



ZONING BOARD OF APPEALS AGENDA

April 20, 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 Zoning Board of Appeals minutes from February 16, 2022

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- [5.](#) Variance application by Larry and Peggy Krueger requesting to construct an attached garage addition to the south side of the home within the required back yard and within the required street yard. The building coverage ratio exceeds 40%. The owner would like to construct a 3-foot-wide sidewalk on the south property line to access a service door on the garage addition located at 501 Michigan Avenue.
- [6.](#) Variance application by Richard and Sarah Cleary requesting to construct a 208 sq ft bedroom addition to the west side of the home (in rear yard). The home has a current side yard setback of 2.9 feet to the north side yard. The addition would align with the north wall of the home and would vary from 2.7 feet to 2.9 feet from the north property line located at 2324 N 5th Street.

NEXT MEETING

7. Next scheduled meeting date: May 18, 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

Item 4.

February 16, 2022

1. OPENING OF MEETING

MEMBERS PRESENT: Kevin Sampson, Ed Surek, Keeli Johnson, Sala Sander, Kim Meller, and Richard Linde,

MEMBERS EXCUSED: Don Gerber

STAFF/OFFICIAL PRESENT: Manager of Planning & Zoning Steve Sokolowski and Building Inspector Jeffrey Lutzke

1.1 Call to Order

Kevin Sampson called the meeting to order.

1.2 Pledge of Allegiance

The Pledge of Allegiance was recited.

1.3 Identify potential conflict of interest.

No committee member had a conflict of interest.

2. MINUTES**2.1 Approval of the Zoning Board of Appeal minutes from January 19, 2022.**

Motion by Keeli Johnson, second by Kim Meller to approve. Motion carried.

3. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

3.1 Variance application by Joel Brunnbauer requesting to construct a 32' x 28' detach garage with a height of 15'9" located at 708 N Evans Street.

Motion by Keeli Johnson, second by Kim Meller to approve with the following condition:

1. Garage shall match materials and colors of the house.

Motion carried.

3.2 Variance application by Gustav Lutz requesting to build out a second story on an existing single-story portion of the house. The house is currently non-conforming located at 1013 N. 12th Street.

Motion by Richard Linde, second by Keeli Johnson to approve with the following conditions:

1. Architectural drawings need to be submitted to and approved by the Building Inspector prior to the building permit issuance.
2. Addition shall match the existing design, materials and color of the house.

Motion carried.

3.3 Variance application by JC Dobas requesting to rebuild a previously demo portion of an existing residential house with a side and rear property setback of approximately 2" at 521 Niagara Avenue.

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

1. Addition shall match the existing design, materials and color of the house.

Motion carried.

4. ADJOURN

4.1 Motion to Adjourn.

Motion by Sala Sander, second by Keeli Johnson to adjourn. Motion carried.

Being no further business, the meeting was adjourned at 3:23 p.m.

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 501 Michigan Ave

Parcel #: 103160

Owner's Name: Larry & Peggy Krueger

Zoning: NR-6

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 04/01/2022

MEETING DATE: 04/20/2022

BACKGROUND / ANALYSIS

Property owner is proposing to construct an attached garage addition to the south side of the home within the required back yard and within the required street yard. The building coverage ratio exceeds 0.40. The owner would like to construct a 3 foot wide sidewalk on the south property line to access a service door on the garage addition.

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

Requesting: 3 feet from property line

Allowed: 20 feet from property line

Ordinance #: 15.105(2)(d)(3)(b)E Street Side Lot Line to House: 20 feet

Requesting: 5.76 feet

Allowed: 20 feet

Ordinance #: 15.105(2)(d)(3)(b)C Building Coverage Ratio: 0.40

Requesting: 0.563

Allowed: 0.40

Ordinance #: 15.105(2)(d)(3)(b)M Minimum paved setback: 3 feet

Requesting: 0 feet

Allowed: 3 feet

ATTACHMENTS:

Application, pictures, and drawing

Item 5.

SITE NARRATIVE - VARIANCE APPLICATION

PROJECT NAME AND ADDRESS:

RESIDENTIAL RENOVATION
Peggy & Larry Krueger
501 Michigan Avenue
Sheboygan, Wisconsin 53081

PARCEL INFORMATION:

- Tax Parcel 59281103160
- Municipality 281 – City of Sheboygan
- Legal Description - ORIGINAL PLAT N 64' OF LOT 1 BLK 66

ZONING CLASSIFICATION:

- NR-6 – Neighborhood Residential

REQUIRED:

Minimum Lot Area: Single family 6,000 SF
Min. Corner Lot Width: 70 feet
Minimum Setbacks:

Rear Setback – 20 feet

Front Setback – 25 feet

*** Side Setback (Corner Lot Total) – 30 feet**

*** Paved Setback – 3 feet**

Maximum Height Dwelling Unit – 35 feet

*** Building Coverage Ratio – 0.40**

CURRENT CONDITIONS:

3,800 SF

60'-2"(E/W) X 64'-0"(N/S)

10'-9"

5'-9"

15'-11"

n/a

24'-8"

0.469

* Bold text defines variance to be requested, see Variance Description

EXISTING SITE CONDITIONS:

- Currently used as a single-family residential home with single car attached garage.

PROPOSED SITE CONDITIONS:

- The proposed development consists of adding a second car bay to the existing attached garage.
- The addition to the attached garage will require appropriate driveway expansion and new curb cuts.

LANDSCAPE REQUIREMENTS:

- None

PERFORMANCE STANDARDS / POTENTIAL NUISANCES:

- All performance standards to comply with City of Sheboygan Zoning Ordinance, Section 15-7 to ensure this development will not become a nuisance to neighboring residential property owners.

ARCHITECTURE:

- This addition will match in style and materials to the existing home to give a seamless look when complete.

VARIANCE REQUEST:

- (3) Total variances to be requested:
 - Side yard / corner setback
 - Paved surface setback
 - Building coverage ratio

1. SIDE YARD / CORNER SETBACK

The requested variance is to allow a THREE FOOT ZERO INCH (3'-0") BUILDING SETBACK to the south lot line. The front of the garage would align with the front of the existing garage, maintaining the existing setbacks along 5th Street.

2. PAVED SURFACE SETBACK

The requested variance is to allow a ZERO INCH PAVING SETBACK to the south lot line. The request would allow for a standard 3'-0" paved walkway between the garage addition and the lot line. This would allow access to the front of the yard from the service door to the garage.

3. BUILDING COVERAGE RATIO

The requested variance is to allow a 0.563 (56%) BUILDING COVERAGE RATIO for this property. The request would allow an adequately sized additional garage bay.

UNNECESSARY HARDSHIP:

The current zoning setbacks do not allow for a typical size home to this neighborhood to be constructed. The existing residence is already not in compliance with current zoning requirements and thus a variance is required to make any alterations or additions. The addition of a second car bay to the attached garage will increase property value and resale.

UNIQUE PROPERTY LIMITATIONS:

The current parcel is a substandard lot size when comparing to the current zoning ordinance. Current zoning requires a 30'-0" corner lot combined setback, whereas the existing parcel is only 64 feet in total length. Thus, when utilizing current zoning setback requirements, the buildable area only leaves a 34-foot space for a building and garage which would be atypical to the location.

NO HARM TO PUBLIC INTEREST:

The project will not create any other harm or change to the neighborhood, other than to the current structure. The garage addition will not impede on any visibility to the neighbor, as it will be adjacent to the detached and recessed garage on the neighboring property (to the south).

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:

March 20, 2022

Application Deadline Date

April 20, 2022

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.

Signature

Date



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

Item 5.

**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): 501 Michigan Avenue
- 2). Applicant: Distinctive Design Studio Telephone #: (920) 395-1090
Address: 215 Pine Street, Sheboygan Falls, WI 53085
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) _____
ORIGINAL PLAT N64' OF LOT 1 BLK
- 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: Property Owner - Larry & Peggy Krueger
- 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.

Signature: _____
Date: _____ Printed Name: Steven Peskie
Mailing Address: 215 Pine Street
Sheboygan Falls, WI 53085



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

Item 5.

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.

PEGGY & LARRY KRUEGER



DISTINCTIVE DESIGN STUDIO EXPRESSLY RESERVES THEIR COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE DOCUMENTS. THESE DOCUMENTS ARE NOT TO BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER WHATSOEVER. NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF DISTINCTIVE DESIGN STUDIO.

WHEN PLANS ARE PRINTED ON 12 x 18 PAPER, DRAWINGS ARE REDUCED BY 50%

HOME RENOVATION

PROJECT #: 21-063

COVER SHEET

11

IF PRINTED ON 24" X 36", TOP SCALE BAR SHALL BE EXACTLY 1".
IF PRINTED ON 12" X 18", BOTTOM SCALE BAR SHALL BE EXACTLY 1", AND VIEWS ON THE SHEET ARE REDUCED BY 50%.
IF EITHER SCALE BAR IS NOT EXACTLY 1", DRAWING IS NOT TO SCALE

0' 1" 24 X 36
0' 1" 12 X 18



1 FLOOR PLAN - SITE PLAN
1/8" = 1'-0"

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WHEN PLANS ARE PRINTED ON 12 x 18 PAPER, DRAWINGS ARE REDUCED BY 50%.

#	DATE	DESCRIPTION
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HOME RENOVATION

501 MICHIGAN AVENUE
SHEBOYGAN, WI 53081

PROJECT #: 21-063

PRELIMINARY PLANS

SITE PLAN

C100



STEVE PESKIE
(920)-946-0243
steve@distinctivedesignstudio.com

WHEN PLANS ARE PRINTED ON 12 x 18 PAPER, DRAWINGS ARE REDUCED BY 50%

DO1.0 13

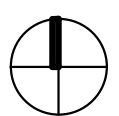
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2

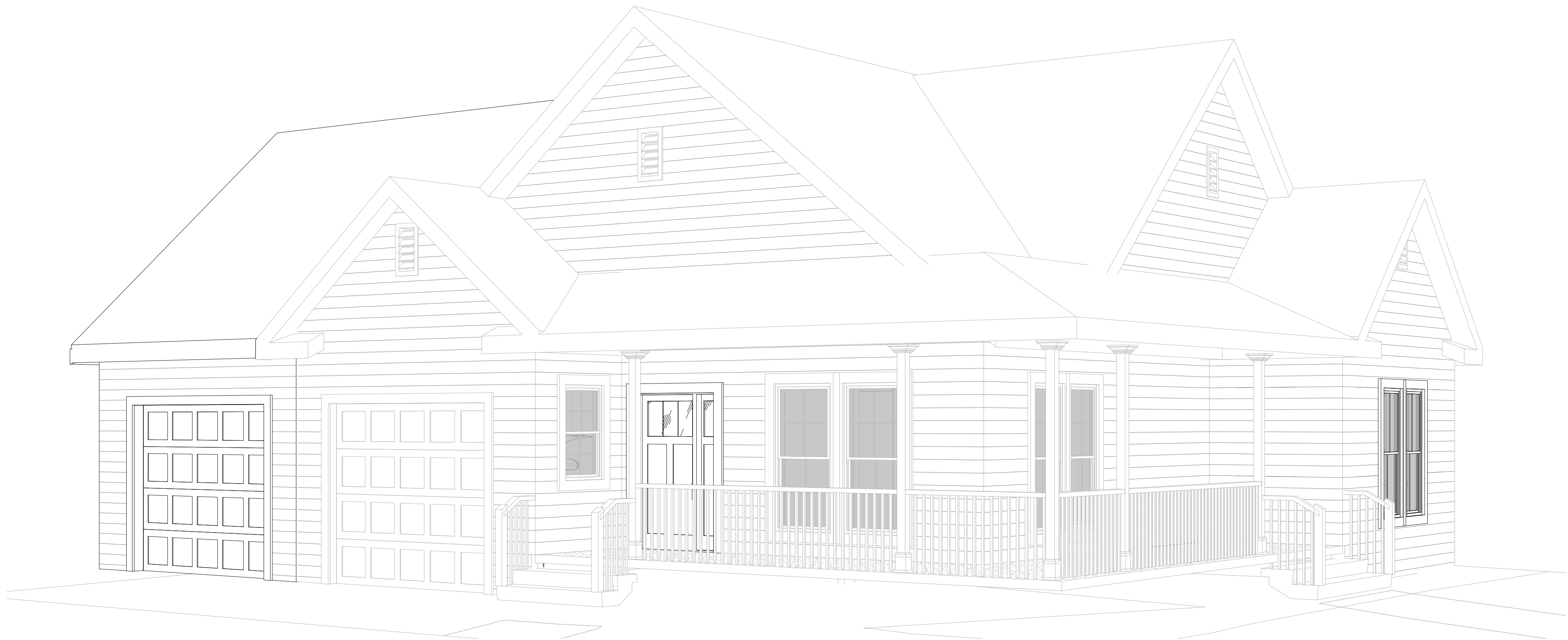


①





1 FLOOR PLAN - EXTERIOR LOOKING NW



2 FLOOR PLAN - EXTERIOR LOOKING SW

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#	DATE	DESCRIPTION
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HOME RENOVATION

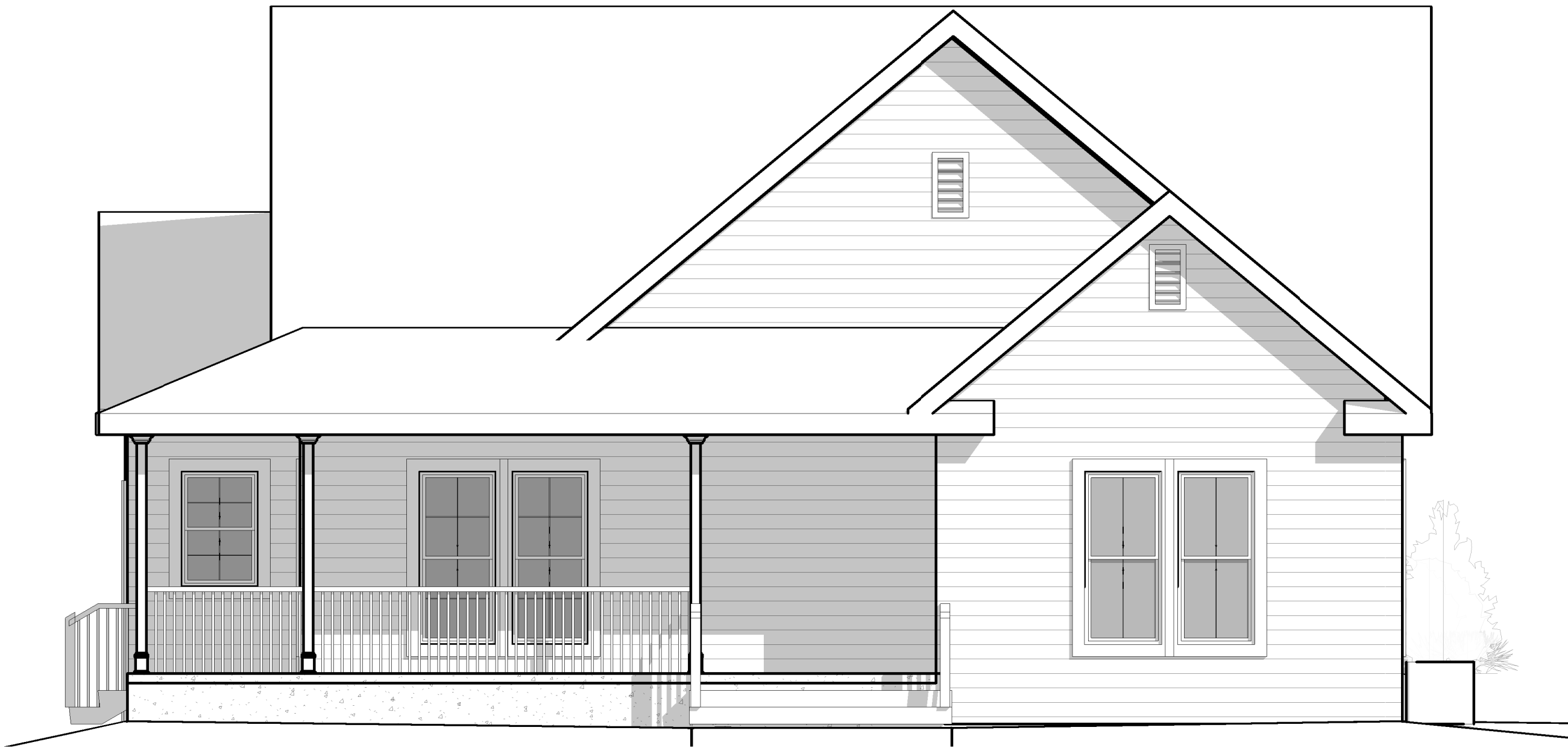
501 MICHIGAN AVENUE
SHEBOYGAN, WI 53081

PROJECT #: 21-063

PRELIMINARY PLANS

EXTERIOR 3D VIEWS

DO3.0



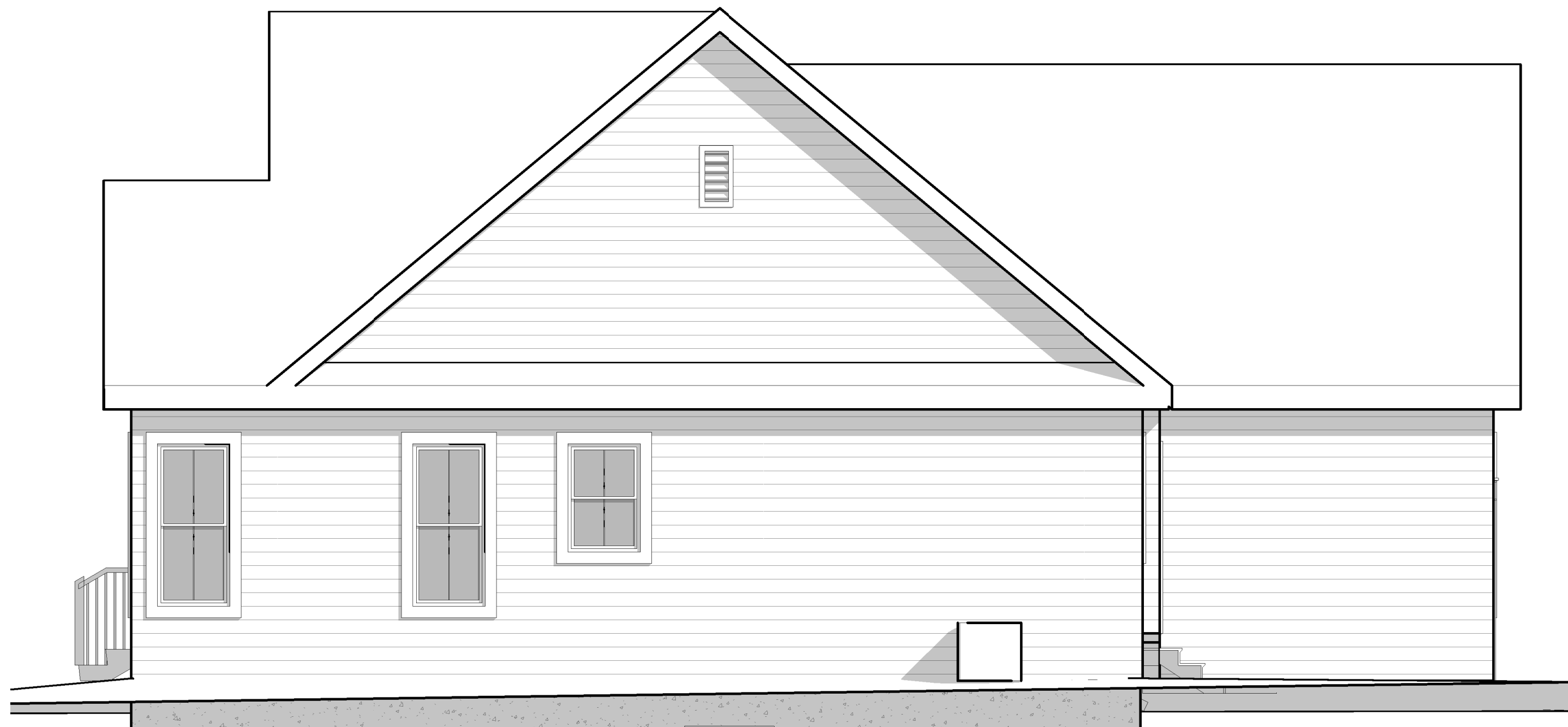
3 EXTERIOR ELEV. - SOUTH ELEVATION
1/4" = 1'-0"



4 EXTERIOR ELEV. - WEST ELEVATION
1/4" = 1'-0"



2 EXTERIOR ELEV. - NORTH ELEVATION
1/4" = 1'-0"



1 EXTERIOR ELEV. - EAST ELEVATION
1/4" = 1'-0"

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#	DATE	DESCRIPTION
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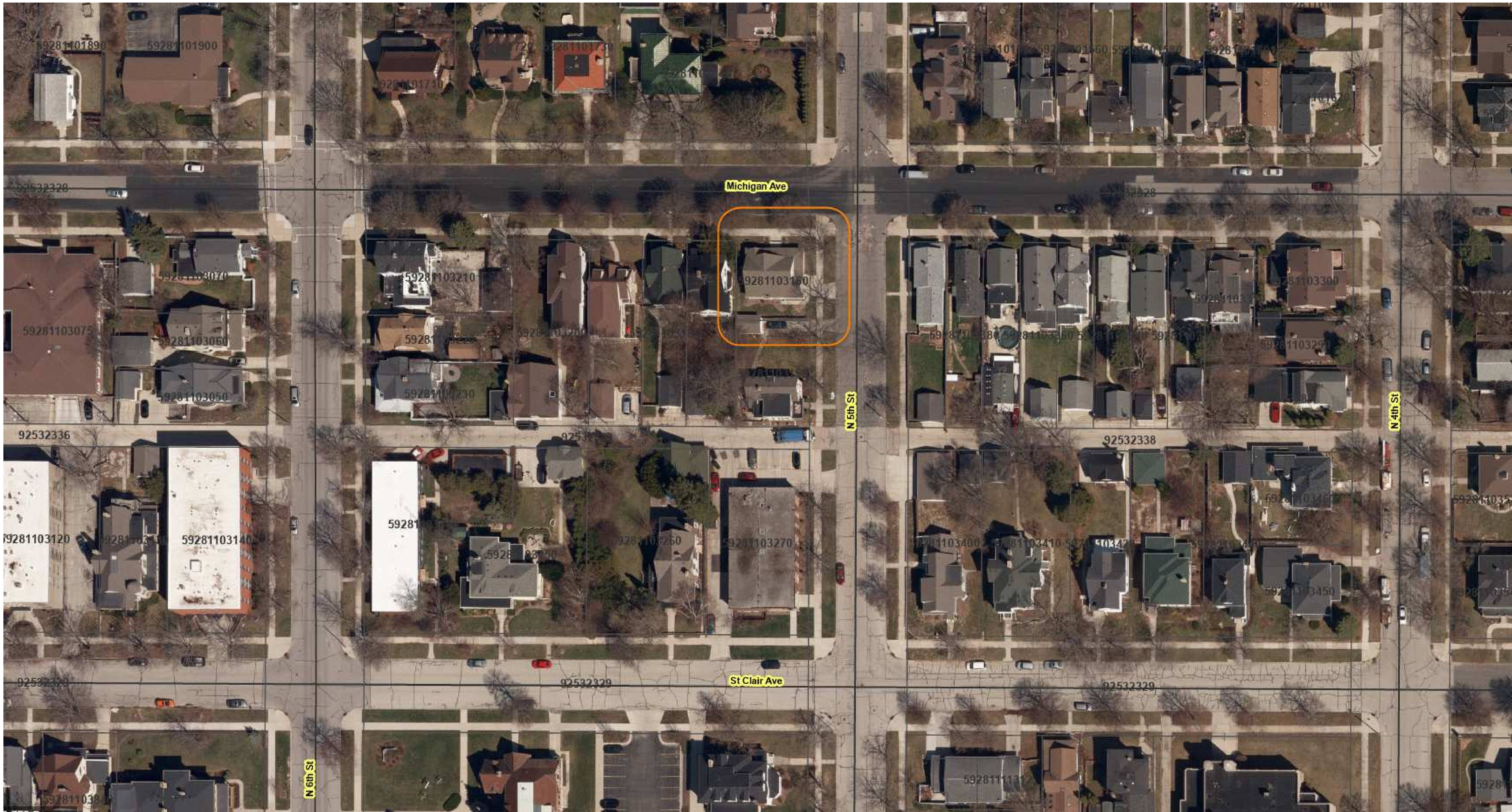
HOME RENOVATION

501 MICHIGAN AVENUE
SHEBOYGAN, WI 53081
PROJECT #: 21-063

PRELIMINARY PLANS

EXTERIOR ELEVATIONS

DO4.0



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WHEN PLANS ARE PRINTED ON 12 x 18 PAPER, DRAWINGS ARE REDUCED BY 50%.

#	DATE	DESCRIPTION
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HOME
RENOVATION

501 MICHIGAN AVENUE
SHEBOYGAN, WI 53081

PROJECT #: 21-063

PRELIMINARY PLANS

PHOTOS

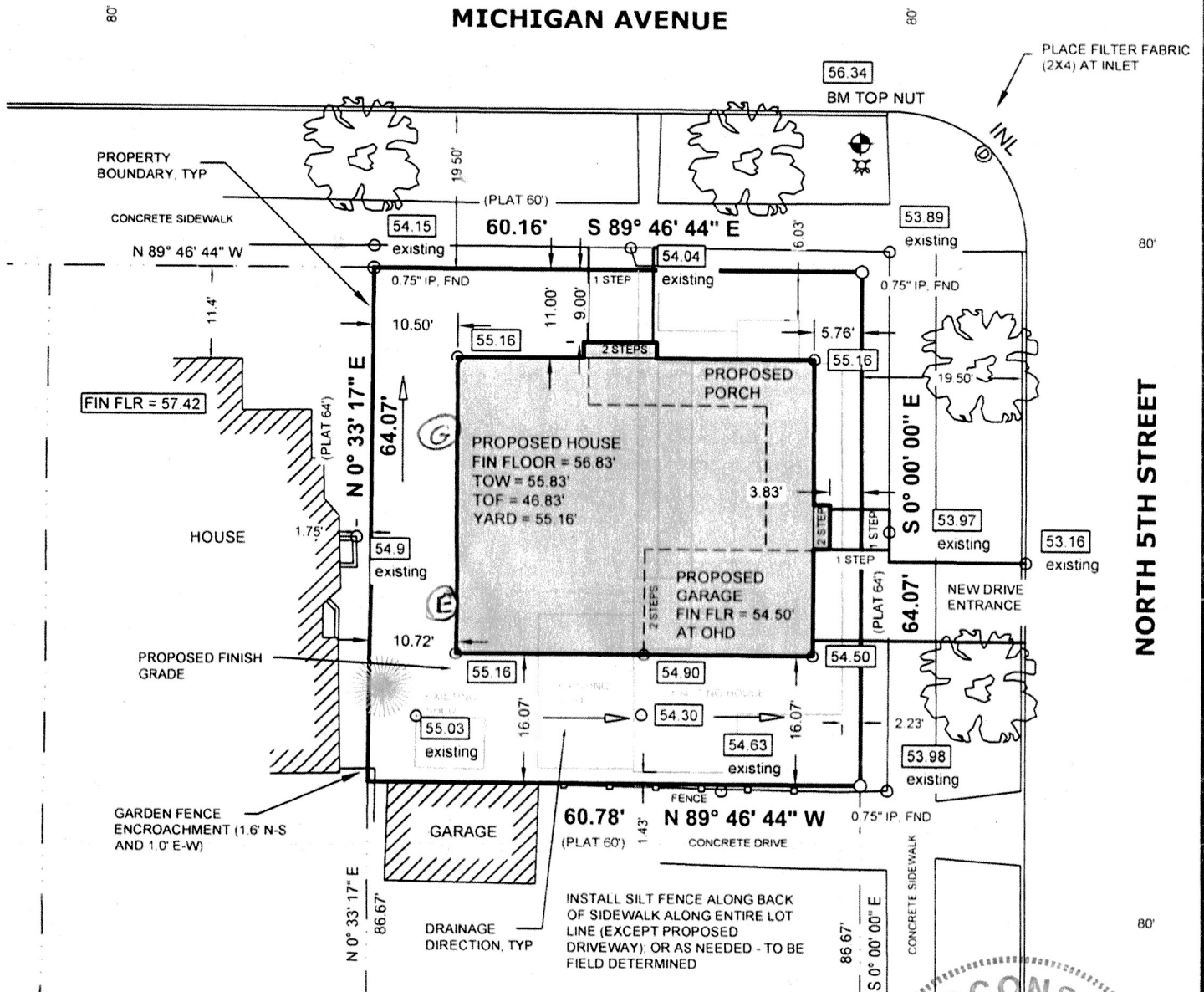
DO4.1

17

RADUECHEL #RAD 5283
501 MICHIGAN AVE
PERMIT #104109

BUILDING PERMIT SURVEY

NORTH 64' OF LOT 1 BLOCK 66 OF THE ORIGINAL PLAT
CITY OF SHEBOYGAN
SHEBOYGAN COUNTY, WISCONSIN



BUILDING DIMENSIONS TO PROPERTY LINE ARE FROM THE FOUNDATION WALL CORNER AND PERPENDICULAR TO THE PROPERTY LINE

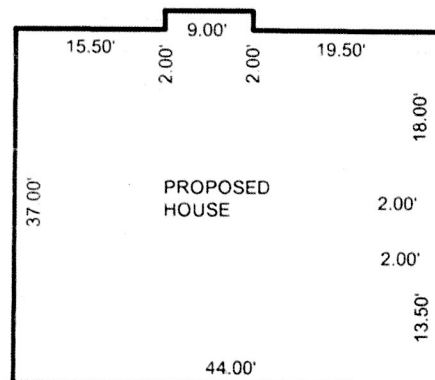
PARCEL NUMBER: 59281103160
PARCEL OWNER: JACK AND CHER RADUECHEL
PARCEL ADDRESS: 501 MICHIGAN AVENUE
PARCEL AREA: 3,874 SF (0.089 ACRES)
BUILDING AREA: 1,657 SF

ZONING: NR-6 NEIGHBORHOOD RESIDENTIAL-6 DISTRICT

MINIMUM LOT AREA 6,000 SF (VARIANCE REQ 3,874 SF)
MINIMUM LOT WIDTH 70' (VARIANCE REQ 60')
BUILDING COVERAGE MAX 0.40 (VARIANCE REQ 0.43)
SETBACKS:

FRONT 25' (VARIANCE REQ 9.00')
SIDE 5' MIN AND 30' TOTAL (VARIANCE REQ 3.83')
REAR 20' (VARIANCE REQ 16.07')

BEARINGS AND DISTANCES SHOWN ARE REFERENCED TO THE EAST LINE OF LOT 1, BLOCK 66 WHICH IS ASSUMED TO BEAR S00°00'00"E



PROPOSED BUILDING FOUNDATION LAYOUT

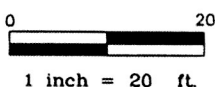


I, CRAIG A. RUSCH, WISCONSIN REGISTERED LAND SURVEYOR NO. S-2274, DO HEREBY CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DRAWING DATE May 14, 2010
DRAWING DATE July 19, 2010 (grades and erosion control)
DRAWING DATE July 21, 2010 (yard grade)



GRAPHIC SCALE



Wagner
EXCAVATING, INC.
3437 PAINE AVENUE SHEBOYGAN, WI 53081
(920) 458-9082 FAX (920) 458-0565

RADUECHEL
501 MICHIGAN AVENUE
SHEBOYGAN, WISCONSIN

**BOARD OF APPEALS
CITY HALL
SHEBOYGAN, WISCONSIN**

DOCKET SHEET

APPEAL NO. 10-08

NAME OF APPELLANT: Jackie Raduechel
APPEAL LOCATION: 501 Michigan Avenue
DATE OF FILING APPEAL: April 9, 2010

NATURE OF APPEAL:

Requesting a variances to Section 15.105(d)3.b.c to tear down existing home and build a new home with 42.3% lot coverage where ALLOWED is 40%, to Section 15.105(d)3.b.I: to have a rear yard setback of 16' where REQUIRED is 20', to Section 15.105(d)e.b.E: to have a front street setback of 9' where REQUIRED is 25', to Section 15.105(d)3.b.G to have a side street setback of 3.83' where REQUIRED is 25', and to Section 15.105(d)3.b.H: to have a total aggregate of 14.33' where REQUIRED is 30'.

NOTICE SENT TO APPELLANT ON: May 7, 2010
DATE OF PUBLICATION OF NOTICE: May 12, 2010
DATE OF HEARING: May 19, 2010

APPEARANCES: Jackie Raduechel Gregg Wagner Mary Ross Joe Ross
Nancy Moundry Gloria Dawson Carol Morgan

DETERMINATION AND ORDER OF BOARD ON THE APPEAL: -
The Board of Appeals finds and determines that this variance be GRANTED. See "Letter of Decision" for requirements/stipulations.

NOW THEREFORE, BE IT RESOLVED by the Board of Appeals, on motion made by Harold Peek, Seconded by Donald Cvetan that the ruling and decision of the Building Inspector, referred to in the appeal petition on file herein, be, and the same is, hereby **affirmed - reversed - modified**, as follows:

At a regular special meeting of the Board held on _____ Day of _____, 2010, the above Resolution was duly adopted on Roll Call as follows:

SECOND MOTION	FIRST MOTION	NAME	AYE	NAYE	EXCUSED
		Pete Strynick	X		
X		Don Cvetan	X		
		Richard Linde		X	
		Lee Montemayor	X		
		Dale Feld			X
		Robert Timm (Alt. 1)			X
	X	Harold Peek (Alt. 2)	X		

ATTEST: _____

Secretary



May 26, 2010

Item 5.

Jackie Raduechel
N59 W24638 Quail Run Lane
Sussex, WI 53089

RE: 501 Michigan Avenue

RE: APPEAL NO. 10-08

At the May 19, 2010 meeting of the Board of Appeals your appeal from the Building Inspector's decision regarding the matter contained therein was considered.

On the basis of the evidence presented at the hearing, disposition was made as shown in the paragraph below indicated with an "(X)".

- () The appeal was not granted.
- (X) The appeal was granted. A building permit must be obtained within 6 months of the Board's decision.
- () The appeal was modified. A building permit must be obtained within 6 months
SUBJECT TO THE FOLLOWING MODIFICATIONS:
Following stipulations met and maintained:

This order may be revoked by the Board, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

A review of this decision and order may be obtained by filing a petition for writ of certiorari with the Circuit Court for Sheboygan County within 30 days after the date shown above. The City assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30-day period.

BUILDING INSPECTION

CITY HALL
828 CENTER AVE., SUITE 303
SHEBOYGAN, WI
53081

920/459-3477
FAX 920/459-0210

Yours truly,
BOARD OF APPEALS

Secretary

Wagner

Excavating, Inc.
3437 Paine Avenue
Sheboygan, WI 53081

Phone (920) 458-9082

Fax (920) 458-0565

Item 5.

LETTER OF TRANSMITTAL

TO: Building Inspection
City of Sheboygan

Date: May 17, 2010

Project: Raduechel Survey
501 Michigan Avenue

ATTN:

WE ARE SENDING YOU the following items via: ☐ U. S. Mail ☐ UPS ☒ Other: hand deliver

QTY	DATE	DESCRIPTION
4	5/17/10	Building Permit Survey - Raduechel

THESE ARE TRANSMITTED as checked below:

☒ For approval ☐ For review and comment ☐ Approved as noted
☒ For your use ☐ Approved as submitted ☐ Revise & Resubmit
☒ As requested ☐ For bids DUE _____

COMMENTS:

If you have any questions, please call.

Thanks,

SIGNED: _____

Craig A. Rusch

Copy: file

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.

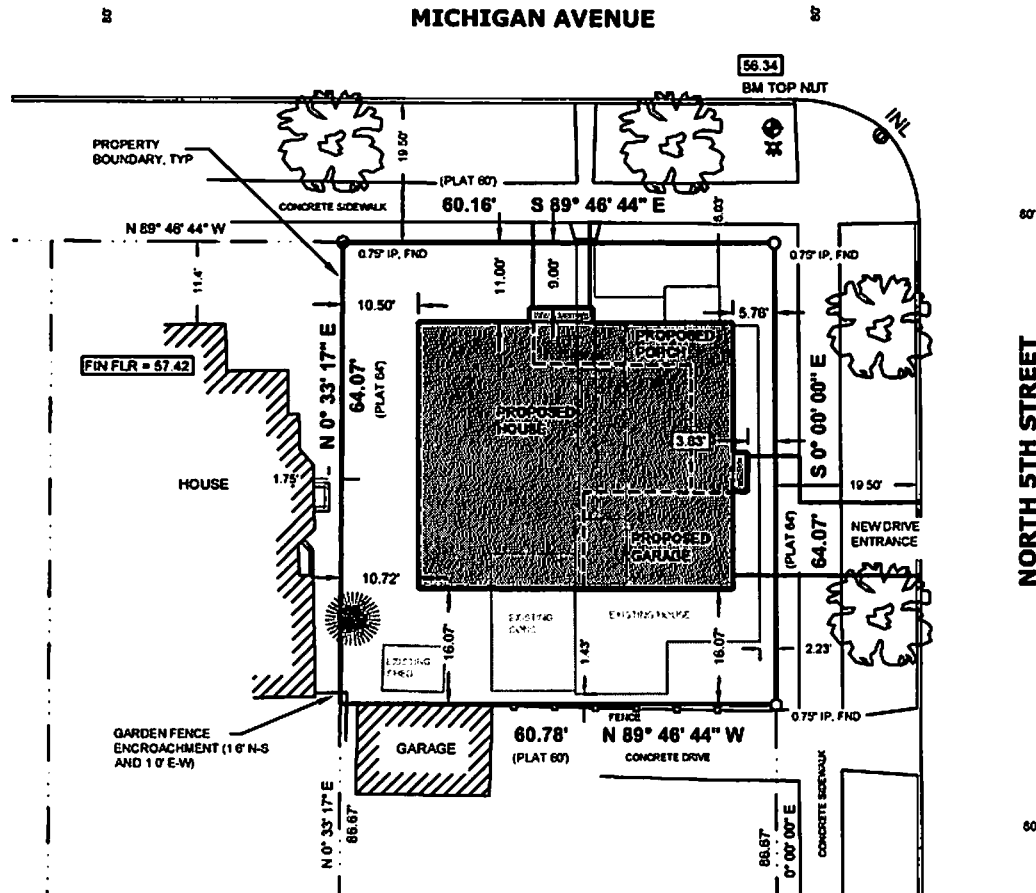
I have read the above and understand my responsibilities regarding my appeal to the Zoning Board of Appeals. I have also read and understand the "Three Tests" for a Variance included with this form.


Signature

4/9/10
Date

BUILDING PERMIT SURVEY

NORTH 64' OF LOT 1 BLOCK 66 OF THE ORIGINAL PLAT
CITY OF SHEBOYGAN
SHEBOYGAN COUNTY, WISCONSIN



BUILDING DIMENSIONS TO PROPERTY LINE
ARE FROM THE FOUNDATION WALL CORNER
AND PERPENDICULAR TO THE PROPERTY LINE

PARCEL NUMBER: 59281103160
PARCEL OWNER: JACK AND CHER RADUECHEL
PARCEL ADDRESS: 501 MICHIGAN AVENUE
PARCEL AREA: 3,874 SF (0.089 ACRES)
BUILDING AREA: 1,657 SF

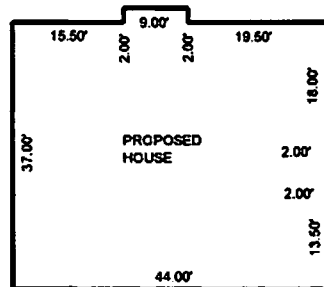
ZONING: NR-6 NEIGHBORHOOD RESIDENTIAL-6
DISTRICT

MINIMUM LOT AREA 8,000 SF (VARIANCE REQ 3,874 SF)
MINIMUM LOT WIDTH 70' (VARIANCE REQ 60')
BUILDING COVERAGE MAX 0.40 (VARIANCE REQ 0.43)

SETBACKS:

FRONT 25' (VARIANCE REQ 9.00')
SIDE 5' MIN AND 30' TOTAL (VARIANCE REQ 3.83')
REAR 20' (VARIANCE REQ 18.07')

BEARINGS AND DISTANCES SHOWN ARE
REFERENCED TO THE EAST LINE OF LOT 1, BLOCK 66
WHICH IS ASSUMED TO BEAR S00°00'00"E



PROPOSED BUILDING
FOUNDATION LAYOUT

I, CRAIG A. RUSCH, WISCONSIN
REGISTERED LAND SURVEYOR NO. S-2274,
DO HEREBY CERTIFY THAT THIS SURVEY
IS CORRECT TO THE BEST OF MY
KNOWLEDGE AND BELIEF.

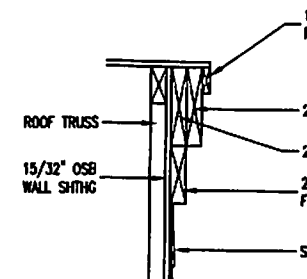
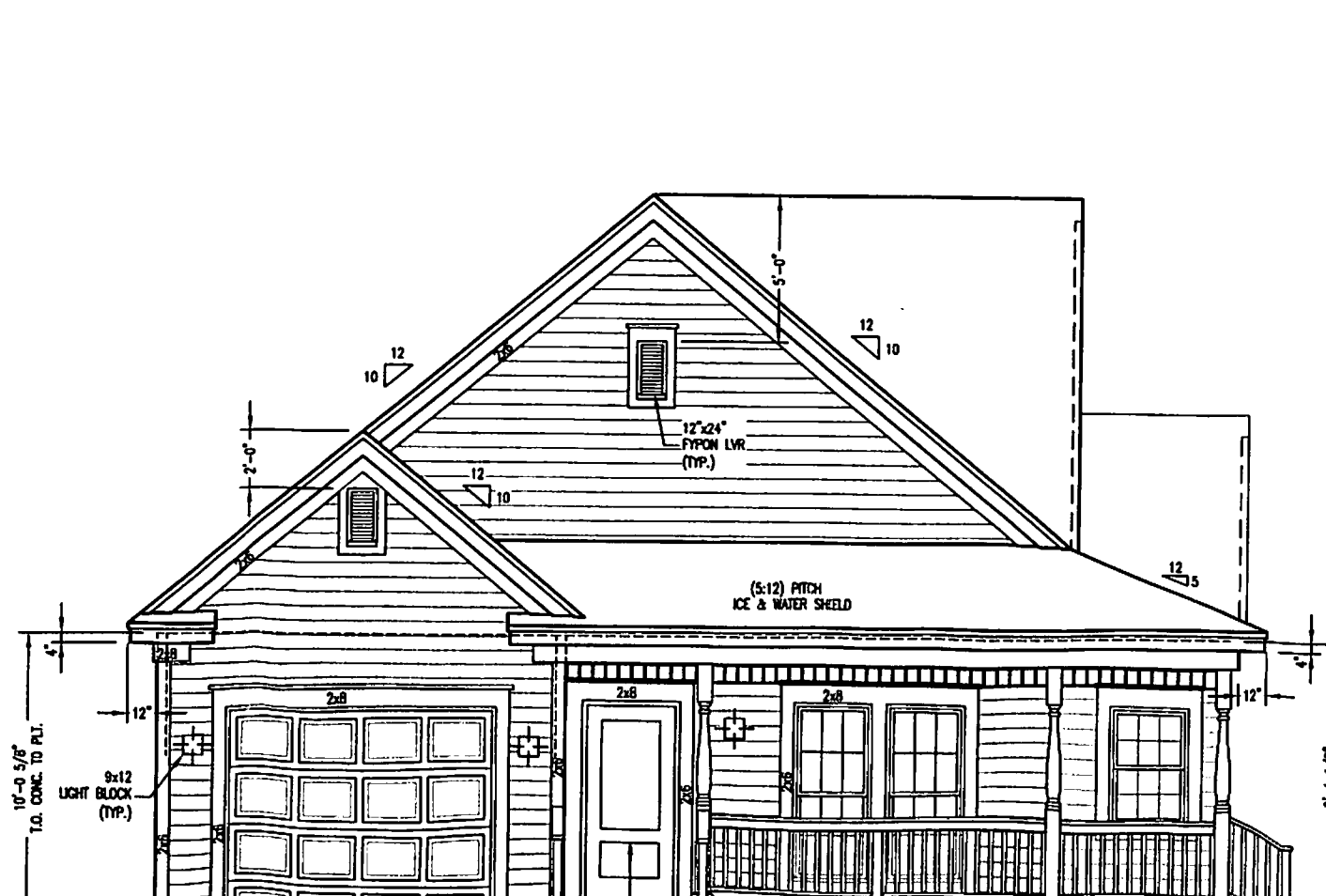
DRAWING DATE: May 14, 2010



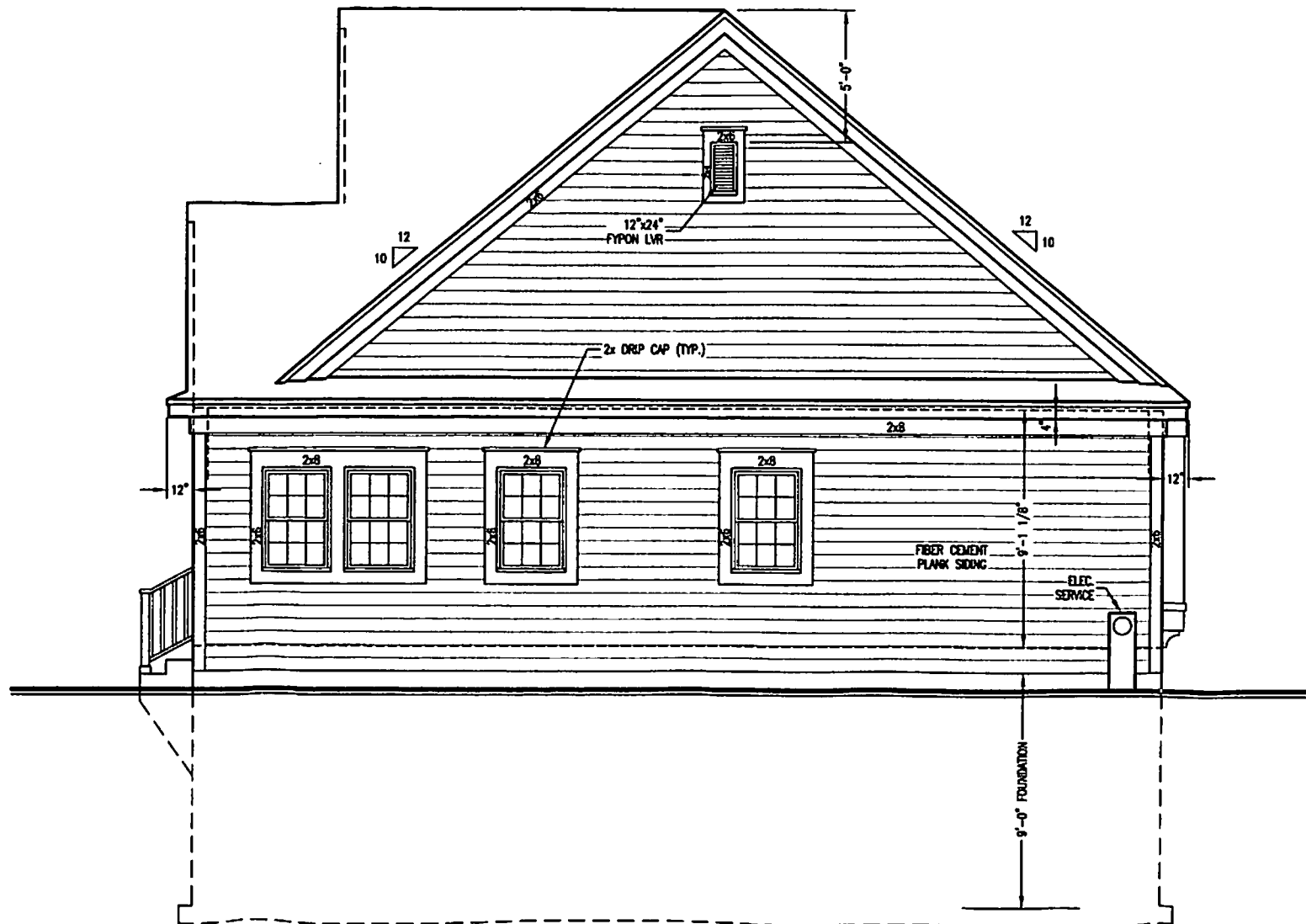
GRAPHIC SCALE
0 20
1 inch = 20 ft.

Wagner
EXCAVATING, INC.
2437 PINE AVENUE SHEBOYGAN, WI 53081
(920) 458-0002 FAX (920) 458-0003

RADUECHEL
501 MICHIGAN AVENUE
SHEBOYGAN, WISCONSIN



DBL RAKE DETAIL
SCALE: 1" = 1' - 0"

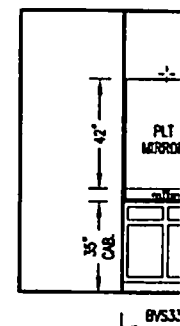


RIGHT SIDE ELEVATION

Item 5.

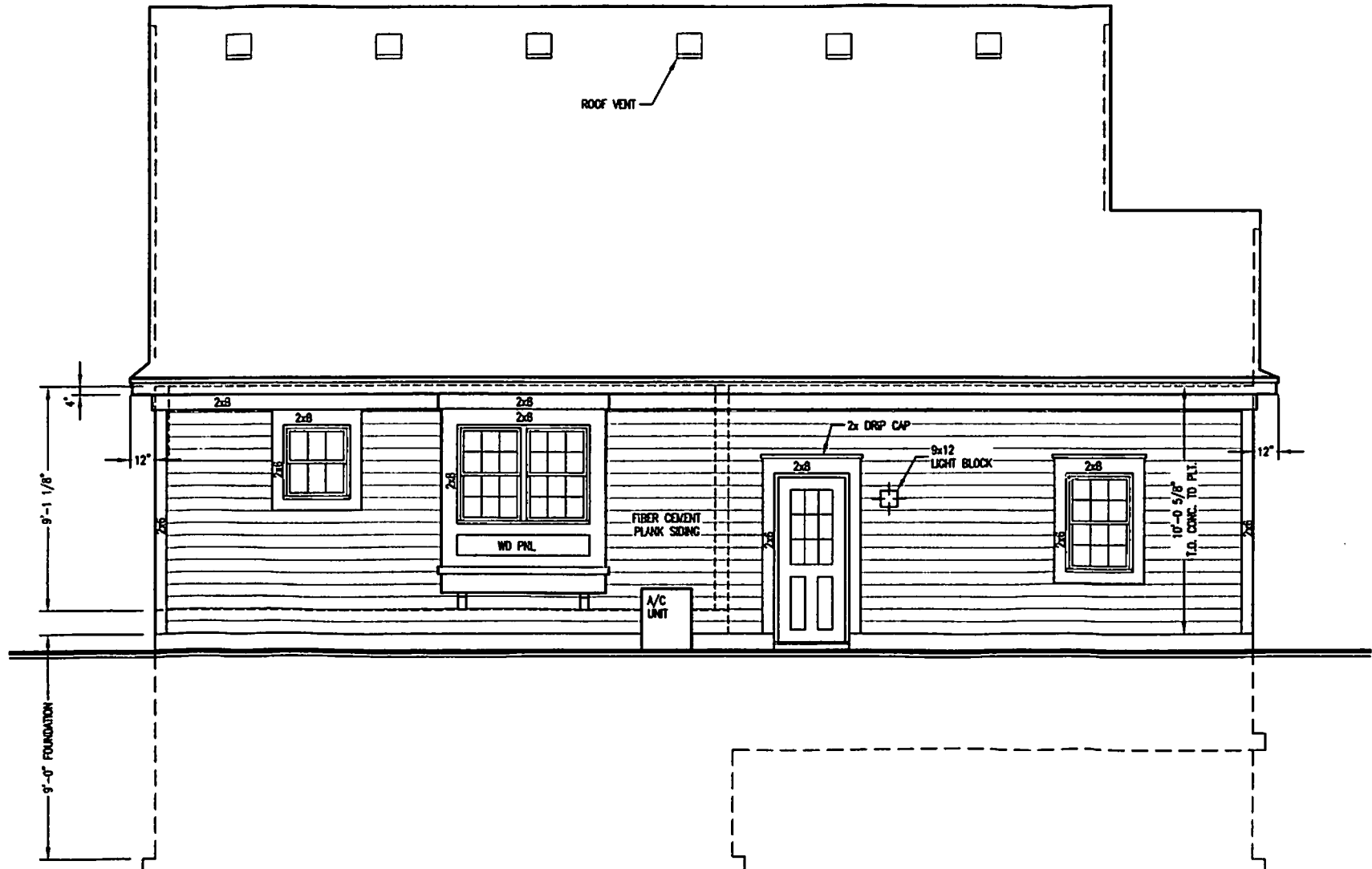
OPEN
SUNRO

OPN'G. TO
SCALE: 1/4



BA'

SCALE: 1/4



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

CASE NO. 10-08
FILING DATE 4-09-10
RECEIPT NO. 101381
ZONING DIST. NR

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

- 1). Appeal Location (address): 501 MICHIGAN AV. SHEBOYGAN 53081
- 2). Applicant: JACKIE RADUECHEL Telephone #: (262)-246-1959
Address: N59 W24638 QUAIL RUN LANE
SUSSEX WIS. 53089
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) N.64 OF LOT 1 BLK 66
CITY OF 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: _____
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: _____
- 7). Applicants interest in property: BUILD SINGLE FAMILY HOME
- 8). Describe the requested variance and grounds for refusal of a permit.
16' BACK YARD. BACK YARD SHORT BY 4'.
LOT COVERAGE 42.3% OVER BY 2.3%
- 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:
THE WRAPAROUND PORCH ADDS 7.1% TO THE LOT COVERAGE
AND 6' TO THE DEPTH.
A CORNER LOT DESERVES A WRAPAROUND PORCH.

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: 4/9/10

Signature: Jackie Raduechel
Mailing Address: N59 W24638 QUAIL RUN LN.
SUSSEX WIS 53089

VARIANCE for Plat N.64 of 1 Blk 66 501 Michigan Av.

Lot size is 60" wide X 64" deep

**Lot line is 3' in from Michigan Av. Sidewalk
and 2.5' from 5th street sidewalk.**

Front Setback to coverd porchs (from sidewalk)

7'-1"	501 Michigan Av.
15'-3"	507 Michigan Av.
8'-7"	511 Michigan Av.
27'-0"	515 Michigan Av.
13'-3"	521 Michigan Av.
13'-10"	1231 6th st. (side of house)
14'-2"	AVERAGE FRONT SETBACK FROM SIDEWALK (I belive the lot line is 3' from the sidewalk)

Let's set it back 14' form the sidewalk.

LOT DEPTH = 64'
SET BACK FROM LOT LINE = 11'
Depth of house = 37'

Backyard will be = 16'

(The required backyard shouldbe 20')

BACKYARD WILL BE SHORT BY 4'

Side Setback (from sidewalk)

5'-6" 501 Michigan Av. (side of house)
5'-0" 1218 N. 5th st.
11'-0" 1204 N. 5th st.

7'-2" AVERAGE SIDE SETBACK

(I belive the lot line is 2'-6" from the sidewalk)

Let's set it 8' form the side sidewalk.

LOT SQFT USAGE

LOT SIZE 60' X 64' = 3840 SQFT
HOUSE COVERAGE 44' X 37" = 1628 SQFT
COVERAGE = 42.3%

(Note 273 SQFT of this is wraparound porch)

HOUSE COVERAGE IS OVER BY 2.3%

From: Blessings Abound... [jonahdawson@aol.com]
Sent: Wednesday, May 19, 2010 12:07 PM
To: Hermann, Traci
Subject: Fwd: 501 Michigan avenue building objections

Dear Traci Herman, Wed. May 19, 2010 11:42 am

From: Mary Ross, 507 Michigan Ave (next door neighbor to the W. of subject property)

We were informed by Sheb Building Planing adviser, Steve Sokolowski, to contact you with our objections against the proposed building plans of a new home construction at 501 Michigan Ave.

We have a letter sent to the Sheb Historical Preservation advisers asking if the existing 150 year old home is protected under the historical landmark preservation rules.

Our three major concerns with the proposed plan of the new home construction are as follows:

1. Our major concern and objection is to the location of the proposed home which will entirely obstruct our long enjoyed view out our 8' x 10' picture bay window facing east. This large window was specifically architecturally designed into our home to enjoy the nice side yard view of Michigan avenue and 5th street.
2. Also, the tall gable roof line on the West side of the proposed home will block the current enjoyment of natural sunlight which helps warm our home in winter.
3. The side of the proposed home facing our large picture window is the least desirable view of their proposed home, akin to constructing a plain 20' fence blocking our view and sunshine.

We met with the homeowner, Jack Raduchel, and aired our concerns with him and the other neighbors. We will try to come to an agreement by all concerned. We all plan to attend this evenings meeting and bring some photos to better show our concerns.

Please contact us with any further question or concerns.

Respectfully Submitted,

Mary Ross & The Ross family.
507 Michigan Avenue
(920) 457-3430

MTVVROSS@YAHOO.COM

Cc: Steve Sokolowski, Mayor Ryan, Chris Ross, Robt. Ross, Jos Ross, Jen Stingl, Paul Ross,

Mayor.Ryan@ci.sheboygan.wi.us, ssokolowski@ci.sheboygan.wi.us, Chris Ross <christopher_ros@yahoo.com>;
Robert A. Ross <bob@rossestateplanning.com>; <Jonahdawson@aol.com>; Jennifer Stingl <wstingl@gmail.com>;
Paul Ross <par2057@hotmail.com>;

From: Mary Ross
Sent: Wednesday, May 19, 2010 12:07 PM
To: Hermann, Traci
Subject: 501 Michigan avenue building objections

Dear Traci Herman, (Building Inspector)

From: Mary Ross, 507 Michigan Ave (next door neighbor to the W. of subject property)

**NOTICE OF OBJECTION TO PROPOSED BUILDING PLANS AT 501
MICHIGAN AVENUE**

We were informed by Sheb. Building Planning adviser, Steve Sokolowski, to contact you with our objections against the proposed building plans of a new home construction at 501 Michigan Ave.

We have a letter sent to the Sheb Historical Preservation advisers asking if the existing 150 year old home is protected under the historical landmark preservation rules.

Our three major concerns with the proposed plan of the new home construction are as follows:

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Please contact us with any further question or concerns.

Respectfully Submitted,

Mary Ross & The Ross family. 507 Michigan Avenue

(920) 457-3430















May 11, 2010

TO WHOM IT MAY CONCERN:

THE ZONING BOARD OF APPEALS OF THE CITY OF SHEBOYGAN WILL MEET WEDNESDAY, MAY 19, 2010 BEGINNING AT 5:15 P.M. IN THE 3RD FLOOR CONFERENCE ROOM OF CITY HALL, SHEBOYGAN, WISCONSIN.

**AMENDED 5.14.10
AGENDA**

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

UNFINISHED BUSINESS

HEARINGS AND THEIR APPROXIMATE TIMES

1. **TIME - 5:15 P.M. - JACKIE RADUECHEL - 501 MICHIGAN AVE**
Requesting a variances to Section 15.105(d)3.b.c to tear down existing home and build a new home with 42.3% lot coverage where ALLOWED is 40%, to Section 15.105(d)3.b.l: to have a rear yard setback of 16' where REQUIRED is 20', to Section 15.105(d)e.b.E: to have a front street setback of 9' where REQUIRED is 25', to Section 15.105(d)3.b.G to have a side street setback of 3.83' where REQUIRED is 25', and to Section 15.105(d)3.b.H: to have a total aggregate of 14.33' where REQUIRED is 30'.
2. **TIME - 5:20 P.M. - CHRISTOBAL CONTRERAS - 1906 N 12TH ST**
Requesting a variance to Section 15.720(c)2: to have a 6' high solid fence in required street side yard where REQUIRED is 4' high & 50% opaque.
3. **TIME - 5:25 P.M. - JOSE ESPINOZA - 1328 HEERMANN CT**
Requesting a variance to Section 15.105(d)3.b.B: to have a car port between house and garage which creates a 44% lot coverage where ALLOWED is 40% and a variance to Section 15.105(d)3.b.N: to have a carport closer than 10' between structures where REQUIRED is 10'.
4. **TIME - 5:30 P.M. - SCOTT WIRTZ - 2435 CENTER AVE**
Requesting a variance to Section 15.105(c)3.b.K: to have a garage 1.5' from rear property line where required is 5', a variance to Section 15.105(c)3.b.E: to have garage 20' from front property line where REQUIRED is 25'.

BUILDING INSPECTION

CITY HALL
828 CENTER AVE., SUITE 303
SHEBOYGAN, WI
53081

920/459-3477
FAX 920/459-0210

OLD BUSINESS

NEW BUSINESS

ADJOURN
 AGENDA – BOARD OF APPEALS
 MEETING OF MAY 19, 2010
 PAGE 2

The applicant or a representative shall appear, and anyone interested in the above-described properties may appear, at said meeting and be heard for or against said appeal.

Persons with disabilities who need accommodations to attend meeting should contact the Building Inspection Department, 828 Center Avenue at 459-4064 as soon as possible.

By Order of BOARD OF APPEALS
 TRACI HERMANN
 Secretary

Copies:

Members of the Board	7
Building Inspectors	2
Planning Department	1
City Clerk	1
City Attorney	1
Mayor's Office	1
Appellants Files	4
Chamber of Commerce,	1
712 Riverfront Drive	

ITEM #1

RADUECHEL, JACKIE & RADUECHEL, CHER, N59 W24638 QUAIL RUN LN
 SUSSEX, WI 53089
 DAWSON, GLORIA S, 1218 N 5TH ST
 ROSS, MARY T REV TRUST, 507 MICHIGAN AVE
 JONES, JAN A & CELENE M, 511 MICHIGAN AVE
 ECK, DANIEL W & JILL A, 515 MICHIGAN AVE
 POSEWITZ, RYAN J & WENDY R, PO BOX 58654, NASHVILLE, TN 37205
 EH SHEB, LLC, 12545 W BURLEIGHT RD #3, BROOKFIELD, WI 53005
 POTHAST, ANDREW M & JENNIFER S, 520 MICHIGAN AVE
 MAYER, PETER R & SALLY J, 1314 N 5TH ST
 MOUDRY, NANCY L, 512 MICHIGAN AVE
 SOMMER, BEATRICE A, 434 MICHIGAN AVE
 STOLZMANN, ANGELIKA D, 430 MICHIGAN AVE
 HESS, JAMES R, 426 MICHIGAN AVE
 WANGARD, GREGG J & LYNCH, KELLY E, 1005 LITTLE QUAIL PL, PASO
 ROBLES, CA 93446
 SHECK, SHARLA MAE, 431 MICHIGAN AVE
 HEYN, EUGENE A, 429 MICHIGAN AVE
 FRIEDEL, MARK A, 425 MICHIGAN AVE
 KUETHER, MICHAEL C & CAROLJEAN M, 6420 HAWTHORNE RD
 PAWLUS, CARTER S, 414 ERIE AVE

AGENDA – BOARD OF APPEALS
MEETING OF MAY 19, 2010
PAGE 3

ITEM #2

CONTREARAS, CHRISTOBAL, 1906 N 12TH ST
STANLEY, ALLEN D & MECCA L, 1912 N 12TH ST
ACKLEY, TIMOTHY C & MUELLER-ACKLEY, MICHELLE, 335 DONALD
LN, PICKEREL, WI 54465
KOENIG, DAVID J & JENNIFER L, 1920 N 12TH ST
OLSON, MARK A, 3994 SHERIDAN AVE
SEIDER, LYLE M & BARBARA J, 130 CRESTWOOD DR, SHEB FALLS
WI 53085
STENZ, NICHOLAS J & JULIA K, 1214 LINCOLN AVE
TORRES, JUAN LUIS, 1221 LINCOLN AVE
GEIDEL ENTERPRISES, LLC, 907 NORTH MAIN ST, WEST BEND, WI 53090
HECK, STEVEN W, 1213 L INCOLN AVE
CEVAAL, JEFFREY & PATRICIA A, 921 N 37TH ST
STEINBRUECKER, ROBERT J, 1822 N 12TH ST
HINTZ, JERRY H, 1818 N 12TH ST
LINDAU, RICK J, 1915 N 12TH ST
RISHEL, KENDALL, 1911 N 12TH ST
BOWEN, RONNY R, 1134 L INCOLN AVE
CASTRO, LUIS A & SHERRY L, 1132 LINCOLN AVE
KRUEGER, JERRY R & JUDITY A, 1128 LINCOLN AVE
BUTZEN, JAMES J, 1911 N 40TH ST
THEMAR, TODD M, 1129 LINCOLN AVE
SCHLEINING, JOHN & HELENA TRUST, 1125 LINCOLN AVE
VAN DIXHORN, DAVID J & JEAN A, 625 OAK TREE RD

ITEM #3

WIRTZ, SCOTT L & KATHERINE M, 2435 CENTER AVE
LATIFI, AVNI & SCHWERMA, LAURIE, 527 N 25TH ST
OOSTDYKE, WILLIAM E, 521 N 25TH ST
MESSNER, THOMAS L, 2423 CENTER AVE
LAVEY, YVONNE F, 2415 CENTER AVE
GROSSHANS, HELEN A, 609 N 25TH ST
WAGNER, MARY H ETAL, 2432 CENTER AVE
KLOHN, RONALD A, 2420 CENTER AVE

ITEM #4

ESPINOZA, JOSE G, 2110 N 13TH ST
GRAVES, LINDA L, 2114A N 13TH ST
KNAUB, JOHN J & MARGARET L, 2120 N 13TH ST
KUNERT, BRUCE H & KATHERINE M, 1342 HEERMANN CT
FEDERER, DEBORAH A, 1420 ANNIE CT
TRYBA, THOMAS J, 1334 HEERMANN CT
HAMEISTER, JAMES E, 1341 HEERMANN CT
WOLFERT, LILLIAN R, 1335 HEERMANN CT
BEAUDOIN, GARY E, N6263 KAPUR DR, SHEB FALLS, WI 53085
MENZER, MICHAEL S & AMY J, 1026 DILLINGHAM AVE
SHEBYGAN CTY INTERFAITH ORGANIZATION, PO BOX 73
GUSE, KEVIN L, 2111 N 13TH ST
KELLNER, LEROY J, 3201 W MEADOWS CT, APT B
BAUMGARDT, RONALD C ETUX & DEAN, IRENE A, 2101 N 13TH ST

FORM: BI190CBL1

C I T Y O F S H E B O Y G A N
BUILDING INSPECTION DEPARTMENTReceipt No.: 101381

Date Issued: 04/09/10
Name: JACKIE RADUECHEL
Mailing Address: N59 W24638 QUAIL RUN LN
City/State/Zip: SUSSEX, WI 53089
Property Address: 501 MICHIGAN AVE

PAYMENT FOR:

<u>Description</u>	<u>Fee</u>	<u>Sales Tax</u>
Board of Appeals	\$ 150.00	\$
Sub-total Payments	\$ 150.00	\$
TOTAL PAYMENT	-----	\$ 150.00 =====

REMARKS: FEE FOR BOA #10-08 TO BUILD NEW HOME; REAR SETBACK
& LOT COVERAGE. MTG. 5/19/10 @ 5:15 PM

/TLH

VARIANCE REQUEST

REF. PROPERTY: 501 MeluginZONING: NRNAME Jannie RadevelADDRESS N59 W 24638 Quail Run LnCITY/STATE/ZIP Sussex, WI 53089THE APPLICANT IS REQUESTING A VARIANCE TO ^A Sec 15.105(d) 3. b. c:^B Sec 15.105(d) 3. b. I:TO HAVE Tear down existing home and build new one withA - 42.3% lot coverageB - 16' rear yard(ALLOWED IS) A - 40% lot coverageB - 20 rear yardMap 23210 008 Parcel
103160

23 210 009 103150

007 103170

006 103180

005 103190

012 103260

013 103270

23 207 008 101730

011 101750

012 101740

23 208 008 101530

009 101540

010 101550

23 211 001 103390

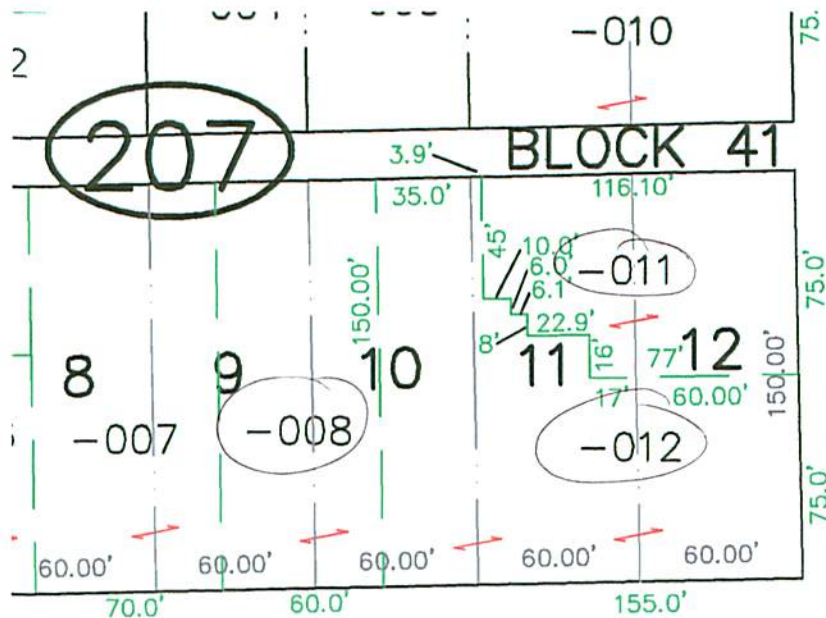
002 103380

003 103370

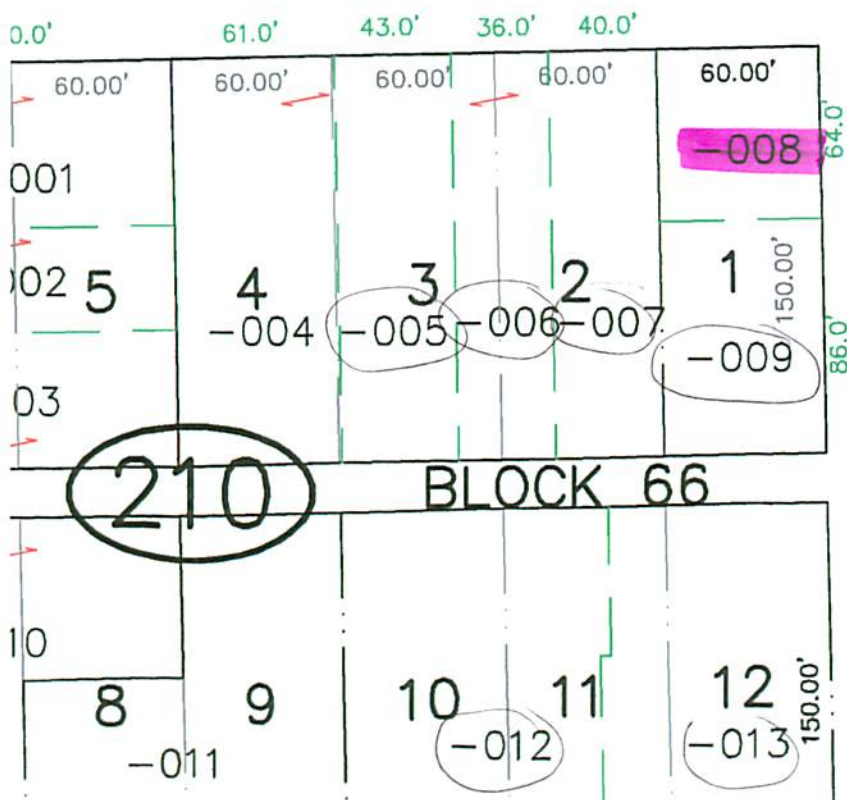
004 103360

010 103400

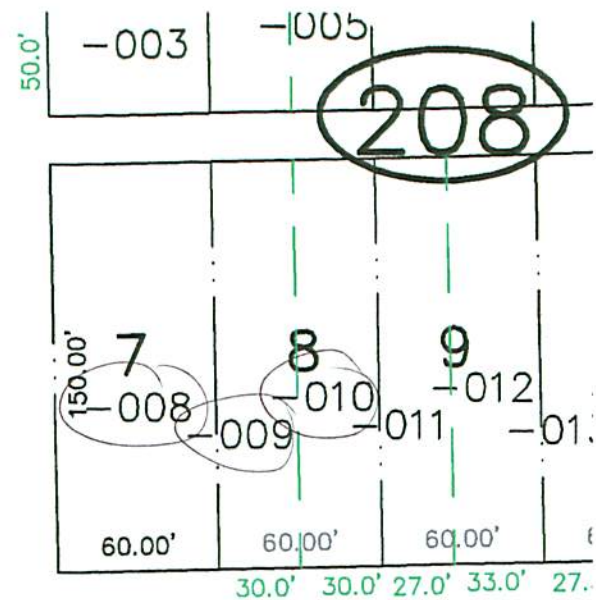
011 103410



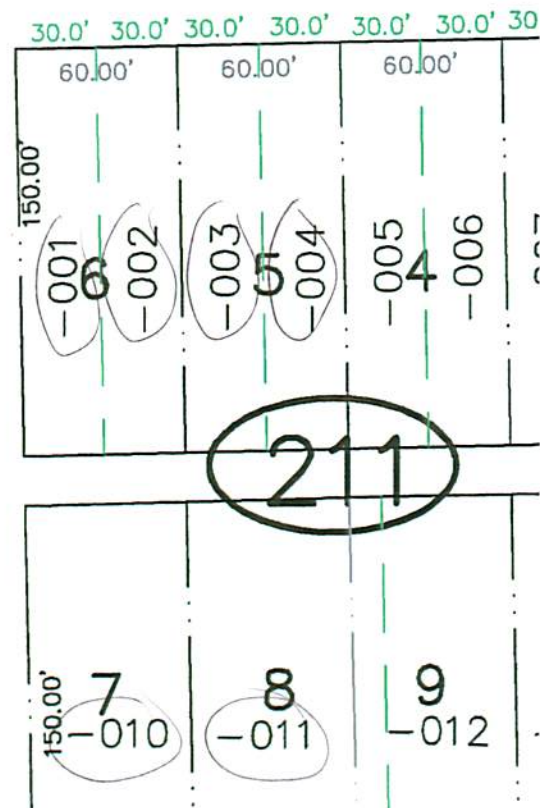
MICHIGAN



STREET



AVENUE



Item 5.

75.0'

70.0'

60.0'

155.0'

Item 5.

MICHIGAN

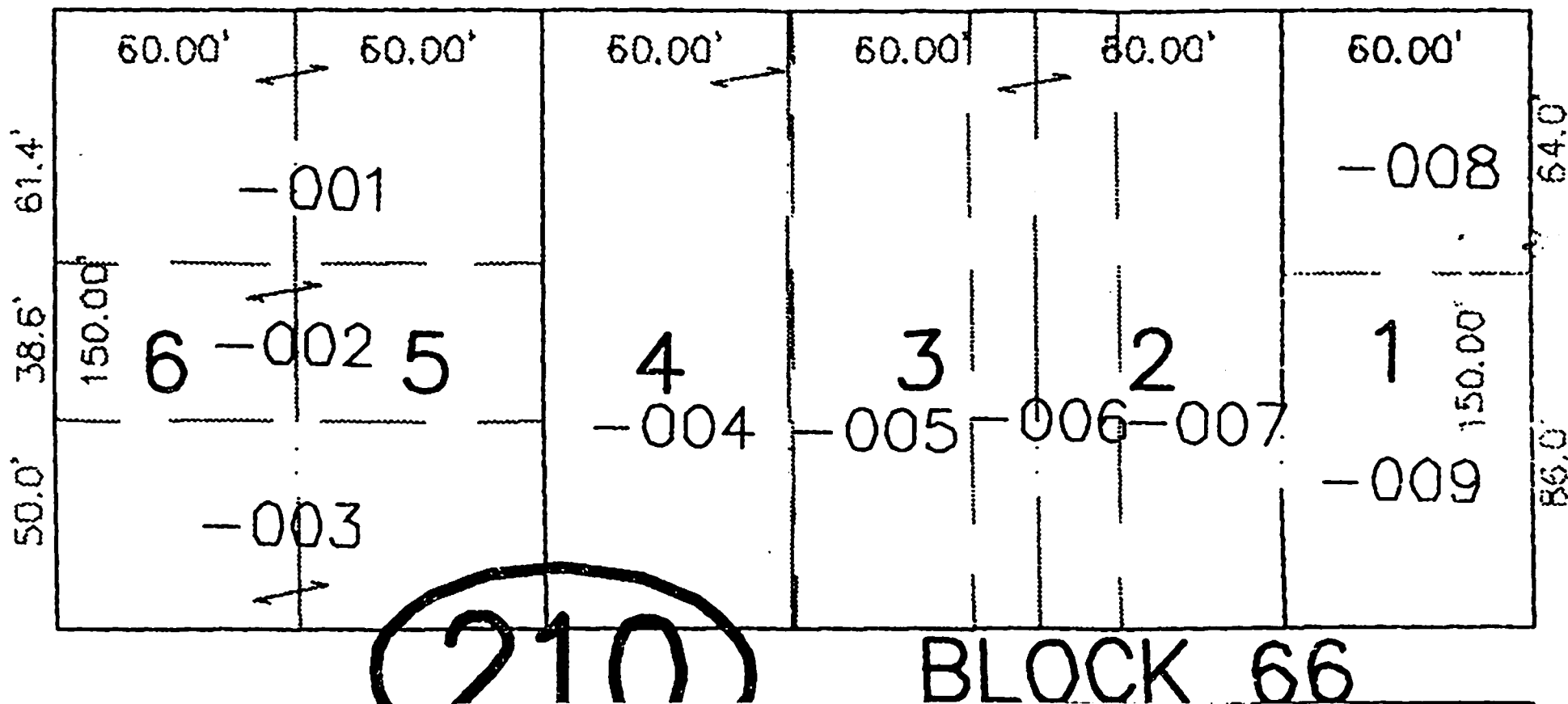
120.0'

61.0'

43.0'

36.0'

40.0'



APPLYING FOR A VARIANCE

Item 6.

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:

March 16, 2022

Application Deadline Date

April 20, 2022

Board of Appeals Meeting Date

All applications must include:

- 1) Application forms, signed and dated, which are available at the Building Inspection Department Office.
- 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 application review and/or as a condition of approval prior to issuance of a building permit if a variance is granted.

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.

[Signature]
Signature

3/16/2022
Date

220690

Item 6.

**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): 2324 N 5th St, Sheboygan 53083
- 2). Applicant: Richard & Sarah Cleary Telephone #: (512) 289-3241
Address: _____ * email: rcleary709@gmail.com
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Parcel 59281008240
Lot 3, Block 1, Lake Heights subdivision
- 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: _____
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: _____
- 7). Applicants interest in property: Owner/occupants
- 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: 3/16/2022

Signature: Richard & Sarah Cleary
Printed Name: Richard & Sarah Cleary
Mailing Address: 2324 N 5th St
Sheboygan WI 53083

008240

Request for Zoning Variance
2324 N 5th St
Richard and Sarah Cleary, owner/occupants
Project Narrative

Dear Zoning Board of Appeals members:

We seek a variance of the setback requirement along our north property line to permit construction of a one-story addition aligned with the existing house.

Background

We moved to Sheboygan from Middleton, WI, in October 2021. We are a retired couple and were attracted to the city by its convenient size, amenities, and historic residential neighborhoods; the opportunity to live just a few blocks from Lake Michigan; and Sarah's family history in Sheboygan. We look forward to living here for many years. The addition of a small, easily accessible, ground-floor bedroom will facilitate our aging in place. It also will allow us to correct several undesirable architectural conditions at the rear of house.

Project scope

We propose construction of a one-story, 208 square-foot bedroom addition (15'-1½" x 13'-7") aligned with the rear wing of the existing house (please see the accompanying photographs and plans). Building coverage on the lot would be 35.1% (maximum allowed is 40%). Exterior materials, roof shape, and window types would maintain the architectural character of the existing house. Other components of the project address the scale of the deck/patio, the location of the rear entrance and configuration of the interior entry steps, and correct deficiencies in the ground-floor bathroom.

The issue for your consideration

The dimensions of our lot and the skewed placement of the existing house are non-conforming. The setback of the existing house along the north property ranges from 3.2 to 2.9 feet (the minimum requirement is 5.0 feet). We seek a variance that would allow us to maintain this alignment in building the addition. At the northwest corner of the addition the setback would be 2.7 feet, just two-tenths of a foot from the existing northwest corner of the house. We do not seek any other variance to undertake this project.

Test #1: Unnecessary Hardship

The lot and house pre-exist the current zoning ordinance. The ordinance effectively denies reasonable use by prohibiting construction of any addition that maintains the north line of the house. Such an alignment is the most reasonable use of the property. The proposed addition conforms to the existing arrangement of the house and lot and provides the most reasonable interior connection for an accessible bedroom and bath. An alternative location would disrupt this character-defining alignment and crowd the mature, yellow maple tree that is a major feature of the yard.

Test #2: Unique Property Limitations

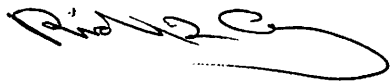
The current zoning ordinance awkwardly overlays the pre-existing placement of the house on the lot. No part of the north side of the house meets the five-foot setback requirement (please see survey). A valuable feature of the property is the healthy, mature, yellow maple tree located slightly south and west of the existing house. It provides shade in the summer. Protection of the tree requires attention to the integrity of the canopy and roots.

Test #3: No Harm to Public Interest

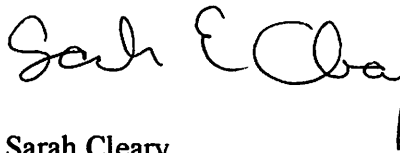
The requested variance would essentially maintain existing building alignments. The proposed addition is set beyond the end of our neighbor's house, and we have designed it with high-set windows on the north side to ensure her privacy. The placement and scale of the addition would be consistent with prevailing patterns in the neighborhood, and the wall cladding, roof configuration, and window types would be consistent with the character of the existing house. The area of the entire project conforms with current zoning, and even with the granting of the variance, the total setback of the house (both sides) would be in conformance (15 feet 0 inches required; 15 feet 8 inches proposed).

Thank you for considering our request.

Sincerely,



Richard Cleary



Sarah Cleary

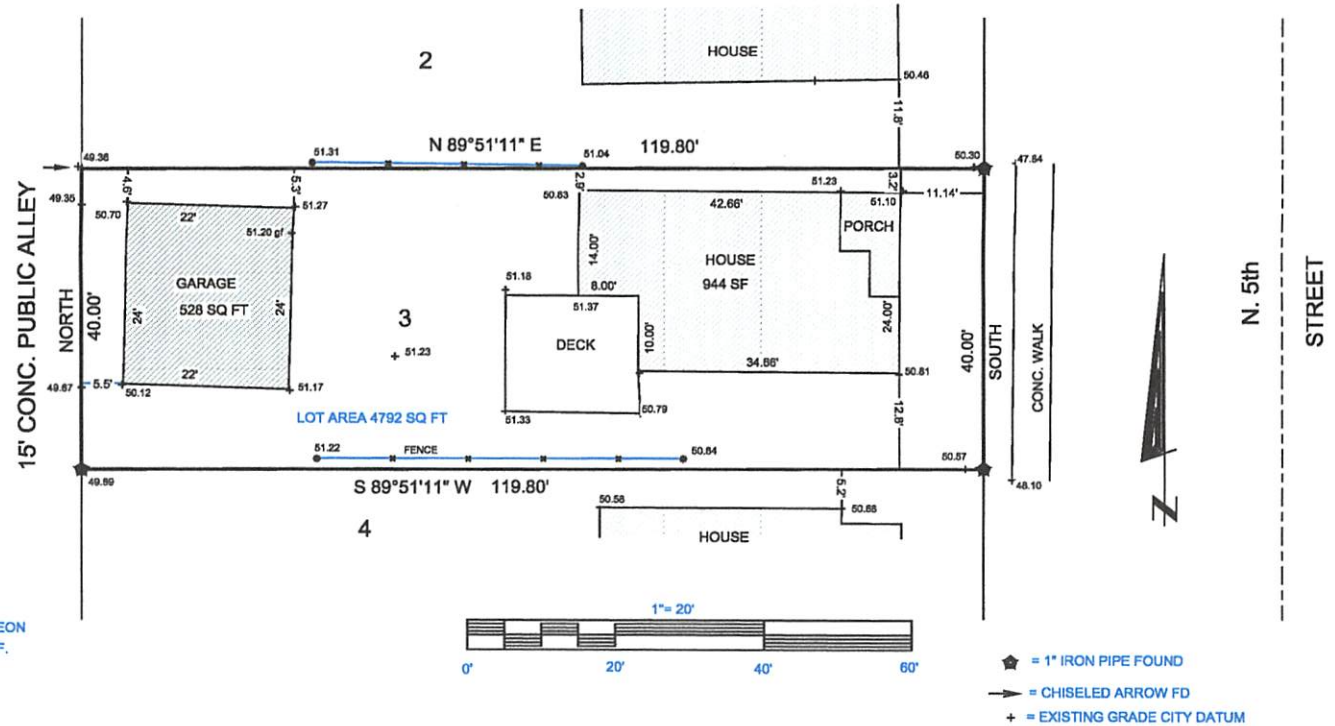
March 16, 2022

Attachments

- Property survey by D & H Land Surveys dated January 18, 2022
- Architectural drawings (project design by Legacy Architecture)
 - Site plan
 - Addition and remodel plan
 - North elevation
 - West elevation
 - South elevation
- Photographs
 - View of the house from the street
 - View of backyard looking west
 - Views looking east showing setback along north property line
 - View looking north
 - View looking south
 - Views looking east and northeast showing outline of proposed addition

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

2324 N. 5th STREET
PARCEL NO. 59281008240
BEING LOT 3 OF BLOCK 1 OF LAKE HEIGHTS,
CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN.



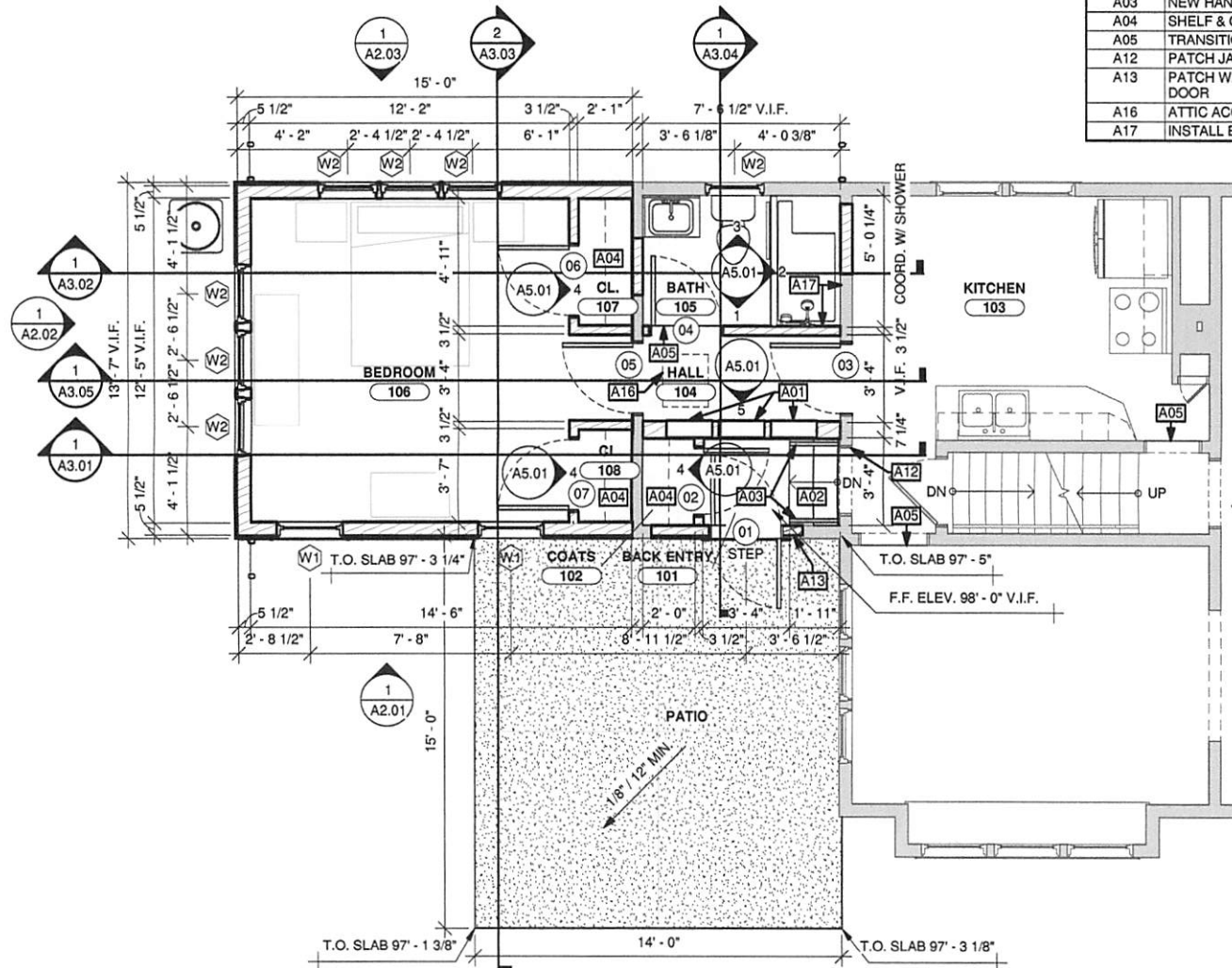
THIS IS TO CERTIFY THAT THE INFORMATION SHOWN HEREON
IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dennis J. Van Sluys S-1238

Dated this 18th day of January, 2022.

DATA/CSHEB22/2324N5 L-24296

FLOOR PLAN NOTES	
A01	BUILT-IN CABINETS WITH ADJUSTABLE SHELVES
A02	NEW STAIR
A03	NEW HANDRAILS
A04	SHELF & CLOTHES POLE
A05	TRANSITION STRIP
A12	PATCH JAMBS AND FRAME AS NECESSARY, PAINT
A13	PATCH WALL AS NECESSARY AT LOCATION OF FORMER MILK DOOR
A16	ATTIC ACCESS HATCH ABOVE
A17	INSTALL BLOCKING FOR GRAB BARS, SEE DETAIL 6/A5.01

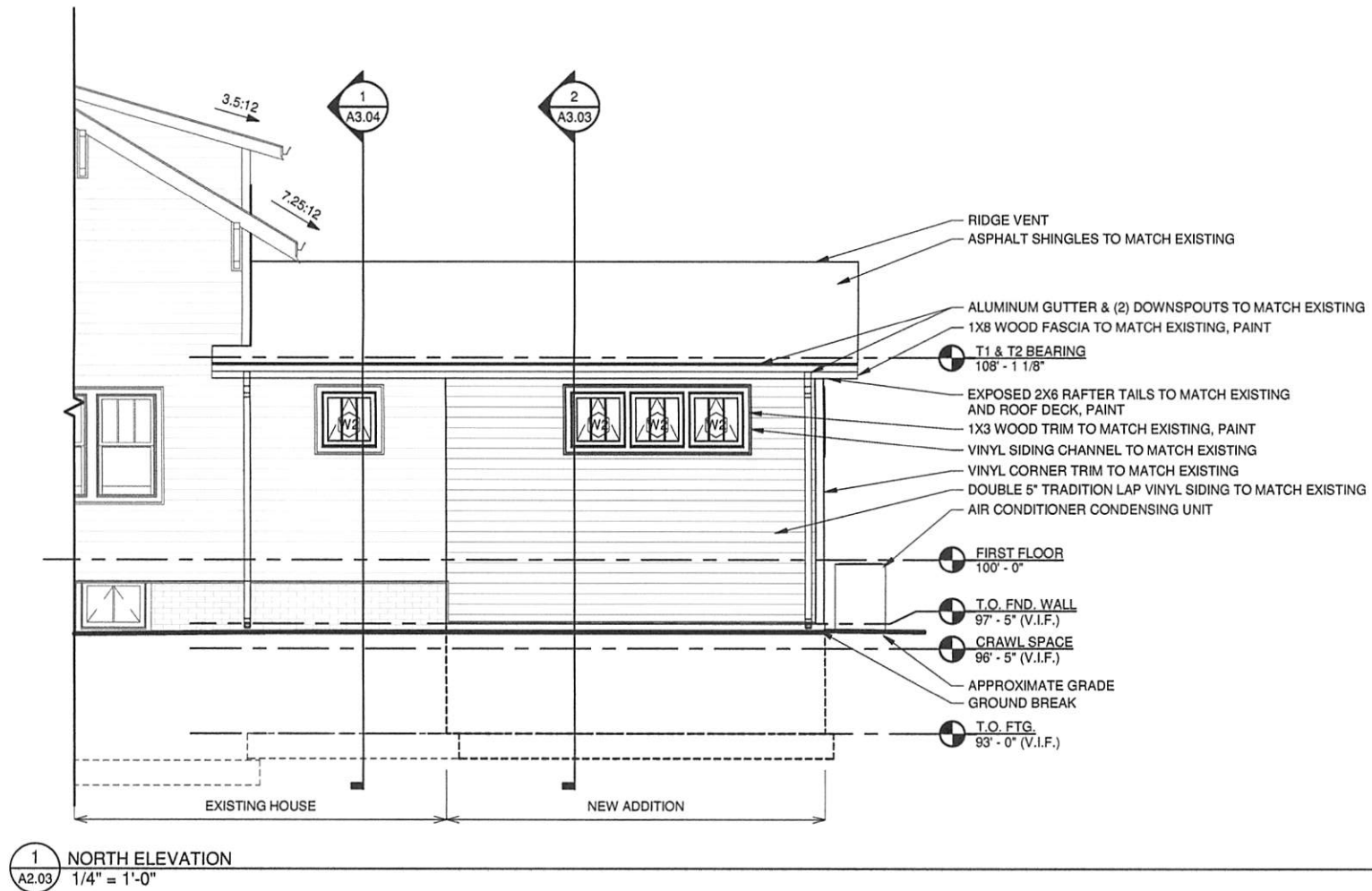


PRELIMINARY - NOT FOR CONSTRUCTION

LEGACY architecture 605 Erie Avenue Sheboygan, WI 53081 (920) 785-5200 www.legacy-architecture.com	
RESIDENTIAL ADDITION & REMODEL RICHARD & SARAH CLEARY 2324 N 5TH STREET SHEBOYGAN, WISCONSIN 53081	
PROJECT NUMBER	22.002
DRAWN BY	B. SHORT
CHECKED BY	J. LEHRKE
DATE	03/10/22
SHEET TITLE	FIRST FLOOR PLAN
SHEET NUMBER	A1.02

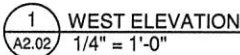
3/10/2022 2:32:34 PM

F.F. ELEV. = 100' - 0" (V.I.F.) U.O.N.



PRELIMINARY - NOT FOR CONSTRUCTION

 LEGACY architecture 605 Erie Avenue Sheboygan, Wisconsin 53081 (920) 785-6300 www.legacy-3d1architecture.com	NO. REVISIONS	DATE
RESIDENTIAL ADDITION & REMODEL RICHARD & SARAH CLEARY 2324 N 5TH STREET SHEBOYGAN, WISCONSIN 53081	PROJECT NUMBER 22.002 DRAWN BY B. SHORT CHECKED BY J. LEHRKE DATE 03/10/22 SHEET TITLE NORTH ELEVATION	SHEET NUMBER A2.03

[illegible]

LEGACY
architecture
605 Erie Avenue
Shelbygan, Wisconsin 53081
(920) 783-6303
www.legacy-architecture.com



RESIDENTIAL ADDITION & REMODEL
RICHARD & SARAH CLEARY
2324 N 5TH STREET
SHEBOYGAN, WISCONSIN 53081

PROJECT NUMBER 22.002
DRAWN BY B. SHORT
CHECKED BY J. LEHRKE
DATE 03/10/22
SHEET TITLE WEST ELEVATION

SHEET NUMBER
A2.02

3/10/2022 5:32:28 PM



2324 N 5th St (view looking west)



View of backyard looking west from back door to garage



Views looking east showing setback along north property line



View looking north



View looking south



Views looking east and northeast showing outline of addition

Cleary Zoning Variance Request
2324 N 5th St, Sheboygan
Sheboygan Zoning Board of Appeals
Hearing Date: April 20, 2022

I am a neighbor of Richard and Sarah Cleary and have seen their proposal for an addition to their home located at 2324 N 5th St. I do not object to their requested variance to the set back requirement along the north side of their property.

Name

Address

KIRSTIN KROLL *Kirstin Kroll*

2320 N 5 ST

Sandra Gottschalk *Sandra Gottschalk*

2328 N 5 St (2328)

Jody L. Kraemer

515 Bell Ave

Ann Hahn *Ann Hahn*

2323 N. 5th

Nancy Paul

2317 N 5thSarah Wassil *Sarah Wassil*2314 N 5th St