



# **ZONING BOARD OF APPEALS AGENDA**

**June 19, 2024 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. 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 May 15, 2024

## **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.
- [6.](#) Variance application by David and Kathleen Dana requesting to expand their driveway located at 2113 N 28<sup>th</sup> Street.
- [7.](#) Variance application by Julia Dumez requesting to pave and expand a legally nonconforming driveway at 2412 N 6<sup>th</sup> Street.

## **NEXT MEETING**

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

## **ADJOURN**

9. 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, May 15, 2024**

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

**Members Excused:** Richard Linde Sala Sander

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

**OPENING OF MEETING**

1. Call to Order

Kevin Sampson called the meeting to order.

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 April 17, 2024.

MOTION TO APPROVE THE MINUTES OF THE PREVIOUS MEETING HELD ON APRIL 17, 2024.

Motion made by Keeli Johnson, seconded by Markus Savaglio

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

**ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

5. Variance application by Rachel Kohler requesting to amend the previously approved plan to construct a shoreline revetment, stairways, hardscape, and buried storage shed located within 75 feet of the ordinary high-water mark. Proposed change is to modify the dimensions of the boathouse from 10' x 16' to 12'7" x 14'11" located at 120 Vollrath Boulevard.

MOTION TO APPROVE AS PRESENTED

Motion made by Keeli Johnson, seconded by Tad Tjapkes

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

**NEXT MEETING**

6. June 19, 2024

The next meeting is scheduled on June 19, 2024.

**ADJOURN**

7. Motion to Adjourn

MOTION TO ADJOURN AT 3:03 PM.

Motion made by Ed Surek, seconded by Tad Tjapkes

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

## REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

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**ITEM DESCRIPTION:**

Address: 233 LINCOLN AVE

Parcel #: 002290

Owner's Name: MIGUEL A MORALES

Zoning: NR-6 (NEIGHBORHOOD RESIDENTIAL 6)

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

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**REPORT DATE:** 05/29/2024

**MEETING DATE:** 06/19/2024

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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

	<b>CITY OF SHEBOYGAN</b>  <b>VARIANCE APPLICATION</b>		Fee: _____  Review Date: <u>6-19-24</u>

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

**SECTION 1: Applicant/ Permittee Information**

Name (Ind., Org. or Entity)

Miguel Morales

Mailing Address

233 Lincoln Ave

City

Sheboygan

State

WI

ZIP Code

53081

Email Address

gabielena88@gmail.com

Phone Number (incl. area code)

920 62704 88

Applicants interest in property:

**SECTION 2: Property Information**

Property Address

233 Lincoln Ave

City

Sheboygan

State

WI

Zip

53081

 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)

Miguel Morales

Title

Phone Number

920 6270488

Signature of Applicant

Miguel Morales

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.

#### 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.***



05/15/2024

To whom it may concern,

My request is the following, I would like to build a 6 foot fence in my backyard. My request is based on the terms and needs of my 9 year old son Israel Morales, who has special needs, he's diagnosed with autism. We are trying to build a safe space for him, where he can play without restrictions and without worries that he is going to jump, run or leave the property.

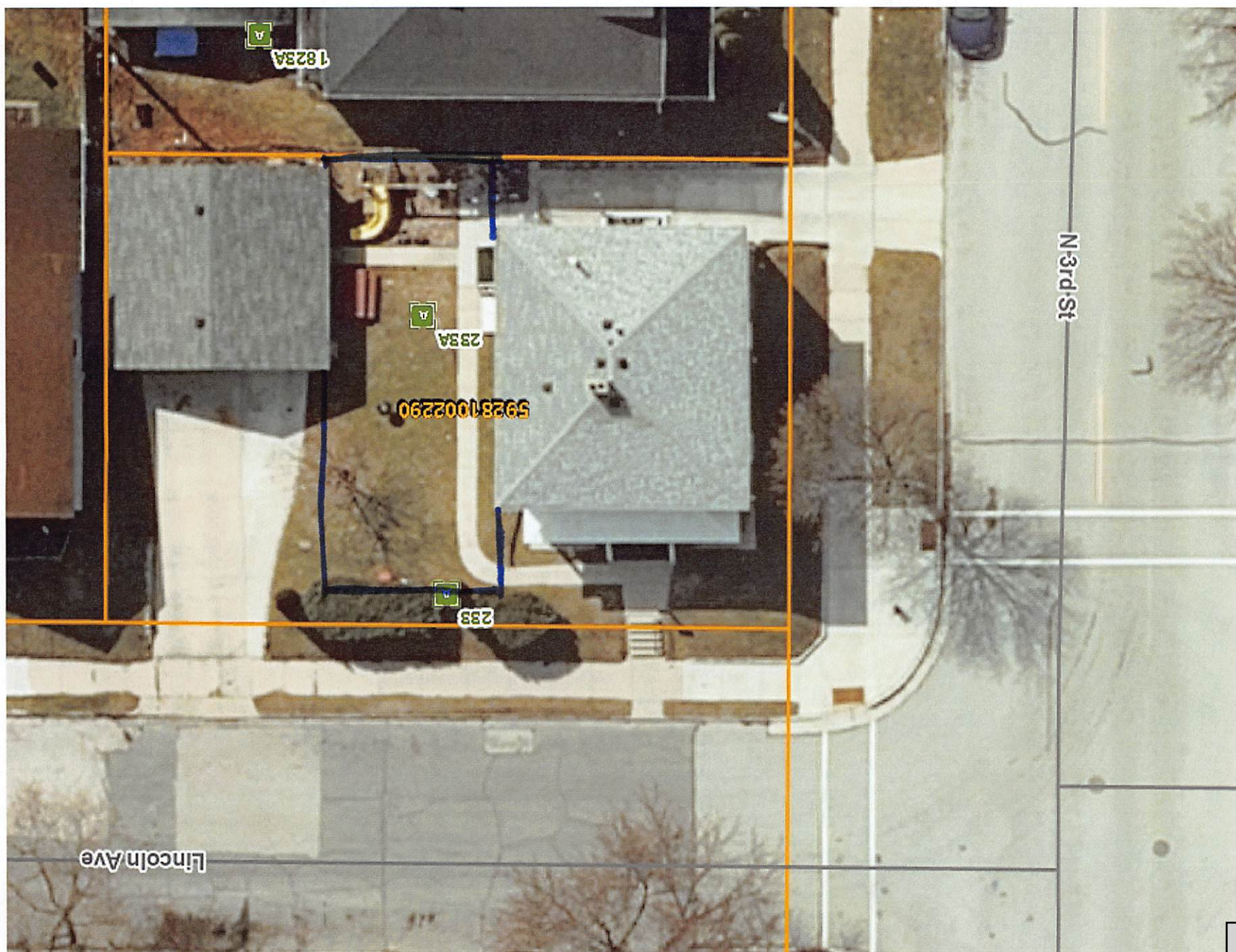
Miguel Morales

5-15-24



6 ft vinyl fence  
At least 4ft from sidewalk

Item 5.







REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

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**ITEM DESCRIPTION:**

Address: 2113 N 28TH ST

Parcel #: 613950

Owner's Name: DAVID AND KATHLEEN DANA

Zoning: SR-5

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

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**REPORT DATE:** 05/29/2024

**MEETING DATE:** 06/19/2024

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**BACKGROUND / ANALYSIS**

Owner would like to expand their driveway.

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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: 0 foot setback

Allowed: 3 foot setback

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**ATTACHMENTS:**

Application, pictures, and drawing

	<b>CITY OF SHEBOYGAN</b>  <b>VARIANCE APPLICATION</b>	Fee: <u>\$ 250 —</u>
		Review Date: <u>6/19/24</u>
		Application due: <u>5/15/24</u>

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

5/15/24

#### SECTION 1: Applicant/ Permittee Information

Name (Ind., Org. or Entity)

David and Kathleen Dana

Mailing Address

2113 N. 28 st

City

Sheboygan

State

WI

ZIP Code

53081

Email Address

KadLdana@gmail.com

Phone Number (incl. area code)

920 4582725

Applicants interest in property:

owner

#### SECTION 2: Property Information

Property Address

2113 N. 28 st

City

Sheboygan

State

WI

Zip

53081

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:

0 ft setback

Pour concrete to property line. For parking and car

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.

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**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)

David + Kathleen Dana

Title

Phone Number

920 4582725

Signature of Applicant

David Dana Kathleen Dana

Date Signed

5/13/24

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

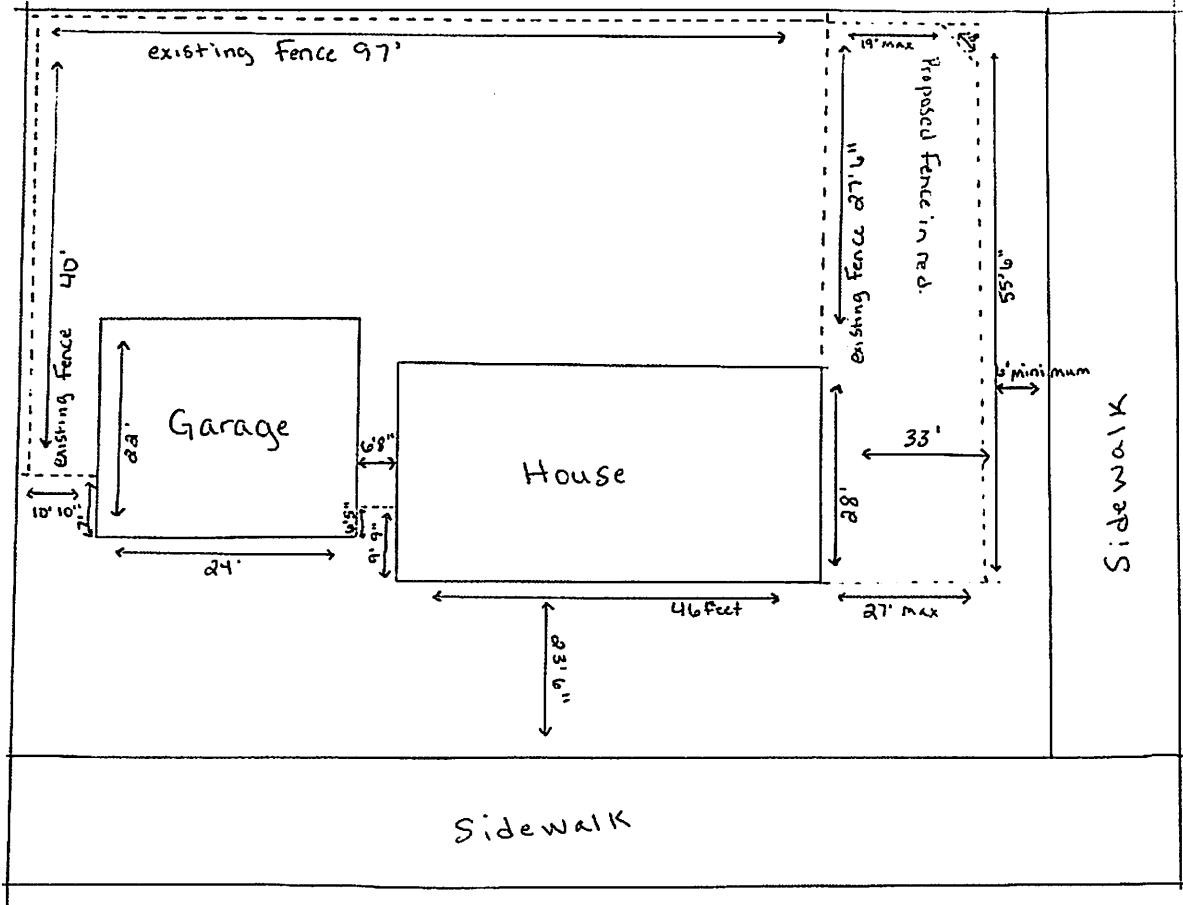
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***Please contact the staff at the City's Planning Department and/or Building Inspection Department if you have any further questions.***

**SITE MAP EXAMPLE**





Tax No. 613950

DESCRIPTION: The South 50' of Lot 4 and the North 10' of Lot 5,  
Block 13, Graceland Subdivision No. 6, City of Sheboygan,  
Sheboygan County, Wisconsin

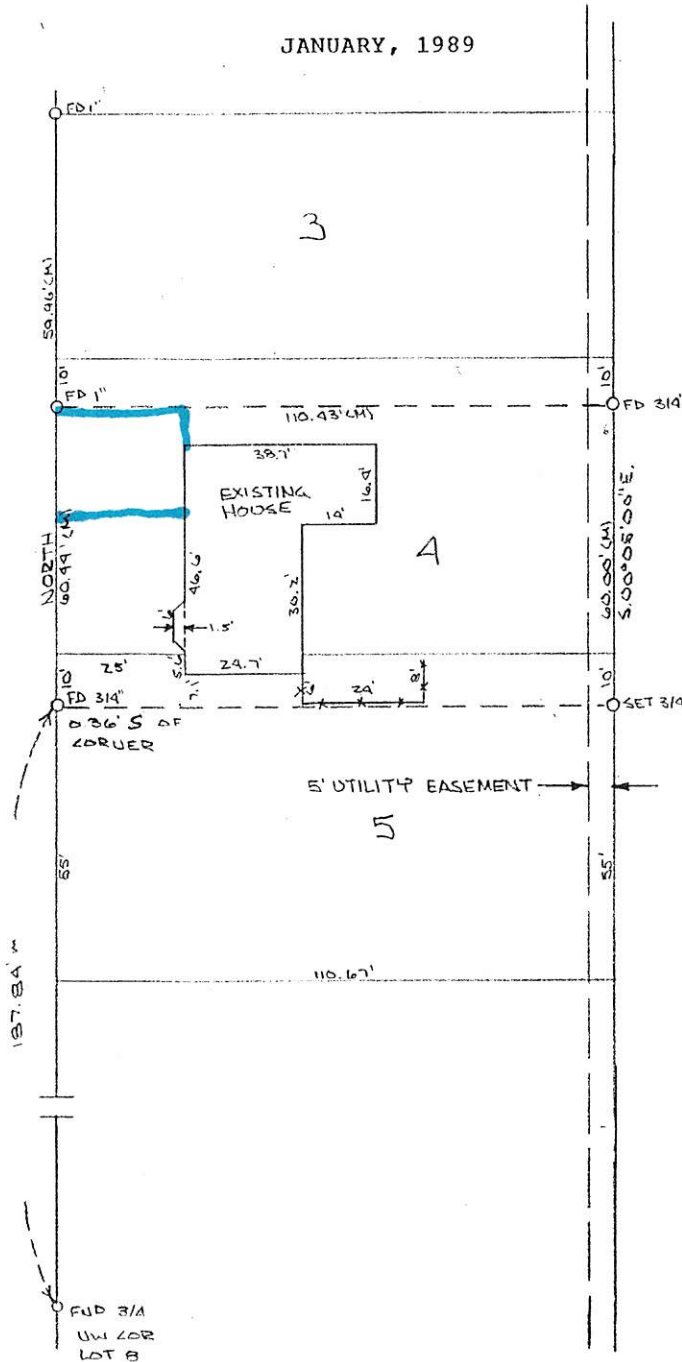
SCALE: 1"=30'

JANUARY, 1989

0 ft  
setback  
  
max  
width  
at property  
line - 25 ft



NORTH 28<sup>TH</sup> STREET



3303 PAINE

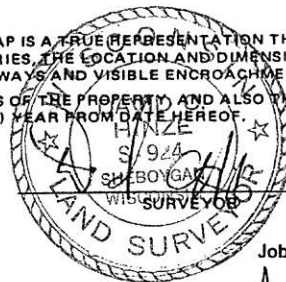
• P.O. BOX 144 • SHEBOYGAN, WISCONSIN 53081 • (414) 458-5921

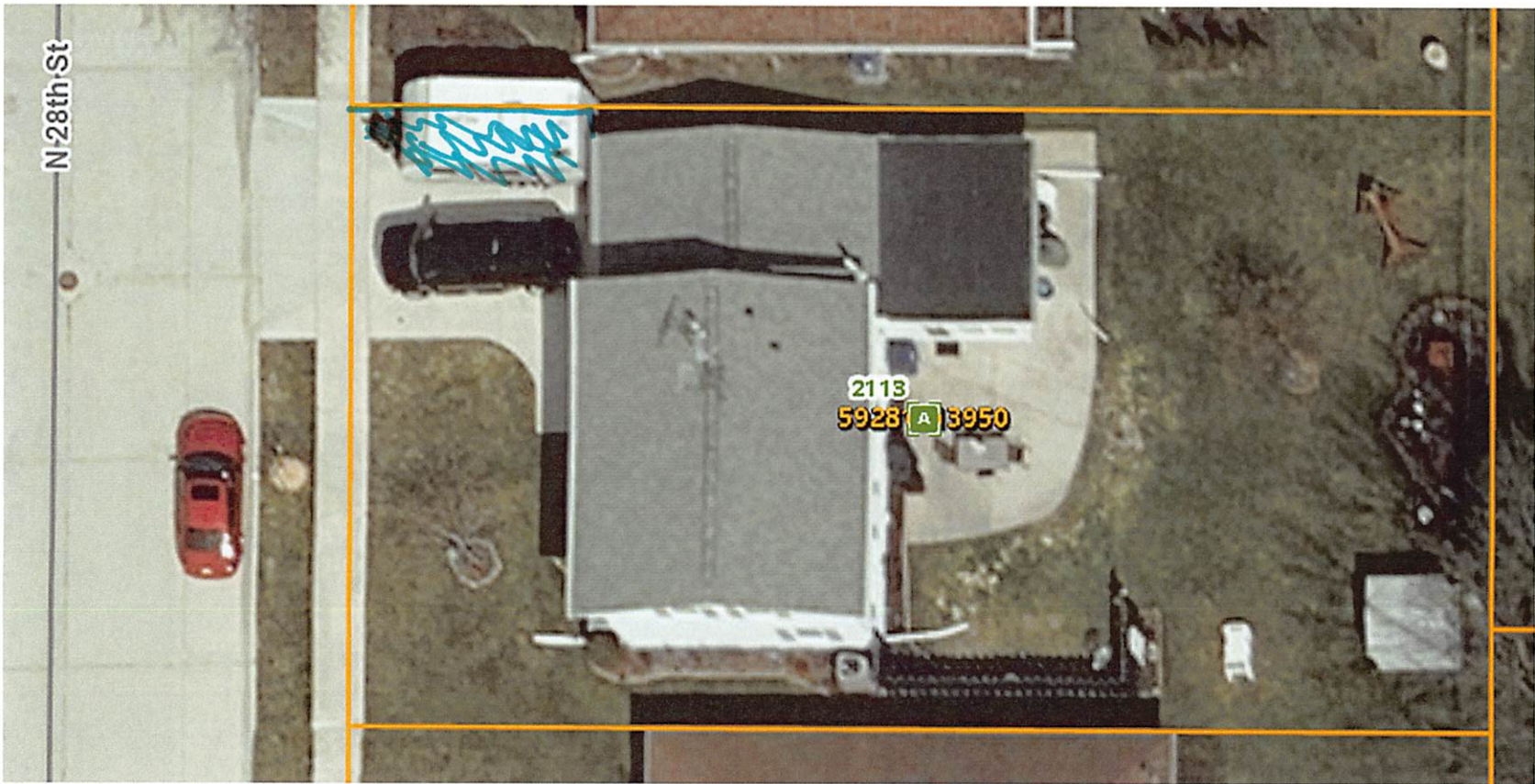
## SURVEY CERTIFICATE

I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION AND DIMENSIONS OF ALL VISIBLE STRUCTURES THEREON, FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

3-1-89  
SHEBOYGAN  
REAL PROPERTY  
LISTING DEPT. *mw*









Camper is no longer there.  
Need parking for 2nd car.

## REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

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**ITEM DESCRIPTION:**

Address: 2412 N 6TH ST

Parcel #: 003740

Owner's Name: JULIA E DUMEZ

Zoning: NR-6

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

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**REPORT DATE:** 05/29/2024

**MEETING DATE:** 06/19/2024

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**BACKGROUND / ANALYSIS**

Owner would like to pave and expand a legally nonconforming driveway.

---

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: 1.5 foot setback

Allowed: 3 foot setback

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Ordinance #: Sec 105-927(c)(2)(b)(3)(i) -- All residential access drives shall have a minimum width of ten feet for one- and two-family dwellings, 18 feet for multifamily uses, and a maximum width of 25 feet. All nonresidential access drives shall have a minimum width of 24 feet for land uses generating less than 750 vehicles per day, 30 feet for land uses generating 750 or more vehicles per day, and a maximum width of 40 feet. These widths may be increased with permission of the plan commission. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional feet for a residential use and 25 feet for a nonresidential use.

Requesting: 8.5 feet wide

Allowed: 10 feet wide

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**ATTACHMENTS:**

Application, pictures, and drawing





**BUILDING INSPECTION DEPARTMENT**  
 828 Center Avenue, Suite 208  
 Sheboygan, WI 53081-4442  
 Phone: (920) 459-3477  
 Fax: (920) 459-0210  
 buildinginspection@sheboyganwi.gov

## APPLYING FOR A VARIANCE

Variances to zoning ordinances are considered by the CITY OF SHEBOYGAN Zoning Board of Appeals monthly on the third Wednesday at 3:00 pm at a public hearing. In order to be considered for the next meeting, applications must be received in the Building Inspection Department Office **no later than 4:30 pm** on the third Wednesday of the month prior to the scheduled public hearing:

MAY 15, 2024

Application Deadline Date

Board of Appeals Meeting Date

### 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) A site sketch, drawn to scale indicating the location of all existing structures and the 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.

### Note:

- a) The applicant can present any additional information to inform the Board of the facts.
- b) In addition to the application information noted above, a survey is strongly recommended.
- c) Applicants should be aware staff may require a survey as part of the application information in order to clarify specific variance(s) requested.
- d) 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.
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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.

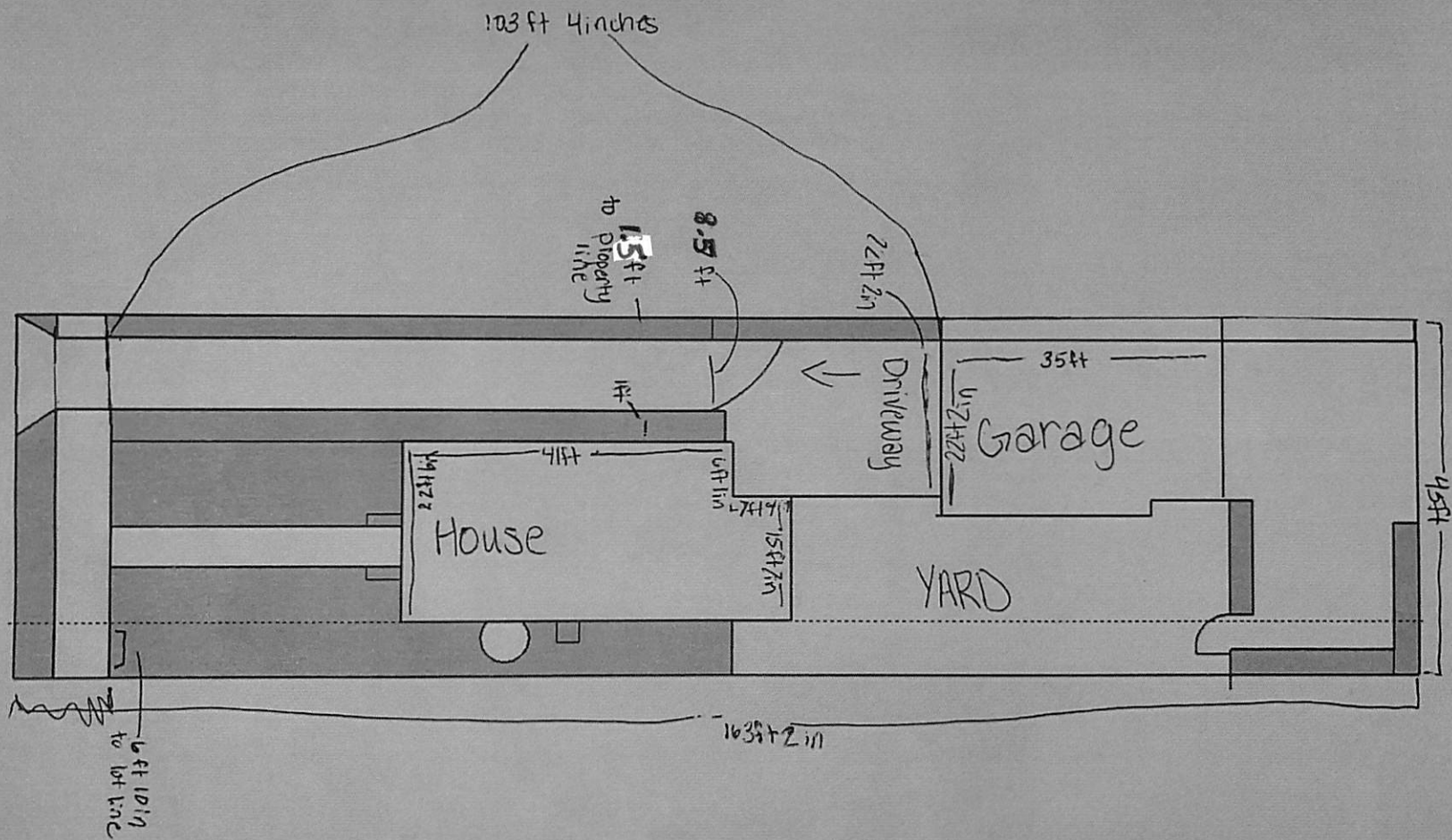
I have read the above and understand my responsibilities regarding my appeal to the Zoning Board of Appeals. I have also read and understand the "Three Tests" for a Variance Included with this form.

Signature

*Julian Dudy*

Date

5/17/24





www.sheboyganwi.gov

BUILDING INSPECTION DEPARTMENT  
828 Center Avenue, Suite 208  
Sheboygan, WI 53081-4442  
Phone: (920) 459-3477  
Fax: (920) 459-0210  
buildinginspection@sheboyganwi.gov

APPEAL FROM RULING OF THE BUILDING INSPECTOR  
AND/OR ZONING ADMINISTRATOR

CASE NO: \_\_\_\_\_  
FILING DATE: \_\_\_\_\_  
RECEIPT NO: \_\_\_\_\_  
ZONING DIST: \_\_\_\_\_

TO: THE ZONING BOARD OF APPEALS, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WI

- 1). Appeal Location (address): 2412 North 6 Street Sheboygan 53083
- 2). Applicant: 2412 N 6 Street Sheboygan Telephone #: (920) 301-7282  
Address: 53083
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) BLD LOT
- 4). Type of Building (Circle): Commercial - Residential
- 5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other  
(if other) please list: \_\_\_\_\_
- 6). If the request is for a nonconforming use:  
Your intended use: \_\_\_\_\_  
Date last occupied as a nonconforming use: \_\_\_\_\_  
By Whom: \_\_\_\_\_ Previous use: \_\_\_\_\_
- 7). Applicants interest in property: Extend driveway 1 1/2 feet south
- 8). 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.

I HEREBY CERTIFY THAT THE ABOVE APPLICATION AND/OR APPEAL AND ALL ATTACHMENTS THERETO ARE TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Date: 5/7/24

Signature: Julia Dumetz

Printed Name: Julia Dumetz

Mailing Address: 2412 N 6 Street Sheboygan  
WI 53083



**Variance Request:****To: Zoning Board****From: Julia DuMez****Date: May 6, 2024****Subject: Variance Request for 2412 North 6 Street Sheboygan Wisconsin 53083****Dear Zoning Board,**

I am writing to request a variance for my property located at 2412 North 6 street Sheboygan. The specific request pertains to the extension of the driveway by one and a half feet to the west. This variance is necessary due to the unique circumstances and hardships created by the application of the Zoning Ordinance to my property.

**Hardship Created by Zoning Ordinance:**

The application of the Zoning Ordinance to my property has created several hardships. Firstly, while the ordinance mandates a minimum distance of three feet from the property line, my driveway is exactly three feet from the property line as required. However, the minimum width requirement of ten feet cannot be met as my driveway currently measures only seven feet. Any attempt to extend the driveway in the opposite direction is impeded by the presence of a gas line, rendering compliance with the ordinance unfeasible.

In addition, the current configuration of the driveway poses practical challenges. Due to its narrow width, one cannot exit the car on the side adjacent to the house without risking collision with the house's structure when opening the doors. This limitation forces occupants to either exit the vehicle on the opposite side, which may not always be convenient or safe, or to park partially off the driveway, resulting in vehicles sinking into a muddy area or creating a makeshift parking spot. This further exacerbates the hardship created by the zoning ordinance's strict requirements, as it compromises both safety and the integrity of the property.

**Reasonable Use of the Property Denied:**

The zoning regulations effectively deny the reasonable use of my property. Despite various attempts to comply with the ordinance, including alternative plans such as gravel on the side, grates, and constant filling with dirt, none have proven successful. The persistent issue of a mud pit forming has become a significant safety hazard, particularly for the children and parents who utilize the driveway for drop-offs at my daycare. This situation not only poses a risk of accidents but also undermines the functionality and safety of the property.

**Unique Physical Characteristics of the Property:**

The unique physical characteristic of my property, namely the proximity of the gas line and the limitation on available space due to the three-foot setback requirement, prevents compliance

with the Zoning Ordinance. Any attempt to extend the driveway in the opposite direction would infringe upon the setback requirement, thereby restricting feasible development options.

**Harm to Public Interest:**

Granting the variance would not harm the public interest in any way; rather, it would enhance public safety. The current condition of the driveway, with its unstable and muddy surface, poses a clear risk to the safety of individuals accessing the property, including children, parents, and visitors. By extending the driveway to alleviate the mud pit issue, the variance would contribute to increased public safety and mitigate the potential for accidents or injuries.

In conclusion, I respectfully request that the Zoning Board grant the variance to allow for the extension of my driveway by one and a half feet to the west. This variance is necessary to address the hardships created by the Zoning Ordinance, facilitate reasonable use of the property, accommodate its unique physical characteristics, and enhance public safety.

Thank you for your attention to this matter. I am available to provide any further information or clarification required.

Sincerely,  
Julia DuMez



























