

ZONING BOARD OF APPEALS AGENDA

June 15, 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
- Pledge of Allegiance
- 3. Identify potential conflicts of interest

MINUTES

4. Approval of the Board of Appeals minutes from May 18, 2022.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- 5. Variance application by Edward Procek is requesting to attach an existing 12-foot 4-inch x 18-foot 4-inch one car garage to the existing dwelling. The existing garage would also be raised 16 inches by adding 2 courses of 8-inch cement block between the bottom of the wood wall and existing foundation. The creation of an attached garage will not meet the required setback requirements located at 1230 S. 13th Street.
- 6. Variance application by Adam & Julia Schmitz is requesting to construct detached 24-foot x 36-foot garage with an 8-foot x 36-foot roof overhang (1,152 sq ft). There is currently a two-car garage attached to the dwelling. NOTE there is no height provided by owner. Maximum height allowed is 15 feet located at 4141 S 15th Street.

NEXT MEETING

7. July 20, 2022

ADJOURN

8. 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 18, 2022

OPENING OF MEETING

Members Present: Kevin Sampson, Don Gerber, Ed Surek, Kim Meller, and Keeli Johnson

Members Excused: Richard Linde and Sala Sander

1. Call to Order

Kevin Sampson called the meeting to order.

2. Pledge of Allegiance

The Pledge of Allegiance was 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 20, 2022.

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

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

5. Variance application by Juhani and Susan Kivisto requesting to construct detached 25 foot x 25 foot garage (625 sq ft) located 13 feet to the north of the home with a new driveway on North Ave. There is currently an attached single car garage that is accessed from a driveway on Blackstock Ave. This property has 2 front yards (Blackstock Ave and North Ave) located at 418 Blackstock Avenue.

Motion by Don Gerber, second by Keeli Johnson to approve with the following conditions:

- 1. Submit a survey showing appropriate setbacks
- 2. Garage shall complement the existing materials and colors of the house

Motion carried.

6. Variance application by Revelis Investments, LLC requesting to operate a painting business at 2516 Superior Avenue currently zoned as SR-5 (Suburban Residential). This would be a nonconforming use.

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

Variance application by Allen and Sherry Brotz requesting to construct an 18 foot x 18 foot gazebo (324 sq ft) located at 1822 Tivoli Lane.

Motion by Keeli Johnson, second by Ed Surek to approve with the following conditions:

1. Submit a survey showing appropriate setbacks

Motion carried.

Item 4.

NEXT MEETING

8. June 15, 2022

ADJOURN

9. Motion to Adjourn

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

Being no further business, the meeting was adjourned at 3:26 p.m.

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 1230 S 13th ST

Parcel #: 508080

Owner's Name: Edward Procek

Zoning: NR-6

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 06/07/2022 **MEETING DATE:** 06/15/2022

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BACKGROUND / ANALYSIS

Property owner is proposing to attach an existing 12 foot 4 inch x 18 foot 4 inch one car garage to the existing dwelling. The existing garage would also be raised 16 inches by adding 2 courses of 8 inch cement block between the bottom of the wood wall and existing foundation. The creation of an attached garage will not meet the required setback requirements.

Ordinance #: 15.408(1)(a)(2) A nonconforming accessory residential building may be enlarged, maintained, repaired or structurally altered; provided, however, that no such enlargement, maintenance, repair or structural alteration creates an additional nonconformity or causes any portion of said accessory residential building to be located nearer to a lot line where a nonconformity exists

Requesting: Increase height 16 inches

Allowed: 0

Ordinance #: 15.105(2)(d)(3)(b)(G) Side Lot Line to House or Attached Garage: 5 feet

Requesting: Less than 5 feet

Allowed: 5 Feet

Ordinance #: 15.105(2)(d)(3)(b)(H) Total of Both Sides, Lot Lines to House/Attached

Garage: 30 ft for a corner lot

Requesting: Less than 30 feet

Allowed: 30 feet

Ordinance #: 15.105(2)(d)(3)(b)(I) Rear Lot Line to House or Attached Garage: 20

feet

Requesting: Less than 20 feet

Allowed: 20 feet

ATTACHMENTS:

Application, pictures, and drawing



BUILDING INSPECTION DEPARTMENT

828 Center Avenue, Suite 208 Sheboygan, WI 53081-4442 Phone: (920) 459-3477

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 3p.m. 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* 4:30p.m. on the third Wednesday of the month prior to the scheduled public hearing:

5 18 3 6 6 15 3 8 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.
- e) Building permits must be acquired within 6 months of the granted approval or the approval will be voided.

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.

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.			
	(110/22		
Signature	Date		

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BUILDING INSPECTION DEPARTME.

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

APPEAL FROM RULING OF THE BUILDING INSPECTOR

	PPEAL FROM RULING OF THE BUILDING INSPECTOR ND/OR ZONING ADMINISTRATOR FILING DATE: RECEIPT NO: ZONING DIST:				
TO:	THE ZONING BOARD OF APPEALS, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WI				
1).	Appeal Location (address): 1230 South 13 sincet				
	Applicant: Edward J. Procek Telephone #: (420) \$587076 (chocin) Address: 1230 So 13 STREAT				
3).	Legal Property Description (Lot, Block, Subdivision, etc.)				
4).	Type of Building (Circle): Commercial Residential				
5). I). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other				
	(if other) please list:				
6). I	f the request is for a nonconforming use:				
	Your intended use:				
	Date last occupied as a nonconforming use:				
	By Whom: Previous use:				
	Applicants interest in property:				
	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.				
	REBY CERTIFY THAT THE ABOVE APPLICATION AND/OR APPEAL AND ALL ATTACHMENTS THERETO ARE TRUE, RRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.				
Date	Signature: Printed Name: Edward J. Procek Mailing Address: 1230 Seat 13 Stack Stack 1308				



BUILDING INSPECTION DEPARTMENT

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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.

UNIQUE PROPERTY LIMITATIONS **TEST #2:**

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.

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

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.

Test 1) Is that the garage is not large enough to house a car and other preferably covered items, such as a snow blower, City of Sheboygan Refuse Containers.

Test 2) Unique is the older neighborhood, lot lines, and also being a corner lot. This allows for no other configuration for the property.

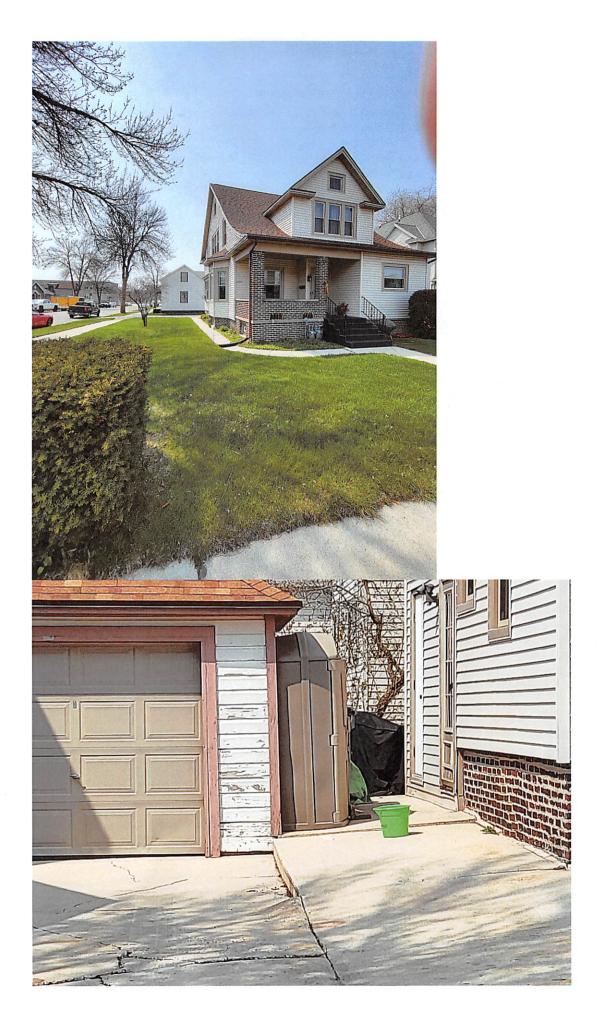
Test 3) While existing zoning is in many cases understandable, this is a unique situation. The abutting land owners have verbally agreed to the concept so as to clear the area and make it ascetically more appealing for us all, and useful for me I do believe this drawing actually after talking with several others, including TIm Rakun (Construction), Scott Davis (Concrete), and Ed Hurlbutt (Architect) about the project and as we proceeded this became the float to top solution so all the pieces fit together. With the ideas from construction contractors we hope we will enhance the appearance of the neighborhood and have the property better utilized.

Sincerely,

Edward J Procek

1230 South 13 Street

Sheboygan, WI 53081

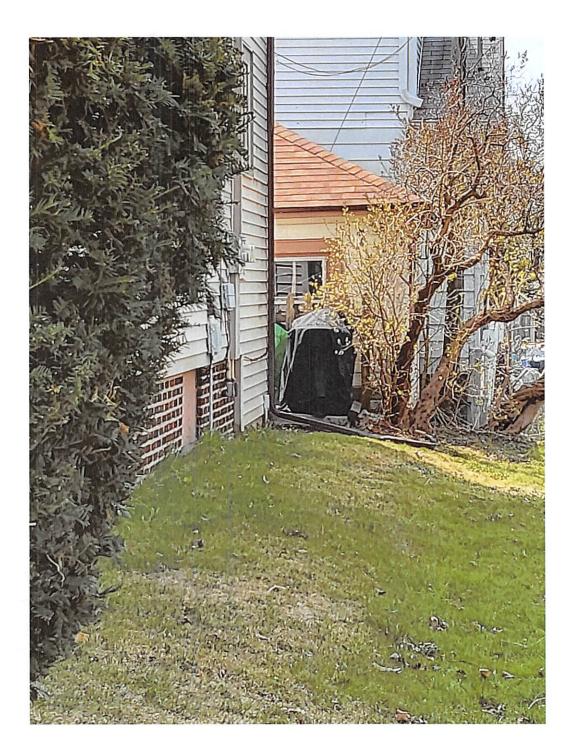


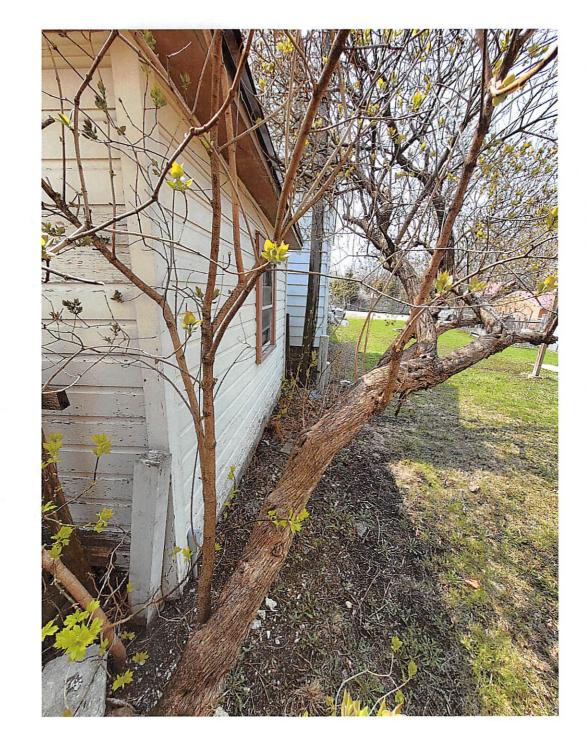


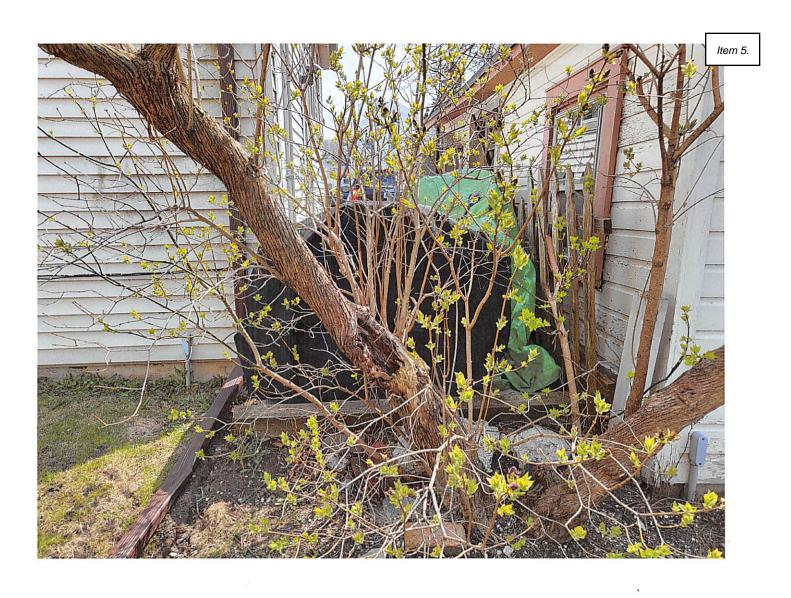


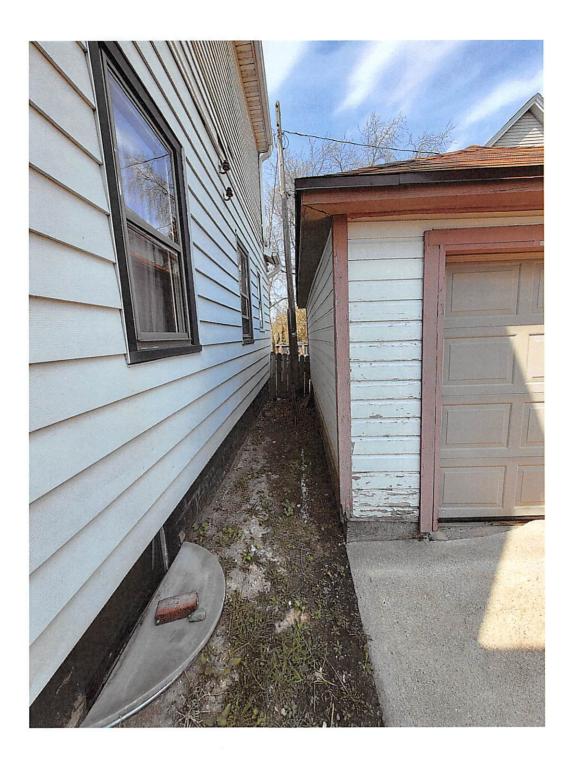


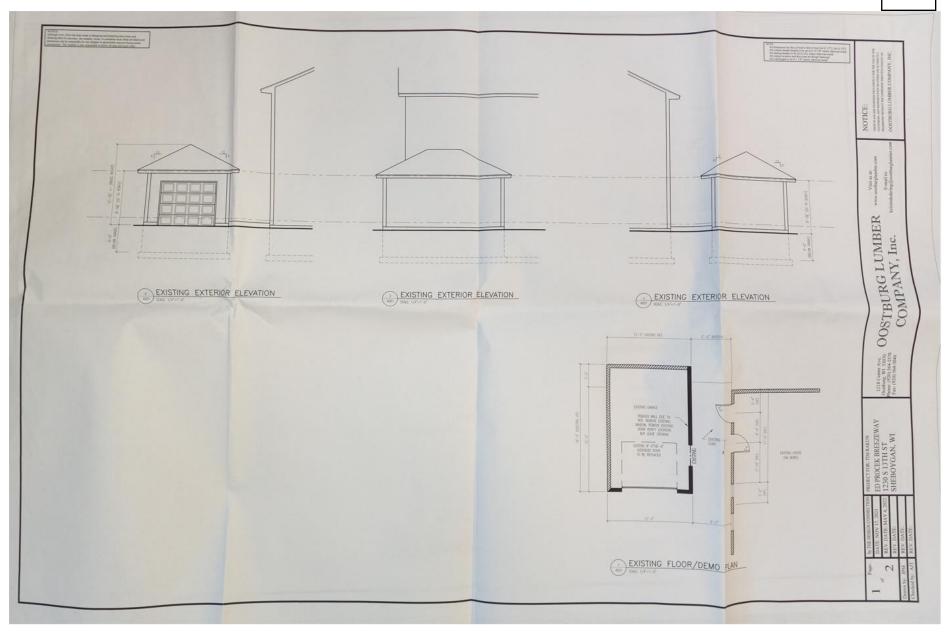


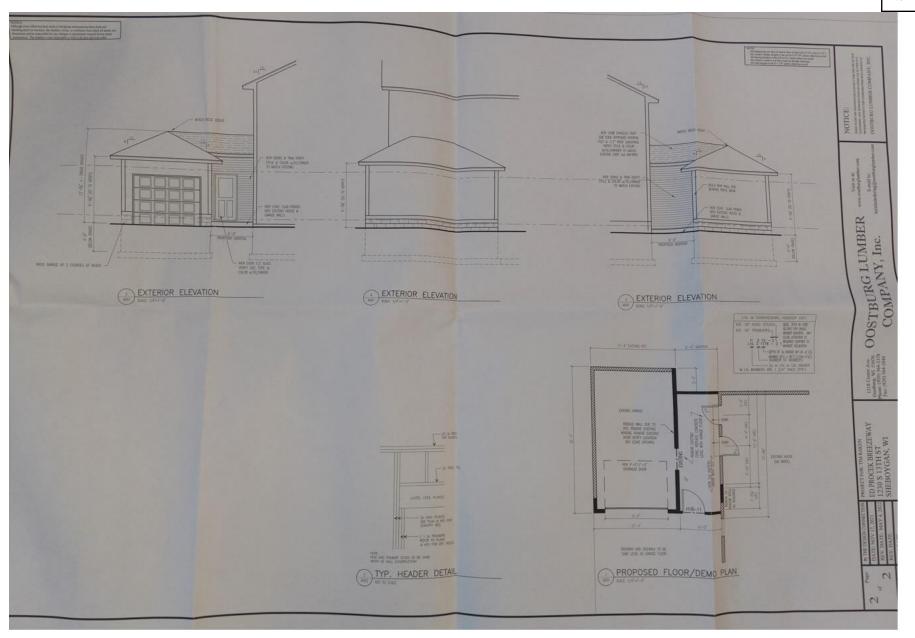












Item 6.

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 4141 S 15th ST

Parcel #: 460185

Owner's Name: Adam & Julia Schmitz

Zoning: SR-3

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 06/07/2022 **MEETING DATE:** 06/15/2022

BACKGROUND / ANALYSIS

Property owner is proposing to construct detached 24 foot x 36 foot garage with an 8 foot x 36 foot roof overhang (1,152 sq ft). There is currently a two car garage attached to the dwelling. NOTE – there is no height provided by owner. Maximum height allowed is 15 feet.

Ordinance #: 15.206(8)(d)(1)(a) The maximum number of accessory structures per lot is three (3) – not to exceed one (1) garage, one (1) shed, one (1)gazebo or one (1) greenhouse.

Requesting: 2 garages

Allowed: 1 garage

Ordinance #: 15.206(8)(d)(1)(b) The maximum square footage of a garage and/or carport is 1,000 square feet.

Requesting: Existing 2 car garage and new 1.152 sq ft detached garage

Allowed: 1,000 sq ft

Ordinance #:

Requesting:

Allowed:

ATTACHMENTS:

Application, pictures, and drawing



BUILDING INSPECTION DEPARTMENT

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APPLYING FOR A VARIANCE

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Wednesday at 3:00 pm at a public hearing. In order to	se considered for the next meeting, applications m	ust be received in the
Bullding Inspection Department Office no later than 4	30 pm on the third Wednesday of the month prior	to the scheduled public
hearing:	7	
5/18/22		
110100	_	
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
- 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, diversays, 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.
- Applicants should be aware staff may require a survey as part of the application information in order to clarify specific variance(s) requested.
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adem I din	5/17/82	
Signature	Date	



www.sheboyganwi.gov

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-		1027		
	EAL FROM RULING OF THE BUILDING INSPECTOR D/OR ZONING ADMINISTRATOR	CASE NO:		
1). 2).	Appeal Location (address): 44 SISM Standards: 44 SI	-, Shthoygam Telephone #:(a20) 334/575		
	Type of Building (Circle): Commercial Residential Request for (Circle): New Construction - Repairs - Alter (if other) please list:	ations - Addition - Nonconforming Use - Other		
6).	If the request is for a nonconforming use: Your intended use: Date last occupied as a nonconforming use:			
71		Previous use:		
8).	the Board describe the requested variance and include what unnecessary			
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.				
Dat	te: 5/17/20 Signaturez	Ulli C 1 ch CL		

Page 2 of 3



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THE THREE "TESTS" FOR A VARIANCE

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TEST #1: UNNECESSARY HARDSHIP

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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.

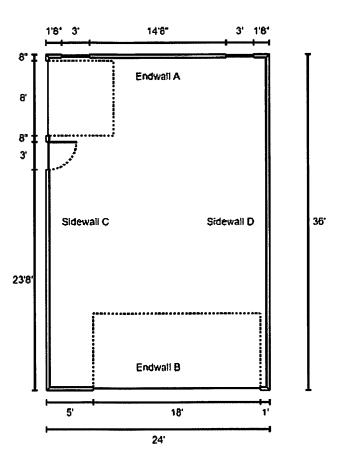
Your proposed construction must meet all three "tests" to qualify for a variance. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. They are not intended as an accommodation for a property owner's convenience. A variance decision may be appealed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

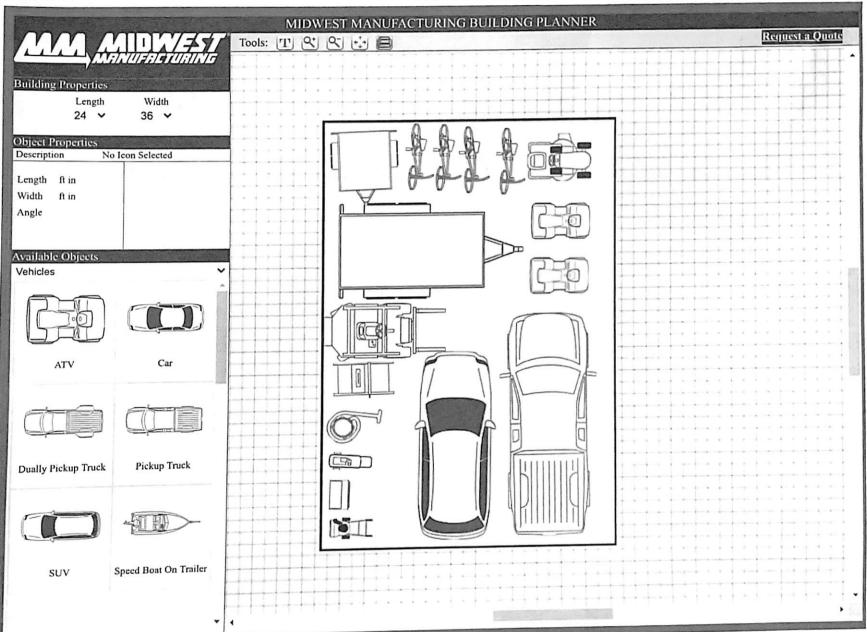
Please contact the staff at the City's Planning Department and/or Building Inspection Department if you have any further questions.

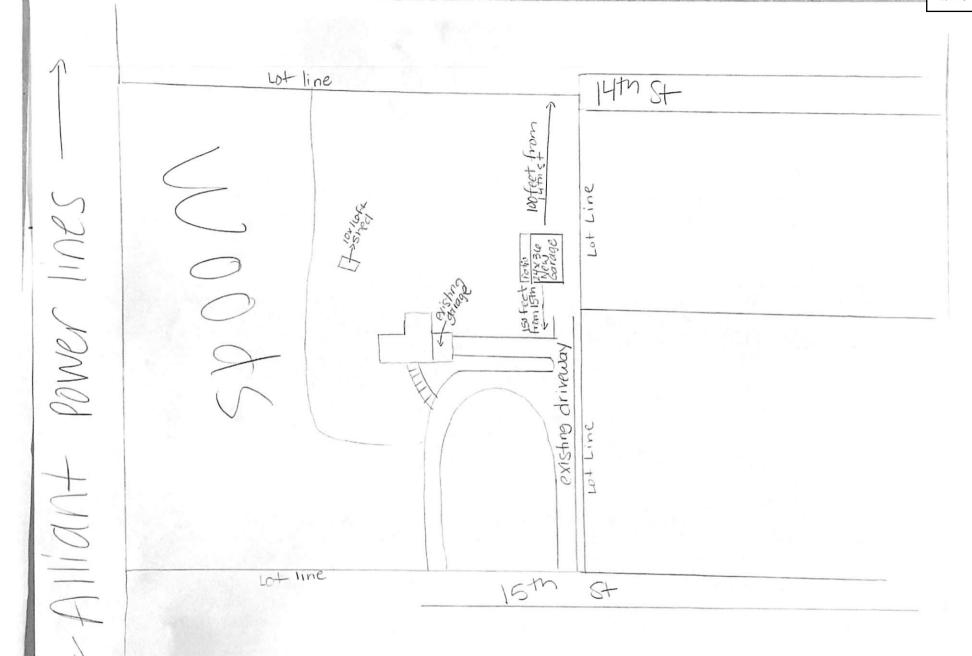
We own a 2.12-acre property at 4141 S 15th Street in Sheboygan. Our current two car attached garage has quickly become too small for our growing family. Due to its location, we are unable to make the garage larger. My spouse and I each have a personal vehicle and a work vehicle. This is four vehicles between the two of us. We also have four small children who enjoy playing outside and enjoy the land that we own. They themselves have quite a large number of bikes, cars, and outdoor toys which occupy much of our current garage. As of right now, our garage is only large enough for one of our personal vehicles with all our kids' toys, bikes, lawn mower, log splitter, skid loader, four wheelers, multiple trailers, and leaf collector. We would like to build an additional 24x36 foot garage with a covered patio on the end of our current driveway. This new garage would ensure that all our vehicles, outdoor toys, and yard equipment would be stored inside the garage and out of the weather, instead of on the street or in our driveway. We pride ourselves in taking care of what we own and that has been hard to do without being able to store everything properly.











Date: 5/17/2022 - 12:40 PM Design Name: Garage Design Design ID: 324753763604 Estimated Price: \$20,525.29

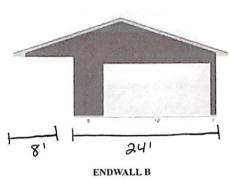
*Today's extimated price Future pricing may go up or down Tax, labor, and delivery not included.



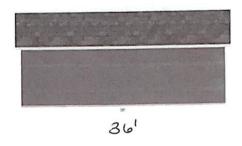
Dimensions

Wall Configurations

*Illustration may not depict all options selected.



Ideal Door® Commercial 18' x 9' White Insulated Garage Door

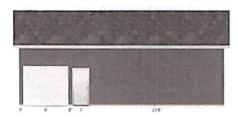


SIDEWALL D

with 81 over hang - 1,152 sq ft

Date: 5/17/2022 - 12:40 PM Design Name: Garage Design Design ID: 324753763604 Estimated Price: \$20,525,29

*Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included



SIDEWALL C

Mastercraft® 36"W x 80"H Primed Steel 6-Panel Ideal Door®, 4-Star 8" x 7" White Select Value Insulated

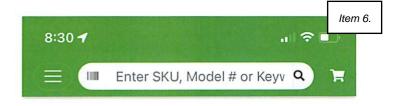
*Some items like wainscot, gutter, gable accents, are not displayed if selected.





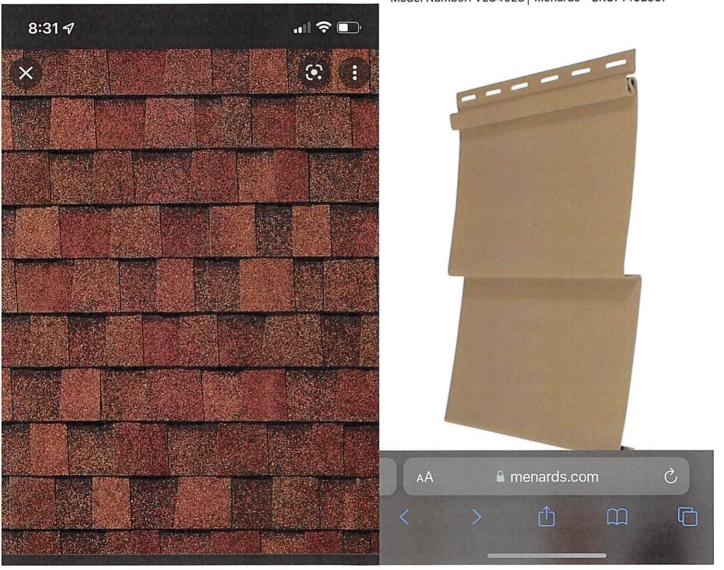
ENDWALL A

36"W x 24"H JELD-WEN® Vinyl Slider 36"W x 24"H JELD-WEN® Vinyl Slider



Cedar Creek™ Double 4" x 12' 6" Khaki Vinyl Siding

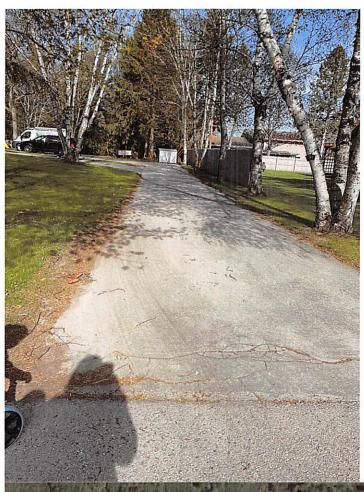
Model Number: VLC4028 | Menards ® SKU: 1462537





The shed will be removed to build the new garage







proposed new garage and parto





