture

405 Erie Avenue  
Sheboygan, Wisconsin 53081  
(920) 783-6303  
www.legacy-architecture.com

**VARIANCE APPLICATION PACKAGE**  
**KENNETH & CAROLYN TAYLOR**  
507 WASHINGTON CT.  
SHEBOYGAN, WI 53081

PROJECT NUMBER  
22.065

DRAWN BY  
J. CLARKE

CHECKED BY  
J. LEHRKE

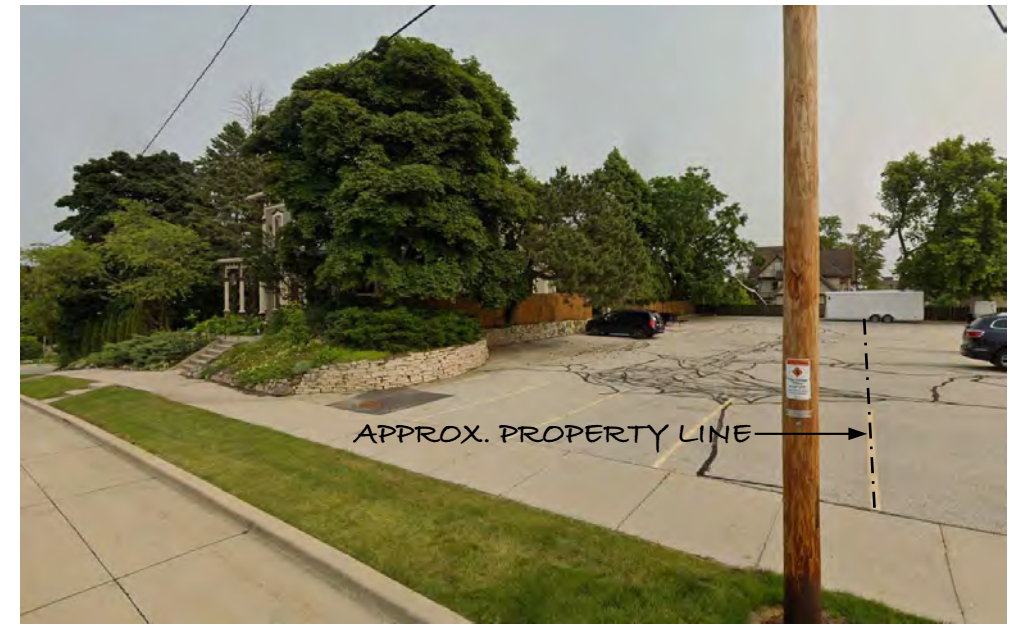
DATE  
August 16, 2023

SHEET TITLE  
EXISTING SITE ZONING

SHEET NUMBER  
**3**

11



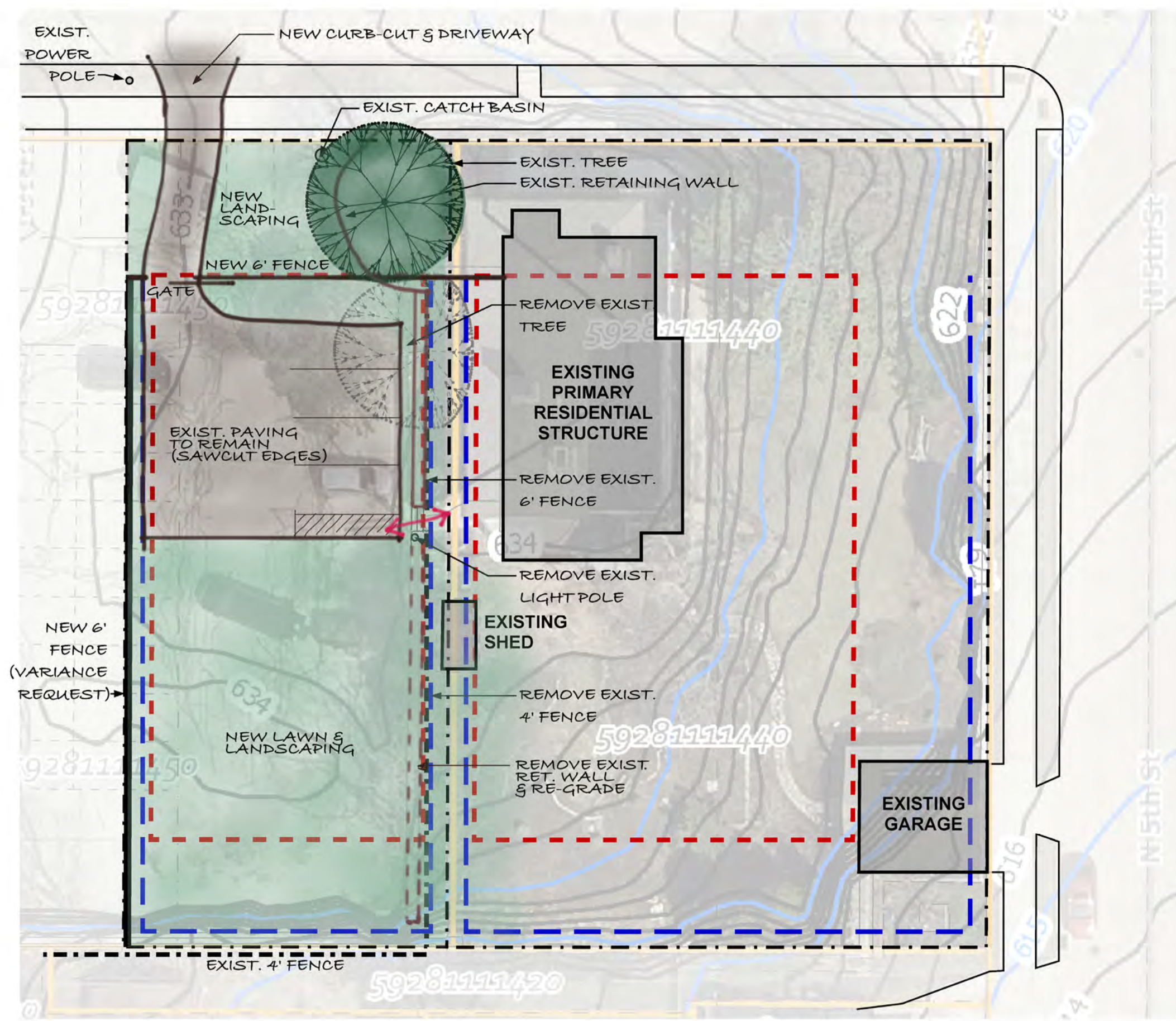


<b>VARIANCE APPLICATION PACKAGE</b>			
<b>KENNETH &amp; CAROLYN TAYLOR</b>			
<b>507 WASHINGTON CT.</b>			
<b>SHEBOYGAN, WI 53081</b>			
<b>PROJECT NUMBER</b>	22.065	<b>DRAWN BY</b>	J. CLARKE
<b>CHECKED BY</b>	J. LEHRKE	<b>DATE</b>	August 16, 2023
<b>SHEET TITLE</b>			
EXISTING CONDITIONS PHOTOGRAPHS			
<b>SHEET NUMBER</b>	4		









# SITE PLAN - CONCEPTUAL PHASE-I SCOPE

SCALE: 1" = 20'-0"



## HISTORIC BLACKSTOCK HOUSE 507 WASHINGTON COURT & ADJACENT PROPERTY TO WEST

### PROPOSED PHASE-I SCOPE

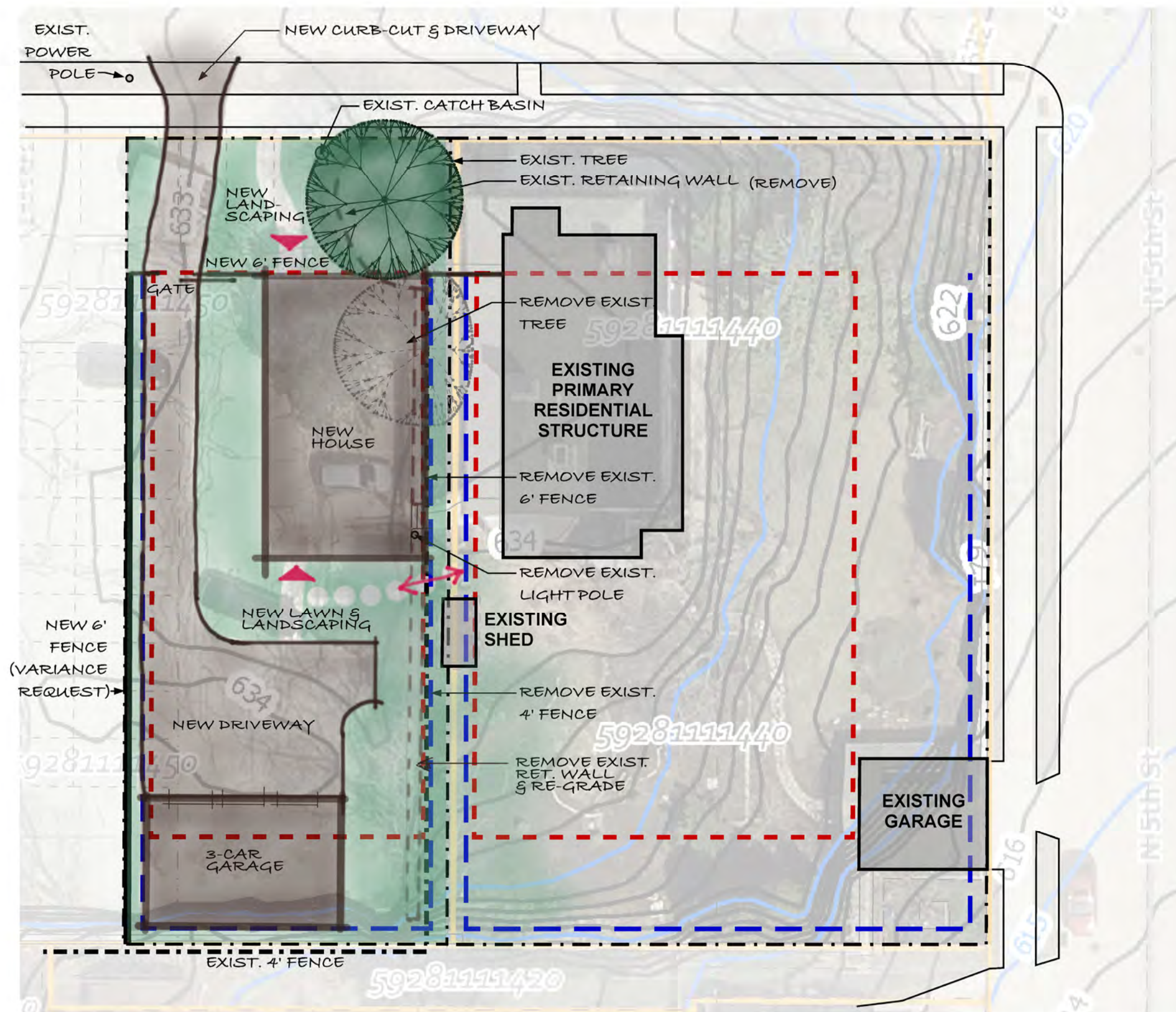
#### LEGEND:

- PROPERTY LINE
- MINIMUM SETBACKS:
- PRIMARY STRUCTURE
- ACCESSORY BLDGS. / PAVING

PRELIMINARY: NOT FOR CONSTRUCTION

Item 5.	
DATE	
NO.	REVISIONS
LEGACY architecture 605 Erie Avenue Sheboygan, Wisconsin 53081 (920) 783-6303 www.legacy-architecture.com	
VARIANCE APPLICATION PACKAGE KENNETH & CAROLYN TAYLOR 507 WASHINGTON CT. SHEBOYGAN, WI 53081	
PROJECT NUMBER 22.065	
DRAWN BY J. CLARKE	
CHECKED BY J. LEHRKE	
DATE August 16, 2023	
SHEET TITLE SITE PLAN CONCEPTUAL PHASE-I SCOPE	
SHEET NUMBER 6	





# **SITE PLAN - FUTURE PHASE-II SCOPE - OPT. "A"**

SCALE: 1" = 20'-0"



## **HISTORIC BLACKSTOCK HOUSE** **507 WASHINGTON COURT** **& ADJACENT PROPERTY TO WEST**

### **FUTURE PHASE-II SCOPE**

## **OPTION-"A"**

DETACHED GARAGE LAYOUT-1  
(SHOWN FOR CONTEXT ONLY)

### **LEGEND:**

--- PROPERTY LINE

MINIMUM SETBACKS:

--- PRIMARY STRUCTURE

--- ACCESSORY BLDGS. / PAVING

PRELIMINARY: NOT FOR CONSTRUCTION

Item 5.

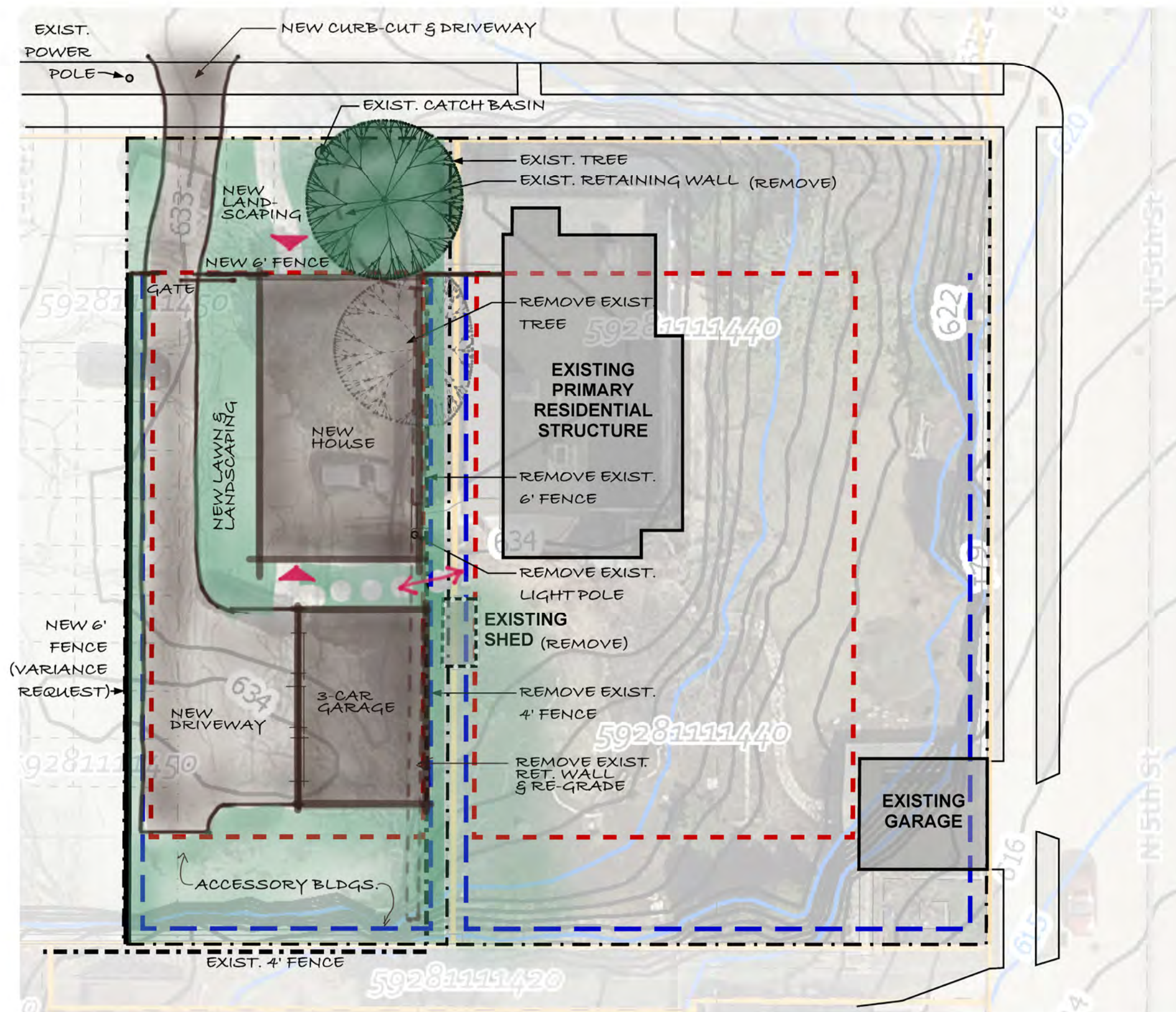
NO.	REVISIONS	DATE

**LEGACY**  
architecture  
605 Erie Avenue  
Sheboygan, Wisconsin 53081  
(920) 783-6303  
www.legacy-architecture.com

**VARIANCE APPLICATION PACKAGE**  
**KENNETH & CAROLYN TAYLOR**  
507 WASHINGTON CT.  
SHEBOYGAN, WI 53081

PROJECT NUMBER 22.065
DRAWN BY J. CLARKE
CHECKED BY J. LEHRKE
DATE August 16, 2023
SHEET TITLE SITE PLAN FUTURE PH-II SCOPE OPT-A
SHEET NUMBER <b>7</b>





# SITE PLAN - FUTURE PHASE-II SCOPE - OPT. "B"

SCALE: 1" = 20'-0"



## HISTORIC BLACKSTOCK HOUSE 507 WASHINGTON COURT & ADJACENT PROPERTY TO WEST

### FUTURE PHASE-II SCOPE

## OPTION-"B"

DETACHED GARAGE LAYOUT-2  
(SHOWN FOR CONTEXT ONLY)

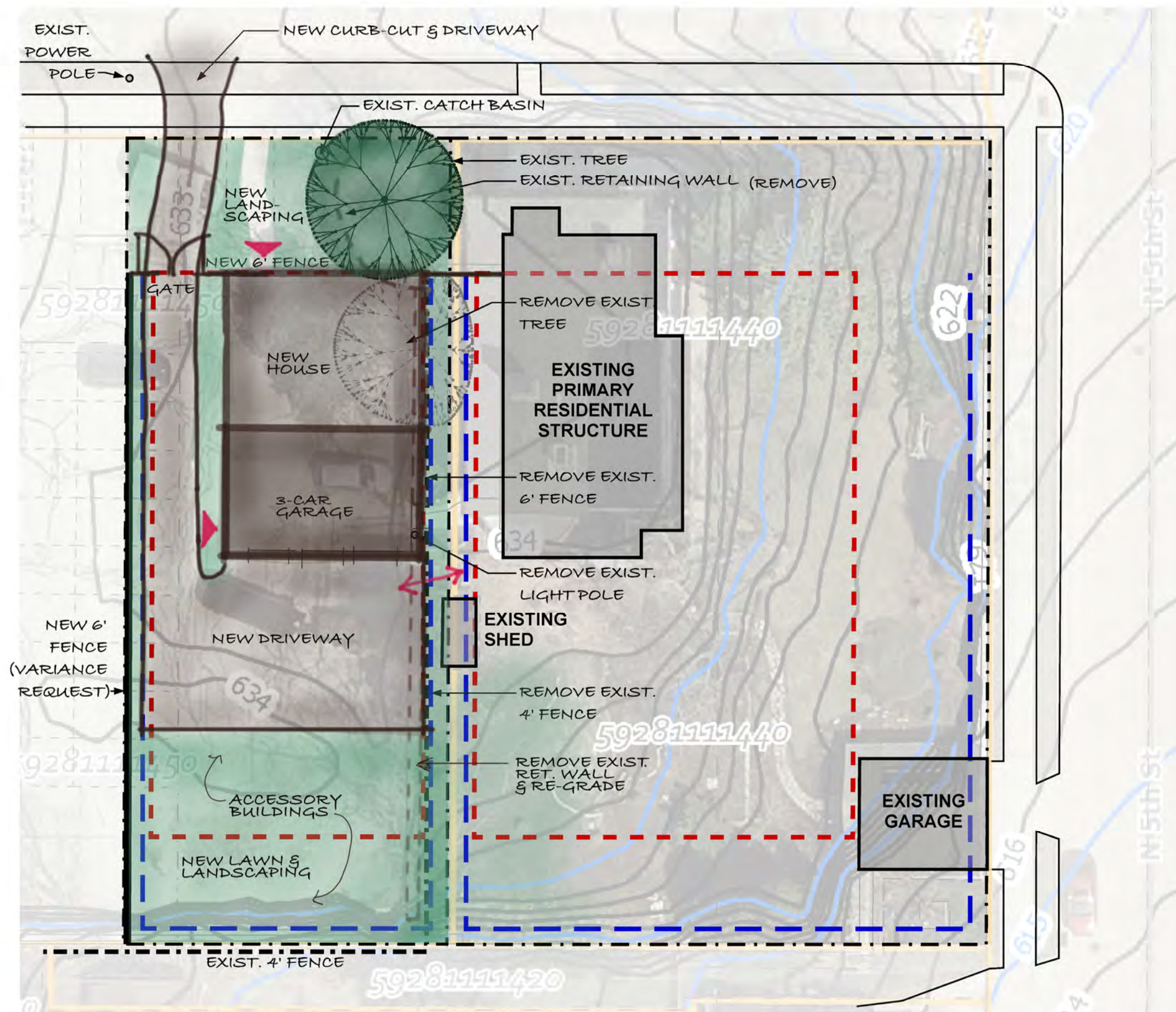
#### LEGEND:

- PROPERTY LINE
- MINIMUM SETBACKS:
- PRIMARY STRUCTURE
- ACCESSORY BLDGS. / PAVING

PRELIMINARY: NOT FOR CONSTRUCTION

Item 5.	
DATE	
NO.	REVISIONS
LEGACY architecture 605 Erie Avenue Sheboygan, Wisconsin 53081 (920) 783-6303 www.legacy-architecture.com	
VARIANCE APPLICATION PACKAGE KENNETH & CAROLYN TAYLOR 507 WASHINGTON CT. SHEBOYGAN, WI 53081	
PROJECT NUMBER	22.065
DRAWN BY	J. CLARKE
CHECKED BY	J. LEHRKE
DATE	August 16, 2023
SHEET TITLE	SITE PLAN FUTURE PH-II SCOPE OPT-B
SHEET NUMBER	8





## SITE PLAN - FUTURE PHASE-II SCOPE - OPT. "C"

SCALE: 1" = 20'-0"



## HISTORIC BLACKSTOCK HOUSE 507 WASHINGTON COURT & ADJACENT PROPERTY TO WEST

### FUTURE PHASE-II SCOPE

## OPTION-"C"

ATTACHED GARAGE LAYOUT  
(SHOWN FOR CONTEXT ONLY)

### LEGEND:

--- PROPERTY LINE

MINIMUM SETBACKS:

--- PRIMARY STRUCTURE

--- ACCESSORY BLDGS. / PAVING

PRELIMINARY: NOT FOR CONSTRUCTION

Item 5.

VARIANCE APPLICATION PACKAGE  
KENNETH & CAROLYN TAYLOR  
507 WASHINGTON CT.  
SHEBOYGAN, WI 53081

PROJECT NUMBER  
22.065

DRAWN BY  
J. CLARKE

CHECKED BY  
J. LEHRKE

DATE  
August 16, 2023

SHEET TITLE  
SITE PLAN  
FUTURE PH-II SCOPE  
OPT-C

SHEET NUMBER

9

17





[illegible]



CONCEPT IMAGES FOR PROPOSED  
NEW FENCE AND GATES

NOTE:  
ACTUAL FENCE, GATES, AND POSTS HAVE NOT YET BEEN DESIGNED/APPROVED.  
THESE IMAGES ARE INTENED TO SHOW OWNERS' CURRENT INTENT.



MASONRY GATE POSTS WITH DECORATIVE LIGHT SCONCES



WOOD FENCE WITH DECORATIVE FINIALS AND VICTORIAN FORM CUT INTO  
PANELS FOR CURVED OR DECORATIVE INTEREST (STAINED BLACK)



MATCHING PRIVACY GATE WITH DECORATIVE LIGHT SCONCES

DATE		Item 5.	
NO.		REVISIONS	
LEGACY architecture		605 Erie Avenue Sheboygan, Wisconsin 53081 (920) 783-6303 www.legacy-architecture.com	
VARIANCE APPLICATION PACKAGE KENNETH & CAROLYN TAYLOR 507 WASHINGTON CT. SHEBOYGAN, WI 53081		PROJECT NUMBER 22.065	
		DRAWN BY J. CLARKE	
		CHECKED BY J. LEHRKE	
		DATE August 23, 2023	
		SHEET TITLE OWNER FURNISHED PROPOSED FENCING CONCEPT IMAGES	
		SHEET NUMBER 11	























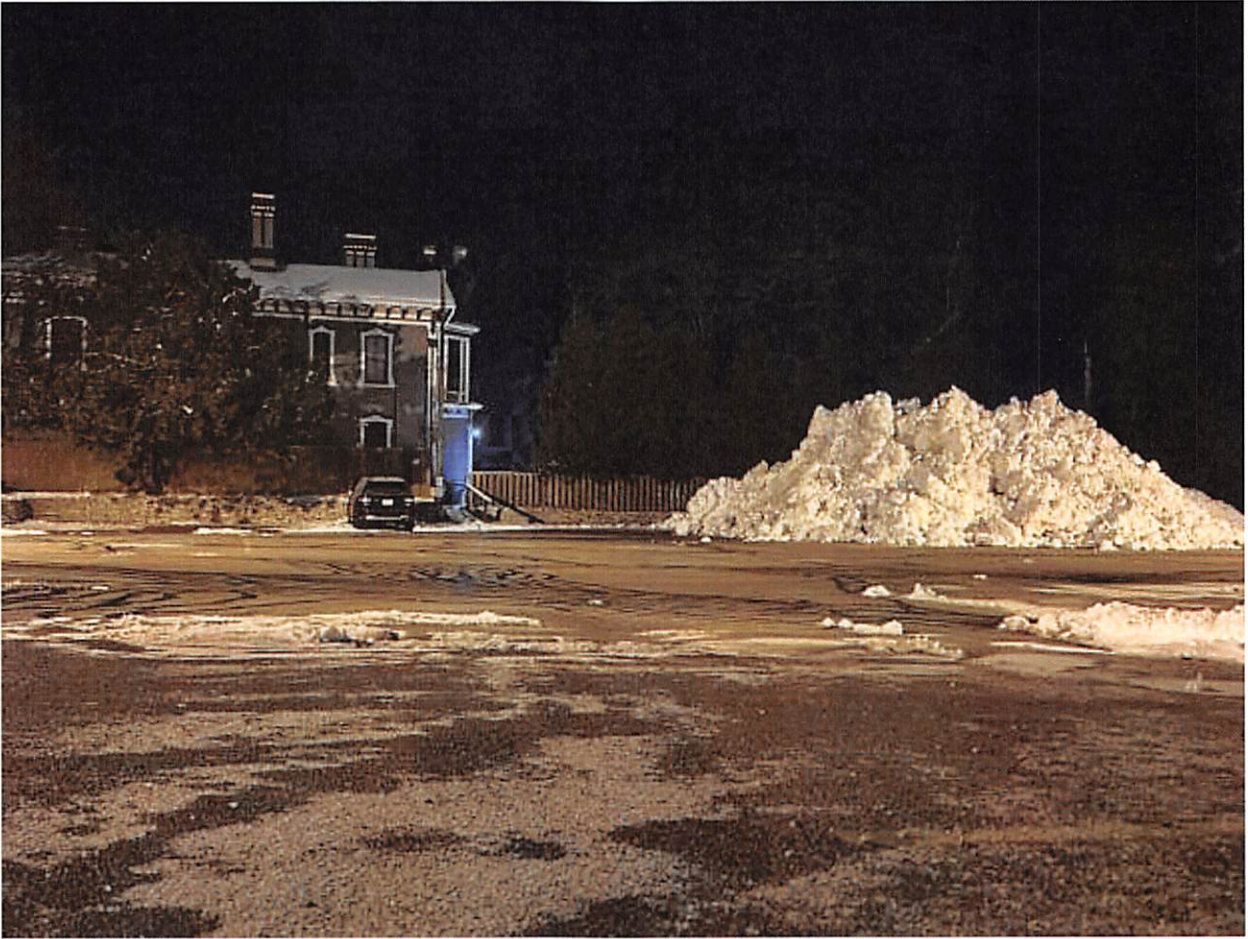














REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

---

**ITEM DESCRIPTION:**

Address: 3824 N 29<sup>th</sup> ST

Parcel #: 657723

Owner's Name: John Justinger

Zoning: MR-8

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**REPORT PREPARED BY:** Jeff Lutzke, Building Inspector

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**REPORT DATE:** 09/07/2023

**MEETING DATE:** 09/20/2023

---

**BACKGROUND / ANALYSIS**

Owner would like to construct a 12 ft x16 ft ( 196 sq ft ) storage shed with an attached 12 ft x16 ft ( 196 sq ft ) roof overhang.

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Ordinance #: Sec 105-722(d)(2)c -- The maximum square footage of a shed, gazebo, greenhouse or other similar accessory structure is 200 square feet.

Requesting: 392 sq ft

Allowed: 200 ft

---

Ordinance #:

Requesting:


Allowed:

---

---

**ATTACHMENTS:**

Application, pictures, and drawing

	<b>CITY OF SHEBOYGAN</b>  <b>VARIANCE APPLICATION</b>	Fee: _____  Review Date: _____

Read all instructions before completing. If additional space is needed, attach additional pages.

### SECTION 1: Applicant/ Permittee Information

Name (Ind., Org. or Entity)

*John Justinger*

Mailing Address

*5303 Indian Mound Circle*

City

*Sheboygan*

State

*WI*

ZIP Code

*53081*

Email Address

*—*

Phone Number (incl. area code)

*920-457-1581*

Applicants interest in property:

*3824 N. 29 St Sheboygan, WI*

### SECTION 2: Property Information

Property Address

*3824 N 29 Street*

City

*Sheboygan*

State

*WI*

Zip

*53083*

Type of Building: ☐ Commercial ☐ Residential

Request for: ☒ New Construction ☐ Repairs ☐ Alterations ☐ Addition ☐ Nonconforming Use ☐ Other

### SECTION 3: If the Request is for a Nonconforming Use

Your intended use:

Date last occupied as a nonconforming use:

By Whom:

Previous Use:

### SECTION 4: Requested Variance

On a separate letter to the Board, describe the requested variance and include what unnecessary hardship or difficulty is caused by following the regulations or requirements of the ordinance. See the attached "The Three Tests for a Variance" and be prepared to argue how you pass the THREE TESTS FOR A VARIANCE.

### SECTION 5: Certification and Permission

**Certification:** I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Variance Application. I certify that the information contained in this form and attachments are true and accurate. I certify that the project will be in compliance with all conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

**Permission:** I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print)

*John Justinger*

Title

*owner*

Phone Number

*920-457-1581*

Signature of Applicant

*John Justinger*

Date Signed

*8/10/23*

Complete application is to be filed with the Building Inspection Department, 828 Center Avenue, Suite 208. Variances to zoning ordinances are considered by the City of Sheboygan Zoning Board of Appeals monthly on the third Wednesday at 3 p.m. at a public hearing. To be placed on the agenda of Zoning Board of Appeals, application must be received no later than 4:30 p.m. on the third Wednesday of the month prior to the scheduled public hearing. Applications will not be processed if all required attachments and filing fee of \$250 (payable to the City of Sheboygan) are not submitted along with a complete and legible application. Application filing fee is non-refundable.

**All applications must include:**

- 1) Application forms, signed and dated, which are available at the Building Inspection Department Office and online.
- 2) The non-refundable filing fee - \$250.00.
- 3) Photographs of the property.
- 4) Samples of materials being used – roofing, siding, decking, etc.
- 5) A site sketch (see example), drawn to scale indicating location of all existing structures and proposed construction. Also indicate lot lines, size of lot, streets and other public ways, driveways, off-street parking, loading areas, and existing and proposed front, side and rear yards. *Please consult with Building Inspection staff for more information.*

**Notes:**

- a) The applicant can present any additional information to inform the Board of the facts.
- b) Applicants should be aware staff may require a survey as part of the application information in order to clarify specific variance(s) requested.
- c) Applicants should be aware the Board of Appeals may require a survey as part of the application review and/or as a condition of approval prior to issuance of a building permit if a variance is granted.
- d) Building permits must be acquired within 6 months of the granted approval or the approval will be voided.
- e) Any information submitted on the application will become public record and is not subject to confidentiality.

**FAILURE TO SUPPLY ADEQUATE AND / OR ACCURATE INFORMATION AS REQUESTED ABOVE CAN BE  
 GROUNDS FOR DISMISSAL OF THE APPEAL REQUEST.**

Applicants should be prepared to answer the following questions:

- *What **hardship** is created by the application of the Zoning Ordinance to this property? Is **reasonable use** of the property denied by the zoning regulations? In other words, is there an alternative plan that would **comply** with the ordinance?*
- *Is there a **unique physical characteristic** of the property which prevents development of the property in compliance with the Zoning Ordinance?*
- *Would granting the variance harm the **public interest** in any way? For example, would public safety be compromised? (Note: Lack of neighborhood opposition does not necessarily mean a variance would not harm the public interest.)*

A notice of the date and time of the hearing will be mailed to all property owners within 100 feet and municipal property within 1,000 feet of your property. Notice of hearing will also be sent to the City of Sheboygan Planning Department. It is important you discuss your proposal with the Building Inspection and Planning Departments.

The property owner or a representative shall be present at the public hearing to present his or her request to the Board and answer any questions the Board members may have. Should an appearance not be made, or insufficient information presented, the appeal will not be considered and may be either placed on the agenda for the next meeting or denied. The appellant will be required to pay the additional expense incurred because of postponement of the hearing. Appellants are reminded the filing fee for a variance request is non-refundable.

### THE THREE "TESTS" FOR A VARIANCE

The CITY OF SHEBOYGAN adheres to a set of Zoning Ordinances to make certain your proposed construction is consistent with neighboring developments, a development does not infringe on the enjoyment of property belonging to neighboring owners, it does not detract from surrounding buildings or lots and is not out of character with the neighborhood, and a project meets necessary public health and safety standards. If your proposed construction cannot meet the requirements of the zoning or sign code, a **VARIANCE** is needed.

To obtain a variance, you must establish, due to some peculiarity of the property's size, shape, topography, etc., it would be a hardship or practical difficulty to meet zoning code requirements. ***These circumstances must not be self-imposed or self-created.*** In short, your proposed construction must meet and pass the three "tests" for a variance listed below.

IT IS RECOMMENDED YOU MEET WITH THE STAFF IN THE CITY'S PLANNING DEPARTMENT AND BUILDING INSPECTION DEPARTMENT BEFORE SUBMITTING YOUR APPLICATION FOR A VARIANCE. BUILDING INSPECTION STAFF WILL REVIEW THE STANDARDS FOR A VARIANCE (BELOW) PRIOR TO YOUR FILLING OUT THE APPLICATION AND PAYING THE NON-REFUNDABLE FILING FEE.

#### TEST #1: UNNECESSARY HARDSHIP

The Wisconsin Supreme Court has ruled that unnecessary hardship only exists when the zoning ordinance denies ***all reasonable use*** of the property. ***If there is an alternative plan that is within the bounds of the zoning ordinance, a variance is not warranted.***

The hardship experienced ***must not be self-imposed***; loss of profit, expense already incurred and additional expense incurred to comply with zoning ordinances ***are not*** unnecessary hardships.

#### TEST #2: UNIQUE PROPERTY LIMITATIONS

Unique physical characteristics of your property must prevent you from completing your proposed construction in compliance with the ordinance. The **property** must qualify for the variance, **not your particular situation**.

Additionally, existing violations on other properties or improper variances previously granted are not grounds for a variance.

#### TEST #3: NO HARM TO PUBLIC INTEREST

The Board members will be taking into account the reason for the existence of the zoning ordinance in applying this test. Lack of opposition ***does not*** necessarily mean the proposed construction would not harm the public interest.

The Board, in granting a variance, may impose conditions on the proposed construction to assure the public's interests are protected. Board members may only grant the ***minimum relief*** necessary for the reasonable use of the property.

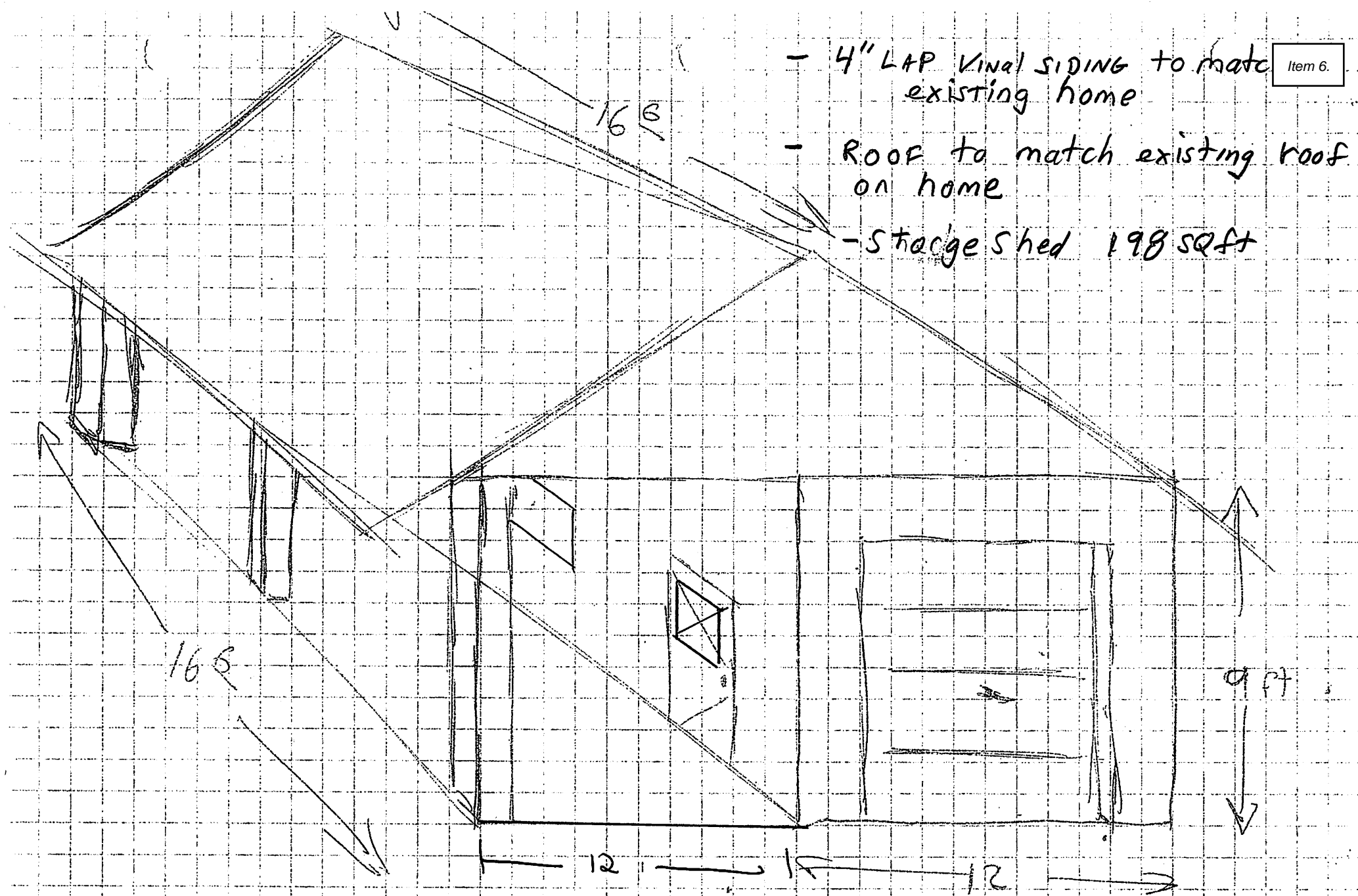
Your proposed construction must meet all three "tests" to qualify for a variance. Variances are meant to be an ***infrequent remedy*** where an ordinance imposes a unique and substantial burden. ***They are not intended as an accommodation for a property owner's convenience.*** A variance decision may be appealed within 30 days of the filing of the decision in the office of the board.

***Please contact the staff at the City's Planning Department and/or Building Inspection Department if you have any further questions.***

- 4" LAP Vinyl Siding to match existing home

- Roof to match existing roof on home

- Storage shed 198 sqft

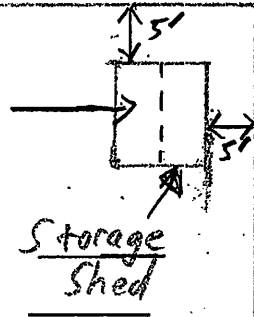


3824 N 29 Street

Item 6.

Rivine/Trees Area  
No Homes

Covered  
area

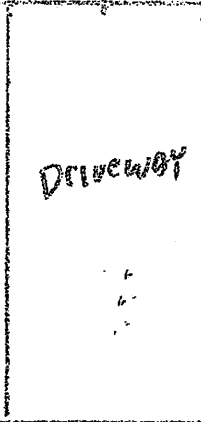
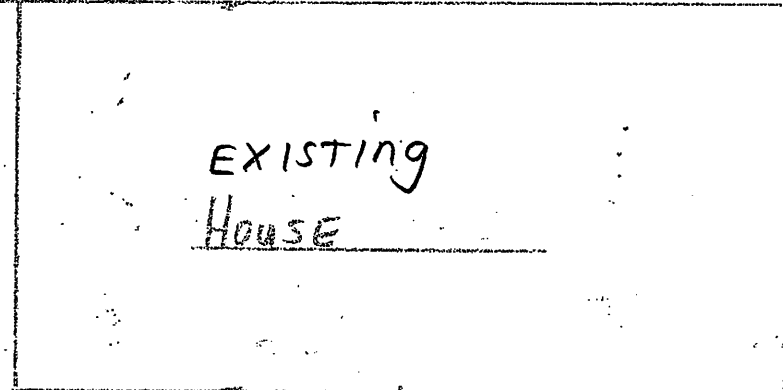


Storage  
Shed



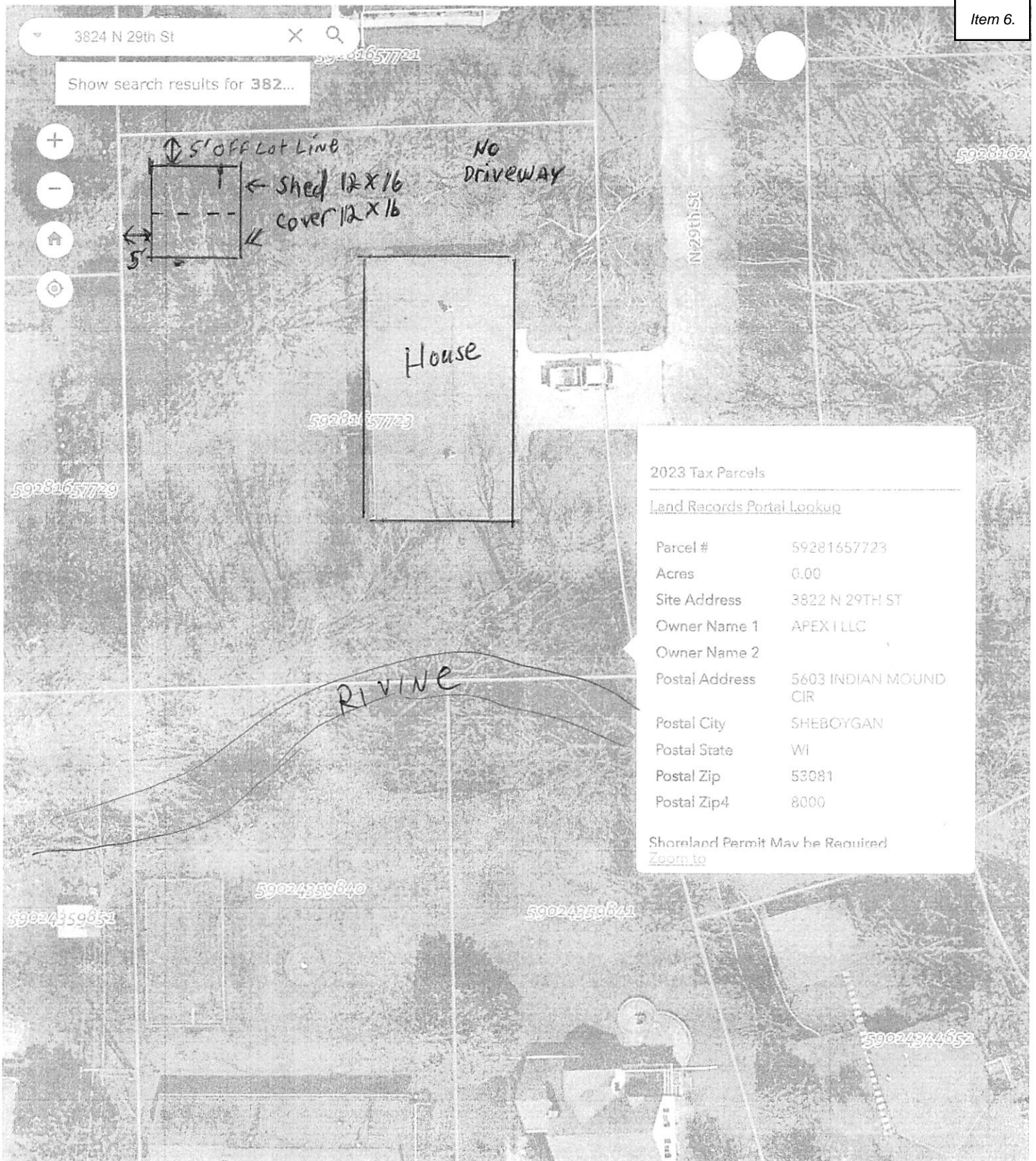
EXISTING  
House

Driveway



1" = 100'





Store: 3247

Date: 06/10/2023 - 11:53 AM

Design Name: Truss Designer

Design ID: 324758044390

Estimated Price: \$1,455.80

MENARDS

Item 6.

# Design & Buy

## TRUSS

\*Today's Estimated Price. Future pricing may go up or down. Tax, labor, and delivery not included

### How to recall and purchase your design at home:




OR

1. On Menards.com, enter "Design & Buy" in the search bar
2. Select the Truss Designer
3. Recall your design by entering Design ID: 324758044390
4. Follow the on-screen purchasing instructions

### How to purchase your design at the store:

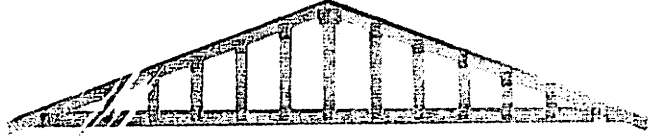
1. Enter Design ID: 324758044390 at the Design-It Center Kiosk in the Building Materials Department
2. Follow the on-screen purchasing instructions

**Truss Type:** Spread Web  
**Sku:** 1004547  
**Span:** 24'  
**O.C. Spacing:** 2'  
**Pitch:** 5/12  
**Heel Height:** 4'-1/16"  
**Left Overhang:** 0  
**Right Overhang:** 0  
**Loading:** 30-7-25-10  
**Shipping Length:** 24'  
**Shipping Height:** 5' 4-1/16"



**Price Each:** \$140.15  
**Quantity:** x 8  
**Total Price:** \$1,121.20

**Truss Type:** Standard End  
**Sku:** 1004547  
**Span:** 24'  
**Pitch:** 5/12  
**Heel Height:** 4'-1/16"  
**Left Overhang:** 0  
**Right Overhang:** 0  
**Shipping Length:** 24'  
**Shipping Height:** 5' 4-1/16"



**Price Each:** \$149.39  
**Quantity:** x 2  
**Total Price:** \$298.78

**Pickup Information:**  
**MENARDS - SHEBOYGAN Store**

**Total Price: \$1,455.80**

**\*Price shown is delivered to the MENARDS - SHEBOYGAN store.**

### Comments:

- Today's price, future pricing may go up or down. Tax, labor and delivery from store are not included. Truss picture(s) are for representation only.
- Price shown is delivered to the MENARDS - SHEBOYGAN store.
- Take this quote to the Building Materials desk to order.
- Loading values are just an estimate. Please contact your local building inspector to verify your code requirements.

This is an estimate. It is given only for general price information. This is not an offer and there can be no legally binding contract between the parties based upon this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY OF THE MATERIALS LISTED HEREIN. All information on this form, other than price, has been provided by guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST, BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS.

For other design systems Search "Design & Buy" on Menards.com

1 of 1



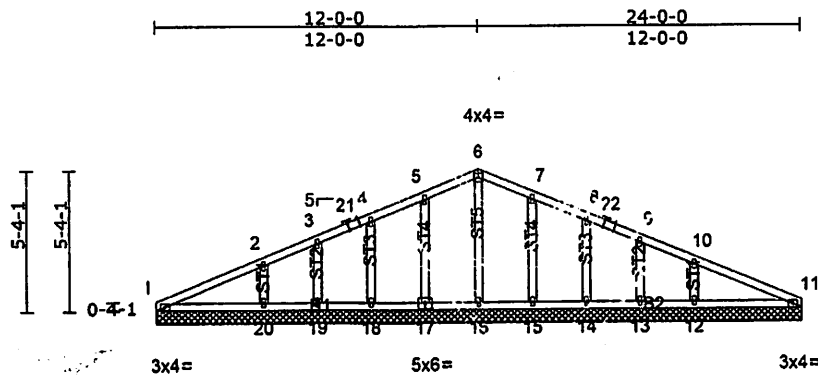
Job	Truss	Truss Type	Qty	Ply	Job Reference (optional)
QTREC0549559	T1E	COMMON	2	1	

Midwest Manufacturing, Eau Claire, WI

Run: 8.2 S 0 Jan 22 2018 Print: 8.200 S Jan 22 2018 MiTek Industries, Inc. Thu May 03 08:55:41

Page: 1

ID: NdURKwKMaRdX8A9W3\_ShU3zKFx1-vz\_vFCJ3oKnsCFAsVPYRK0EJupUyM91IRjG5RzKFwW



Scale = 1:76.5

Plate Offsets (X, Y): [17'-0"-3'-0"-3'-0"]

Loading	(psf)	Spacing	2'-0"	CSI	DEFL	in	(loc)	l/def	L/d	PLATES	GRIP
TCLL (roof)	30.0	Plate Grip DOL	1.15	TC	0.17	Vert(LL)	n/a	-	n/a	999	MT20
Snow (Ps/Pg)	27.7/40.0	Lumber DOL	1.15	BC	0.12	Vert(TL)	n/a	-	n/a	999	197/144
TCDL	7.0	Rep Stress Incr	YES	WB	0.08	Horiz(TL)	0.00	11	n/a	n/a	
BCLL	0.0*	Code	IRC2009/TPI2007	Matrix-R							
BCDL	10.0										
										Weight: 87 lb	FT = 15%

**LUMBER**

TOP CHORD 2x4 SPF No.2  
 BOT CHORD 2x4 SPF No.2  
 OTHERS 2x4 SPF Stud

**BRACING**

TOP CHORD  
 BOT CHORD

Structural wood sheathing directly applied or 6'-0" oc purlins.  
 Rigid ceiling; directly applied or 10'-0" oc bracing.

MiTek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer installation guide.

**REACTIONS** All bearings 24'-0" 0.

(lb) - Max Horiz 1=-47(LC 10)

Max Uplift All uplift 100 (lb) or less at joint(s) 1, 11, 12, 13, 14, 15, 17, 18, 19, 20

Max Grav All reactions 250 (lb) or less at joint(s) 1, 11, 13, 14, 15, 16, 17, 18, 19 except 12=385(LC 1), 20=385(LC 1)

**FORCES** (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.**WEBS** 2-20=-277/111, 10-12=-277/111**JOINT STRESS INDEX**

1 = 0.45, 2 = 0.51, 3 = 0.51, 4 = 0.51, 5 = 0.51, 6 = 0.32, 7 = 0.51, 8 = 0.51, 9 = 0.51, 10 = 0.51, 11 = 0.45, 12 = 0.51, 13 = 0.51, 14 = 0.51, 15 = 0.51, 16 = 0.51, 17 = 0.22, 18 = 0.51, 19 = 0.51 and 20 = 0.51

**NOTES**

- Unbalanced roof live loads have been considered for this design.
- Wind: ASCE 7-05; 90mph; TCDL=4.2psf; BCDL=6.0psf; h=25ft; Cat. II; Exp B; enclosed; MWFRS (low-rise) exterior zone and C-C Exterior(2) zone; cantilever left and right exposed; end vertical left and right exposed; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
- Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
- TCLL: ASCE 7-05; Pr=30.0 psf (roof live load; Lumber DOL=1.15 Plate DOL=1.15); Pg=40.0 psf (ground snow); Ps=27.7 psf (roof snow; Lumber DOL=1.15 Plate DOL=1.15); Category II; Exp B; Fully Exp.; Ct=1.1
- Roof design snow load has been reduced to account for slope.
- Unbalanced snow loads have been considered for this design.
- All plates are 1.5x4 MT20 unless otherwise indicated.
- Gable requires continuous bottom chord bearing.
- Gable studs spaced at 2'-0" oc.
- This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- \* This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3'-06"-00 tall by 2'-00"-00 wide will fit between the bottom chord and any other members.
- Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 100 lb uplift at joint(s) 1, 11, 17, 18, 19, 20, 15, 14, 13, 12.
- This truss is designed in accordance with the 2009 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard ANSI/TPI 1.

**LOAD CASE(S)** Standard

Job	Truss	Truss Type	Qty	Ply	Job Reference (optional)
QTRTH0007353	SW1	COMMON	14	1	
Midwest Manufacturing, HOLIDAY CITY, OH					
ID: HlwRNFNsVQXybWklEfkyyz_y7k_M-wQHWPe3aokBNCvfu?IKewYhNzmzmngBkQoV5VWzwnoS					
8.130 a Sep 25 2017 MITek Industries, Inc. Wed Jan 10 11:18:41 2018 Page 1					

Scale = 1:39.6

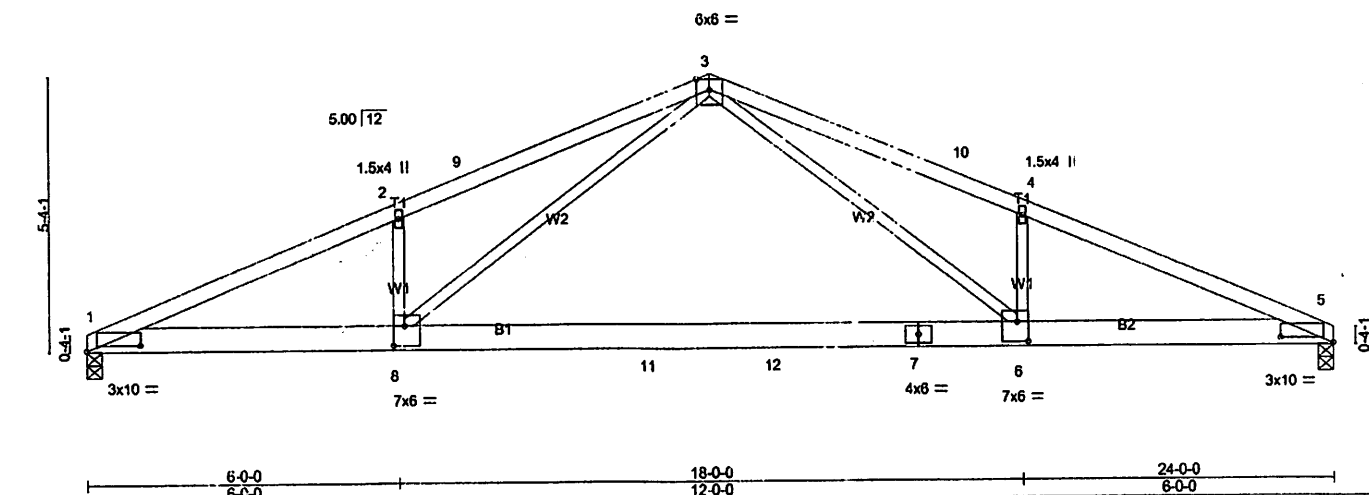


Plate Offsets (X,Y) - [1:1-0-5,0-1-5], [5:1-0-5,0-1-5], [6:0-2-8,0-4-8], [8:0-2-8,0-4-8]		CSL		DEFL		PLATES		GRIP	
LOADING (psf)	SPACING	2-0-0	TC	0.85	in (loc)	L/defl	L/d	MT20	197/144
TCLL (roof) 30.0	Plate Grip DOL	1.15	BC	0.63	Vert(LL) -0.59	6-8	>484		
Snow (Ps/Pg) 27.7/40.0	Lumber DOL	1.15	WB	0.68	Vert(TL) -0.85	6-8	>334		
TCDL 7.0	Rep Stress Incr	YES	Matrix-R		Horz(TL) 0.06	5	n/a		
BCLL 25.0	Code IRC2009/TPI2007							Weight: 69 lb	FT = 20%
BCDL 10.0									

**LUMBER-**  
 TOP CHORD 2x4 SPF No.2  
 BOT CHORD 2x6 SPF 2103F 1.8E  
 WEBS 2x3 SPF Stud \*Except\*  
 W2: 2x3 SPF No.2

**BRACING-**  
 TOP CHORD  
 BOT CHORD

Sheathed or 2-2-0 oc purlins.  
 Rigid ceiling directly applied or 10-0-0 oc bracing.

MITek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Instruction guide.

**REACTIONS.** (lb/size) 1=1755/0-3-8 (min. 0-2-4), 5=1755/0-3-8 (min. 0-2-4)  
 Max Horz 1=46(LC 9)  
 Max Uplift 1=91(LC 9), 5=91(LC 10)

**FORCES.** (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.  
 TOP CHORD 1-2=-3913/310, 2-9=-3898/384, 3-9=-3744/402, 3-10=-3744/402, 4-10=-3898/384,  
 4-5=-3913/310  
 BOT CHORD 1-8=-236/3528, 8-11=-148/2044, 11-12=-148/2044, 7-12=-148/2044, 6-7=-148/2044,  
 5-6=-236/3528  
 WEBS 2-8=-445/188, 4-6=-445/188, 3-8=-114/1982, 3-6=-114/1982

**JOINT STRESS INDEX**  
 1 = 0.86, 2 = 0.51, 3 = 0.80, 4 = 0.51, 5 = 0.86, 6 = 0.72, 7 = 0.60 and 8 = 0.72

**NOTES-**

- Unbalanced roof live loads have been considered for this design.
- Wind: ASCE 7-05; 90mph; TCDL=4.2psf; BCDL=6.0psf; h=25ft; Cat. II; Exp B; enclosed; MWFRS (low-rise) gable end zone and C-C Exterior(2) zone; cantilever left and right exposed; and vertical left and right exposed: C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
- TCLL: ASCE 7-05; Pr=30.0 psf (roof live load); Lumber DOL=1.15 Plate DOL=1.15; Pg=40.0 psf (ground snow); Ps=27.7 psf (roof snow); Lumber DOL=1.15 Plate DOL=1.15; Category II; Exp B; Fully Exp.; Ct=1.1
- Roof design snow load has been reduced to account for slope.
- Unbalanced snow loads have been considered for this design.
- This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- \* This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members, with BCDL = 10.0psf.
- Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 91 lb uplift at joint 1 and 91 lb uplift at joint 5.
- This truss is designed in accordance with the 2009 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard AISI/TPI 1.

**LOAD CASE(S)** Standard

## 3824 North 29 Street

### Description:

Storage shed with electrical power for convince outlets for fans, refrigerator (if needed), radio, lap top, etc. also for storing riding lawn mower, yard equipment, and anything else to keep yard looking respectable. Cover area to provide added protection from the windy weather, shade from sun and protection if it rains.

### Intended use:

- Recreational use only
- Provide cover for rain / stormy weather
- Shade cover from sunny days
- Windy weather
- Etc.

### Storage Shed:

- Use for store riding lawn mower
- Lawn chairs
- Bicycles, etc.
- Provide electrical power for charging cell phone, etc.
- Store miscellaneous stuff



This is the garage we built a block away. Would be using similar material to match the existing house. Obviously, it would be to the size depicted on the drawings.





This is the back yard trying to give our tenants a place to put their items to prevent eye sore to the neighbors.



















REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

---

**ITEM DESCRIPTION:**

Address: 616 GEORGIA AVE

Parcel #: 303310

Owner's Name: BEACHGRASS FAMILY TRUST

Zoning: NR-6

---

**REPORT PREPARED BY:** Jeff Lutzke, Building Inspector

---

**REPORT DATE:** 09/07/2023

**MEETING DATE:** 09/20/2023

---

**BACKGROUND / ANALYSIS**

Owner would like to construct a 16 ft x 26 ft ( 416 sq ft ) home addition that does not meet side yard setback requirements.

---

**Ordinance #:** Sec 105-234(b)(3)d -- Total of both sides, lot lines to house/attached garage: Single-family: 15 feet.

**Requesting:** 13.5 ft

**Allowed:** 15 ft

---

**Ordinance #:** Sec 105-818(a)(1)a -- A nonconforming principal residential building may be enlarged, maintained, repaired or structurally altered; provided, however, that no such enlargement, maintenance, repair, or structural alteration shall either create any additional non-conformity or increase the degree of the existing nonconformity of all or any part of such building

**Requesting:** To increase building nonconformity


**Allowed:** Not Allowed

---

---

**ATTACHMENTS:**

Application, pictures, and drawing

	<b>CITY OF SHEBOYGAN</b>  <b>VARIANCE APPLICATION</b>	Fee: _____
		Review Date: _____

Read all instructions before completing. If additional space is needed, attach additional pages.

<b>SECTION 1: Applicant/ Permittee Information</b>			
Name (Ind., Org. or Entity) <u>Beachgrass Family Trust of 2023</u>			
Mailing Address <u>616 Georgia Ave</u>	City <u>Sheboygan</u>	State <u>WI</u>	ZIP Code <u>53081</u>
Email Address		Phone Number (incl. area code)	
Applicants interest in property: <u>Owner</u>			
<b>SECTION 2: Property Information</b>			
Property Address <u>Same as above</u>	City	State	Zip
Type of Building: <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential			
Request for: <input type="checkbox"/> New Construction <input type="checkbox"/> Repairs <input type="checkbox"/> Alterations <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Nonconforming Use <input type="checkbox"/> Other			
<b>SECTION 3: If the Request is for a Nonconforming Use</b>			
Your intended use: <u>N/A</u>			
Date last occupied as a nonconforming use:			
By Whom:		Previous Use:	
<b>SECTION 4: Requested Variance</b>			
On a separate letter to the Board, describe the requested variance and include what unnecessary hardship or difficulty is caused by following the regulations or requirements of the ordinance. See the attached "The Three Tests for a Variance" and be prepared to argue how you pass the THREE TESTS FOR A VARIANCE.			
<b>SECTION 5: Certification and Permission</b>			
<b>Certification:</b> I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Variance Application. I certify that the information contained in this form and attachments are true and accurate. I certify that the project will be in compliance with all conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.			
<b>Permission:</b> I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.			
Name of Owner/Authorized Representative (please print) <u>Beachgrass Family Trust of 2023</u>		Title	Phone Number
Signature of Applicant		Date Signed <u>8-25-2023</u>	

Complete application is to be filed with the Building Inspection Department, 828 Center Avenue, Suite 208. Variances to zoning ordinances are considered by the City of Sheboygan Zoning Board of Appeals monthly on the third Wednesday at 3 p.m. at a public hearing. To be placed on the agenda of Zoning Board of Appeals, application must be received no later than 4:30 p.m. on the third Wednesday of the month prior to the scheduled public hearing. Applications will not be processed if all required attachments and filing fee of \$250 (payable to the City of Sheboygan) are not submitted along with a complete and legible application. Application filing fee is non-refundable.



Variance request:

The house purchased is <1000 sq ft with one bedroom.  
We are requesting additional space on property for additional  
bedroom space. The look/feel of the property will  
be the same, with no harm to public interest.

616 GEORGIA AVENUE  
PARCEL 59281303310  
BEING THE EAST 40 FEET OF LOT 10 OF BLOCK 289  
OF THE ORIGINAL PLAT OF THE CITY OF SHEBOYGAN,  
SHEBOYGAN COUNTY, WISCONSIN.

18' CONC. PUBLIC ALLEY

N 89°49'56" E

40.00'

9.28

9.23

9.71

9.93

9.55

9.70

4'

12.41'

9.43

9.45

9.32

10

11

9

BLK 289

BOARD FENCE

NORTH 150.48'

9.46

9.06

8.84

20' x 12' DECK

PROPOSED ADD  
424 SQ FT

26.50'

16.00'

8.67

8.84

8.56

3.7'

EXISTING HOUSE  
900 SQ FT

LOT AREA  
6020 SQ FT

26.50'

34.00'

8.22

26.50'

3.7'

8.81

8.39

40.00'

S 89°49'53" W

20.00'

20.00'

8.11

8.05

CONC. WALK




GEORGIA AVE.

1"

SEAL: DENNIS J. N. SLUYS, S-1238, SHEBOYGAN, WI, SURVEYOR

ORIGINAL PRINT ONLY IS IMPRINTED IN RED

THIS IS TO CERTIFY THAT THE INFORMATION SHOWN HEREON  
IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

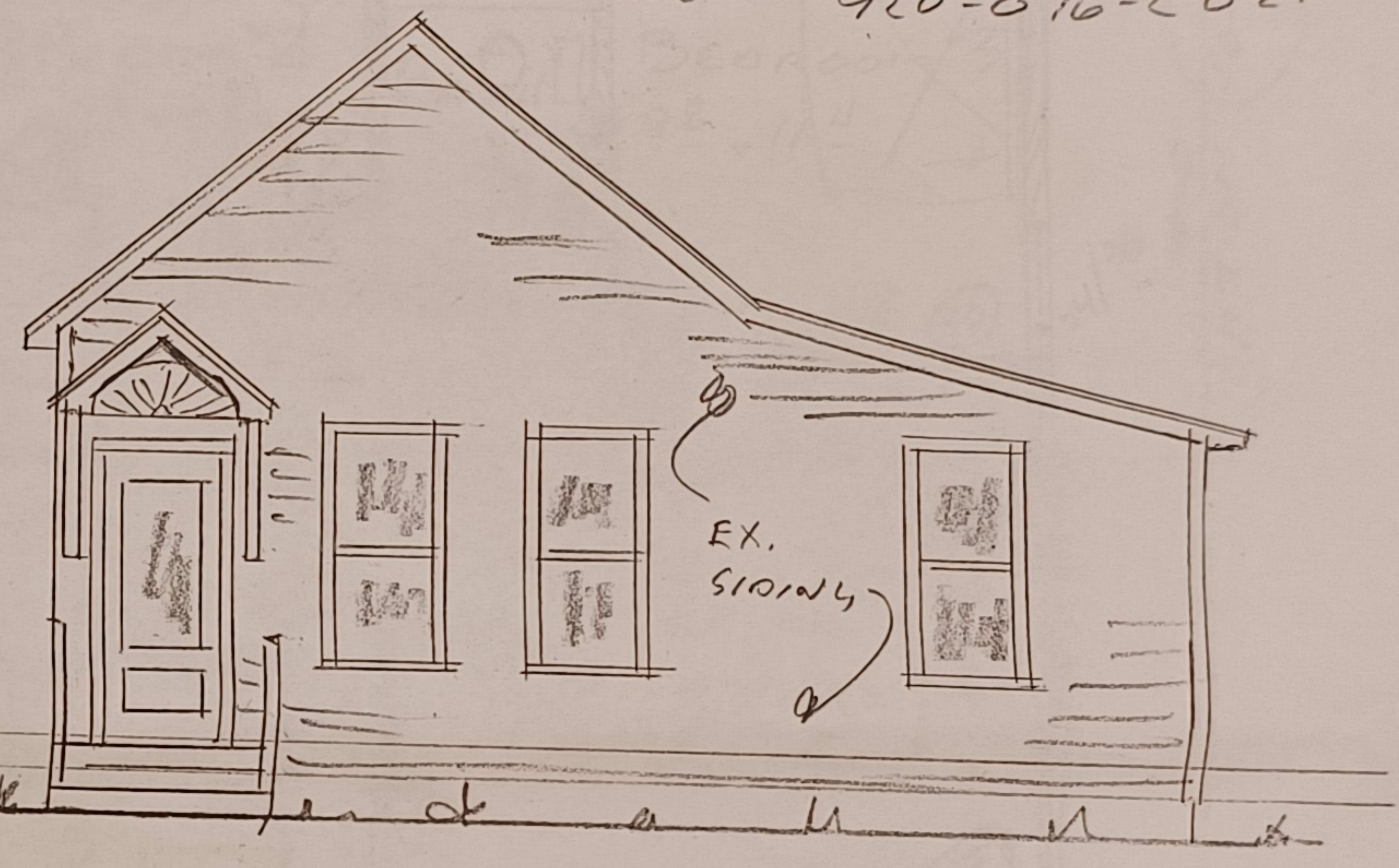
-  = 1" IRON PIPE FOUND  
 = 1" IRON PIPE SET  
 = ROD SET AT EDGE OF ALLEY



HANLON DESIGN LLC  
DESIGNER  
JIM HANLON  
ELKHART LAKE, WI.  
920-876-2021

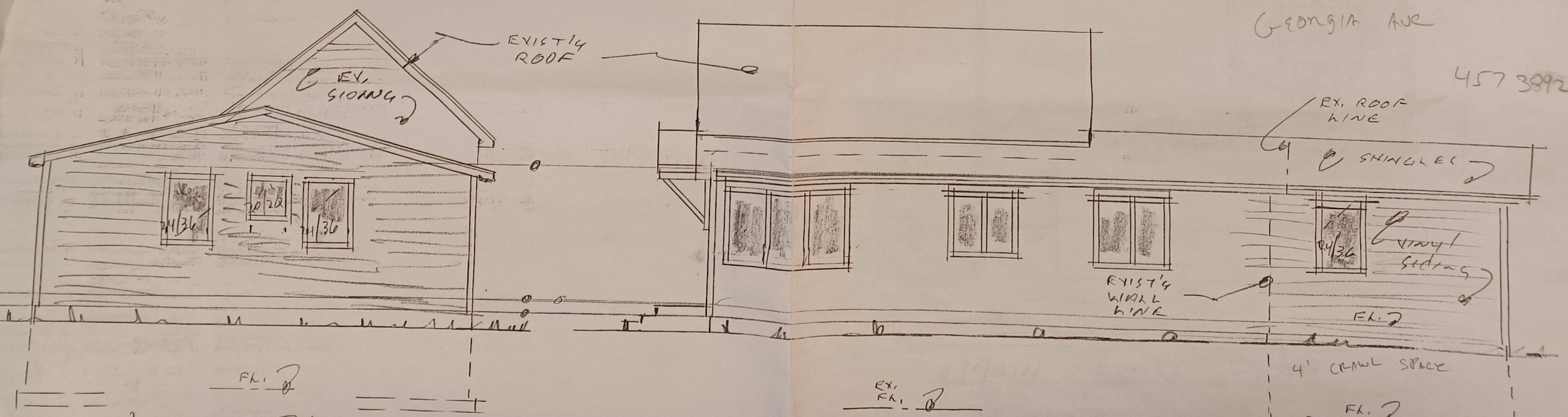


WEST EL.



SOUTH ELEVATION

616  
GEORGIA AVE  
457 3892



NORTH EL.

EAST ELEVATION









[Back to Map](#)

Item 7.



REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

---

**ITEM DESCRIPTION:**

Address: 825 LELAND AVE

Parcel #: 313490

Owner's Name: KEN EBBERS

Zoning: NR-6

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**REPORT PREPARED BY:** Jeff Lutzke, Building Inspector

---

**REPORT DATE:** 09/07/2023

**MEETING DATE:** 09/20/2023

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**BACKGROUND / ANALYSIS**

Owner would like to construct a parking pad off the alleyway 1 foot from the side property line.

---

Ordinance #: Sec 105-234(b)(3)i -- Minimum paved surface setback: Three feet from a side or rear property line, except that an existing paved area nearer than three feet from a side lot line may be replaced, provided that it is not nearer than the existing location and surface water from the paved area is directed away from the side property line.

Requesting: 1 foot

Allowed: 3 feet

---

Ordinance #:

Requesting:

Allowed:

---

---

**ATTACHMENTS:**

Application, pictures, and drawing





## CITY OF SHEBOYGAN

VARIANCE  
APPLICATION

Fee: \_\_\_\_\_

Review Date: \_\_\_\_\_

Read all instructions before completing. If additional space is needed, attach additional pages.

## SECTION 1: Applicant/ Permittee Information

Name (Ind., Org. or Entity)

Ken GDBERS

Mailing Address

825 Leland Ave

City

Sheboygan

State

WI

ZIP Code

53081

Email Address

SHCES13G61092.NET

Phone Number (incl. area code)

920-980-2278

Applicants interest in property:

owner

## SECTION 2: Property Information

Property Address

825 Leland Ave

City

Sheboygan

State

WI

Zip

53081

Type of Building: ☐ Commercial ☒ ResidentialRequest for: ☐ New Construction ☐ Repairs ☐ Alterations ☐ Addition ☐ Nonconforming Use ☒ Other

## SECTION 3: If the Request is for a Nonconforming Use

Your intended use:

Date last occupied as a nonconforming use:

By Whom:

Previous Use:

## SECTION 4: Requested Variance

On a separate letter to the Board, describe the requested variance and include what unnecessary hardship or difficulty is caused by following the regulations or requirements of the ordinance. See the attached "The Three Tests for a Variance" and be prepared to argue how you pass the THREE TESTS FOR A VARIANCE.

## SECTION 5: Certification and Permission

**Certification:** I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Variance Application. I certify that the information contained in this form and attachments are true and accurate. I certify that the project will be in compliance with all conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

**Permission:** I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print)

Ken GDBERS

Title

MR

Phone Number

920-980-2278

Signature of Applicant

Date Signed

9/6/23

Complete application is to be filed with the Building Inspection Department, 828 Center Avenue, Suite 208. Variances to zoning ordinances are considered by the City of Sheboygan Zoning Board of Appeals monthly on the third Wednesday at 3 p.m. at a public hearing. To be placed on the agenda of Zoning Board of Appeals, application must be received no later than 4:30 p.m. on the third Wednesday of the month prior to the scheduled public hearing. Applications will not be processed if all required attachments and filing fee of \$250 (payable to the City of Sheboygan) are not submitted along with a complete and legible application. Application filing fee is non-refundable.



**All applications must include:**

- 1) Application forms, signed and dated, which are available at the Building Inspection Department Office and online.
- 2) The non-refundable filing fee - \$250.00.
- 3) Photographs of the property.
- 4) Samples of materials being used – roofing, siding, decking, etc.
- 5) A site sketch (see example), drawn to scale indicating location of all existing structures and proposed construction. Also indicate lot lines, size of lot, streets and other public ways, driveways, off-street parking, loading areas, and existing and proposed front, side and rear yards. *Please consult with Building Inspection staff for more information.*

**Notes:**

- a) The applicant can present any additional information to inform the Board of the facts.
- b) Applicants should be aware staff may require a survey as part of the application information in order to clarify specific variance(s) requested.
- c) Applicants should be aware the Board of Appeals may require a survey as part of the application review and/or as a condition of approval prior to issuance of a building permit if a variance is granted.
- d) Building permits must be acquired within 6 months of the granted approval or the approval will be voided.
- e) Any information submitted on the application will become public record and is not subject to confidentiality.

**FAILURE TO SUPPLY ADEQUATE AND / OR ACCURATE INFORMATION AS REQUESTED ABOVE CAN BE  
 GROUNDS FOR DISMISSAL OF THE APPEAL REQUEST.**

Applicants should be prepared to answer the following questions:

- *What **hardship** is created by the application of the Zoning Ordinance to this property? Is **reasonable use** of the property denied by the zoning regulations? In other words, is there an alternative plan that would **comply** with the ordinance?*
- *Is there a **unique physical characteristic** of the property which prevents development of the property in compliance with the Zoning Ordinance?*
- *Would granting the variance harm the **public interest** in any way? For example, would public safety be compromised? (Note: Lack of neighborhood opposition does not necessarily mean a variance would not harm the public interest.)*

A notice of the date and time of the hearing will be mailed to all property owners within 100 feet and municipal property within 1,000 feet of your property. Notice of hearing will also be sent to the City of Sheboygan Planning Department. It is important you discuss your proposal with the Building Inspection and Planning Departments.

The property owner or a representative shall be present at the public hearing to present his or her request to the Board and answer any questions the Board members may have. Should an appearance not be made, or insufficient information presented, the appeal will not be considered and may be either placed on the agenda for the next meeting or denied. The appellant will be required to pay the additional expense incurred because of postponement of the hearing. Appellants are reminded the filing fee for a variance request is non-refundable.



### THE THREE "TESTS" FOR A VARIANCE

The CITY OF SHEBOYGAN adheres to a set of Zoning Ordinances to make certain your proposed construction is consistent with neighboring developments, a development does not infringe on the enjoyment of property belonging to neighboring owners, it does not detract from surrounding buildings or lots and is not out of character with the neighborhood, and a project meets necessary public health and safety standards. If your proposed construction cannot meet the requirements of the zoning or sign code, a **VARIANCE** is needed.

To obtain a variance, you must establish, due to some peculiarity of the property's size, shape, topography, etc., it would be a hardship or practical difficulty to meet zoning code requirements. ***These circumstances must not be self-imposed or self-created.*** In short, your proposed construction must meet and pass the three "tests" for a variance listed below.

IT IS RECOMMENDED YOU MEET WITH THE STAFF IN THE CITY'S PLANNING DEPARTMENT AND BUILDING INSPECTION DEPARTMENT BEFORE SUBMITTING YOUR APPLICATION FOR A VARIANCE. BUILDING INSPECTION STAFF WILL REVIEW THE STANDARDS FOR A VARIANCE (BELOW) PRIOR TO YOUR FILLING OUT THE APPLICATION AND PAYING THE NON-REFUNDABLE FILING FEE.

#### TEST #1: UNNECESSARY HARDSHIP

The Wisconsin Supreme Court has ruled that unnecessary hardship only exists when the zoning ordinance denies ***all reasonable use*** of the property. ***If there is an alternative plan that is within the bounds of the zoning ordinance, a variance is not warranted.***

The hardship experienced ***must not be self-imposed***; loss of profit, expense already incurred and additional expense incurred to comply with zoning ordinances ***are not*** unnecessary hardships.

#### TEST #2: UNIQUE PROPERTY LIMITATIONS

Unique physical characteristics of your property must prevent you from completing your proposed construction in compliance with the ordinance. The **property** must qualify for the variance, **not your particular situation**.

Additionally, existing violations on other properties or improper variances previously granted are not grounds for a variance.

#### TEST #3: NO HARM TO PUBLIC INTEREST

The Board members will be taking into account the reason for the existence of the zoning ordinance in applying this test. Lack of opposition ***does not*** necessarily mean the proposed construction would not harm the public interest.

The Board, in granting a variance, may impose conditions on the proposed construction to assure the public's interests are protected. Board members may only grant the ***minimum relief*** necessary for the reasonable use of the property.

Your proposed construction must meet all three "tests" to qualify for a variance. Variances are meant to be an ***infrequent remedy*** where an ordinance imposes a unique and substantial burden. ***They are not intended as an accommodation for a property owner's convenience.*** A variance decision may be appealed within 30 days of the filing of the decision in the office of the board.

***Please contact the staff at the City's Planning Department and/or Building Inspection Department if you have any further questions.***



I am Replacing an existing garage with a new one. I Am. Looking to add OF Street PARKing TO the <sup>West</sup> ~~East~~ SIDE OF new garage. Looking to be 1 Ft OF Property Line For Easy Degrass From Vehicle. also 9 SPOT to Park TRAILER. The neighbor garage on South SIDE OF alley is 1 Ft From Alley and it would also give me more Room to Turn IN & OUT. In winter our ~~the~~ Road is 1 Block Long. So when Plowing IS DONE, They go Thru Twice Right Away, NO ONE Has a Chance People to move cars. By the Time They Return For Clean UP the SNOW is FROZEN & Road is HARD To Drive let alone Park CARs safely.



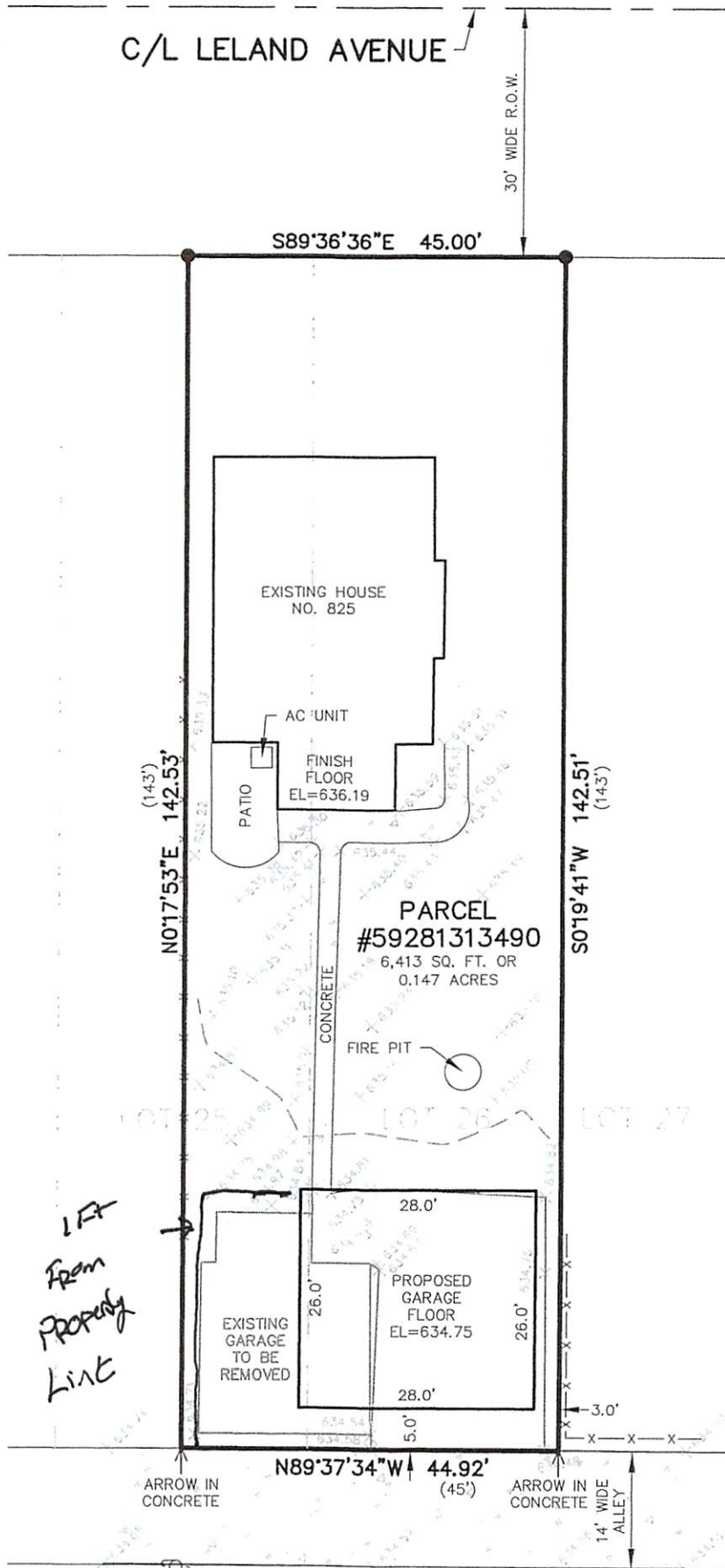


# PLAT OF SURVEY

Item 8.

FOR: Ken Ebbers

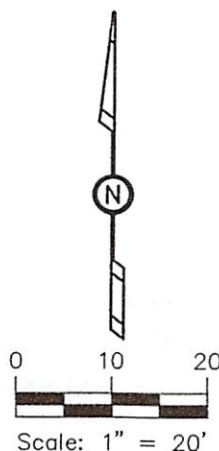
All of Lot 26 and East of 1/2 of Lot 25, Block 26, Lake View Park Subdivision, Part of the NE 1/4 of the NW 1/4, Section 35, T15N, R23E, City of Sheboygan, Sheboygan County, Wisconsin.



## LEGEND

- = Iron Stake Found
- = Arrow in Concrete Found
- = Iron Stake Set
- ⊙ = Power Pole
- x-x- = Fence
- (##.##) = Recorded Dimension

*Benjamin J. Reenders*  
 BENJAMIN J. REENDERS  
 S-3114  
 OOSTBURG  
 WI.  
 8/14/2023  
 LAND SURVEYOR



I Benjamin J. Reenders do hereby certify that this survey is correct to the best of my knowledge and belief.



941 Center Avenue, Suite 1  
Oostburg, WI 53070  
920-547-0599

**CEDAR CREEK SURVEYING, LLC**  
[www.cedarcreeksurveying.com](http://www.cedarcreeksurveying.com)

FILE No.: 2023114
DATE: 8/14/2023
PAGE: 1







## CITY OF SHEBOYGAN

## REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

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**ITEM DESCRIPTION:** Application for zoning variance by Rachel Kohler to construct shoreline revetment, stairways, hardscape, and buried storage shed at 120 Vollrath Boulevard. SR-5 Zone, Steep Slope Overlay District, Lakeshore Overlay District.

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**REPORT PREPARED BY:** Ellise Rose, Program Assistant, Interim Zoning Administrator

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**REPORT DATE:** September 14, 2023

**MEETING DATE:** September 20, 2023

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**FISCAL SUMMARY:**

Budget Line Item: N/A  
 Budget Summary: N/A  
 Budgeted Expenditure: N/A  
 Budgeted Revenue: N/A

**STATUTORY REFERENCE:**

Wisconsin § 62.23(7)(e)(7)  
 Statutes:  
 Municipal Code: § 105-1002

**STAFF COMMENTS:**

- A variance may be granted when, “owing to special factors, a literal enforcement of the provisions of [the zoning ordinance] would result in practical difficulty or unnecessary hardship, so that the spirit of [the zoning ordinance] shall be observed, public safety and welfare secured, and substantial justice done, as provided for by Wis. Stat. s. 62.23(7)(e)(7).” SMC 105-1002. “*Unnecessary hardship* means the circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.”
- Within the City, most lakeshore properties do not include riparian rights because the City owns the lakeshore land. Of the eight properties that do, three are zoned for residential use; the subject property, the property adjacent to the north of the subject property, and a property located between King Park and Southside Municipal Beach Kite Beach).
- The subject property differs from the southside property in that it not only falls within the lakeshore overlay but also the steep slope overlay.
- The subject property is currently utilized consistent with its zoning in that it has a single-family home and garage/ accessory structure thereon.
- SMC 105-1002(d)(3) Analysis:
  - Hardship or difficulty peculiar to the subject property and different from other similar properties:
    - Applicant has provided justification for the Board’s consideration relating to this factor.
    - Staff takes no position on this factor.



- In what manner do the factors of (d)(3) prohibit the development of the subject property in a manner similar to that of other properties in the same zoning district?
  - Staff can identify only one other similar property within the same zoning district, the property adjacent to the north of the subject property. That property is developed consistently with the subject property (single family home and accessory building), except that it lacks shoreline revetment to guard against erosion control. This application seeks to install revetment to the subject property and the adjacent one. Doing so will make the shoreline similarly protected as the City-owned shoreline, which contains revetment. No other properties have been identified that are otherwise developed similarly to Applicant's proposal.
  - Staff supports the installation of revetment to prevent erosion.
  - Staff believes a variance would also be necessary for the adjacent property as it is contemplated within this project for revetment installation.
  - Staff takes no position on the other components of this proposal with respect to this factor.
- Would the granting of the proposed variance be of substantial detriment to adjacent properties.
  - The City Engineer has reviewed the plan and determined that it would not be of substantial detriment to Vollrath Park, located south of the subject property. The northerly adjacent property owner supports the project.
- Would the granting of the proposed variance result in a substantial or undue adverse impact on:
  - The character of the neighborhood: No adverse or substantial impact.
  - Environmental factors: If the project is completed consistently with the engineer's site plan, the stability of the slope will not be undermined, and erosion will be better controlled.
  - Traffic factors: No adverse or substantial impact.
  - Parking: No adverse or substantial impact.
  - Public improvements, Public property or rights-of-way: No adverse or substantial impact if access to project site is through subject property. If access through City-owned property is necessary, a limited, temporary easement should be sought from the City and the City-owned property should be restored to its pre-easement condition.
  - Or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this chapter, the comprehensive master plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the city or other governmental agency having jurisdiction to guide growth and development:
    - No adverse or substantial impact expected. The impact of this project is limited to the subject property. Public does not have access to the lakeshore at this parcel. Should someone view the project from the waters of Lake Michigan, they may observe the stone stairs but nothing more.
- The City of Sheboygan Comprehensive Plan designates this area as single family residential. This variance would not affect adjacent properties or cause a detriment to the character or intended use as a single-family residential neighborhood.



- The factors that prevent such a project by zoning ordinance were not create action of the applicant, previous property owner, or their agent.

### **ACTION REQUESTED:**


Staff supports installation of revetment stone to the shoreline to aid in erosion control. Staff takes no position on the request with respect to other components of the project because it is within the Board's purview to make policy decisions and apply the law to those decisions. Staff encourages the Board to consider potential future requests of similar scope for properties with riparian right. If approved, staff recommends the following conditions:

1. Prior to building permit issuance, the applicant shall obtain all licenses and permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, water, sewer, storm drainage, health, State (DNR) Federal (Army Corp), etc. Applicant shall be in contact with building inspection, fire, police, etc.
2. Submittal/approval of a proposed storm drainage plan prior to building permit issuance.
3. If proposing to install a fence/gate and/or retaining wall, the structure shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance.
4. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent properties or the streets.
5. Absolutely no portion of the new building and/or site improvements shall cross the property lines including but not limited to buildings, balconies, decks, foundations, walls, gutters, eaves, roof, parking, fencing/retaining walls, signs, landscaping, etc.
6. Applicant will provide adequate public access along all streets and sidewalks and will take all appropriate actions to minimize the time period that adjacent properties and streets/sidewalks are impacted by the development (utilities, streets, etc.). If access to the project site through City-owned parkland is necessary or desired, Applicant shall seek a limited, temporary easement from the City to be approved by the Board of Marina, Parks, and Forestry Commissioners and Common Council.
7. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
8. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the Applicant.
9. If there are any amendments to the approved variance (including but not limited to site plan, design, use, etc.), the applicant will be required to submit a new variance request reflecting those amendments.
10. The viewing corridor, and improvements shall comply with Wis. Admin. Ch. NR 115.
11. The construction ramp shall be vegetated at the end of construction with a diverse mixture of native species, which may include grasses, grass-like species, forbs, shrubs, and trees.
12. Permissions shall be obtained from property owners if access is required to complete the project.


### **ATTACHMENTS:**

Variance request and required attachments.



	<b>CITY OF SHEBOYGAN</b>  <b>VARIANCE APPLICATION</b>	Fee: _____
		Review Date: _____

Read all instructions before completing. If additional space is needed, attach additional pages.

<b>SECTION 1: Applicant/ Permittee Information</b>			
Name (Ind., Org. or Entity) Rachel Kohler			
Mailing Address 120 Vollrath Blvd	City Sheboygan	State WI	ZIP Code 53081
Email Address rachel.kohler@thekohopfamily.com		Phone Number (incl. area code) (312) 485-3974	
Applicants interest in property: Owner			
<b>SECTION 2: Property Information</b>			
Property Address 120 Vollrath Blvd	City Sheboygan	State WI	Zip 53081
Type of Building: <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential			
Request for: <input checked="" type="checkbox"/> New Construction <input checked="" type="checkbox"/> Repairs <input type="checkbox"/> Alterations <input type="checkbox"/> Addition <input type="checkbox"/> Nonconforming Use <input type="checkbox"/> Other			
<b>SECTION 3: If the Request is for a Nonconforming Use</b>			
Your intended use: To create safe access to and use of the shoreline, repair and mitigate shoreline erosion, and construct a small boathouse for kayak storage.			
Date last occupied as a nonconforming use: There have been no nonconforming uses.			
By Whom: NA		Previous Use: NA	
<b>SECTION 4: Requested Variance</b>			
On a separate letter to the Board, describe the requested variance and include what unnecessary hardship or difficulty is caused by following the regulations or requirements of the ordinance. See the attached "The Three Tests for a Variance" and be prepared to argue how you pass the THREE TESTS FOR A VARIANCE.			
<b>SECTION 5: Certification and Permission</b>			
<b>Certification:</b> I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Variance Application. I certify that the information contained in this form and attachments are true and accurate. I certify that the project will be in compliance with all conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.			
<b>Permission:</b> I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.			
Name of Owner/Authorized Representative (please print) Rachel Kohler		Title Owner	Phone Number (312) 485-3974
Signature of Applicant 		Date Signed Sept 1 2023	

Complete application is to be filed with the Building Inspection Department, 828 Center Avenue, Suite 208. Variances to zoning ordinances are considered by the City of Sheboygan Zoning Board of Appeals monthly on the third Wednesday at 3 p.m. at a public hearing. To be placed on the agenda of Zoning Board of Appeals, application must be received no later than 4:30 p.m. on the third Wednesday of the month prior to the scheduled public hearing. Applications will not be processed if all required attachments and filing fee of \$250 (payable to the City of Sheboygan) are not submitted along with a complete and legible application. Application filing fee is non-refundable.



September 1, 2023

20674-001

City of Sheboygan Board of Appeals  
c/o Ms. Linnae Wierus – Building Inspection Specialist  
Building Inspection Department  
828 Center Avenue, Suite 208  
Sheboygan, WI 53081

Subject: **Variance Application – Shoreline Improvements**  
**120 Vollrath Boulevard** (a lakeshore bluff residential parcel zoned SR5)

Ladies and Gentlemen:

This letter transmits an application for appeal for variance on behalf of Rachel Kohler who holds ownership interest in the subject property that is now (with her father's death) titled to the Kohler JR Revocable Trust.

Although the desired improvements and shore protection are accommodated under state statutes, **City of Sheboygan Zoning Ordinances lack any provisions to allow any improvements for common uses and protection of the lakeshore because, in contrast to many other cities and townships, there happens to be very little private lakeshore ownership within Sheboygan.** The bluffs and shoreline beginning a short distance north of the subject property are owned by the city, as is most of the shoreline to the south throughout the city. Assistant City Attorney Liz Majerus's August 22 email (copy attached) provides more specific identification of the issues pertinent to Board of Appeals in consideration of this appeal for variance from literal application of City Zoning Ordinance for **the desired improvements consisting of:**

- a) Not more than 260 lineal feet of **quarry stone revetment of relatively small-scale cross section** to prevent storm wave erosion at the toe of the bluff during future high-water periods, combined with some "beach nourishment". This is the sustainable solution to mitigate erosion in a manner that avoids interfering with the natural dynamics of open reaches of Lake Michigan shoreline. It will connect to the southern end of the existing revetment on the adjacent property to the north. A letter of consent from that owner representative (Carla Ross) is included in the attachments. The specific design (included in this application) that we have developed for this property is a miniature version of what we designed for the city's redevelopment of the former C. Reiss peninsula as the Harbor Centre South Pier District.
- b) A series of **short segments of stone stairs and traversing pathway** to allow safe walking access from the existing small house down the bluff to the shoreline.
- c) A **small (10' x 16') boathouse** tucked into the toe of the bluff to store kayaks and paddle boards. This structure will be substantially "earth sheltered" and obscured from view with natural landscaping.
- d) Shallow (limited to several feet depth) excavation of a short (about 25') portion of the toe of the bluff and construction of a very low retaining wall to provide a **land-sculpted area for use** just above the revetment and beach.

**All of the above-described features are shown on the accompanying Site Plan.** They are of similar nature to improvements and shore protection the city has made, much of which we have designed, on a much larger scale for common use. This project will not de-stabilize the bluff and won't create any impervious surfaces because even the stone stairways will be under-drained.



### Applicable State Law

Similar to City Zoning Ordinance, state law *NR 115 - Wisconsin Shoreland Protective Program* (copy attached) in general doesn't allow "structures" within 75 feet of the Ordinary High Water Mark (OHWM). However, **NR 115 makes specific allowance as Permitted Uses of the following** within Shoreland Zoning, provided they're constructed above the OHWM which is what the accompanying plans provide:

**"Walkways and stairways** that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width"- (NR 115.05(1)(b)(1m)(f). The proposed stone stairways will be 48" width.

**"Public and private recreation areas"** – (NR 115.05(3)(i).

**"Boathouses** located entirely above the OHWM that do not contain plumbing and are not used for human habitation" - (NR 115.05(1)(b)(1m)(a). Boathouses are defined as "permanent structures used for storage of watercraft and associated materials", which is what the proposed structure will provide.

**Erosion protection of shoreline** falls under the jurisdiction of Section 404 of the United States Clean Water Act (33 USC 1344(a) as administered by Wisconsin Statute 30.19 as implemented in applicable NR regulations. The attached *Resources for Great Lakes Shoreline Erosion Control Projects* provides a general overview of this topic. Although construction of a revetment of not more than 300 lineal feet can be permitted by WDNR under a "General" permit, beach nourishment constitutes fill below the OHWM thus requiring an "Individual" permit. Upon granting of variance at the municipal level, an Individual permit application will be made to WDNR to allow the revetment to be constructed and beach nourishment to be placed in spring 2024.

### Reason for Application and Justification for Variance

Although construction of a revetment would constitute "filling" at the toe of a steep slope, which is allowable under a Conditional Use Permit for which an application was submitted in late July, the city (Assistant City Attorney Liz Majerus in consultation with Steve Sokolowski) has indicated that the combination of elements comprising this project would be most appropriately considered under appeal for variance instead of Conditional Use Permit. Therefore, **we address the requisite "Three Tests" in support of this Variance Application:**

1. **"Unnecessary Hardship"** Hardship not created by the owner is pre-requisite for consideration of variance under state law. In this case, the physical hardships of the subject property that are not common to parcels throughout much of the city are the very characteristics justifying the city's *Natural Resource Protection Regulations* that include the *Lakeshore* and *Steep Slopes*. Although the lakeshore and steep slope characteristics of the subject property are not rare or unique conditions along the shore of Lake Michigan, most of the land having these qualities within the City of Sheboygan is publicly owned. Therefore, **the City Zoning Ordinance doesn't specifically cite the elements of construction to allow the proposed site improvements** which are common elsewhere throughout the state, as well as publicly owned property within the city, and are accommodated in the ordinances of counties, townships, and other municipalities.
2. **"Unique Property Limitations"** The city's Lakeshore Overlay Zoning identifies "such areas are highly susceptible to continuous, and in some cases, rapid erosion." Substantial erosion occurred along the shoreline of the subject property (as was common along the shores of all of the Great lakes) during the recent period of high water levels, and more erosion can be expected during future (cyclical) periods of high water levels. **Although Section 105-848(d) mandates that**



**"Lakeshore shall remain in an undisturbed state", future erosion will destabilize the toe of the property's steep slope. Therefore, literal enforcement of this by not allowing the requested variance for construction of shore erosion protection would conflict with the intent of the Overlay Zoning Protection of Section 105.851 – Steep Slopes** even though the site-specific design provided will have no adverse impact on the public welfare.

Additionally, city ordinances define "structures" very broadly: "Structure: Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances." **All elements of the project that could be interpreted as structures are not specifically cited in City Zoning Ordinance as either Permitted, Conditional, or Special Uses allowable within the Lakeshore and Steep Slope areas.**

The purpose of ***Steep Slope Protection (Section 105.851)*** is because they are "particularly susceptible to damage resulting from site disruption" and "shall remain in an undisturbed state". Literal enforcement of this would preclude constructing anything on them, such as stairways or footpaths to gain access to the shoreline. **Provided stability is preserved, precluding access would be a hardship with respect to common use of the land without any benefit and is thus unnecessary.** All features of the proposed site work have been designed with particular attention to maintaining slope stability by minimizing the extent of temporary disturbance, effectively managing vegetation and drainage, and designing structures to preserve slope stability (refer to attached *Slope Stability Analysis* dated August 10, 2023).

3. **"No Harm to Public Interest"** The proposed improvements to this property do not harm public interest. The designs create necessary protection for the shoreline that minimizes impact to adjacent properties, access to the lakeshore that does not increase impervious area due to the use of an underdrain system, and a small structure for kayak storage that will be minimized in footprint and visibility to the extent practical, none of which create a method or means for harm to public interest.

## Closure

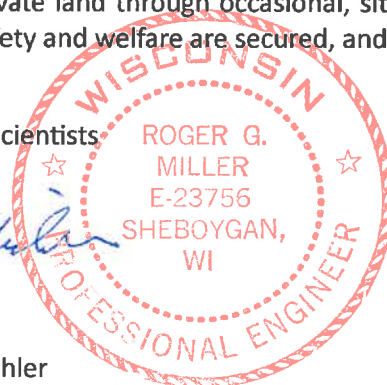
Although the Lakeshore and Steep Slope areas within the city are common enough to warrant treatment in the Zoning Ordinance, which many other local jurisdictions do either as specifically Permitted uses or under Conditional Use Permits, there are few privately owned parcels within the city with these characteristics. Therefore, amendment to the ordinance is likely not worthwhile, provided reasonable use can be made of private land through occasional, site-specific variance so that the spirit of ordinance is observed, public safety and welfare are secured, and substantial justice is done.

Sincerely,

Miller Engineers & Scientists



Roger G. Miller, P.E.  
President



9/1/2023

Copies to: Rachel Kohler  
Michael Beeck – Otter Creek Landscaping  
Tim Klieber – Klieber Construction

Wagner Excavating  
Dave Biebel, Director of Public Works  
Ryan Sazama, City Engineer

\\\\Fs01\\sys\\DATA\\20600\\20674 - Kohler Shoreline Access\\Variance Application transmittal formatted.docx



**Attachments:**

Application for Variance

August 22 Email from Assistant City Attorney Liz Majerus

Sheboygan County Land Records Property Summary

Zoning Map excerpt

GIS Parcel Map excerpt

Shoreline Oblique Aerial Photo

Letter from Carla Ross

NR 115 – Wisconsin's Shoreland Protection Program

Resources for Great Lakes Shoreline Erosion Control Projects

Slope Stability Analysis

Project Plans (five 24" x 36" sheets and 8 ½" x 11" pdf):

Title, Project Location, and Sheet Index

Existing Conditions Map

Site Plan

Erosion Control Plan

Boathouse Structural Plan

Kohler Heritage Blend structural veneer specification and image



## Roger Miller

---

**From:** Majerus, Liz <Liz.Majerus@sheboyganwi.gov>  
**Sent:** Tuesday, August 22, 2023 4:04 PM  
**To:** Roger Miller  
**Cc:** Rose, Ellise; Wierus, Linnae  
**Subject:** 120 Vollrath Project  
**Attachments:** Variance Application 2022 fillable.pdf

Hi Roger,

I've heard back from Steve after sharing with him your application packet and supplemental materials. He believes this project would best be treated as a variance request through the Board of Appeals due to the following zoning regulations at play:

1. 105-848 Lakeshore Overlay Zoning District
  - (a) *Lakeshores* are the land margins of navigable waters which are identified as lakes and other water bodies as shown on USGS 7.5-minute topographic maps for the city and its environs. Lakeshores are all areas within 75 feet of the ordinary high-water mark of Lake Michigan and inland lakes, but not watercourses. Decorative water features shall not be considered navigable waters for the purposes of this section. The meaning of the term "lakeshores," as used herein, shall remain distinct from the meaning of the term as employed by the state law and the DNR.
  - (d) *Mandatory lakeshore protection requirements.* Lakeshores shall remain in an undisturbed state, except for the land uses permitted in section 105-684 per the requirements of section 105-724.
2. 105-851 Steep Slope Overlay Zoning District.
  - (a) *Steep slopes* are areas which contain a gradient of 12 percent or greater, (equivalent to a ten-foot elevation change in a distance of 83 feet or less), as shown on USGS 7.5-minute topographic maps for the city and its environs, as updated by official city topographic maps at a larger scale.
  - (d) *Mandatory steep slope protection requirements.* Steep slopes shall remain in an undisturbed state except for the land uses permitted in section 105-684 per the requirements of section 105-724.

[https://sheboygan.municipalcodeonline.com/book?type=ordinances#name=Sec\\_105-1002\\_Variances](https://sheboygan.municipalcodeonline.com/book?type=ordinances#name=Sec_105-1002_Variances)

The next Zoning Board of Appeals meeting is scheduled for **September 20**. Our local rules for variance application submissions would've required submission by 8/16 but I confirmed with Planning staff that they will accept materials up to next **Friday, September 1**. This will still give staff enough time to work through the application and publish the notice. The fee paid for the CUP application will be applied to the variance application so no additional fee will be needed with the application. The variance application is attached. You may also want to consider updating your letter from CP to BOA explaining the hardship your client would face if the variance request is not approved. Staff also suggests providing additional elevation drawings and a sample picture of the limestone veneer coverings and any other exterior products the team plans to use on site. Questions about that should be directed to Ellise and Linnae who are copied on this email.

Upon your confirmation, we will remove this project from the CP agenda and await the variance submission.

Thanks,  
 Liz

Elizabeth Majerus (she/her)

Assistant City Attorney



City of Sheboygan  
828 Center Ave.  
(920) 459-3917  
[liz.majerus@sheboyganwi.gov](mailto:liz.majerus@sheboyganwi.gov)

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## Sheboygan County Land Records Web Portal - Property Summary

Property: 59281014410

Search powered by



Report-Print engine  
List & Label © Version 19:  
Copyright combit GmbH  
1991-2013

Tax Year	Prop Type	Parcel Number	Municipality	Property Address	Billing Address
2023 ▼	Real Estate	59281014410	281 - CITY OF SHEBOYGAN	120 VOLLRATH BLVD	KOHLER JR REVOCABLE TRUST 11-7-00 441 GREEN TREE RD KOHLER WI 53044-1406
Tax Year Legend:             = owes prior year taxes             = not assessed             = not taxed            Delinquent Current					

### Summary

#### Property Summary

Parcel #:	59281014410
Alt. Parcel #:	
Parcel Status:	Current Description
Creation Date:	
Historical Date:	
Acres:	4.540

#### Property Addresses

Primary ▲	Address
<input checked="" type="checkbox"/>	120 VOLLRATH BLVD

#### Owners

Name	Status	Ownership Type	Interest
KOHLER JR REVOCABLE TRUST 11-7-00	CURRENT OWNER		
KOHLER JR, HERBERT V	FORMER OWNER		

#### Parent Parcels

No Parent Parcels were found
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#### Child Parcels

No Child Parcels were found
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#### Abbreviated Legal Description

(See recorded documents for a complete legal description)

LOTS 1 AND 3 CSM V 9 P 205-06 #1212196 ROD - PRT SE NE AND NE SE, SEC 14.

#### Public Land Survey - Property Descriptions

Primary	Section ▲	Town	Range	Qtr 40	Qtr 160	Gov Lot	Block/Condo Bldg	Type #	Plat
<input checked="" type="checkbox"/>	14	15 N	23 E						NOT AVAILABLE

#### District

Code ▲	Description	Category
	LOCAL	OTHER DISTRICT









# City of Sheboygan November 2020 Zoning Information



## Legend

- Neighborhood Office District
- Neighborhood Residential-6 District
- Pre-Planned Unit Development District
- Railroad
- Road Right-of-Way
- Rural Agriculture
- Suburban Commercial District
- Suburban Industrial District
- Suburban Office District
- Suburban Residential-3 District
- Suburban Residential-5 District
- Unit Development
- Urban Commercial District
- Urban Industrial District
- Urban Residential

-87.700 43.769 Degrees

40m

200ft

BLUFF AVE

300

N 4TH ST

N 3RD ST

2109

N 3RD ST

2093

## City of Sheboygan

vollrath blvd



## Esri World Geocoder

Vollrath Blvd, Sheboygan, WI,  
53081, USA

Item 9.



Search result

Vollrath Blvd, Sheboygan, WI

[Zoom to](#)

VOLLRATH BLVD

101





Search Address, Owner, or Par



Item 9.









August 29, 2023

Dear Janet and Carla,

Thank you for your previous letter of support for our revetment project including additional revetment work on the north side of the 120 Vollrath property line to connect to your revetment. In addition to this activity, I am writing to make you aware of additional work on our property (exclusively) that entails adding a stairway down to the lake, a retaining wall, and a modest boathouse to accommodate kayaks and paddle boards. All elements are designed to be unobtrusive with natural hardscaping and landscaping and blend with other elements already on the property. This allows us to safely access and enjoy the lakefront area of our property. The full revetment work will take place in Spring 2024. The above referenced work may start in Fall 2023 or Spring 2024.

Please don't hesitate to reach out if you have any questions and concerns. Again, my email is [rachel.kohler@kohopventures.com](mailto:rachel.kohler@kohopventures.com).

If you are comfortable with the above, please add your signature below to allow the City to recognize our communication and alignment on this project.

Sincerely,



Rachel Kohler

Date:

8/29/23

With alignment,



Carla Ross on behalf of Janet Ross

Date:

8/29/23

cc: Liz Majerus / City of Sheboygan

Roger Miller / Miller Engineers & Scientists



Menu » Administrative Rules Related » Administrative Code » Department of Natural Resources (NR)  
 » Chs. NR 100-199; Environmental Protection – General » Chapter NR 115

Register January 2017 No. 733

## Chapter NR 115

### WISCONSIN'S SHORELAND PROTECTION PROGRAM

NR 115.01	Purpose.
NR 115.02	Applicability.
NR 115.03	Definitions.
NR 115.04	Shoreland-wetlands.
NR 115.05	Minimum zoning standards for shorelands.
NR 115.06	Department duties.

**Note:** Chapter NR 115 as it existed on July 31, 1980, was repealed and a new chapter NR 115 was created effective August 1, 1980.

**NR 115.01 Purpose.** Section 281.31, Stats., provides that shoreland subdivision and zoning regulations shall: "further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty." Section 59.692, Stats., requires counties to effect the purposes of s. 281.31, Stats., and to promote the public health, safety and general welfare by adopting zoning regulations for the protection of all shorelands in unincorporated areas that meet shoreland zoning standards promulgated by the department. The purpose of this chapter is to establish minimum shoreland zoning standards for ordinances enacted under s. 59.692, Stats., for the purposes specified in s. 281.31 (1), Stats., and to limit the direct and cumulative impacts of shoreland development on water quality; near-shore aquatic, wetland and upland wildlife habitat; and natural scenic beauty. Nothing in this rule shall be construed to limit the authority of a county to enact more restrictive shoreland zoning standards under s. 59.69 or 59.692, Stats., to effect the purposes of s. 281.31, Stats.

**Note:** Effective April 17, 2012, 2011 Wisconsin Act 170 created s. 59.692 (2m), Stats., which prohibits a county from enacting, and a county, city, or village from enforcing, any provision in a county shoreland or subdivision ordinance that regulates the location, maintenance, expansion, replacement, repair, or relocation of a nonconforming building if the provision is more restrictive than the standards for nonconforming buildings under ch. NR 115; or the construction of a structure or building on a substandard lot if the provision is more restrictive than the standards for substandard lots under ch. NR 115.

2011 Wisconsin Act 170 also created other provisions that affect how a county regulates nonconforming uses and buildings, premises, structures, or fixtures under its general zoning ordinance.

**History:** Cr. Register, July, 1980, No. 295, eff. 8-1-80; reprinted to correct error, Register, December, 1980; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2000, No. 532; CR 05-058: r. and recr. Register January 2010 No. 649, eff. 2-1-10.

**NR 115.02 Applicability.** The provisions of this chapter apply to county regulation of the use and development of unincorporated shoreland areas, and to annexed or incorporated areas except as provided in s. 59.692 (7), Stats. Unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48 (13), Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state



- (7) "Regional flood" means a flood determined to be representative of large floods known to have occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics once in every 100 years.

**Note:** The regional flood is based upon a statistical analysis of streamflow records available for watershed and/or an analysis of rainfall and runoff characteristics in the general watershed region. The flood frequency of the regional flood is once in every 100 years. In any given year, there is a 1% chance that the regional flood may occur. During a typical 30-year mortgage period, the regional flood has a 26% chance of occurring.

- (7m) "Routine maintenance of vegetation" means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
- (8) "Shorelands" means lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the flood plain, whichever distance is greater.
- (9) "Shoreland-wetland zoning district" means a zoning district, created as a part of a county shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.
- (10) "Special exception (conditional use)" means a use which is permitted by a shoreland zoning ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.
- (11) "Unnecessary hardship" means that circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the zoning ordinance.
- (13) "Wetlands" means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which have soils indicative of wet conditions.

**History:** Cr. Register, July, 1980, No. 295, eff. 8-1-80; renum. (2) to (12) to be (3) to (13), cr. (2), r. and recr. (7), am. (11) and (13), Register, October, 1980, No. 298, eff. 11-1-80; corrections in (2) (a) 1. and (b) 2. made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2000, No. 532; CR 05-058: am. (intro.), renum. (1) to be (1h), cr. (1d), (1p), (3m), (4g), (4r) and (7m), r. (12) Register January 2010 No. 649, eff. 2-1-10.

#### NR 115.04 Shoreland-wetlands.

- (1) ESTABLISHMENT OF SHORELAND-WETLAND ZONING DISTRICTS. Counties shall adopt shoreland ordinances that include zoning regulations for shoreland-wetland zoning districts.
- (2) AMENDMENT OF SHORELAND-WETLAND MAPS AND ZONING DISTRICTS.
- (a) *County review of wetland inventory map amendments.* After the department amends final Wisconsin wetland inventory maps:
1. The department shall transmit to the county zoning agency designated under s. 59.69 (2) (a), Stats., digital files or paper copies of amended wetland inventory maps for that county.
  2. If the county believes that the amended maps are inaccurate, within 30 days of receiving the amended maps the county shall note discrepancies on the maps with an accompanying narrative explaining the amended problem areas and return a copy of the notated map and narrative to the department.
  3. The department shall, at department expense, consult available soil survey maps and conduct on-site inspections, if appropriate, in order to evaluate the county recommendations, and shall then prepare final amended Wisconsin wetland inventory maps for that county.
- Note:** As of 1985 all counties adopted official wetland zoning maps and amendments occur as accuracy increases.
- (b) *County amendment of shoreland-wetland maps and zoning districts.*
1. Within 6 months after receipt of final amended Wisconsin wetland inventory maps for that county from the department, a county shall zone all shorelands designated as wetlands on the amended Wisconsin wetland inventory maps in a shoreland-wetland zoning district. If a county fails to zone all shoreland-wetlands within this 6 month period, s. NR 115.06 (3) (b) shall apply.
  2. Ordinance text and map amendments creating or amending shoreland-wetland zoning districts shall be referred to the county zoning agency for public hearing as required by s. 59.69 (5) (e) 2., Stats.

**Note:** Where an apparent discrepancy exists between a shoreland-wetland district shown on an amended map and field conditions, the county shall contact the department to determine if the amended map is in error. If the



subd. 7. If within the 30-day period the department notifies the county board that the  
intends to adopt a superseding shoreland zoning ordinance for the county under s. 59.692 (6),  
Stats., the proposed amendment shall not become effective while the ordinance adoption  
procedure is proceeding, but shall have its effect stayed until the s. 59.692 (6), Stats., procedure is  
completed or otherwise terminated.

**(3) PERMITTED USES IN SHORELAND-WETLAND ZONING DISTRICTS.** Within shoreland-wetland zoning districts, counties shall permit the following uses subject to the general requirements of s. NR 115.05, the provisions of chs. 30 and 31, Stats., and other state and federal laws, if applicable:

- (a) Hiking, fishing, trapping, hunting, swimming and boating.
- (b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops and that does not involve filling, flooding, draining, dredging, ditching, tiling or excavating.
- (c) The practice of silviculture, including the planting, thinning and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done except as required to construct and maintain roads which are necessary to conduct silviculture activities, which cannot as a practical matter be located outside the wetland, and which are designed and constructed to minimize the adverse impact upon the natural functions of the wetland, or except as required for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on the conduct of silvicultural activities if not corrected.

**Note:** Local units of government, in the development and application of ordinances which apply to shoreland areas, must consider other programs of statewide interest and other state regulations affecting the lands to be regulated, i.e. regulations and management practices applicable to state and county forests and lands entered under the forest cropland and managed forest land programs.

- (d) The pasturing of livestock and the construction and maintenance of fences, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.
- (e) The cultivation of agricultural crops if cultivation can be accomplished without filling, flooding or artificial drainage of the wetland through ditching, tiling, dredging or excavating except that flooding, dike and dam construction, and ditching shall be allowed for the purpose of growing and harvesting cranberries. The maintenance and repair of existing drainage systems (such as ditching and tiling) shall be permitted. The construction and maintenance of roads shall be permitted if the roads are necessary for agricultural cultivation, cannot as a practical matter be located outside the wetland, and are designed and constructed to minimize the adverse impact upon the natural functions of the wetland.
- (f) The construction and maintenance of duck blinds provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.
- (g) The construction and maintenance of nonresidential structures, not to exceed 500 square feet, used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals, or used solely for some other purpose which is compatible with wetland preservation if the structure cannot as a practical matter be located outside the wetland, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.
- (h) The construction and maintenance of piers, docks and walkways, including those built on pilings, provided that no filling, flooding, dredging, draining, ditching, tiling or excavating is done.
- (i) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that no filling is done and that any private wildlife habitat area is used exclusively for that purpose. The owner or operator of a new private recreation or wildlife area to be located in a shoreland-wetland zoning district shall be required to notify the county zoning agency of the proposed project before beginning construction. Ditching, excavating, dredging, dike and dam construction shall be allowed in wildlife refuges, game preserves, and private wildlife habitat areas for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (j) The construction and maintenance of electric, gas, telephone water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, which cannot as a practical matter be located outside the wetland, provided that any filling, excavating, ditching



**1m. 'Exempt structures.'** All of the following structures are exempt from the shoreland setback standards in subd. 1.:

- a. Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.

**Note:** This chapter does not prohibit repair and maintenance of boathouses located above the ordinary high-water mark.

- b. Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692 (1v), Stats.
- c. Fishing rafts that are authorized on the Wolf river and Mississippi river under s. 30.126, Stats.
- d. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
- e. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
- f. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.

**2. 'Floodplain structures.'** Buildings and structures to be constructed or placed in a flood plain shall be required to comply with any applicable flood plain zoning ordinance.

**3. 'Boathouses.'** The use of boathouses for human habitation and the construction or placing of boathouses beyond the ordinary high-water mark of any navigable waters shall be prohibited.

**(c) Vegetation.** To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following:

Menu » Administrative Rules Related » Administrative Code » Department of Natural Resources (NR)

» Chs. NR 100-199; Environmental Protection – General » Chapter NR 115

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Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published.





# RESOURCES FOR GREAT LAKES SHORELINE EROSION CONTROL PROJECTS

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The Lake Michigan and Lake Superior shorelines are critically important spaces for fish and wildlife habitat and recreational use. Great Lakes shorelines have many coastal influences that make them more like oceans than our thousands of inland lakes. The DNR understands landowner and municipality concerns about structures that may be at risk from bluff and dune erosion on the Great Lakes and recognizes the large investments residents have in their homes. Projects must be done in a way that minimizes lakebed fill and impacts to nearshore areas and adjacent properties.

Designing and implementing a shoreline protection project involves a complex engineering analysis of water level changes, wave heights, storm surges, lakebed analysis, sediment sampling, and potential impacts to adjacent properties. State law requires DNR authorization for any material placed in Lake Michigan and Lake Superior. Additional DNR permits may be needed for grading and dredging associated with a shoreline erosion control project.

**\*THE DNR HIGHLY RECOMMENDS THAT PROPERTY OWNERS SEEK EXPERIENCED COASTAL ENGINEERING PROFESSIONALS WHEN CONSIDERING A GREAT LAKES SHORELINE PROTECTION PROJECT.**

To review permitting options, see [Shoreline Erosion Control Permitting](#).

To start a permit application, use [DNR Water ePermitting System](#).





## GREAT LAKES WATER LEVELS

Each of the Great Lakes has an annual water level cycle driven by snowmelt, precipitation, and evaporation. In general, the lakes are at their lowest levels in the winter and highest levels in summer. The annual change in water levels is from 11 to 20 inches. In addition to annual changes, long-term lake levels fluctuate on a 10-year to 30-year cycle. On Lake Michigan, the difference between the record low and high water levels is greater than 6 feet.

See the [USACE Weekly Great Lakes Water Level Update](#) [exit DNR] for current water levels on Lake Michigan and Lake Superior.

## EROSION AND BEACHES

Erosion occurs when wave energy moves material away from shore to greater water depths. Erosion on the Great Lakes occurs even during low water levels. As wind blows across the surface, energy is transferred to the water and builds waves. As the wind blows across many miles of open water, it drags some water towards the downwind side of the lakes, causing a rise in water level along the downwind shore and a lowering of water on the upwind shore. Storm surges typically raise the water level one to two feet on the open coast and two to five feet in bays. Rising lake levels and lakebed erosion (reflected wave energy causing lakebed downcutting) create deeper water near shore and allow more wave power to hit shore. Falling lake levels have the opposite effect.

Changes in a beach shoreline are caused by sand starvation. Waves usually approach a beach at a slight angle, creating a “push” against the beach in the alongshore direction and moving sand laterally, known as littoral drift. When waves strike the shoreline straight on, sand is carried onshore with a wave and offshore with the undertow. This sand can be trapped by intrusions along the shoreline but will continue to move with high waves. If the nearshore area is deep enough or the undertow is strong enough, the sand can be moved into deeper water where it settles on the lakebed beyond wave movement and the sand may be lost to littoral drift.

The most effective shoreline protection structure is the simple beach. Its shallow sloping surface causes waves to break gradually. Structures and naturally steeper slopes can create wave run-ups that are twice the height of offshore waves. For beaches to be self-sustaining, there must be a source of sand from the updrift area that is not obstructed from wave action

Beach nourishment is a human-made addition of the sand in the littoral drift system. Rather than let calm water build up the beach, sand is intentionally placed on the beach. Beach nourishment is typically ongoing in order to be effective in the long-term. Planted vegetation such as dune grass





## EROSION AND BLUFFS

A coastal bluff on Lake Michigan or Lake Superior is susceptible to erosion and failure due to structures constructed on the bluff top, annual freezing and thawing, groundwater action in the bluff, and the slope of the bluff face. The glacial till soils of coastal bluffs are also susceptible to erosion from waves. Erosion at the base of the bluff, known as bluff toe erosion, can over time cause slumping. High water levels and continued slumping exposes more of the bluff to wave energy and can lead to bluff failures. Many property owners on the Great Lakes look to protect the toe of the bluff from erosion by constructing riprap (revetments), using large rocks, granite blocks or other material laid over filter fabric and stone. The most effective revetments are designed with the first layer of rocks trenched into the lakebed, stone high enough to prevent overtopping during storm events, and at least two layers of outer layer stone.

For more information on coastal processes and hazards, see [Resources for Property Owners | Wisconsin Sea Grant](#) [exit DNR].

## GREAT LAKES SHORELINE PROTECTION PROJECTS

### MATERIAL TYPE AND SHAPE

The types of material used determines the longevity of a shoreline protection structure. Demolition debris like cinder blocks, concrete rubble and dirt are not acceptable materials since when they exposed to wave action and thaw and freeze cycles can crack and break apart easily. Any armor layer must be sufficiently sized to be stable and made of materials that will not crack and fragment.

The shape of the materials is also an important design consideration. Multi-faceted boulders with round surfaces work better than flat stone. Flat surfaces reflect wave energy resulting in scouring at the base of the structure, may increase wave run-up, and generally cause more erosion.

### CONTRACTING WITH A COASTAL PROFESSIONAL

The cost of planning, designing, and installing shore protection structures is likely to be expensive. To help ensure a lasting investment, the DNR encourages landowners to seek experienced coastal engineering professionals to assist with your project. Coastal engineering professionals have the expertise necessary to influence the success of a shoreline project, including:





- Minimizing construction and maintenance costs
- Managing the performance and longevity of the project

Coastal professionals can also monitor the project after it is implemented and manage any modifications or repairs needed after storm damage. An investment in the services of experienced professionals is the best way to ensure the long-term success of a shoreline protection project and minimize costs during the period of ownership.

## ADDITIONAL TECHNICAL RESOURCES

- [Finding a coastal engineering consultant](#) [exit DNR]
- [Working with Contractors](#) [exit DNR]
- [Stabilizing Coastal Slopes](#) [exit DNR]
- [Shore Protection Structures](#) [exit DNR]
- [Ohio Coastal Design Manual](#) [PDF exit DNR]



# MILLER

## ENGINEERS SCIENTISTS

An Employee-Owned Company

August 10, 2023

20674-001

City of Sheboygan  
Department of Planning & Development  
828 Center Avenue  
Sheboygan, WI 53081

Subject: **Slope Stability Analysis - Conditional Use Permit (CUP) Application  
Shoreline Improvements - 120 Vollrath Boulevard**

Ladies and Gentlemen:

This letter documents our slope stability analysis related to construction of the 10' by 16' (in plan view) onshore boathouse that is planned as a buried structure at the toe of the natural lakeshore bluff on the subject parcel. This will require excavation producing about a 12 feet tall temporary cut slope. **Our analysis, as described below, indicates that this will not jeopardize stability of the natural slope.**

Stability of earth slopes is most commonly quantified by computation of a "Factor of Safety" (FOS). The FOS is the numerical ratio of the soil shear strength available along a most critical potential slip surface within the cross section of the slope, divided by the gravitational forces acting on the soil mass circumscribed by that potential slip surface. The analysis is based on the slope height, cotangent of the slope angle (as measured above horizontal), the unit weight of the soil, and the soil shear strength.

At this location the total height of the bluff is about 33 feet and the natural surface of this slope averages about 2 parts horizontal to 1 part vertical (2H:1V), the cotangent of that slope being 2.0. Shallow manual soil borings that we had performed on the natural face of the slope indicate the subsoils consist of stiff to very stiff, lean clay that has been pre-consolidated by past glaciation. Based on that, the available shear strength can be conservatively estimated to be at least 1,000 psf. For the natural slope and the temporary cut slope, the characteristics are:

	<u>Natural Existing Slope</u>	<u>Temporary Cut Slope for Construction</u>
Height (feet):	33	12
Slope Cotangent:	2.0	0.5
Soil Unit Weight (pcf):	136	136
Soil Shear Strength (psf):	1,000	1,000

5308 South 12<sup>th</sup> Street

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[www.startwithmiller.com](http://www.startwithmiller.com)



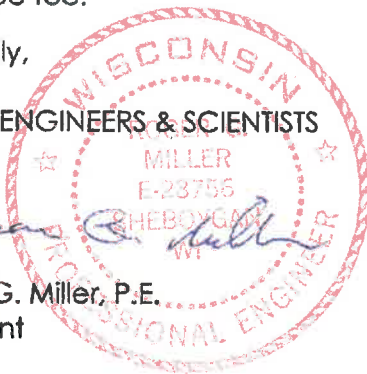
City of Sheboygan  
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Page 2

These values are noted in red on the attached Slope Stability Chart, which shows the computation results of an **FOS of 1.8 for the existing natural slope** and **3.1 for the temporary cut slope** for construction of the buried boathouse. Because an FOS of 1.0 implies incipient failure, and FOS of least 1.5 is desirable to provide a reasonable margin of safety. The computed FOS of 1.8 is therefore consistent with our inspection of this natural slope face showing no evidence of instability. This is expected to persist with the vegetation management being done. **The computed FOS of 3.1 of the temporary cut slope for construction of the buried boathouse indicates that it's not a destabilizing factor.** And construction of the boathouse, as it is designed, will maintain stabilizing resistance to the slope toe.

Sincerely,

MILLER ENGINEERS & SCIENTISTS

  
Roger G. Miller, P.E.  
President



8/10/23

Attachments: Slope Stability Chart

\\Fs01\\sys\\DATA\\20600\\20674 - Kohler Shoreline Access\\001 - Slope Improvements\\21-xxxx - PHASE Template\\Reports\\Letter Report for Slope Stability Analysis - Kohler Shoreline.docx



a) EXISTING SLOPE:

$$H = 628' - 595' = 33'$$

$$\gamma_m = 136 \text{ pcf}$$

$$\text{cot } \beta = 2.0$$

$$c = 94 \leq 1000 \text{ MF}$$

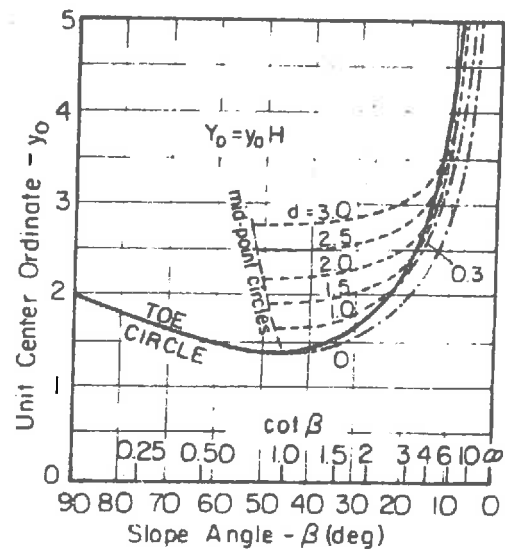
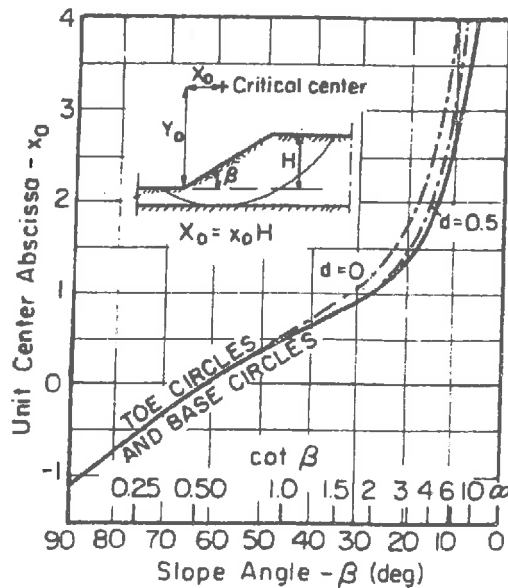
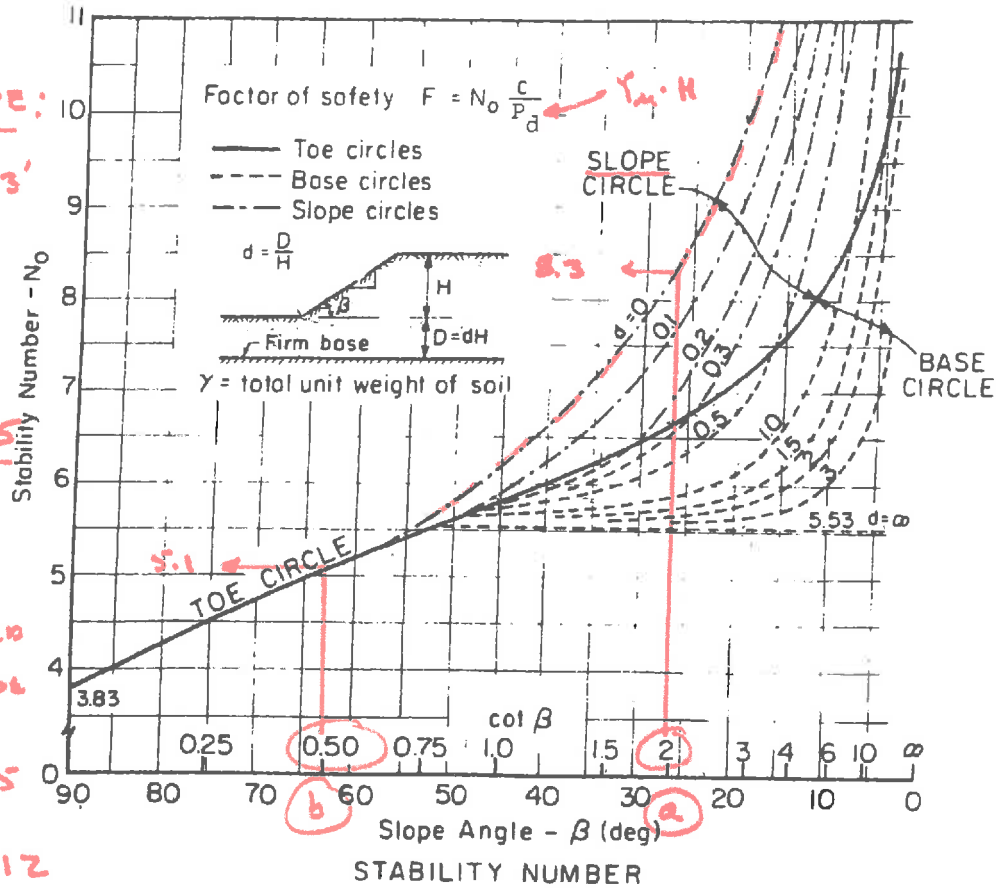
$$F = \frac{8.3(1000)}{33(136)} = 1.85$$

b) TEMP. CUT TO  
CONSTRUCT BUNKER  
BATHHOUSE @ TOE  
OF SLOPE:

$$H = 12' \text{ cot } \beta = 0.5$$

$$F = \frac{5.1(1000)}{136(12)} \leq 3.12$$

RGH  
 8/9/23



CENTER COORDINATES FOR CRITICAL CIRCLE

Fig. 6 SLOPE STABILITY CHARTS FOR  $\phi = 0$  SOILS (after Janbu, 1968)



# KOHLER SHORELINE ACCESS

120 VOLLRATH BLVD., CITY OF SHEBOYGAN, WI

ORIGINAL PLANS

PREPARED BY

**MILLER**  
ENGINEERS  
SCIENTISTS

5308 S 12TH STREET  
SHEBOYGAN, WI 53081  
(920) 458-6164

PREPARED FOR

RACHEL KOHLER  
120 VOLLRATH BLVD.  
SHEBOYGAN, WI



SITE LOCATION



SITE LOCATION

## DRAWING INDEX

SHEET NO.	DESCRIPTION
1	TITLE SHEET, INDEX, AND LOCATION MAP
2	EXISTING CONDITIONS MAP
3	SITE PLAN
4	EROSION CONTROL PLAN
5	BOATHOUSE STRUCTURAL PLAN

9/1/2023

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NO.	DATE	DESCRIPTION	BY

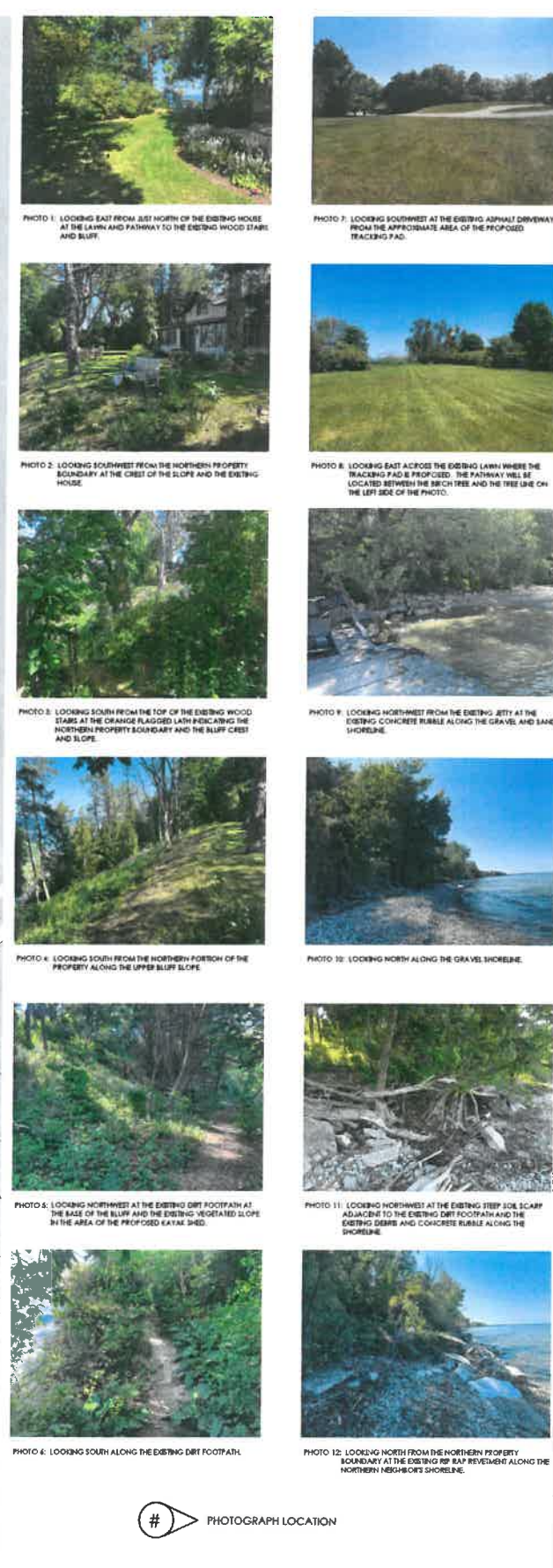
LAKESHORE ACCESS  
MS. RACHEL KOHLER  
120 VOLLRATH BOULEVARD  
SHEBOYGAN, WISCONSIN

SCALE	
HOR.	NA
VER.	NA
DATE	09/01/2023
JOB	20674-A
BY	EBB
CK	RGM

SHEET	1	5
OF		

TITLE SHEET, INDEX, AND LOCATION MAP





### EXISTING CONDITIONS MAP

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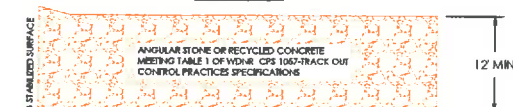




## EROSION CONTROL METHODS

1. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE WISCONSIN DNR CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL TECHNICAL STANDARDS, AND THE CITY OF SHEBOYGAN REQUIREMENTS.
2. MANUFACTURED ALTERNATIVES APPROVED AND LISTED ON THE D.O.T. EROSION CONTROL PRODUCT ACCEPTABILITY LIST MAY BE SUBSTITUTED.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL AT A MINIMUM, BE INSPECTED WEEKLY AND WITHIN 24 HOURS AFTER EVERY PRECIPITATION EVENT THAT PRODUCES 0.5 INCH OF RAIN OR MORE DURING A 24 HOUR PERIOD. MAINTENANCE SHALL BE COMPLETED AS SOON AS POSSIBLE WITH CONSIDERATION GIVEN TO THE SITE CONDITIONS.
4. ALL SEDIMENT CONTROL MEASURES SHALL BE ADJUSTED TO MEET FIELD CONDITIONS AT THE TIME OF CONSTRUCTION AND BE INSTALLED BEFORE ANY GRADING WORK, OR DISTURBANCE OF EXISTING SURFACE MATERIAL.
5. ALL TEMPORARY SOIL EROSION PROTECTION DEVICES SHALL REMAIN IN PLACE UNTIL THE DISTURBED AREAS ARE PERMANENTLY STABILIZED AND NO LONGER SUSCEPTIBLE TO EROSION.
6. STONE TRACKING PADS SHALL BE INSTALLED AT ALL CONSTRUCTION SITE EXITS PRIOR TO BEGINNING ANY CONSTRUCTION, TO PREVENT TRACKING OF SOIL OFF THE SITE. ALL SOIL TRACKED OFF SITE ONTO PAVED SURFACES SHALL BE REMOVED AT THE END OF EACH WORK DAY.
7. OVERLAND SURFACE DRAINAGE SHALL BE PREVENTED FROM LEAVING THE WORK SITE BY INSTALLING EROSION CONTROL DEVICES AS SHOWN ON THE PLANS.
8. IF THERE ARE DISCREPANCIES BETWEEN THESE DETAILS AND THE DNR TECHNICAL STANDARDS FOR SEDIMENT AND EROSION CONTROL, THE MORE RESTRICTIVE REQUIREMENT SHALL BE FOLLOWED.
9. TOPSOIL, SEED, AND MULCH ANY NON-PAVED AREA WITHIN 1 WEEK OF COMPLETION OF THE GRADING OPERATION IN THAT AREA.
10. CLASS 1 -TYPE B EROSION CONTROL MAT SHALL BE PLACED ON ALL DISTURBED SLOPES GREATER THAN 10%.

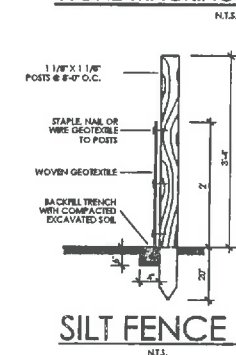
PLAN VIEW



**PROFILE VIEW**



### STONE TRACKING PAD DETAIL



### SILT FENCE CONSTRUCTION SPECIFICATIONS

1. PLACE STAPLE FENCE AROUND DISTURBED AREAS AS SHOWN ON THE PLANS.
2. THE GEOTEXTILE SHALL BE ATTACHED TO THE UPSTREAM SIDE OF THE POSTS WITH WIRE STAPLES OF WOODEN LATH AND NAILS
3. WHEN JOINTS ARE NECESSARY, OVERLAP THE GEOTEXTILE AT A POST.
4. THE GEOTEXTILE SHALL BE WOVEN POLYESTER, POLYPROPYLENE, STABILIZED NYLON, POLYETHYLENE OR POLYVINYLENE CHLORIDE. IT SHALL MEET THE FOLLOWING PHYSICAL STANDARDS REQUIREMENTS:
5. THE GEOTEXTILE SHALL BE ANCHORED AT THE BOTTOM BY SPREADING AT LEAST 8" OR IN A 4"X16" TRENCH AND BACKFILLING.
6. POSTS TO BE 1 1/2" X 1 1/8" OAK, HICKORY OR STEEL RODS, 15' LONG AND SPACED AT 10' ON CENTER.









## FULL VENEER

### COMMON COVERAGE

Standard Joint	Drystack	Overgrout
40 square feet / ton	30 ft <sup>2</sup> /ton	50 ft <sup>2</sup> /ton

### DIMENSIONS

l: 6" to 24"

h: 2" to 12"

w: 3" to 5" (4")

note: lengths and heights can vary with rough irregular shapes mixed in.

### TYPICAL PIECE

Ends random, completely random mix of Fond du Lac and Mill Creek material; rough cut stone is a mixture of splitface, natural splitface, and bedface; stone is mixture of square, rectangular, triangular, trapezoidal, and parallelogram shapes.

## THIN VENEER

### COMMON COVERAGE PER BOX

Standard Joint	Drystack	Overgrout
8 & 100 square feet	6 & 75 ft <sup>2</sup>	10 & 110 ft <sup>2</sup>

### DIMENSIONS

l: 6" to 24"

h: 2" to 12"

w: 3/4" to 1-1/4" (1")

corner return 3" to 6"  
note: lengths and heights can vary with rough irregular shapes mixed in.

### TYPICAL PIECE

Ends random, completely random mix of Fond du Lac and Mill Creek material; rough cut stone is a mixture of splitface, natural splitface, and bedface; stone is mixture of square, rectangular, triangular, trapezoidal, and parallelogram shapes, back is sawn.



**FIELDLEDGE**  
KOHLER HERITAGE  
BLEND

**GEOLOGY:** dolomitic limestone- quarried in USA

### COLOR RANGE

grays, dark grays, charcoals, whites, tans, golds and buffs

**COLOR CONSISTENCY PER PALLET**  
somewhat consistent

### PALLET

FULL VENEER: 4,000 pounds

THIN VENEER: 10-15 lbs/ft<sup>2</sup>; Qty Bx or Sm Bx

Qty Bx-100 sq ft flats and 50 lineal ft corners

Sm Bx- (24) 8 sq ft flats (192 sq ft) and  
(20) 8 lineal ft corners (160 lineal ft)

### ASTM TESTING DATA

MILL CREEK C97 water absorption—0.51%

MILL CREEK C97 density—172.6 pcf

MILL CREEK C99

modulus of rupture perpendicular —2,280 psi

modulus of rupture parallel —860 psi

MILL CREEK C170

compressive strength—28,100 psi

MILL CREEK C880 flexural strength—1,580 psi

FOND DU LAC C97 water absorption—0.11%

FOND DU LAC C97 density—176.5 pcf

FOND DU LAC C99

modulus of rupture—2,480 psi

FOND DU LAC C170

compressive strength w/rift—31,810 psi

compressive strength across rift—26,550 psi

FOND DU LAC C880

flexural strength—1,740 psi

## PART NUMBERS

### FULL VENEER:

1BSTBUE02040TN - Sold per Ton

### THIN VENEER:

Qty Bx flat: 1BTVBUE02040QB - Sold per pallet

Sm Bx flat: 1BTVBUE02040BX - Sold per box

Qty Bx corner: 1BTVBUE02540QB - Sold per pallet

Sm Bx corner: 1BTVBUE02540BX - Sold per box

## ARCHITECT/DESIGNER INFO MATERIAL BANK

SKU: SM04013



## INSTALLATION SHOWN

Mortar: Western Type- S

Joint Type: Overgrout

## BIM DETAILS

Revit, Hatching Patterns,  
Seamless Textures, 3-Part  
Specs, DWGS, 50%,  
Warranty

