



# **ZONING BOARD OF APPEALS AGENDA**

**July 17, 2024 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 June 19, 2024

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

- [5.](#) A variance application by Austin Jaeger requesting to construct a detached 22 ft x 26 ft garage to the north of the single-family dwelling. The garage would be set 1.5 feet back from the east property line and 5 feet from the north property line located at 716 Highland Terrace.
- [6.](#) A variance application by Andrew Rosenthal requesting to construct an attached 24 ft x 27 ft garage and 10 ft x 27 ft bonus room to the east side of the two-family dwelling. The addition would be set 2 feet back (north) from the south wall of the dwelling located at 834 Mayflower Avenue.
- [7.](#) A variance application by Gregory Schmidt requesting to construct a 6-foot-high privacy fence within their required street-yard setback of 25 feet located at 1816 Grams Court.
- [8.](#) A variance application by Tamara Lukonen requesting to construct a 6-foot-high privacy fence within their required street-yard setback of 25 feet located at 3990 Pine Bluff Drive.

## **NEXT MEETING**

9. Next scheduled meeting date August 21, 2024

## **ADJOURN**

10. 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, June 19, 2024**

**Members Present:** Keeli Johnson, Tad Tjapkes, Ed Surek and Markus Savaglio

**Members Excused:** Richard Linde, Kevin Sampson and Sala Sander

**Staff/Officials Present:** Associate Planner Ellise Rose and Building Inspection Specialist Linnae Wierus

### OPENING OF MEETING

1. Call to Order

Keeli Johnson called the meeting to order at 3:12 pm.

2. Pledge of Allegiance

The Pledge 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 May 15, 2024

MOTION TO APPROVE THE MINUTES OF THE PREVIOUS MEETING HELD ON MAY 15, 2024.

Motion made by Tad Tjapkes, seconded by Ed Surek

Voting Yea: Keeli Johnson, Tad Tjapkes, Ed Surek and Markus Savaglio

### ITEMS FOR DISCUSSION AND POSSIBLE ACTION

5. Variance application by Miguel Morales requesting to construct a 6-foot-high privacy fence within their required street-yard setback of 25 feet located at 233 Lincoln Avenue.

MOTION TO APPROVE WITH THE FOLLOWING CONDITION

Motion made by Markus Savaglio, seconded by Tad Tjapkes

Voting Yea: Keeli Johnson, Tad Tjapkes, Ed Surek and Markus Savaglio

1. Fencing should be vinyl or shadow box style

6. Variance application by David and Kathleen Dana requesting to expand their driveway located at 2113 N 28<sup>th</sup> Street.

MOTION TO APPROVE WITH THE FOLLOWING CONDITIONS

Motion made by Markus Savaglio, seconded by Ed Surek

Voting Yea: Keeli Johnson, Tad Tjapkes, Ed Surek and Markus Savaglio

1. 4-inch curb required along the north side of the driveway addition
2. Driveway to be pitched properly towards the street and not cause drainage issues for the neighboring property

7. Variance application by Julia Dumez requesting to pave and expand a legally nonconforming driveway 2412 N 6<sup>th</sup> Street.

Item 4.

MOTION TO APPROVE AS PRESENTED.

Motion by Markus Savaglio, seconded by Tad Tjapkes

Voting Yea: Keeli Johnson, Tad Tjapkes, Ed Surek and Markus Savaglio

#### **NEXT MEETING**

8. Next scheduled meeting date on July 17, 2024.

The next meeting is scheduled on July 17, 2024

#### **ADJOURN**

9. Motion to Adjourn

MOTION TO ADJOURN AT 3:44 PM.

Motion by Markus Savaglio, seconded by Tad Tjapkes

Voting Yea: Keeli Johnson, Tad Tjapkes, Ed Surek and Markus Savaglio

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

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**ITEM DESCRIPTION:**

Address: 716 HIGHLAND TER

Parcel #: 012660

Owner's Name: AUSTIN W JAEGER

Zoning: SR-3 (SUBURBAN RESIDENTIAL 3)

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**REPORT PREPARED BY:** Ellise Rose, Associate Planner

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**REPORT DATE:** 07/2/2024

**MEETING DATE:** 07/17/2024

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**BACKGROUND / ANALYSIS**

Owner would like to construct a detached 22 ft x 26 ft garage to the north of the single-family dwelling. The garage would be set 1.5 feet back from the east property line and 5 feet from the north property line.

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Ordinance #: Sec 104-180(b)(3)(a) Building coverage ratio: 0.30.

Requesting: 0.33 building coverage ratio

Allowed: 0.30 building coverage ratio

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Ordinance #: 105-180(b)(3)(g) Side lot line to accessory structure: Five feet.

Requesting: 1.5 feet

Allowed: 5 feet

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**ATTACHMENTS:**


Application, pictures, and drawing

6/19 - due date, 7/17 - BOA meeting @ 3pm

Item 5.

|   |  |                    |
|---|--|--------------------|
|  | <p align="center"><b>CITY OF SHEBOYGAN</b></p> <p align="center"><b>VARIANCE APPLICATION</b></p> | 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)<br><u>Austin Jaeger</u>   |                          |   |                          |
| Mailing Address<br><u>716 Highland Terrace</u>  | City<br><u>Sheboygan</u> | State<br><u>WI</u>                                      | ZIP Code<br><u>53083</u> |
| Email Address<br><u>the jaegerfam 5@gmail.com</u>   |                          | Phone Number (incl. area code)<br><u>(920) 918-6283</u> |                          |
| Applicants interest in property:<br><u>Owner/Builder</u>  |                          |   |                          |
| <b>SECTION 2: Property Information</b>  |                          |   |                          |
| Property Address<br><u>716 Highland Terrace</u>   | City<br><u>Sheboygan</u> | State<br><u>WI</u>                                      | Zip<br><u>53083</u>      |
| Type of Building: <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential  |                          |   |                          |
| Request for: <input checked="" type="checkbox"/> New Construction <input 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:  |                          |   |                          |
| 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>  |                          |   |                          |
| <p><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.</p> <p><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.</p> |                          |   |                          |
| Name of Owner/Authorized Representative (please print)<br><u>Austin W Jaeger</u>  | Title                    | Phone Number<br><u>(920) 918-6283</u>                   |                          |
| Signature of Applicant<br>   |                          | Date Signed<br><u>17 June 2024</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.

Dear Board Members,

My finance and I purchased the home in December of 2023 at which time there was no structure for the garage and an existing dilapidated foundation. When we started the process of applying for a permit to build the garage, we were informed of the requirements by a previous building department employee. With that information we completed a survey and building plans, but when submitted we were informed that the requirements we were told were different than the actual requirements. Therefore, our proposed garage is oversized for lot coverage and too close to the property line. Because of the expenses incurred with surveying, utility relocation, tree removal, building planning, and insufficient space for family storage, we are requesting a variance. This variance includes 1.5' off the east property line and increased square footage allowance of garage size.

The first test for a variance explains what hardship is created by the application of the zoning ordinance. This ordinance causes our family hardship because based on our lot size, 30% would only allow us a 336 sqft garage, which is insufficient for all of our possessions. As a family of 5 with two working parents that each require a vehicle for work, that small of a garage would prevent us reasonable use of this property. We currently have a temporary shed, however this is not large enough to hold any of our larger outdoor items. This causes unsightly views of the backyard and increased wear and tear on the items.

The second test for a variance explains unique physical characteristics of our property that prevent us from completing proposed construction in compliance with the ordinance. Due to the nature of the small lot and narrow driveway, we are limited on placement for the proposed garage. If we were allowed to build the proposed garage size, but maintain required setback of 5', this would prevent us from being able to utilize the entirety of the garage due to the narrow driveway with getting a vehicle in and out. This would decrease the amount of space for us to enter the garage which could increase the chance of side swiping the northeast corner of our home.

The third test for a variance considers harm to public interest. We feel this would not harm public interest because it would be increasing the aesthetic appeal of our home and would be less of an eyesore for our surrounding neighbors. Since our purchase we have received many complements from neighbors about the improvements we have made from what was here previously for many years. Being allowed to build this proposed garage would allow us to continue increasing the aesthetics of the property and continued approval from surrounding neighbors.

We want to thank you for your time and consideration regarding this variance. We are very excited about our first home and look forward to continuing to improve the property for our needs and the surrounding community.

Sincerely,  
The Jaeger Family

Photographs of the property



This is the new proposed garage service door next to our current front door on the house. This is meant to show similarity between the two.





This is a photo of the proposed garage siding next to existing house siding. This is meant to show that we are keeping the colors of the garage siding consistent with what is existing on the home.

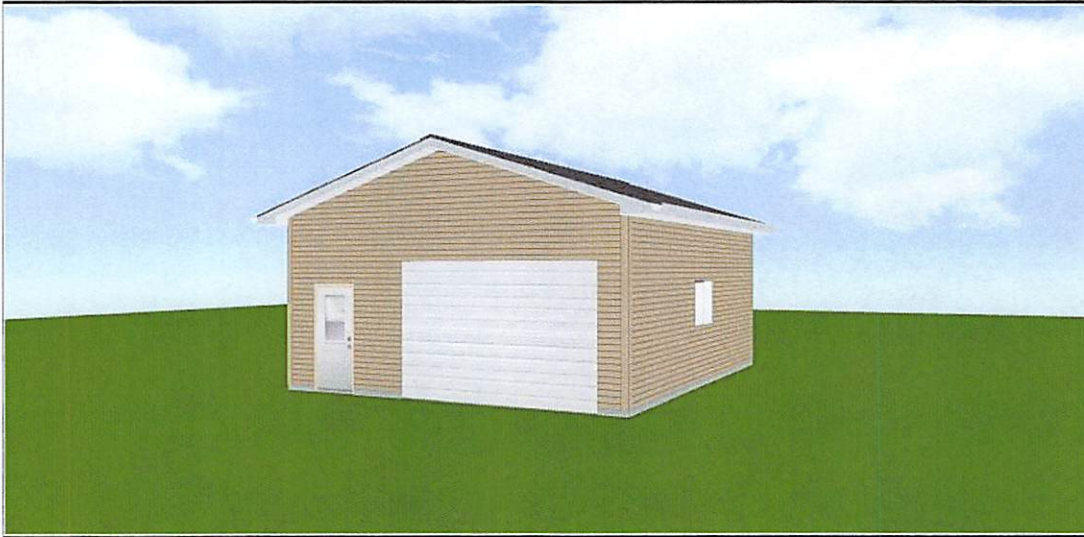


This is a photo of the existing roof on the home next to the proposed roof for the garage. This is meant to show that we are staying consistent with the material and color between the home and garage.

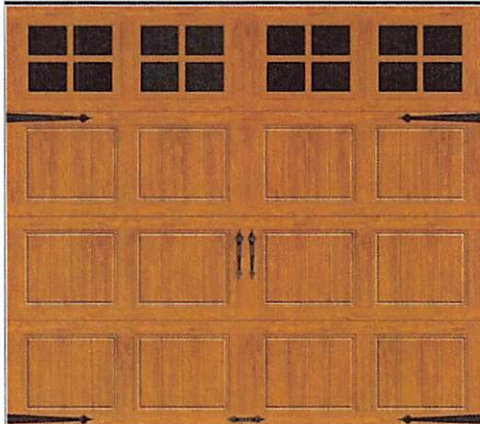




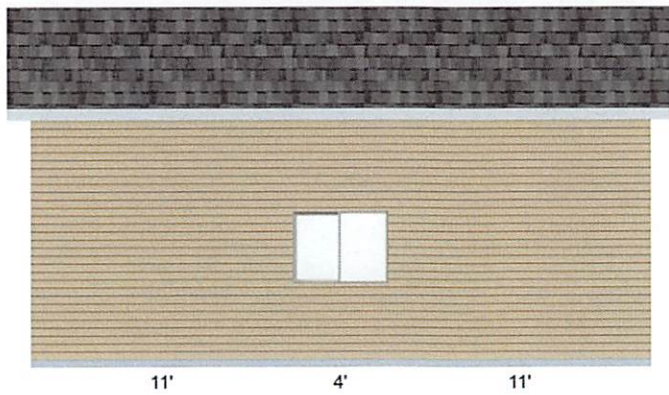
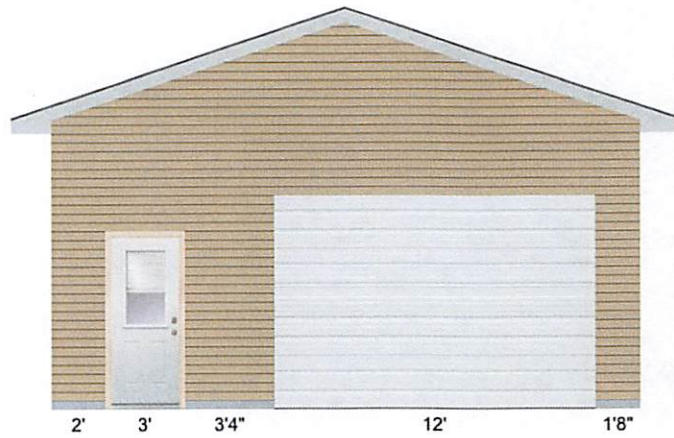
This photo shows the roof and siding color together, which will be the same as the garage for your visual reference.



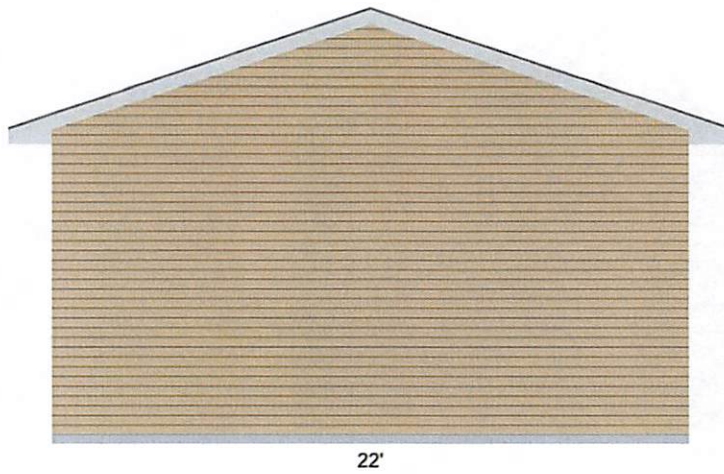
This is what the garage will look like, but with a different garage door which will be shown below.



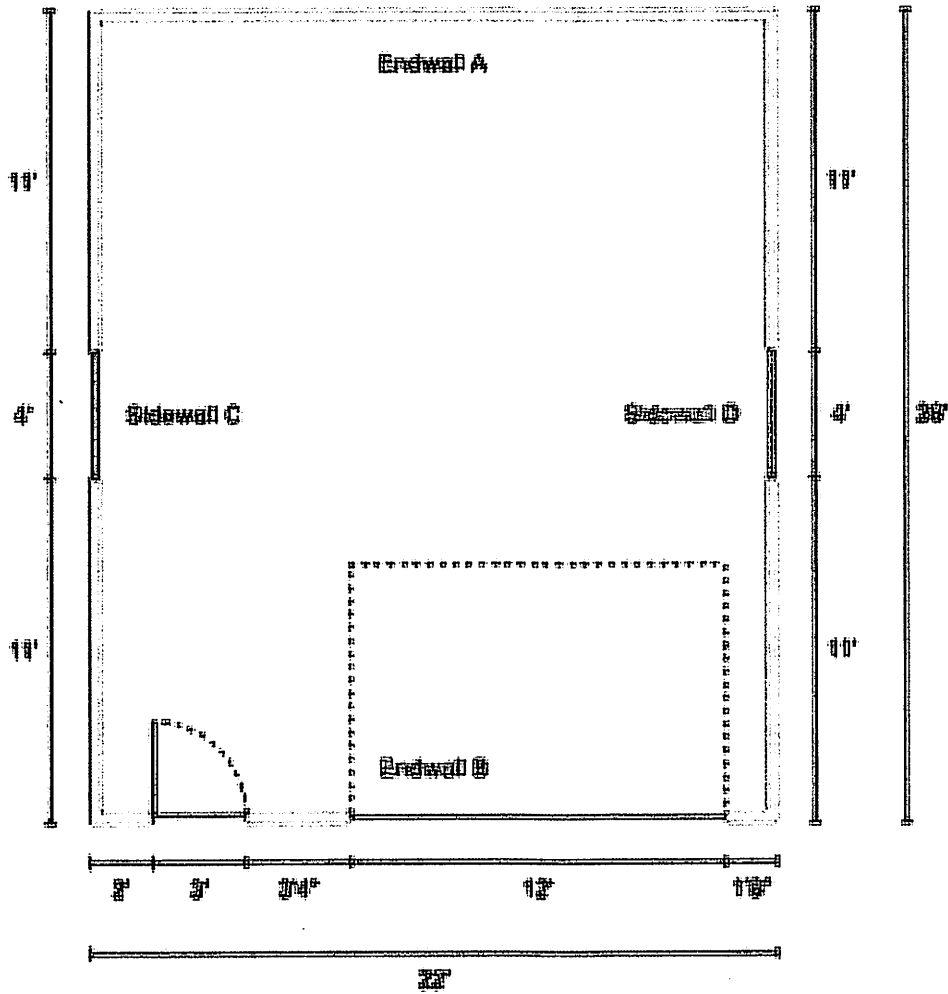




This is what the front and sides of the garage will look like.



This is what the backside of the garage will look like.

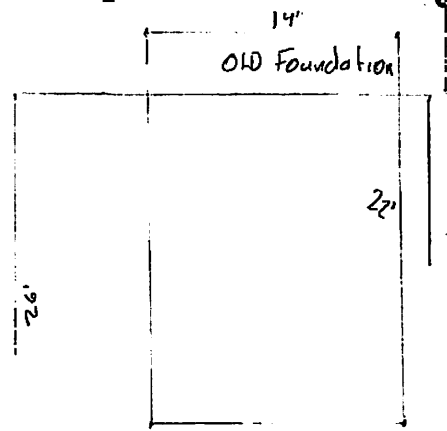


This is the layout with dimensions of the garage including windows and doors.

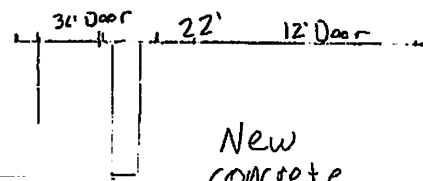
Lot Markers →

50.10'

Item 5.



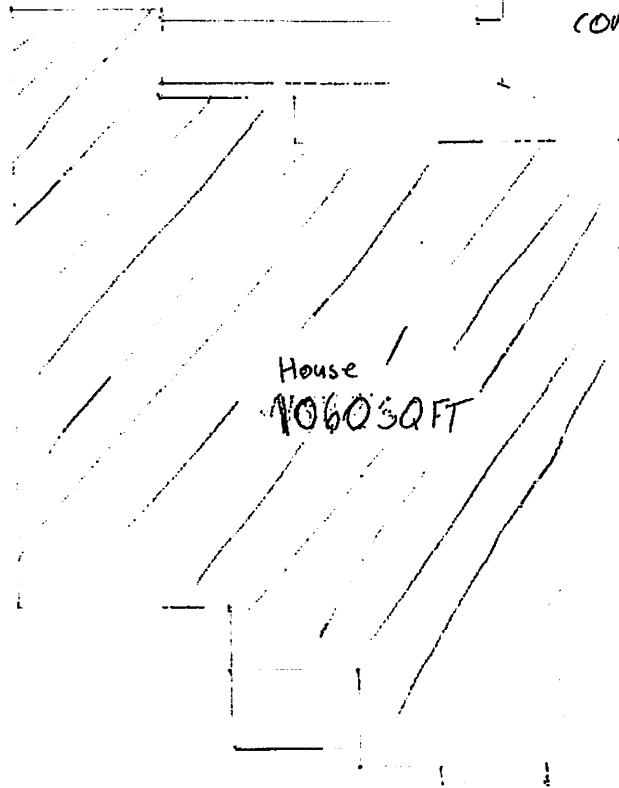
NEW garage 572 sq ft



New concrete

1" = 10'

100.04'



House 1060 sq ft

EXISTING DRIVE WAY

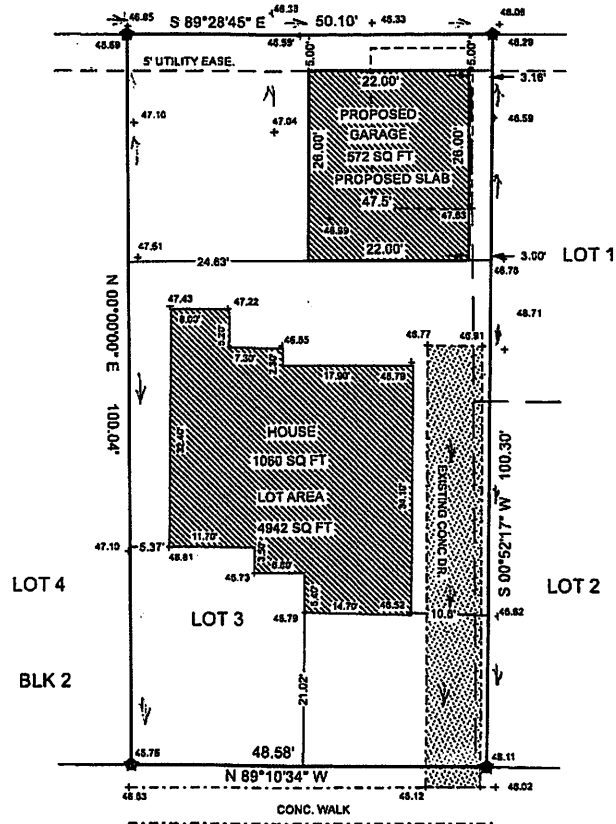
100.30'

48.58'



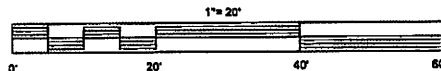
D & H LAND SURVEYS LLC  
1628 GEORGIA AVENUE  
SHEBOYGAN, WISCONSIN

716 HIGHLAND TERRACE  
PARCEL 59281012880  
BEING ALL OF LOT 3 BLOCK 2 OF PLEASANT VIEW SUBDIVISION,  
CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN,  
AND PART OF LOT 1 AND 2 OF BLOCK 2 OF PLEASANT VIEW SUBDIVISION  
DESCRIBED AS COMMENCING AT THE SW CORNER OF LOT 2;  
THENCE NORTH ON THE WEST LINE OF LOT 1 AND 2 TO THE NW CORNER OF LOT 1;  
THENCE EAST ALONG NORTH LINE OF LOT 1 3.50 FEET;  
THENCE SOUTHWESTERLY TO A POINT IN THE SOUTH LINE OF LOT 2,  
THENCE WEST 1.5' TO THE POINT OF BEGINNING.



HIGHLAND

TERRACE



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

*Dennis J. Van Sluys*  
Dennis J. Van Sluys S-1238

Dated this 24th day of April, 2024.

★ = 1" IRON PIPE FOUND  
+ = EXISTING GRADE CITY DATUM

DATA/CSHEB24/716HIGHL L-24827

## REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

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**ITEM DESCRIPTION:**

Address: 834 MAYFLOWER AVE

Parcel #: 719500

Owner's Name: ANDREW ROSENTHAL

Zoning: UR-12 (URBAN RESIDENTIAL)

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**REPORT PREPARED BY:** Ellise Rose, Associate Planner

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**REPORT DATE:** 07/2/2024

**MEETING DATE:** 07/17/2024

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**BACKGROUND / ANALYSIS**

Owner would like to construct an attached 24 ft x 27 ft garage and 10 ft x 27 ft bonus room to the east side of the two-family dwelling. The addition would be set 2 feet back (north) from the south wall of the dwelling. The owner would combine the two parcels if variance is approved.

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Ordinance #: Sec 105-722(d)(2)(a) The maximum number of accessory structures per lot is three--not to exceed one garage, one shed, one gazebo or one greenhouse

Requesting: 2 garages

Allowed: 1 garage

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Ordinance #: 105-300(b)(3)(c) Front or street side lot line to attached garage: two flat, duplex, twin house, townhouse, multiplex, and apartment: 20 feet

Requesting: 16.7 feet

Allowed: 20 feet

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**ATTACHMENTS:**

Application, pictures, and drawing

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

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

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

Item 6.

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

**SECTION 1: Applicant/ Permittee Information**

|   |                       |  |                       |
|---|-----------------------|--|-----------------------|
| Name (Ind., Org. or Entity) <b>Andrew Rosenthal</b> |                       |  |                       |
| Mailing Address <b>834 Mayflower Ave</b>            | City <b>Sheboygan</b> | State <b>WI</b>                                    | ZIP Code <b>53083</b> |
| Email Address <b>andrew.rosenthal7@gmail.com</b>    |                       | Phone Number (incl. area code) <b>920-946-7461</b> |                       |
| Applicants interest in property: <b>Home owner</b>  |                       |  |                       |

**SECTION 2: Property Information**

|   |                       |                 |                  |
|---|-----------------------|-----------------|------------------|
| Property Address <b>834 Mayflower Ave</b>   | City <b>Sheboygan</b> | State <b>WI</b> | Zip <b>53083</b> |
| 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 |                       |                 |                  |

**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) <b>Andrew J Rosenthal</b> | Title <b>Home owner</b> | Phone Number <b>920-946-7461</b> |
| Signature of Applicant   |                         | Date Signed <b>7/3/2024</b>      |

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.

Andrew Rosenthal  
834 Mayflower Ave.  
Sheboygan, WI 53083  
June 12, 2023

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

Dear City of Sheboygan Zoning Board of Appeals :

My family is looking to build an addition to our existing house that would include a mudroom and an attached garage. This is adding space to make this into our forever home. We have been working toward that since 2019 when we purchased the home. It's been a slow go, but we are making positive changes to the properties. After consulting with my general contractor and the building inspector, there are city ordinances that need variance approval to proceed. This build will cause us to crossover the house parcel on to the neighboring parcel, which we own. We are in the process of combining the properties prior to building but are awaiting the results from this to finalize that transaction.

### **Second Garage Allowance**

The first is the ordinance that restricts properties to one garage. Our home is a duplex, and if you reference the layout property drawing, the existing garage is on the rental side of our duplex. Many side by side duplexes in Sheboygan have garage space for tenants that is shared. It is not possible for us to accomplish that with the current layout with the garage on one side of the property. The location is not conducive to our family's use for car storage. That driveway is part of the off-street parking we offer to our tenants and there is not enough space to share the driveway to use the garage. This attached garage would allow us to offer protected parking for both our tenants and us.

### **Setback requirement**

The second is the setback ordinance. The current house is 21' from the sidewalk, which was allowable when this house was built. We are proposing the addition to be 23' from the sidewalk, but that is as far as we can setback without causing problems. The design intent is to continue the roof line to the east, to keep the look consistent. The 25' setback would add an awkward roof transition to the new addition to get the space we are looking for and add cost. We want the addition to flow out of the current house to appear natural, not pieced together so that it is aesthetically pleasing to our neighborhood.

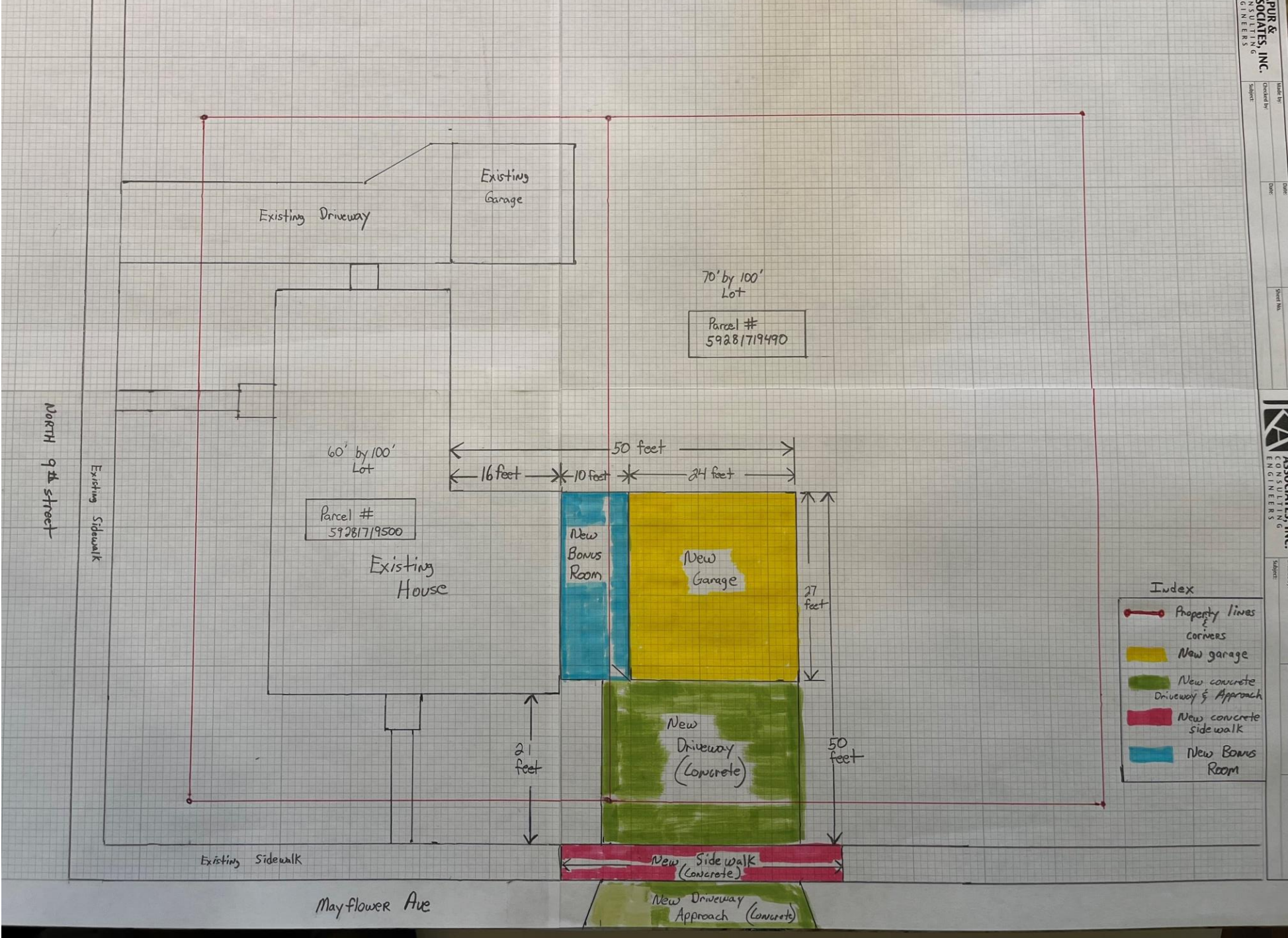
To both variances, we did look at what we could do internally in our home without adding the space by making this a single-family home. After looking into this, the current layout of the home does not show a path to an easy change to give us the space and garage use that we are looking for. Ultimately, we decided taking the income away to make this a single-family home would be a difficult for us to make up and desire to keep this a duplex.

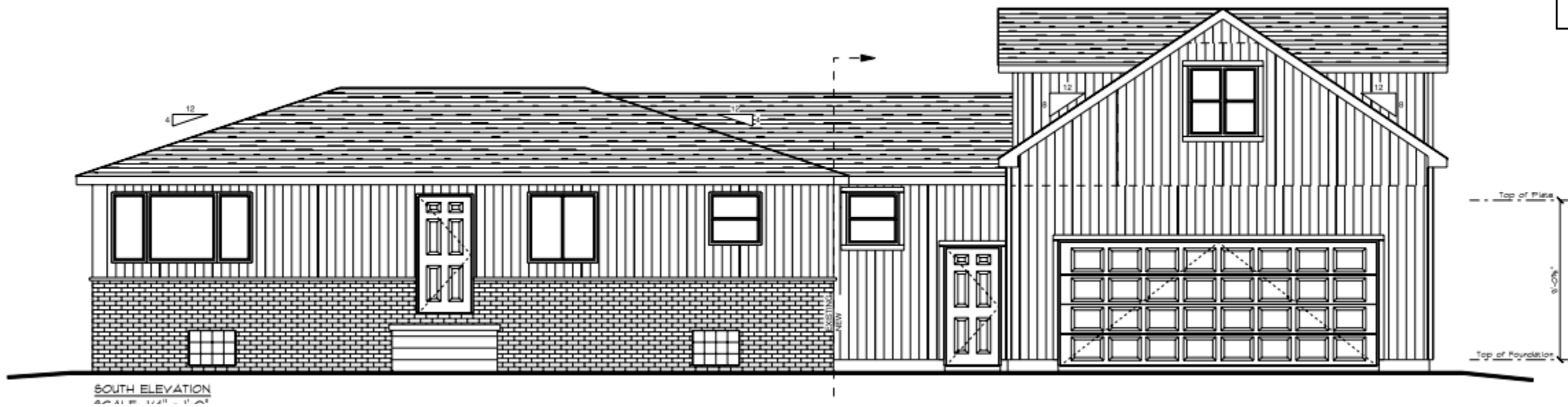
I am asking for my variance to be place on the agenda for the next meeting. We have contacted a surveyor, but that work may not be done by the time this board meets, I hope the plans put together will give enough information to approve the variances.

Thank you so much for your time, please feel free to contact me with any questions you have.

Sincerely,

Andrew Rosenthal



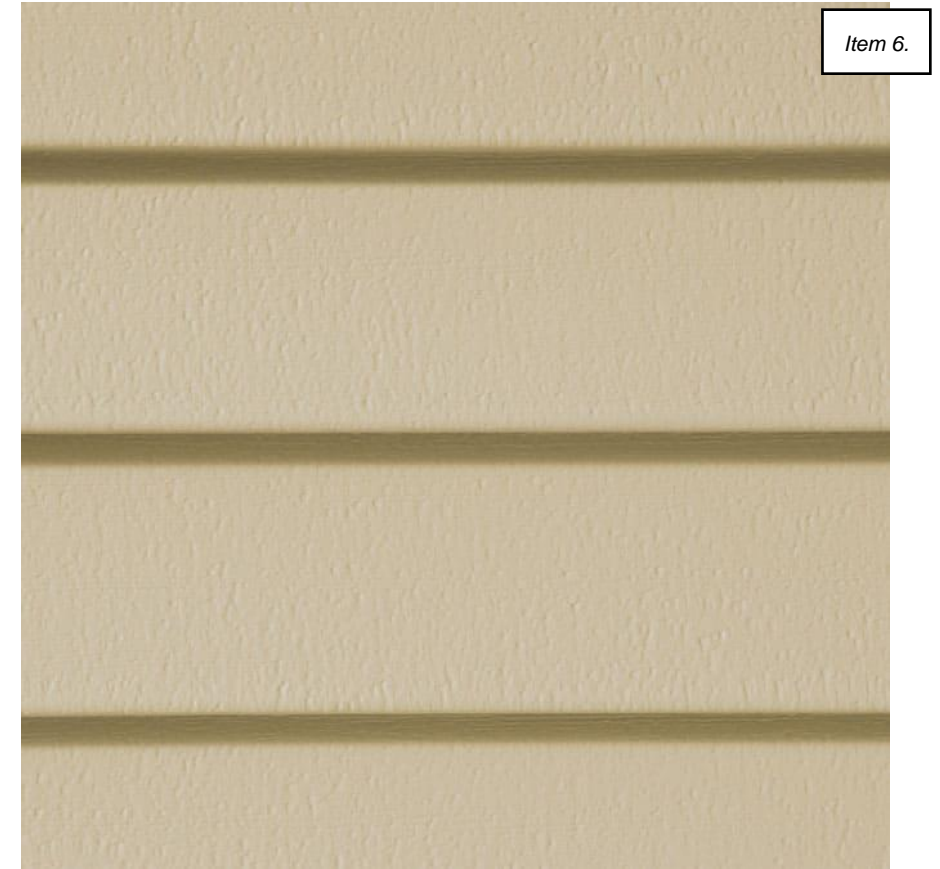




Monogram® Horizontal Vinyl Siding Products – CertainTeed  
Savannah Wicker (white trim)

Landmark Shingles

Driftwood- to match the existing house











## REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

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**ITEM DESCRIPTION:**

Address: 1816 GRAMS CT

Parcel #: 414960

Owner's Name: GREGORY D SCHMIDT

Zoning: NR-6 (NEIGHBORHOOD RESIDENTIAL 6)

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**REPORT PREPARED BY:** Ellise Rose, Associate Planner

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**REPORT DATE:** 07/3/2024

**MEETING DATE:** 07/17/2024

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**BACKGROUND / ANALYSIS**

Owner would like to construct a 6 foot high privacy fence within their required street-yard setback of 25 feet.

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Ordinance #: Sec 105-945(c)(1)a - Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 50 percent opaque.

Requesting: solid fence

Allowed: 50% opaque

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Ordinance #: Sec 105-945(c)(3)a - *Maximum height*. The maximum height of any fence, landscape wall, or decorative post shall be the following: Four feet when located within a required street yard on any property...

Requesting: 6 feet height within required street yard

Allowed: 4 feet height within required street yard

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Ordinance #: Sec 105-945(c)(3)b - Six feet when located on any residentially zoned property, within required interior side or rear yards, but not within a required front yard or a required street yard.

Requesting: 6 feet within required street yard

Allowed: 4 feet within required street yard

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**ATTACHMENTS:**

Application, pictures, and drawing



242084

Item 7.

|   |  |                    |
|---|--|--------------------|
|  | <p align="center"><b>CITY OF SHEBOYGAN</b></p> <p align="center"><b>VARIANCE APPLICATION</b></p> | 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)<br><u>GREG SCHMIDT</u>  |                          |   |                          |
| Mailing Address<br><u>1816 GRAMS CT.</u>  | City<br><u>SHEBOYGAN</u> | State<br><u>WI</u>                                    | ZIP Code<br><u>53081</u> |
| Email Address<br><u>YROGERG300@HOTMAIL.COM</u>  |                          | Phone Number (incl. area code)<br><u>262-989-7625</u> |                          |
| Applicants interest in property:<br><u>OWNER</u>  |                          |   |                          |
| <b>SECTION 2: Property Information</b>  |                          |   |                          |
| Property Address<br><u>SAME</u>   | City<br><u>SAME</u>      | State<br><u>WI</u>                                    | Zip<br><u>53081</u>      |
| 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 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:  |                          |   |                          |
| 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>  |                          |   |                          |
| <p><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.</p> <p><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.</p> |                          |   |                          |
| Name of Owner/Authorized Representative (please print)<br><u>GREG SCHMIDT</u>   | Title<br><u>OWNER</u>    | Phone Number<br><u>262-989-7625</u>                   |                          |
| Signature of Applicant<br><u>[Signature]</u>  |                          | Date Signed<br><u>6/19/2024</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.

414960

**Re: variance application**

Greg S <yrogerg300@hotmail.com>

Thu 6/20/2024 10:26 AM

To: Wierus, Linnae <Linnae.Wierus@sheboyganwi.gov>

📎 2 attachments (537 KB)

My Back 4.pdf; My Back 4.pdf;

Good morning,

Attached is overhead view of property located at 1816 GRAMS CT.

Key:

Dashed lines represent location of proposed 6 ft high vinyl fence

The dark green circles indicate arborvitae trees

Test #1: Unnecessary hardship:

Due to the railroad line that runs just to the west of the property & the idling train engines that are stationed overnight at Union Avenue & Sauk Trail Road, there is no existing way within the ordinance to combat the continuous noise that occurs nightly year-round. That is the reason the proposed vinyl fence and tree line is located as such on the attachment; to create a barrier in which to greatly reduce the noise.

Test #2: Unique property limitations:

In order for the property to be in compliance with the ordinance, the house, ideally, should have been built facing the west with the garage located as is; thus creating a yard between the two structures. The land to the west of the residence, as it currently exists has limited opportunity to offer any updating.

Test #3: No harm to public interest:

Proposed vinyl fence and tree line does not interfere with pedestrians or traffic.

Will be aesthetically appealing by design.

Will not be fully enclosed.

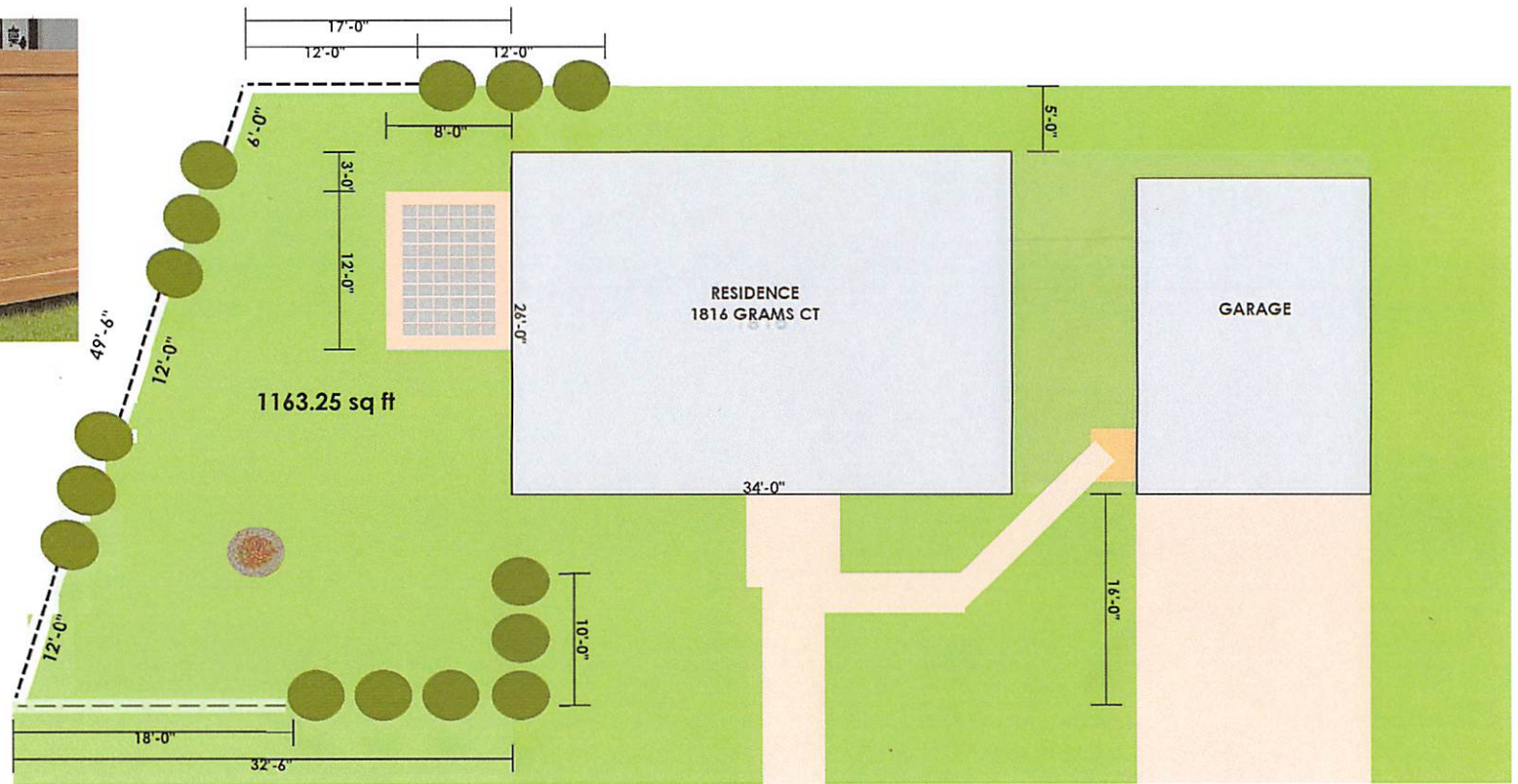
Thanks,

Greg  
262-989-7625

---

**From:** Wierus, Linnae <Linnae.Wierus@sheboyganwi.gov>

**Sent:** Wednesday, June 19, 2024 4:21 PM



## REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

---

**ITEM DESCRIPTION:**

Address: 3990 PINE BLUFF DR

Parcel #: 654029

Owner's Name: TAMARA L LUKONEN

Zoning: SR-3 (SUBURBAN RESIDENTIAL 3)

---

**REPORT PREPARED BY:** Ellise Rose, Associate Planner

---

**REPORT DATE:** 07/3/2024

**MEETING DATE:** 07/17/2024

---

**BACKGROUND / ANALYSIS**

Owner would like to construct a 6 foot high privacy fence within their required street-yard setback of 25 feet.

---

Ordinance #: Sec 105-945(c)(1)a - Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 50 percent opaque.

Requesting: solid fence

Allowed: 50% opaque

---

Ordinance #: Sec 105-945(c)(3)a - *Maximum height*. The maximum height of any fence, landscape wall, or decorative post shall be the following: Four feet when located within a required street yard on any property...

Requesting: 6 feet height within required street yard

Allowed: 4 feet height within required street yard

---

Ordinance #: Sec 105-945(c)(3)b - Six feet when located on any residentially zoned property, within required interior side or rear yards, but not within a required front yard or a required street yard.

Requesting: 6 feet within required street yard

Allowed: 4 feet within required street yard

---

**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)

TAMARA LUKONEN Owner

Mailing Address

3995 Pine bluff Dr.

City

Sheboygan

State

WI

ZIP Code

53083

Email Address

tamara.lukonen@gmail.com

Phone Number (incl. area code)

(920) 207-5547

Applicants interest in property:

n/a

## SECTION 2: Property Information

Property Address

3995 Pine bluff Dr.

City

Sheboygan

State

WI

Zip

53083

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:

request for use of 4ft privacy fence. children + business on premises  
small dog. 4ft 50% open recommended fence not suitable for safety  
purposes

Date last occupied as a nonconforming use:

n/a

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)

TAMARA LUKONEN

Title

Owner

Phone Number

920-207-5547

Signature of Applicant

TAMARA LUKONEN

Date Signed

5/15/24

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.

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

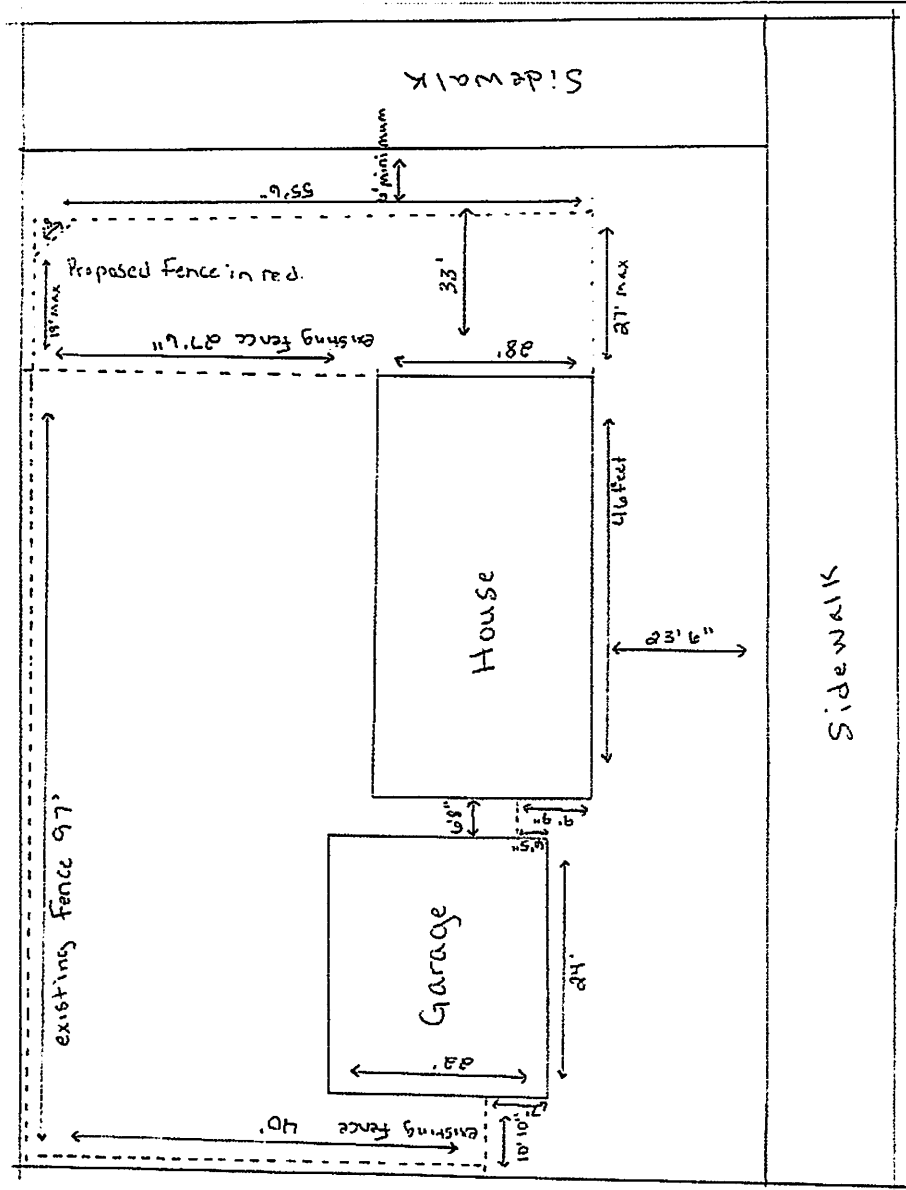
The Board members will be taking into account the reason for the existence of the zoning ordinance in applying this test. Lack of opposition ***does not*** necessarily mean the proposed construction would not harm the public interest.

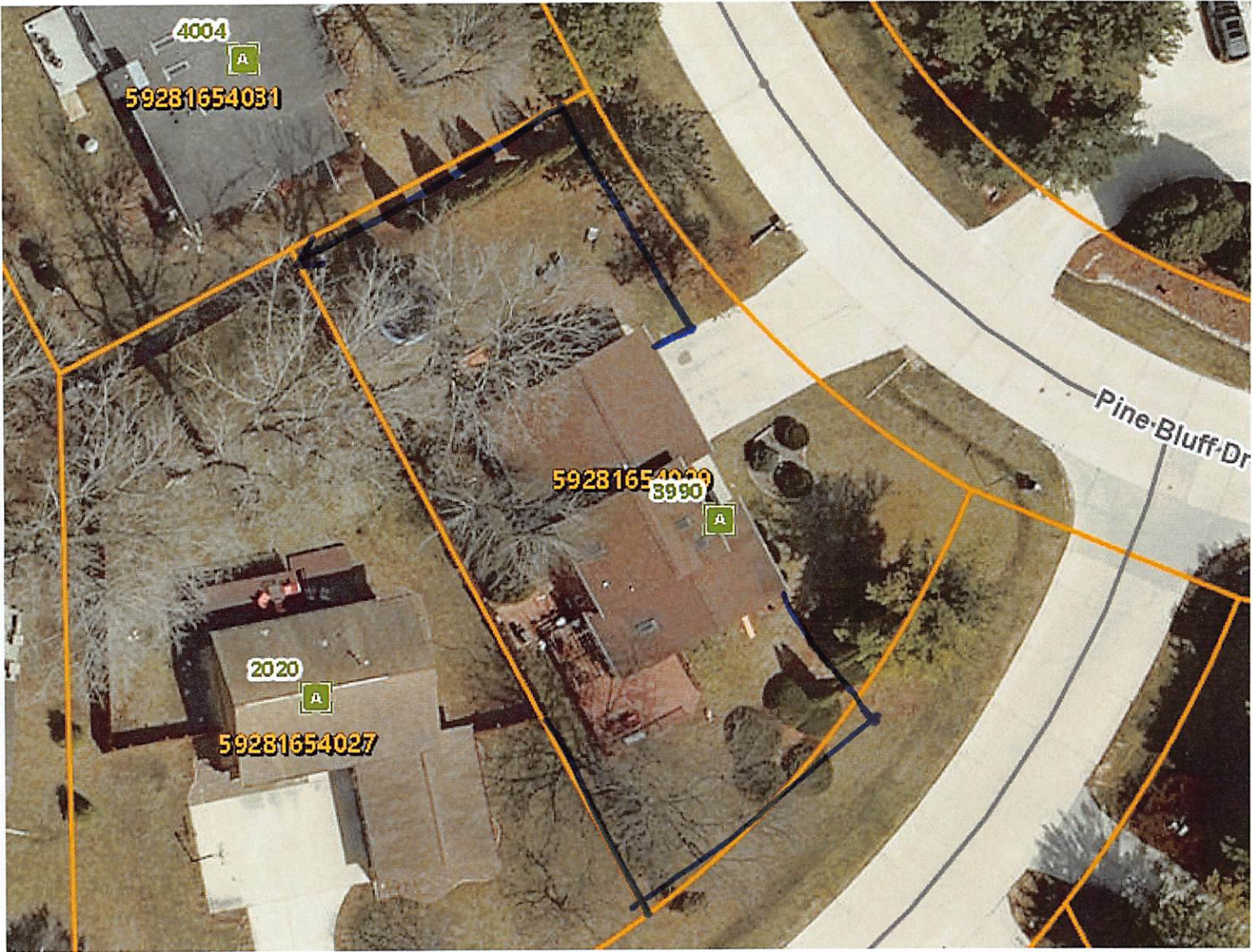
The Board, in granting a variance, may impose conditions on the proposed construction to assure the public's interests are protected. Board members may only grant the ***minimum relief*** necessary for the reasonable use of the property.

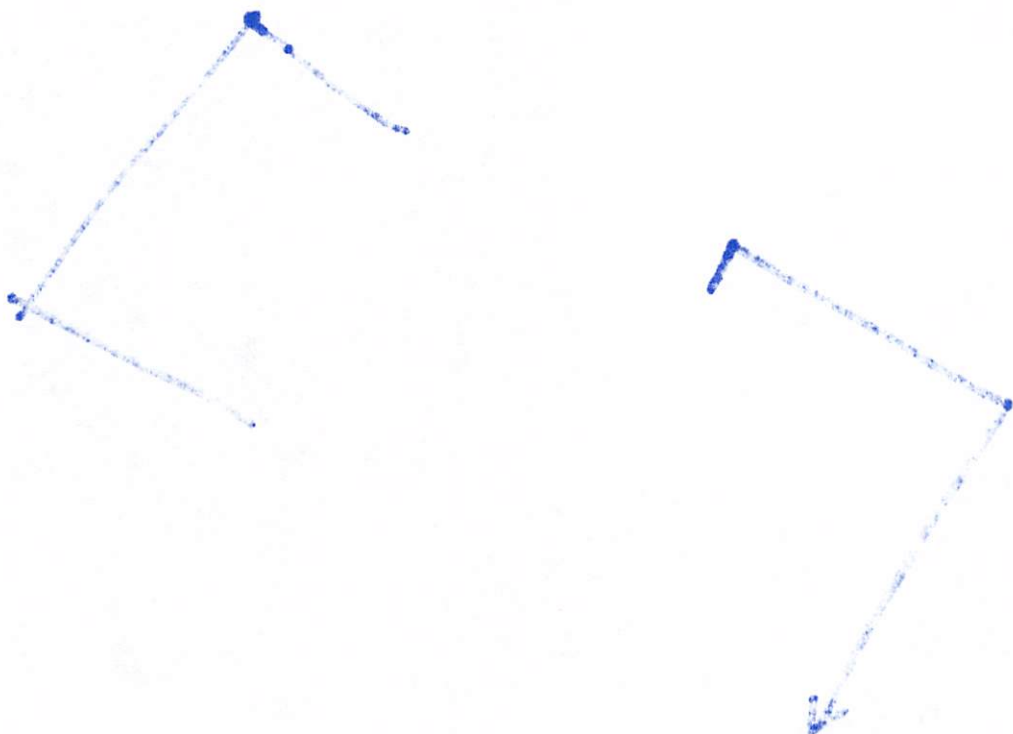
Your proposed construction must meet all three "tests" to qualify for a variance. Variances are meant to be an ***infrequent remedy*** where an ordinance imposes a unique and substantial burden. ***They are not intended as an accommodation for a property owner's convenience.*** A variance decision may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

SITE MAP EXAMPLE









Good Afternoon,

We are requesting a variance for the fencing code requiring fences on corner houses to have 4ft 50% openings. We would like to have a 6ft privacy fence. We live in a cul de sac and I work from home. We do have a lot of people speeding through our area as we are off of LS and the speed out there is significantly higher. We don't have sidewalks for the kids to walk on so when the kids play in the yard it's easier for them to run into the road which is a safety risk.

I also work from home. It is hard to be in the yard when our 5yo wants to be on the swingset which is located on the other side of the house with no visibility from the living quarters. I do understand the crime rate is low but it's never zero. It is sad having to tell my daughter she can't go play because I have work calls and employees to attend to.

We also have a small dog that would get out of the 50% open recommended fence. If we would put up that fence we still would not be able to let him out in his own yard.

We live on a hill with drainage ditches, so putting a 4 ft fence at the bottom of the hill would not offer any privacy or protection.

We have asked surrounding neighbors and they are in favor of us getting a fence as well. Which poses no harm to public interest.

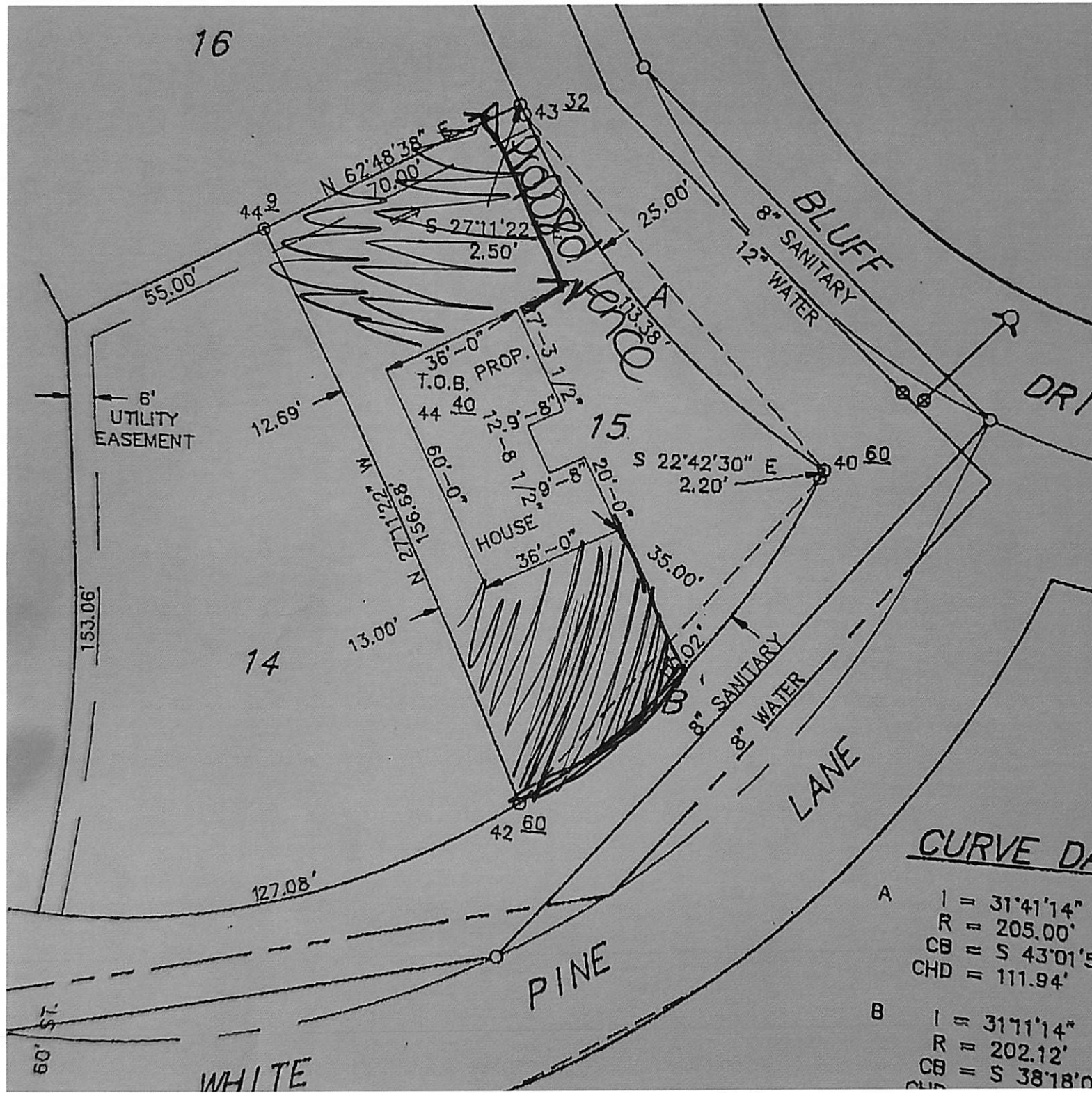
Our fence on the garage side would need to extend past the sidewalk on the pathway as there's existing cement and landscape that prevent fence from sitting flush with house/structure.

We are also going to be doing an egress window in the near future. Although required for safety in the lower level, it also creates another entrance into our home. Some home owners are able to purchase guns as protection and peace of mind. My dad committed suicide, I had to take him off of life support due to a gun shot injury so that is not an option for me. I am just asking to feel safe in my home.

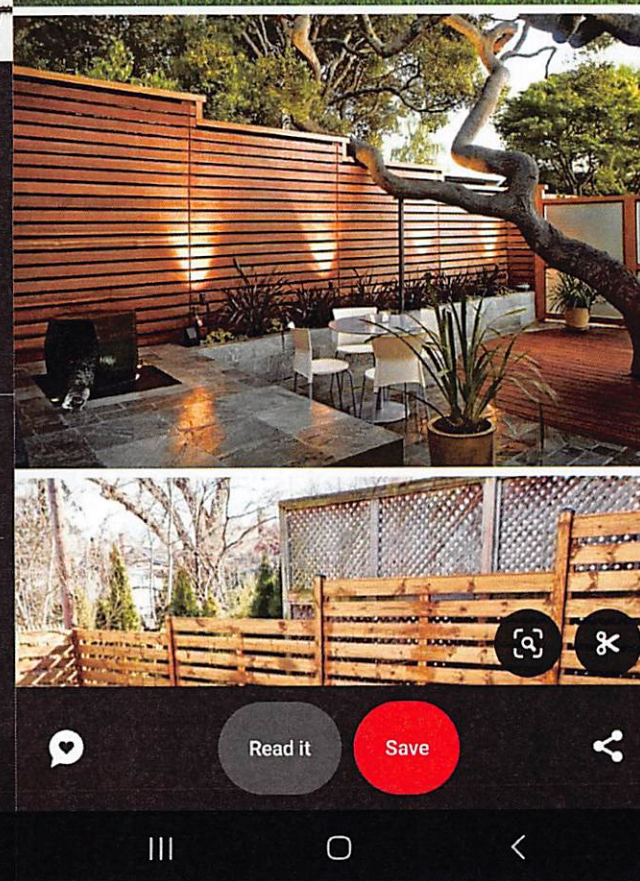
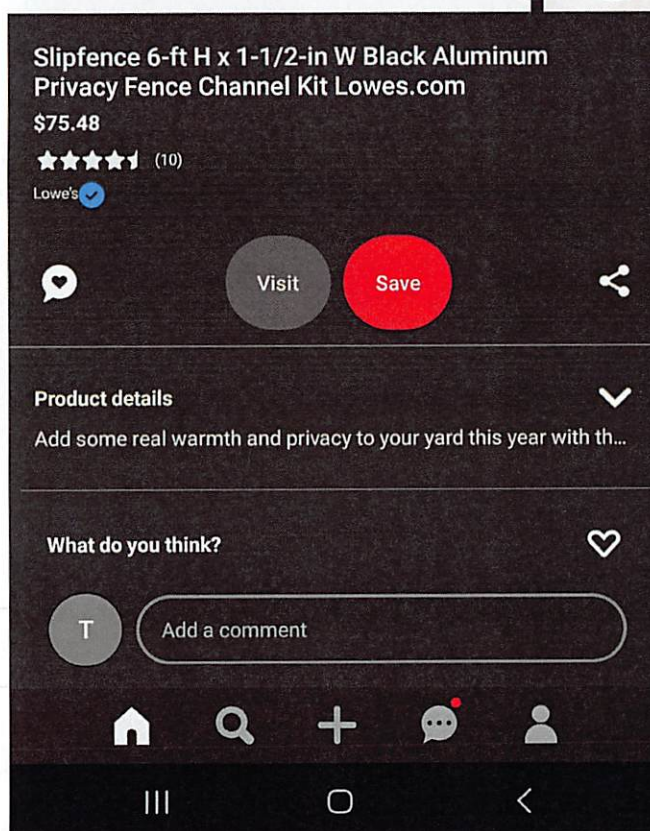
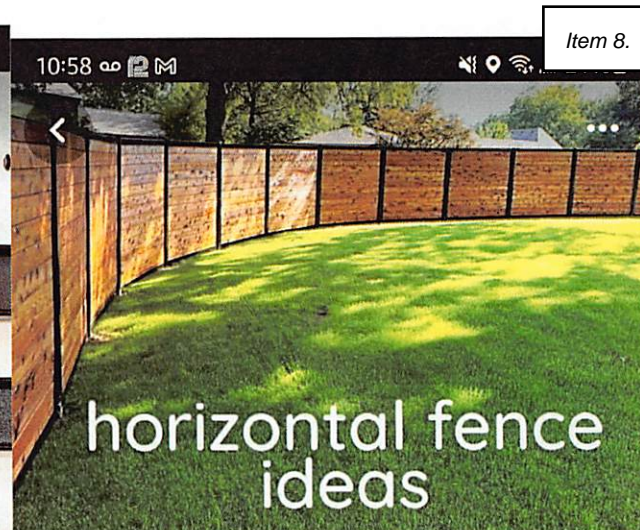
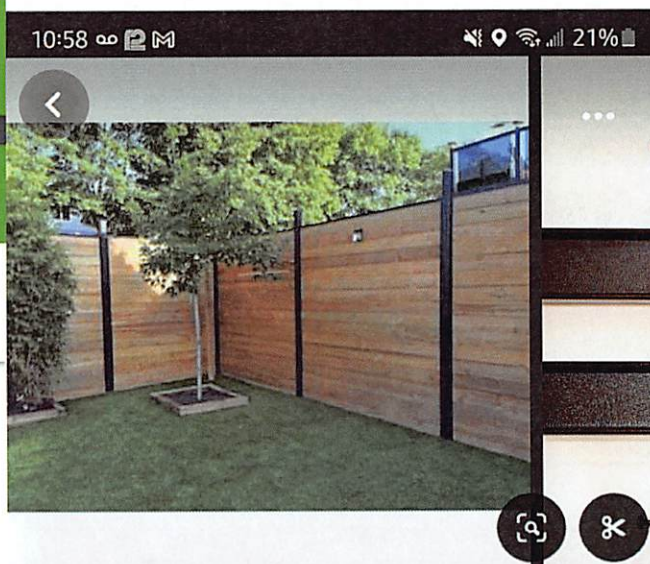
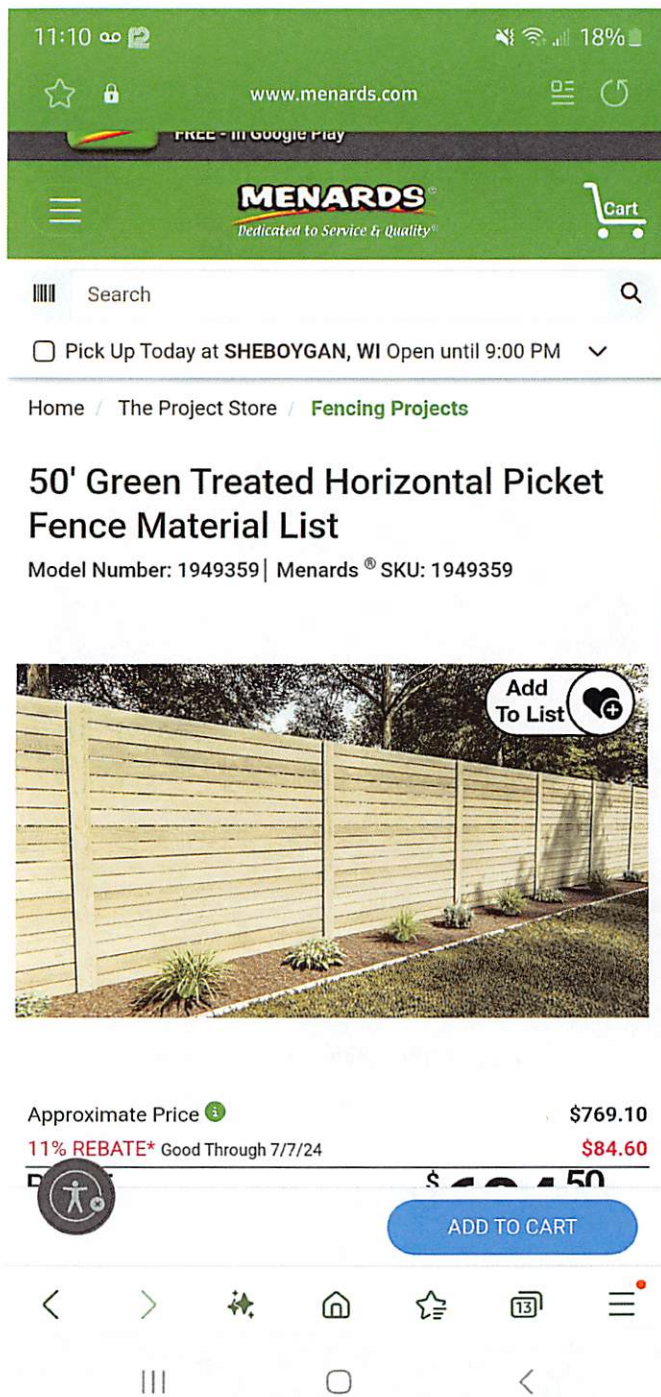
The 3 reasons we want a fence are Safety, privacy, and containment. None of which can be accomplished with a 4ft 50% open fence.

We are requesting the use of a 6ft wooden privacy fence. We live in a wooded area off of pigeon river. Our house is cedar with a brown roof and all of our neighbors have wooden fences. A recommended vinyl fence would not be able to be joined to meet the neighbor fences. It would also look like it doesn't belong. I understand the "step above the dog ear fence" and that's ok. Even the lattice at the top or the horizontal fence is fine. I will include imagery of both.











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(Nominal Size: 72"H x 96"W)

Model Number: 1731188 | Menards® SKU: 1731188

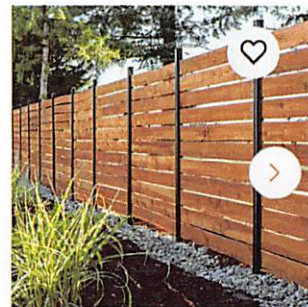
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