



ZONING BOARD OF APPEALS AGENDA

December 21, 2022 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 November 16, 2022.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- [5.](#) Variance application by Scott Hayes to construct an 11-foot x 15-foot 2 story addition to a legally nonconforming structure. The addition would increase the nonconformity in the street yard located at 1529 Oakland Avenue.

NEXT MEETING

6. January 18, 2023

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, November 16, 2022

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 October 19, 2022.

Motion by Don Gerber, second by Keeli Johnson to approve. Motion carried.

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 8th Street.

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

NEXT MEETING

6. December 21, 2022

ADJOURN

7. Motion to Adjourn

Motion by Don Gerber, second by Keeli Johnson to adjourn. Motion carried.

Being no further business, the meeting is adjourned at 3: 12 p.m.

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 1529 Oakland Ave

Parcel #: 425940

Owner's Name: Scott Hayes

Zoning: NR-6

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 12/01/2022

MEETING DATE: 12/21/2022

BACKGROUND / ANALYSIS

Owner would like construct an 11-foot x 15-foot 2 story addition to a legally nonconforming structure. The addition would increase the nonconformity in the street yard.

Ordinance #: 15.105(2)(d)(3)(b)(E) Street Side Lot Line to House: **Single family:** 25 feet

Requesting: 13.70 feet setback

Allowed: 25 feet setback

Ordinance #:

Requesting:

Allowed:

ATTACHMENTS:

Application, pictures, and drawing

APPLYING FOR A VARIANCE

Variances to zoning ordinances are considered by the CITY OF SHEBOYGAN Zoning Board of Appeals monthly at a public hearing. In order to be considered at the next meeting, applications must be received in the Building Inspection Department Office **no later** than **NOON** on:

Application deadline date(**last working day of the month**)

Date: Board of Appeals Meeting

All applications must include:

1. Application forms, signed and dated, which are available at the Building Inspection Department Office.
2. A legal description of the property.
3. The non-refundable filing fee - \$150.00.
4. A site sketch, drawn to scale if possible, 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.
5. Photographs of the property.

Note: The applicant can present any additional information which is necessary to inform the Board of the facts.

**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 that 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 of your property. Notice of hearing will also be sent to the City of Sheboygan Planning Department. It is important that you discuss your proposal with the Building Inspection Department and Planning Department.

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

11/9/22

Date

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

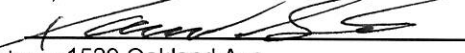
CASE NO. _____
FILING DATE _____
RECEIPT NO. _____
ZONING DIST. _____

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

- 1). Appeal Location (address): 1529 Oakland Ave
- 2). Applicant: Scott Hayes Telephone #: (920) 456-9511
Address: 1529 Oakland Ave
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Parcel # 59281425940. Being Lots 6 and 7 of block 10 South Sheboygan
- 4). Type of Building (Circle): Commercial - Industrial - Institutional - Residential - Apartment - Other (if other)
please list: _____
- 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: NA
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: _____
- 7). Applicants interest in property: Owner
- 8). Describe the requested variance and grounds for refusal of a permit.
See Attached
- 9). 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.:
See Attached

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: 11/9/22

Signature: 
Mailing Address: 1529 Oakland Ave
Sheboygan WI 53081

PROJECT SCOPE AND VARIANCE CRITERIA

The scope of the proposed project is to add an enclosed entry/staircase for the 2nd floor apartment that also provides an enclosed and secure entry for the upper unit laundry facilities in the basement level.

The property was developed prior to the current zoning and setback ordinances and the existing home does not meet the required setbacks for the side yard (West). This condition existed prior to the current zoning ordinance and is consistent with the surrounding properties.

The original design for this project called for the addition to be on the South side of the home flush with the West wall. The existing home does not meet the required setback and this plan would have resulted in a 2.8' setback to the West lot line. (see attached original plan and survey dated Oct 31st 2022).

In an attempt to meet the setback requirement, a new entryway layout and location was developed. This design shifts the entry to flush out with the East wall rather than the West wall, and narrows the width of the addition to 11ft from the previous 13'6". The result of this change is a new setback from the West lot line of 13.7' (see attached sketch and survey)

The proposed addition meets all other setback and zoning requirements for this property. There is no effect on the public interest beyond what already exists and has existed since the property was originally developed. The existing outside access to the basement poses a safety issue to tenants both during inclement weather for access and also as a potential security issue for potential crime. Construction of the enclosed entry addition to encompass the basement access addresses these safety issues.

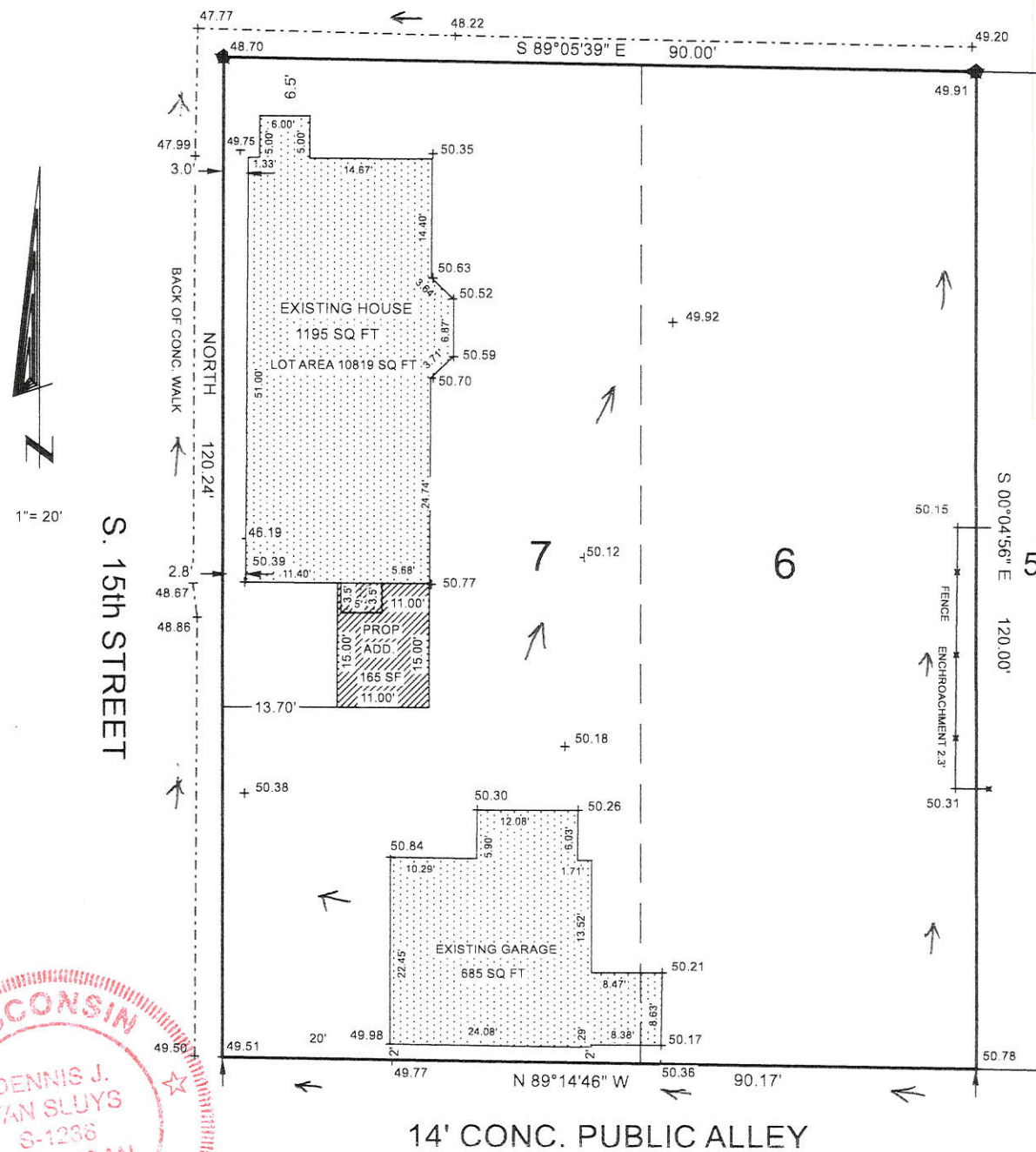
This request is for a variance to allow for the 13.7 ft side yard setback as shown on the attached survey.



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

1529 OAKLAND AVE,
PARCEL 59281425940
BEING LOTS 6 AND 7 OF BLOCK 10 SOUTH SHEBOYGAN,
CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WI

OAKLAND AVE.



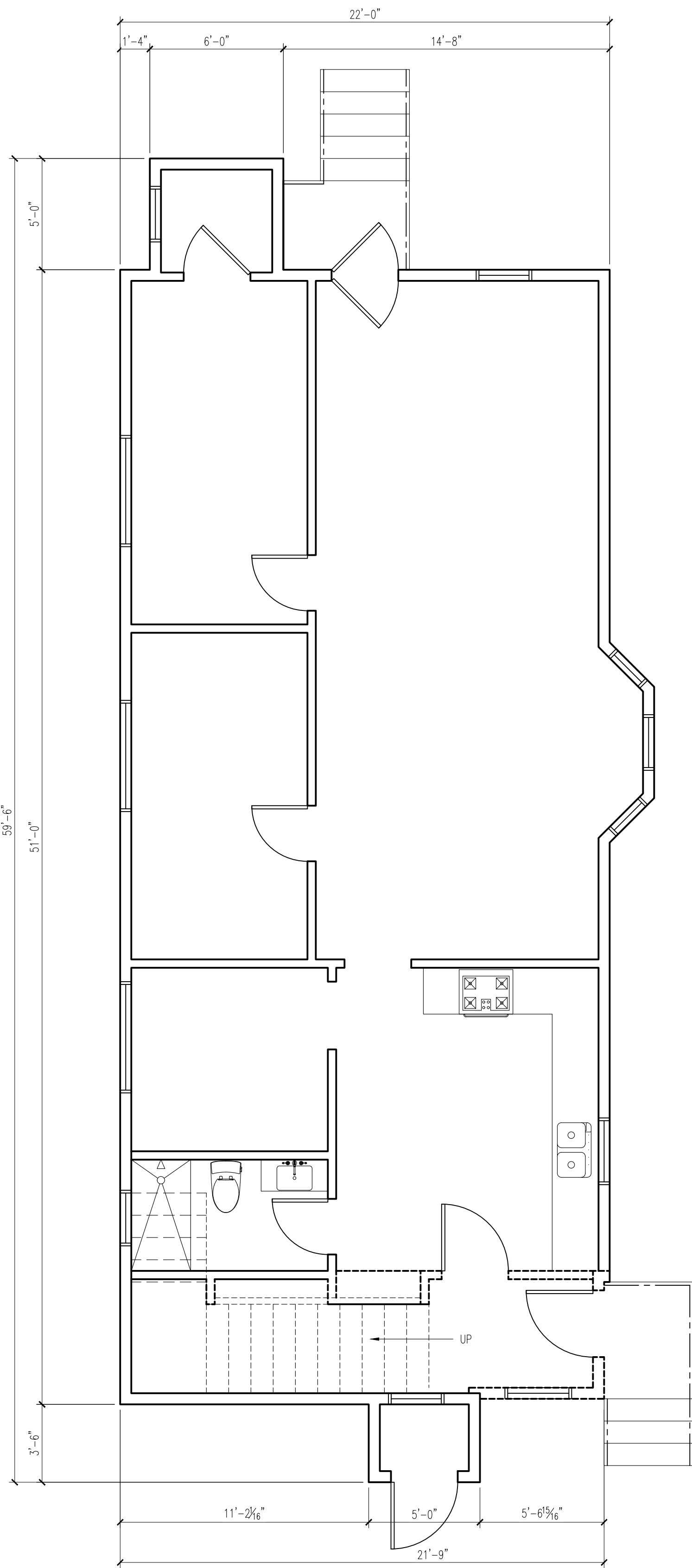
IS AN ORIGINAL PRINT ONLY
THIS IS TO CERTIFY THAT THE INFORMATION SHOWN HEREON
IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

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

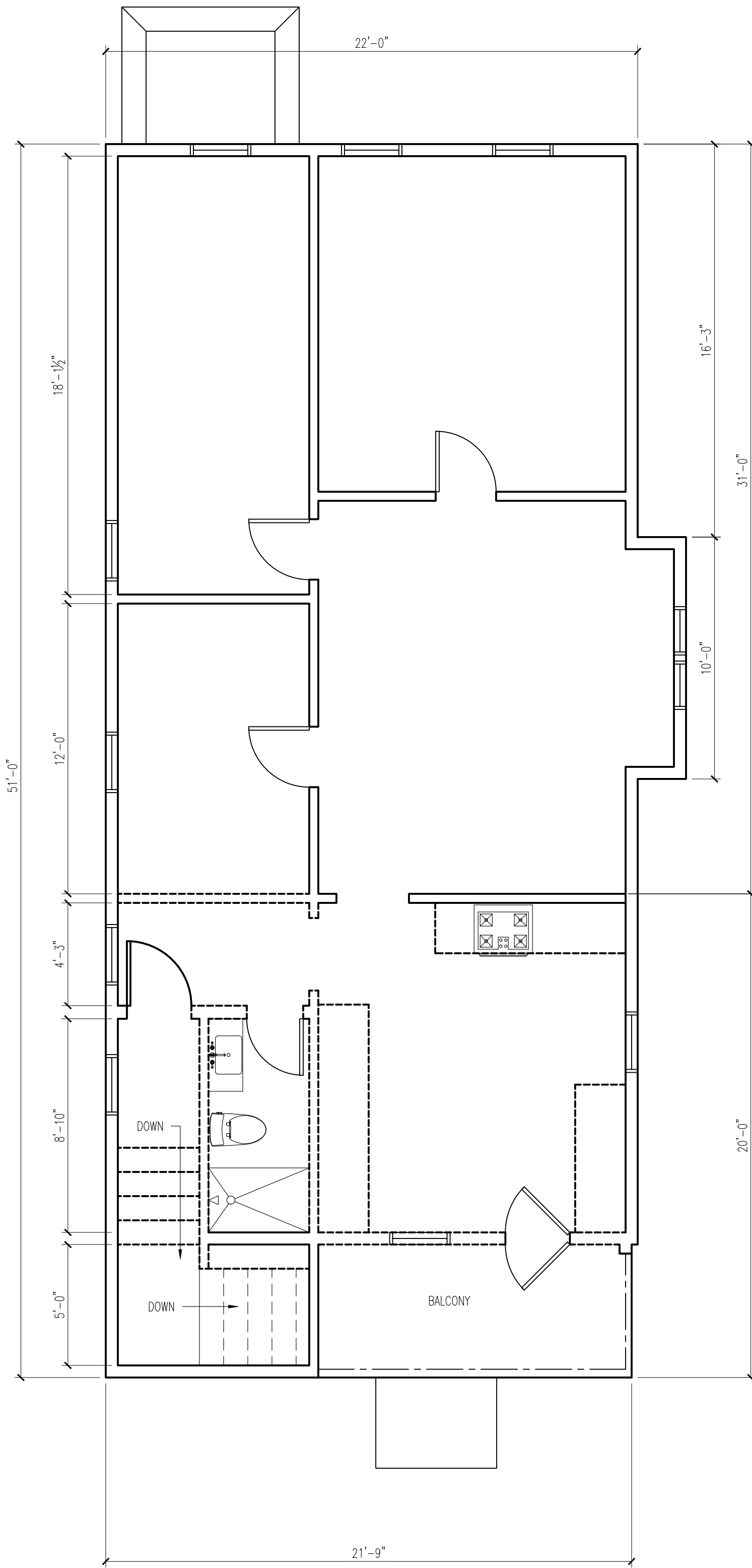
Dated this 31st day of October, 2022.

- + = EXISTING GRADE CITY DATUM
- ★ = 1" IRON PIPE FOUND
- ↑ = CHISELED ARROW FOUND

DATA/CSHEB22/1529OAKL L-24372

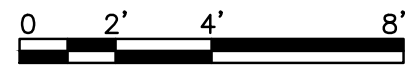


1
A003
EXISTING 1ST FLOOR
SCALE: 1/4"=1'-0"



2
A003
EXISTING 2ND FLOOR
SCALE: 1/4"=1'-0"

WALLS TO BE REMOVED



PRELIMINARY

NOTE:
All dimensions are face of stud to face of stud 2x4 (3 1/2"), 2x6 (5 1/2").
All window header heights to be set at 6'-10 7/8" unless otherwise noted.
All bearing headers to be (2) 2x12s, unless otherwise noted.
All exterior window and door sizes are Rough Openings.
All wall heights to be 8'-1 1/8" unless otherwise noted.
Although every effort has been made in designing and preparing these plans and checking them for accuracy, the installer, owner, or contractor must check all details and dimensions and be responsible for any changes or adjustments required during actual construction. The installer is also responsible to follow all state and local codes.

NOTICE:
THESE PLANS ARE DESIGNED EXCLUSIVELY FOR THE USE OF OUR CUSTOMERS. ANY REPRODUCTION OR OTHER USE IS STRICTLY PROHIBITED WITHOUT THE EXPRESSED WRITTEN CONSENT OF OOSTBURG LUMBER COMPANY, INC.

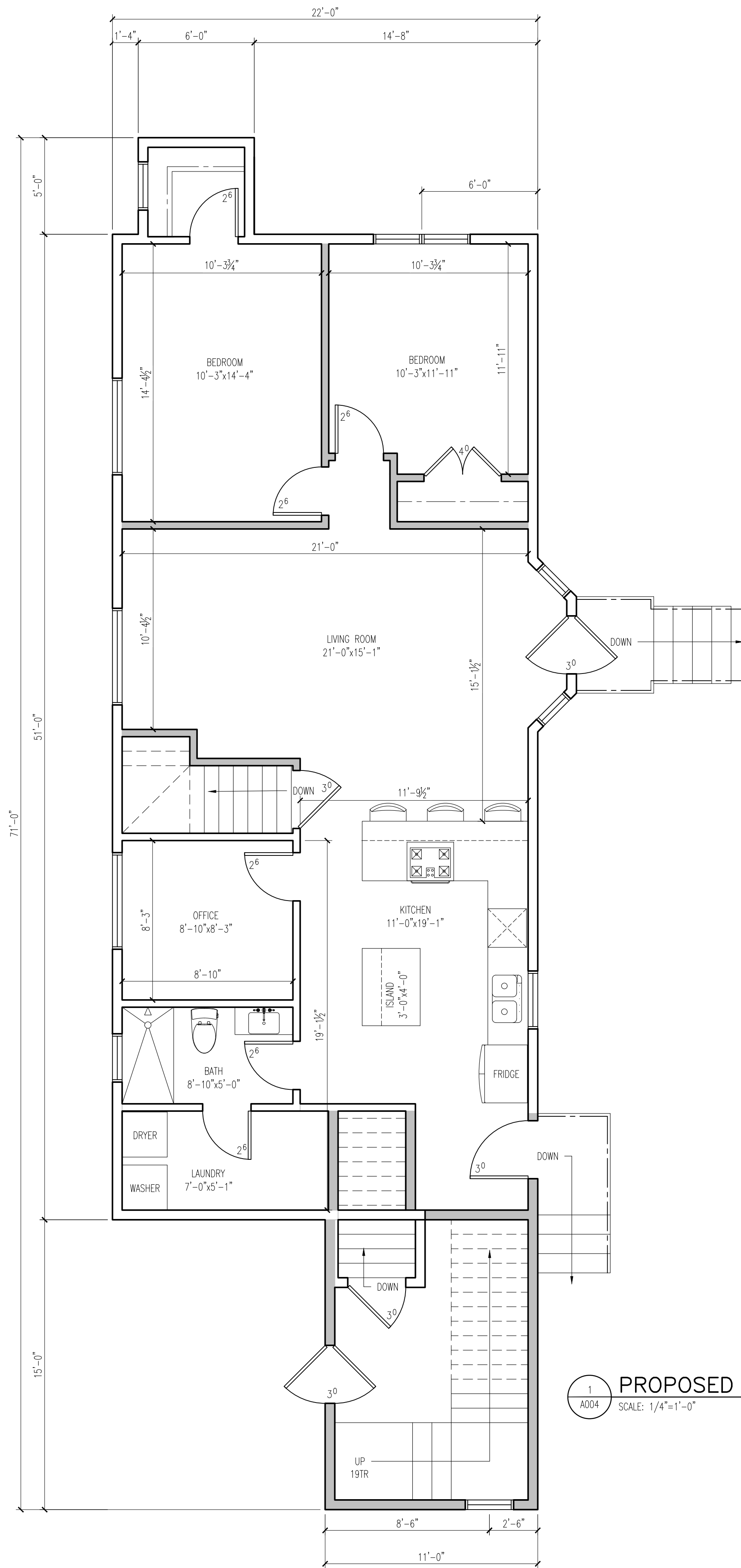
Visit us at:
www.oostburglumber.com
E-mail to:
kristindedering@oostburglumber.com

OOSTBURG LUMBER
COMPANY, Inc.

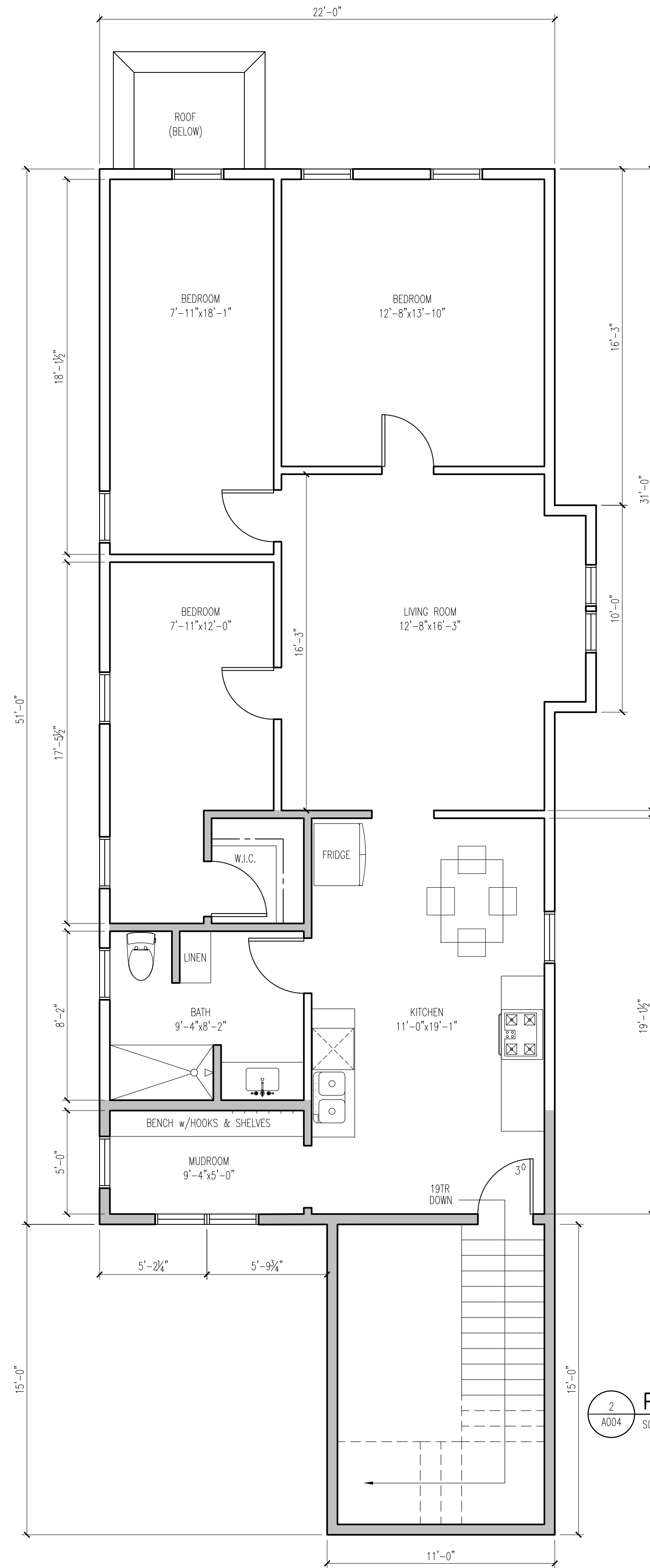
1218 Center Ave.
Oostburg, WI 53070
Phone: (920) 564-2378
Fax: (920) 564-3040

PROJECT FOR:
SCOTT HAYES
1529 OAKLAND AVE
SHEBOYGAN, WI

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|------------------|---------------------|
| Page: | DATE: 9/6/22 |
| 3 | REV. DATE: 12/12/22 |
| of | REV. DATE: |
| 5 | REV. DATE: |
| Drawn by: J.S. | REV. DATE: |
| Checked by: K.D. | REV. DATE: |

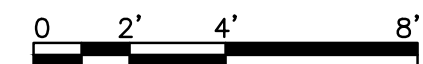


1
ADD4
PROPOSED MAIN FLOOR PLAN
SCALE: 1/4"=1'-0"



2
ADD4
PROPOSED UPPER FLOOR PLAN
SCALE: 1/4"=1'-0"

NEW WALLS



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Visit us at:
www.oostburglumber.com
E-mail to:
kristindedering@oostburglumber.com

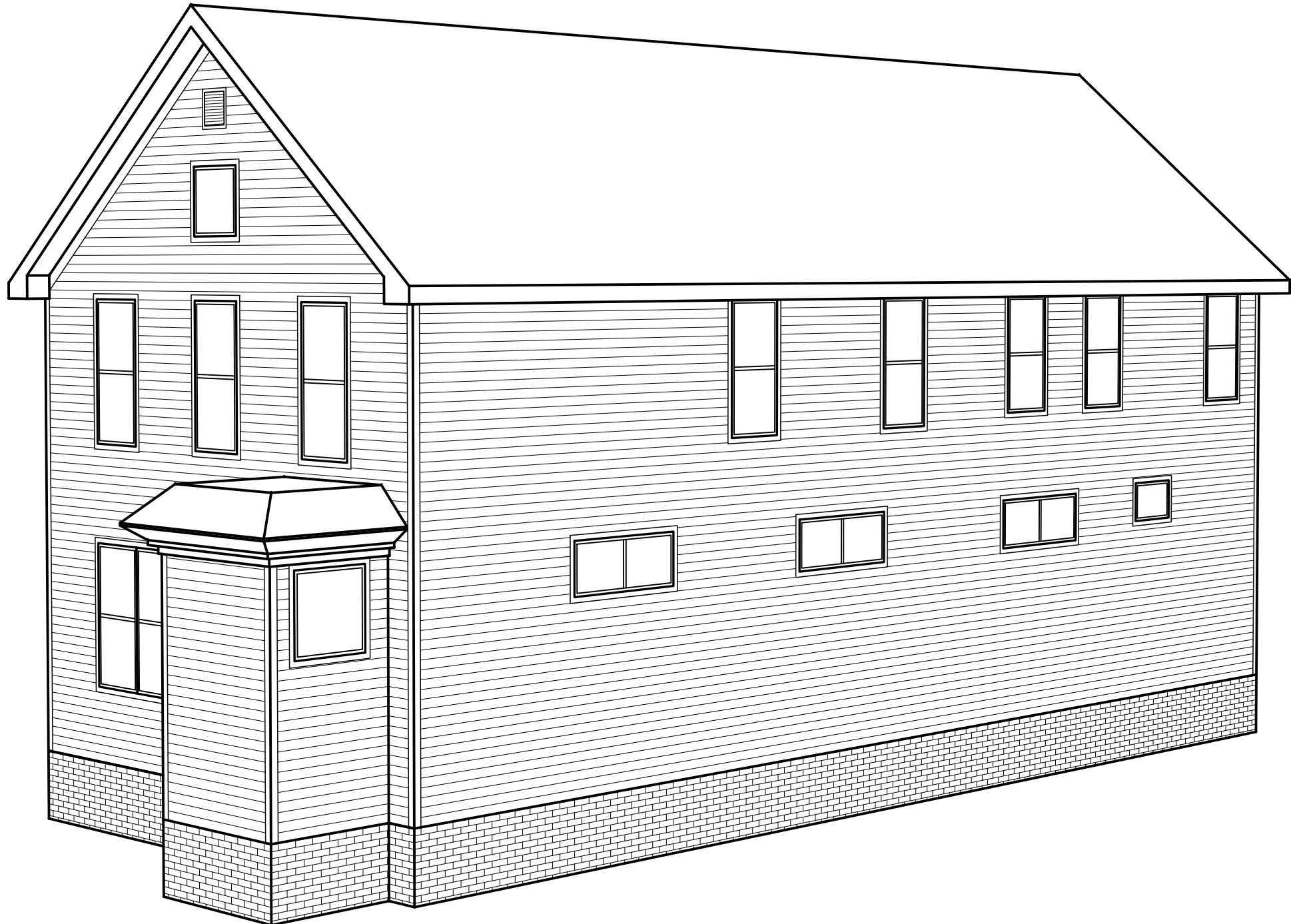
OOSTBURG LUMBER
COMPANY, Inc.

1218 Center Ave.
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Phone: (920) 564-2378
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| Checked by: K.D. | | | | | |















Conditions of approval:

1. Applicant shall remove all unused equipment from the roof such as antennas, etc.
2. Applicant shall reinstall windows in all 1st and 2nd story windows openings (remove plywood).
3. Applicant shall reinstall glass block windows in all basement window openings (remove plywood).
4. Applicant proposes to remove the front door from Oakland Avenue. Applicant shall infill this former front entrance area to match the existing homes design, color and materials (cannot infill this area with different design, materials and/or colors).
5. Applicant shall fix the damaged white trim above the overhead garage door.
6. Garage is weathered and has different siding colors (most of the garage is blue but the east end of the south side along the alley is white vinyl). Applicant shall paint the garage so it is all the same color.
7. There is a significant amount of miscellaneous debris and equipment stored outside including but not limited to barrels, topsoil pile, bricks, swing sets, etc. All of these materials will be removed and/or stored inside the house or garage.
8. All inoperable vehicles, boats, etc. shall be removed from the property.