



# **ZONING BOARD OF APPEALS AGENDA**

**November 16, 2022 at 3:00 PM**

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

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Persons with disabilities who need accommodations to attend this meeting should contact the Building Inspection Department, (920) 459-4064.

## **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 October 19, 2022.

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

- [5.](#) Variance application by Randy LeBeau to construct a 6-foot-high privacy fence in his required street yard located at 3610 N 8<sup>th</sup> Street.

## **NEXT MEETING**

6. December 21, 2022

## **ADJOURN**

7. 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, October 19, 2022**

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**Members Present:** Kevin Sampson, Don Gerber, Ed Surek, Sala Sander, Dick Linde and Keeli Johnson

**Members Excused:** Kimberly Meller

**Staff/Officials Present:** Manager of Planning & Zoning Steve Sokolowski and 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 August 17, 2022.

Motion by Don Gerber, second by Ed Surek to approve. Motion carried.

**ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

5. Housing appeal application by Ryan Laswell requesting to construct 2 bedrooms and a storage room in his basement with a 6 foot 6 inch ceiling located at 2609 Main Avenue.

Motion by Dick Linde, second Ed Surek to approve as presented. Motion carried.

6. Variance application by Jill and James Prigge requesting to remove and reconstruct an enclosed front porch that is too close to the front property line. The new structure will be similar size and design as the old structure, 5-foot x 13-foot 6-inches located at 504 Pennsylvania Avenue.

Motion by Keeli Johnson, second Sala Sander to approve as presented. Motion carried.

7. Variance application by Adam and Julia Schmitz requesting to add second floor living space to a legally nonconforming structure. The addition would increase the nonconformity in the front yard and in the street, yard located at 842 Ashland Avenue.

Motion by Keeli Johnson, second by Sala Sander to approve with the following condition:

1. Prior to building permit issuance, final elevation drawings and site plan shall be submitted to staff for review. If staff has any concerns with the final elevation drawings and/or site plan, the elevations and/or site plan can be brought back for board review.

Motion carried.

8. Variance application by Anastasia Chronis requesting to construct a 20-foot x 28-foot parking pad in their required street yard located at 1331 Indiana Avenue.

Motion by Kelli Johnson, second by Ed Surek to approve as presented. Motion carried.

9. Variance application by Debra Fettig requesting to construct a new driveway on the west side of the dwelling. The distance to the west property line is approximately 11 foot 6 inches from the dwelling. The new driveway would be 10 feet wide and have a 1 foot 6-inch setback to the west side property line located at 1504 Michigan Avenue.

Motion by Don Gerber to table until survey is provided. Motion died for lack of second.

Motion by Keeli, second by Sala Sander to approve a zero back from the property line with the following condition:

1. Prior to starting the project, the property owner needs to provide a CSM showing property lines, width of driveway, and drainage pitch of the driveway.

Motion carried.

#### **NEXT MEETING**

10. November 16, 2022

#### **ADJOURN**

11. Motion to Adjourn

Motion by Dick Linde, second by Ed Surek to adjourn. Motion carried.

Being no further business, the meeting is adjourned at 3:45 p.m.

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

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**ITEM DESCRIPTION:**

Address: 3610 N 8<sup>th</sup> ST

Parcel #: 718609

Owner's Name: Randy T LeBeau

Zoning: SR-3

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

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**REPORT DATE:** 11/02/2022

**MEETING DATE:** 11/16/2022

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**BACKGROUND / ANALYSIS**

Owner would like to construct a 6 foot high privacy fence in their required street yard.

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Ordinance #: 15.105(2)(b)(3)(b)(E) Street side lot line to house 25 feet

Requesting: less than 25 feet setback

Allowed: 25 feet setback

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Ordinance #: 15.405(4)(a)(4) Permitted Intrusions into Required Front or Street Yards: Fences on residential or nonresidential lots which do not exceed four feet in height; provided they do not locate closer than two feet to any street right-of-way

Requesting: 6 foot privacy fence

Allowed: 4 foot fence

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Ordinance #: 17.720(3)(a)(1) Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 50% opaque.


Requesting: privacy fence

Allowed: 50% opaque fence

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**ATTACHMENTS:**

Application, pictures, and drawing

	<b>CITY OF SHEBOYGAN</b>  <b>VARIANCE APPLICATION</b>	<b>Fee:</b> \$250 -	Item 5.
		<b>Review Date:</b> 11/16/22	

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>Randy T. LeBeau</u>			
Mailing Address <u>3610 N. 8th St.</u>	City <u>Sheboygan</u>	State <u>WI</u>	ZIP Code <u>53083</u>
Email Address <u>rleb1956@gmail.com</u>		Phone Number (incl. area code) <u>920-287-6934</u>	
Applicants interest in property: <u>OWNER</u>			
<b>SECTION 2: Property Information</b>			
Property Address <u>3610 N. 8th St.</u>	City <u>Sheboygan</u>	State <u>WI</u>	Zip <u>53083</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 checked="" type="checkbox"/> Nonconforming Use <input type="checkbox"/> Other			
<b>SECTION 3: If the Request is for a Nonconforming Use</b>			
Your intended use: <u>I would like to install a 6 Foot privacy Fence in a required street yard.</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>Randy T. LeBeau</u>		Title <u>Mr.</u>	Phone Number <u>920-287-6934</u>
Signature of Applicant <u>R. T. LeBeau</u>		Date Signed <u>10-13-22</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 Application Statement for Randy LeBeau, 3610 N Eighth street, Sheboygan, 53083.**

### **Background**

On June 15<sup>th</sup>, 2022 a storm with strong winds caused major damage on the north side of Sheboygan. My wife Trudy and I have been living at 3610 N Eighth st. for 25 years. We lost shingles off of our roof, trees fell on our property and most of our 270 feet of six foot fence which had enclosed our backyard for 26 years became damaged beyond repair. In order maintain the privacy and look of our property we decided to replace the fence.

When the fencing contractor applied for a building permit we were informed that the section of fence highlighted in yellow on the site sketch below needed to be a maximum of 4 ft high and no more that 50% opaque. After consulting with Sheboygan Building Inspector Jeff Lutzke I was told that the reason for the ordinance was for traffic visibility safety issues and possibly aesthetics. Because of the distance between my property and Eisner ave. and the style of the proposed fence, I believe that neither of these issues are applicable in this case so I am applying for a variance.

### **The three tests for a variance**

*➤ 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?*

No there is no alternative plan that would comply with the ordinance. A four foot fence with a maximum 50% opaque would not provide the privacy, match the look of the rest of the fence, or aesthetically match the landscape features of the property. I believe it would decrease the value of the property. So I believe that reasonable use of the property is being denied us.

*➤ Is there a unique physical characteristic of the property which prevents development of the property in compliance with the Zoning Ordinance?*

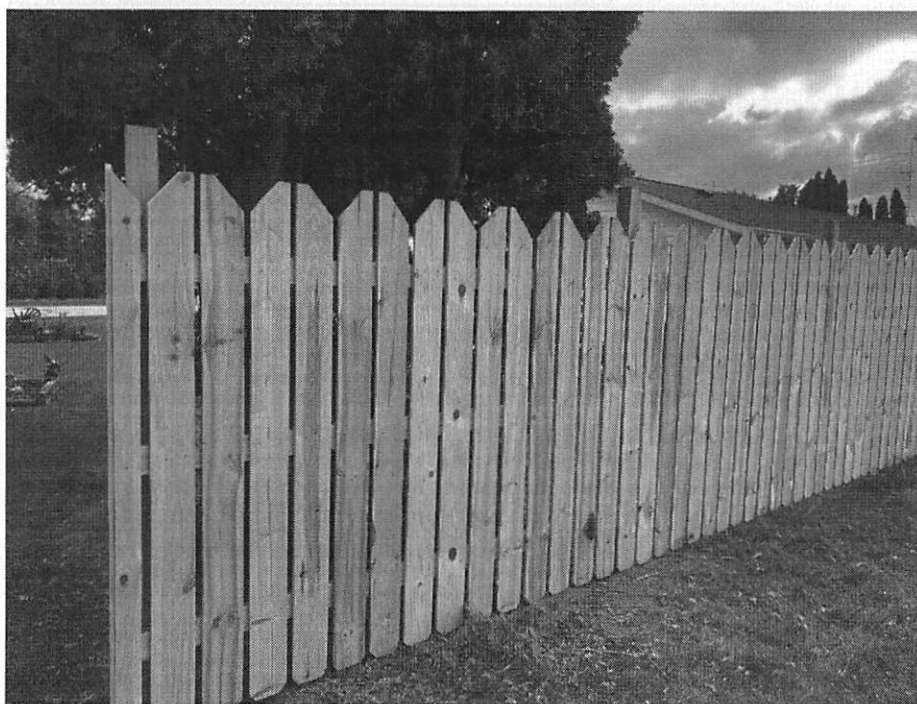
The unique characteristic of the property is the distance between the property and the street because of the large plot of city land between our property and Eisner. This plot of land, that the city maintains, was created when Eisner avenue was renovated several years ago. This distance removes any traffic safety issue as illustrated in the included photographs .

*➤ 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.)*

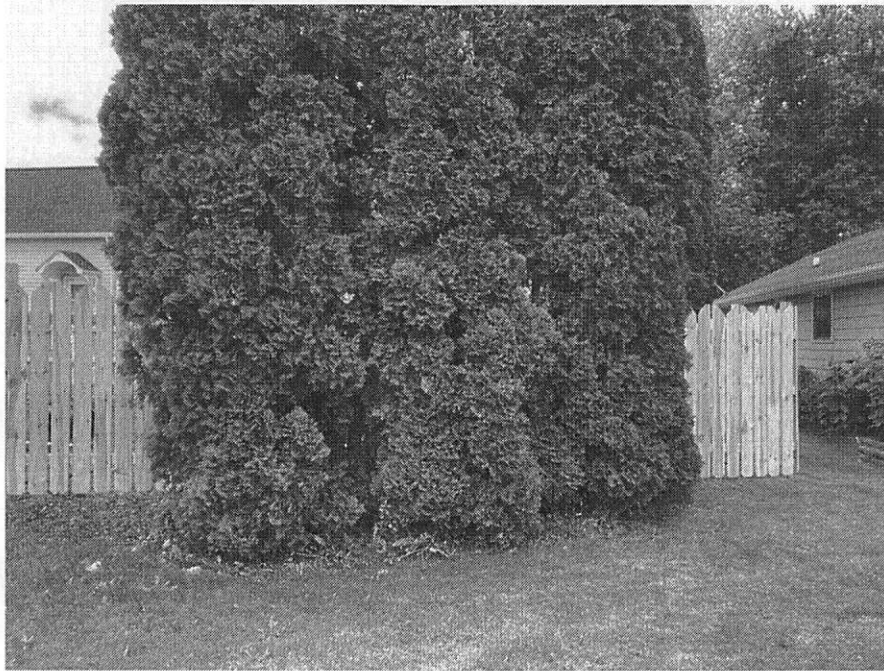
The part of the fence that is closest to the intersection is 69 feet away. The site sketch and the photographs show that the proposed fence is too far back from Eisner to cause any possibility of a safety issue. The photos of other fences in the neighborhood show that the design of the fence is in keeping with the aesthetics of the neighborhood.



**View from the stop sign on Eighth street and Eisner avenue showing that there is no safety hazard caused by the proposed fence.**

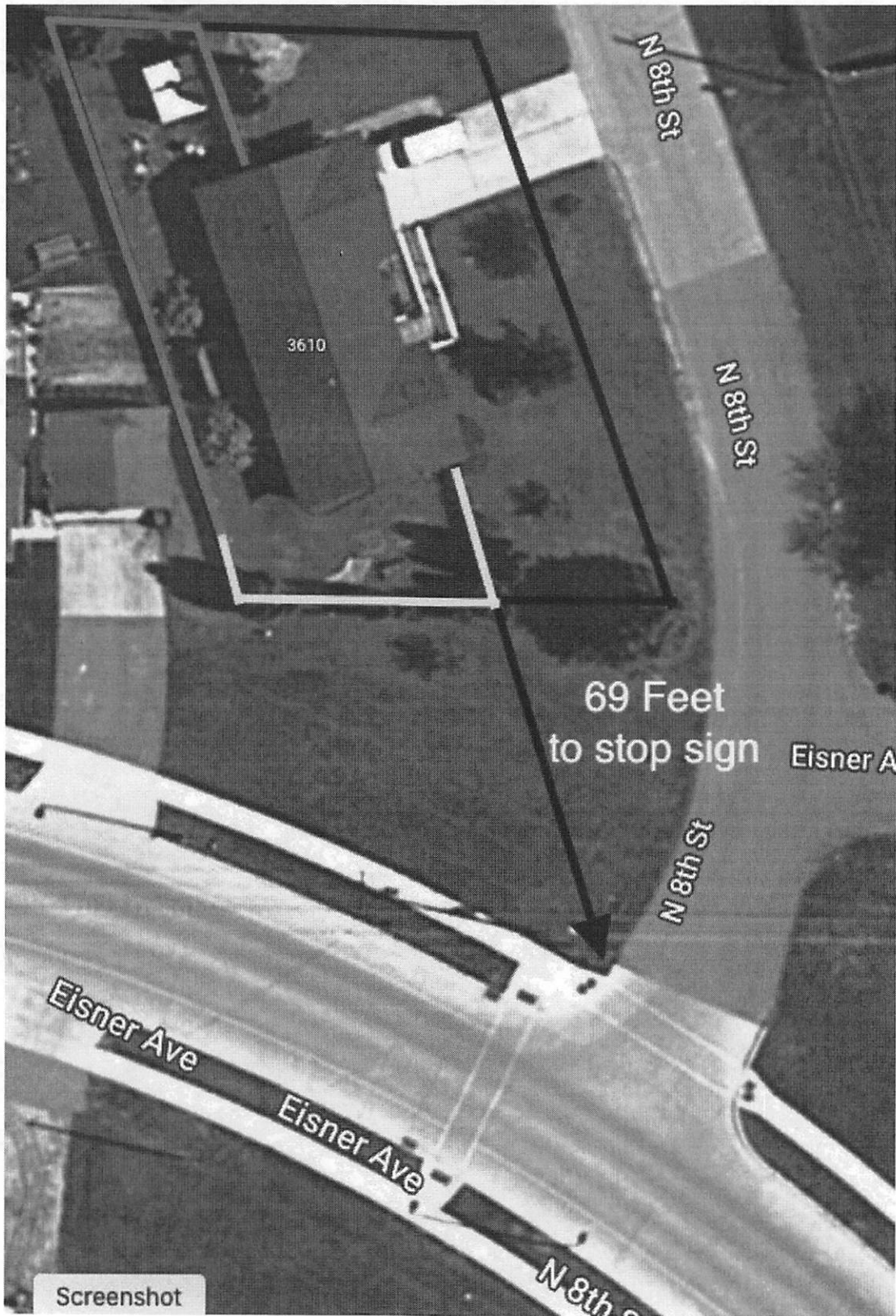


**Fence detail.**

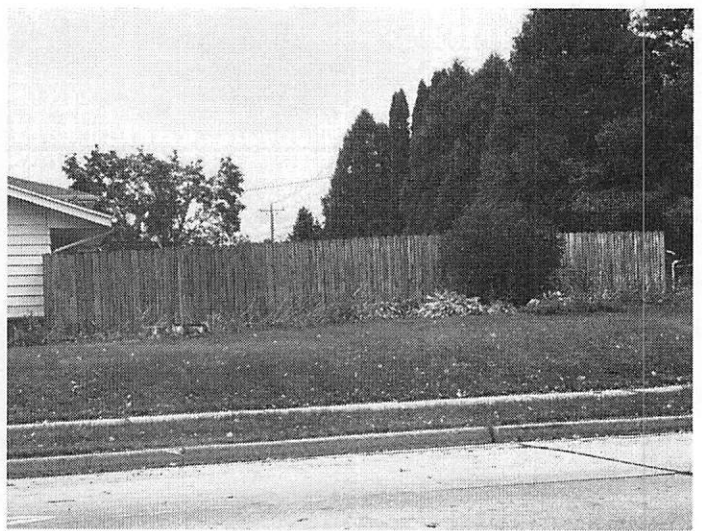
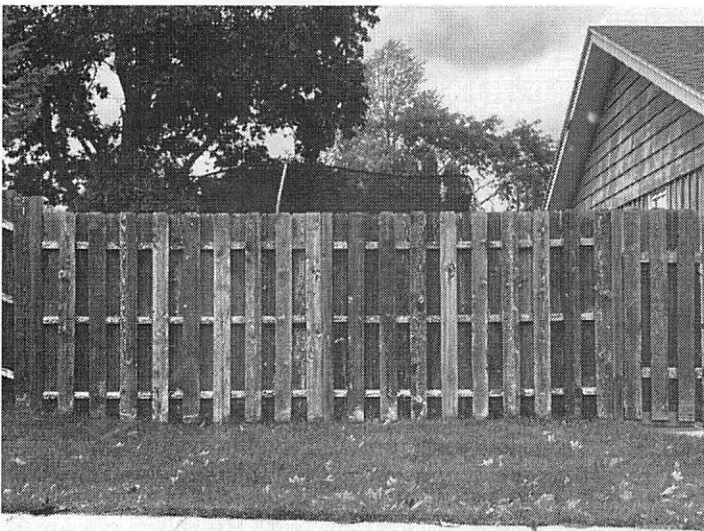
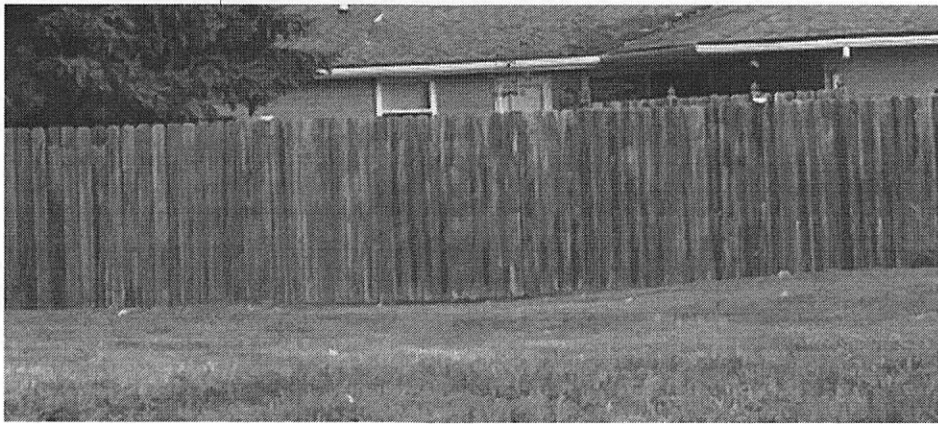


**Landscape feature.**





**Site sketch of 3610 N Eighth street showing lot lines, fence location and distance to corner.**



**Nearby fences on Eisner or 8<sup>th</sup> st.**